

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1514

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H.P. 1107

House of Representatives, April 9, 2019

### **An Act To Improve Enforcement in the Elver Fishery**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative McCREIGHT of Harpswell.

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

2 **Sec. 1. 12 MRSA §6207, first ¶**, as amended by PL 1989, c. 742, §3, is further  
3 amended to read:

4 Any marine organism; that is taken, bought, sold, shipped, transported or found in the  
5 possession of any person in violation of any provision of marine ~~resources'~~ resources  
6 laws; and all currency that is used in violation of any provision of marine resources laws  
7 is contraband and is subject to forfeiture in accordance with this section and section 6206.  
8 All equipment and vehicles used or possessed in violation of any provision of marine  
9 ~~resources'~~ resources laws are contraband and are subject to forfeiture.

10 **Sec. 2. 12 MRSA §6374, sub-§3-A, ¶¶D and E**, as enacted by PL 2017, c. 197,  
11 §4, are amended to read:

12 D. Not less than 4 years from the date of a finding of a violation of section 6438-A;  
13 ~~and~~

14 E. Permanent for conduct that is grounds for suspension under section 6371,  
15 subsection 3, paragraph C; and

16 **Sec. 3. 12 MRSA §6374, sub-§3-A, ¶F** is enacted to read:

17 F. Permanent for a first finding of a violation of section 6505-A, subsection 1-D.

18 **Sec. 4. 12 MRSA §6404-N** is enacted to read:

19 **§6404-N. Revocation based on conviction of failing to record the sale of elvers with**  
20 **an elver transaction card**

21 The commissioner shall permanently revoke the elver fishing license, elver dealer's  
22 license or elver exporter's license of any license holder convicted of violating section  
23 6505-A, subsection 1-D.

24 **Sec. 5. 12 MRSA §6505-A, sub-§1-D**, as enacted by PL 2013, c. 468, §24, is  
25 amended to read:

26 **1-D. Use of elver transaction card required.** The holder of an elver fishing license  
27 issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may  
28 not sell or transfer elvers the license holder has taken to an elver dealer licensed under  
29 section 6864 unless the holder of the elver fishing license presents to the elver dealer the  
30 elver transaction card issued to that person under subsection 1-C and that card is used to  
31 record the transaction between the license holder and the dealer so that the amount of  
32 elvers transferred or sold is deducted from the license holder's quota.

33 **Sec. 6. 12 MRSA §6575-J**, as amended by PL 2017, c. 250, §8, is further  
34 amended to read:

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**§6575-J. Seizure of illegal elvers**

In addition to any other penalty imposed, elvers that are taken, sold, purchased or possessed ~~that were taken~~ in violation of any law or rule pertaining to elvers are subject to seizure by any officer authorized to enforce this Part. The entire bulk pile containing ~~illegally harvested~~ illegal elvers may be seized. For the purposes of this section, "bulk pile" means all elvers in the possession of a ~~holder of an elver fishing license, an elver dealer's license or an elver exporter's license~~ person who fished for, took, possesses or bought elvers in violation of any law or rule regulating elvers under this Part.

**Sec. 7. 12 MRSA §6865, sub-§5,** as enacted by PL 2015, c. 45, §6, is amended to read:

**5. Fees.** The fee for an elver exporter's license is \$5,000. If the department requires inspection of elvers prior to export, the department may charge up to \$500 for each inspection.

**SUMMARY**

This bill clarifies the laws governing the use of the elver transaction card system and the seizure of illegal elvers. It makes it explicit that any currency used in violation of a marine resources law may be taken through the libel process. It requires license revocation for an individual who sells or purchases elvers without using the transaction card system. Finally, it establishes that if the Department of Marine Resources requires inspection of elver shipments prior to export, the department may charge a fee of up to \$500 per inspection.