



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1765

H.P. 1298

House of Representatives, January 10, 2012

An Act To Sustain the Elver Fishery

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative TILTON of Harrington.
Cosponsored by President RAYE of Washington and
Representative: BURNS of Whiting.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §6505-A, sub-§1, ¶¶C and D**, as enacted by PL 2003, c. 452,
3 Pt. F, §11 and affected by Pt. X, §2, are amended to read:

4 C. A nonresident elver fishing license for one device; ~~or~~

5 D. A nonresident elver fishing license for 2 devices; or

6 **Sec. 2. 12 MRSA §6505-A, sub-§1, ¶E** is enacted to read:

7 E. A resident elver fishing license for 3 elver fyke nets.

8 **Sec. 3. 12 MRSA §6505-A, sub-§2, ¶C**, as amended by PL 2007, c. 615, §15, is
9 further amended to read:

10 C. Possessed an elver fishing license in the previous calendar year; ~~or~~

11 **Sec. 4. 12 MRSA §6505-A, sub-§2, ¶E**, as enacted by PL 2007, c. 615, §15, is
12 amended to read:

13 E. Did not possess an elver fishing license in the previous calendar year because the
14 commissioner had suspended the person's license privileges for a length of time that
15 included the previous calendar year; or

16 **Sec. 5. 12 MRSA §6505-A, sub-§2, ¶F** is enacted to read:

17 F. Becomes eligible to obtain an elver fishing license pursuant to the elver license
18 lottery under subsection 2-B.

19 **Sec. 6. 12 MRSA §6505-A, sub-§2-B** is enacted to read:

20 **2-B. Elver license lottery.** The commissioner shall establish a lottery system under
21 which a person who did not hold an elver fishing license in the previous calendar year
22 may become eligible to obtain that license. The number of persons issued licenses under
23 this subsection may not cause the total number of elver fishing licenses issued under this
24 section to exceed 600.

25 A. The elver license lottery must be held on or before January 31st of each calendar
26 year beginning in 2013.

27 B. In order to be eligible for the elver license lottery, a person must submit a lottery
28 application together with a \$25 nonrefundable application fee no later than January
29 15th of the same calendar year as the lottery.

30 C. A person may file no more than one elver license lottery application per lottery
31 year.

32 The commissioner shall adopt rules no later than December 31, 2012 to implement the
33 elver license lottery system. The rules must include provisions for the method and
34 administration of the lottery. The lottery must be set up in a way that the total number of
35 elver fishing licenses does not exceed 600. The lottery must be set up by zones
36 corresponding with the lobster management zones pursuant to section 6446, and the

1 commissioner shall determine the number of elver fishing licenses to be issued in each
2 zone. Rules adopted under this subsection are routine technical rules pursuant to Title 5,
3 chapter 375, subchapter 2-A.

4 **Sec. 7. 12 MRSA §6505-A, sub-§4**, as amended by PL 2009, c. 213, Pt. G, §6, is
5 further amended to read:

6 **4. Fees.** Fees for elver fishing licenses are:

7 A. For a person who is a resident, ~~\$105~~ \$200; and

8 B. For a person who is a nonresident, ~~\$442~~ \$800.

9 Fifty dollars of each license fee collected under this subsection accrues to the Eel and
10 Elver Management Fund established in section 6505-D. Ninety-five dollars of each
11 license fee collected under this subsection must be deposited in the Elver Fishery
12 Enforcement Fund established under subsection 9.

13 **Sec. 8. 12 MRSA §6505-A, sub-§7**, as enacted by PL 1999, c. 7, §5, is repealed.

14 **Sec. 9. 12 MRSA §6505-A, sub-§8**, as enacted by PL 2001, c. 421, Pt. B, §29
15 and affected by Pt. C, §1, is amended to read:

16 **8. Violation.** A person who violates this section commits a civil violation for which
17 a forfeiture fine of ~~not less than \$100 nor more than \$500~~ up to \$5,000 may be adjudged.

18 **Sec. 10. 12 MRSA §6505-A, sub-§9** is enacted to read:

19 **9. Elver Fishery Enforcement Fund.** The Elver Fishery Enforcement Fund is
20 created as a nonlapsing fund within the department to be used only for supporting the
21 Bureau of Marine Patrol activities related to the elver fishery. The Elver Fishery
22 Enforcement Fund receives funds deposited pursuant to subsection 4.

23 **Sec. 11. 12 MRSA §6505-B, sub-§4**, as enacted by PL 1995, c. 536, Pt. A, §8, is
24 amended to read:

25 **4. Payment with license.** The fees required under subsections 1 and 3 must be paid
26 upon application for an elver fishing license under section 6505-A except that fees
27 required under subsections 1 and 3 for a license issued pursuant to the elver license
28 lottery under section 6505-A, subsection 2-B must be paid upon issuance of that license.

29 **Sec. 12. 12 MRSA §6505-B, sub-§6**, as enacted by PL 2001, c. 421, Pt. B, §30
30 and affected by Pt. C, §1, is amended to read:

31 **6. Violation.** A person who violates this section commits a civil violation for which
32 a forfeiture fine of ~~not less than \$100 nor more than \$500~~ up to \$5,000 may be adjudged.

33 **Sec. 13. 12 MRSA §6575, sub-§1**, as amended by PL 1999, c. 7, §7, is further
34 amended to read:

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1. Open season. It is unlawful for a person to fish for or take elvers within the waters of the State except during the open season from noon on ~~March 22nd~~ April 1st to noon on ~~May 31st~~ June 20th.

Sec. 14. 12 MRSA §6575-A, as amended by PL 1999, c. 7, §8, is repealed.

Sec. 15. 12 MRSA §6575-D, sub-§2, as repealed and replaced by PL 2001, c. 421, Pt. B, §34 and affected by Pt. C, §1, is amended to read:

2. Violation. A person who violates this section commits a civil violation for which a ~~forfeiture fine of not less than \$100 nor more than \$500~~ up to \$5,000 may be adjudged.

SUMMARY

This bill lifts the moratorium on the issuance of new elver fishing licenses and increases the total number of licenses available to 600. New licenses are geographically distributed and issued by a lottery system overseen by the Commissioner of Marine Resources. The bill also increases the cost of licenses; increases the number of allowable elver fyke nets for residents to 3; increases the fines for elver gear molestation, failure to pay elver gear fees and fishing without a license to up to \$5,000; changes the open season to April 1st to June 20th; and allows elver fishing 7 days per week during the open season.