

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 44

H.P. 8

House of Representatives, January 8, 2025

An Act to Amend the Laws Pertaining to Elver Fishing

(EMERGENCY)

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Received by the Clerk of the House on January 6, 2025. Referred to the Committee on
Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative HEPLER of Woolwich.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** fishing for or taking elvers within the waters of the State may occur only
4 between March 22nd and June 7th; and

5 **Whereas,** the taking of elvers must remain within the State's elver quota as established
6 by the Atlantic States Marine Fisheries Commission; and

7 **Whereas,** this legislation must take effect before the 90-day period expires to be in
8 effect for the 2025 elver fishing season; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore,

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

14 **Sec. 1. 12 MRSA §6374, sub-§3-A, ¶F,** as enacted by PL 2019, c. 163, §3, is
15 amended to read:

16 F. ~~Permanent~~ Not less than 3 years from the date of a first finding of a violation and
17 permanent for a ~~first~~ 2nd finding of a violation of section 6505-A, subsection 1-D.

18 **Sec. 2. 12 MRSA §6505-A, sub-§1,** as amended by PL 2013, c. 485, §5, is further
19 amended by repealing the first blocked paragraph.

20 **Sec. 3. 12 MRSA §6505-A, sub-§1-A,** as amended by PL 2023, c. 81, §1, is further
21 amended to read:

22 **1-A. Licensed activity.** The holder of an elver fishing license or elver fishing license
23 with crew may fish for, take or possess elvers. The holder of an elver fishing license or
24 elver fishing license with crew may transport and sell within state limits elvers that the
25 license holder has taken. The holder of an elver fishing license with crew is liable for the
26 licensed activities under this subsection of an unlicensed crew member assisting that
27 license holder pursuant to subsection 1-B. The license holder to whom a tag is issued or
28 the unlicensed crew member may empty an elver fyke net. The license holder to whom a
29 tag is issued may allow an individual who also holds an elver fishing license to empty the
30 elver fyke net of the license holder whose tag is on the net while under that license holder's
31 direct supervision.

32 **Sec. 4. 12 MRSA §6505-A, sub-§2-C,** as enacted by PL 2017, c. 250, §6, is
33 amended to read:

34 **2-C. Elver license lottery.** The commissioner shall establish an elver fishing license
35 lottery under which a person may become eligible for that license under subsection 2,
36 paragraph F. An applicant to the lottery must submit a lottery application together with a
37 \$35 nonrefundable application fee no later than January 15th of the same calendar year as
38 the lottery. An applicant may not submit more than 5 elver fishing license lottery
39 applications per lottery year. In any year in which a lottery is held, the lottery must be held
40 on or before ~~February~~ March 15th.

1 The commissioner may adopt rules to implement the elver fishing license lottery, including
2 provisions for the method and administration of the lottery. Rules adopted pursuant to this
3 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4 Twenty-five dollars of the application fee collected under this subsection must be deposited
5 in the Eel and Elver Management Fund established in section 6505-D and used to fund a
6 life-cycle study of the elver fishery. Ten dollars of the application fee may be used by the
7 department to fund the costs of administering the elver fishing license lottery.

8 **Sec. 5. 12 MRSA §6575-M** is enacted to read:

9 **§6575-M. Limits on possession of elvers**

10 **1. Time.** Except as allowed under subsection 2, it is unlawful for an individual
11 licensed under section 6302-A, subsection 3 or section 6505-A to possess elvers for longer
12 than 6 hours, unless that individual is also licensed under section 6864 or section 6865.

13 **2. Exception.** An individual licensed under section 6302-A, subsection 3 or section
14 6505-A may possess elvers for longer than 6 hours if the individual has notified a marine
15 patrol officer of circumstances requiring the individual to possess elvers for longer than 6
16 hours and has been granted permission by the marine patrol officer.

17 **3. Location.** It is unlawful for a person to possess elvers within a residential dwelling.

18 **4. Rules.** The commissioner may adopt rules to implement this section, including any
19 requirements necessary for the enforcement of the prohibition on the possession of elvers
20 under subsection 1. Rules adopted pursuant to this subsection are routine technical rules as
21 defined in Title 5, chapter 375, subchapter 2-A.

22 **5. Violation.** A person who violates this section commits a Class E crime.

23 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
24 takes effect when approved.

25 **SUMMARY**

26 This bill amends several laws pertaining to elver fishing. It amends the mandatory
27 license suspension for selling elvers without using an elver transaction card from
28 permanent for the first offense to 3 years for the first offense and permanent for a 2nd
29 offense. It allows the holder of an elver fishing license to have another license holder empty
30 the fyke net when under the direct supervision of the license holder whose tag is on the net.
31 It prohibits elver harvesters from holding elvers for longer than 6 hours and from holding
32 elvers within a residential dwelling. Violation of these provisions is a Class E crime.

33 The bill also changes the date the elver fishing lottery is held from February 15th to
34 March 15th.