

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

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PUBLIC LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND REGULAR SESSION OF THE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
1999

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CHAPTER 534

S.P. 904 - L.D. 2356

**An Act Regarding Elver Fishing  
Licenses**

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

**Whereas,** the Legislature instituted a limited entry system for the elver fishery, reduced the amount of gear a harvester could actively use and decreased the length of the season; and

**Whereas,** the Legislature stated its intention to review the 1999 elver fishing season and make necessary adjustments for the 2000 season; and

**Whereas,** the 2000 elver fishing season commences on March 22nd; and

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

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

**Sec. 1. 12 MRSA §6505-A, sub-§2,** as amended by PL 1999, c. 7, §2, is further amended to read:

**2. Eligibility.** An elver fishing license may be issued only to an individual who:

~~A. During the 1996 elver fishing season held an eel fishing license under former section 6505 or an elver fishing license and paid fees for the use of elver fyke nets, Sheldon eel traps or dip nets in accordance with Public Law 1995, chapter 536, Part A, section 12; and~~

~~B. During the 1997 and 1998 elver fishing seasons held an elver fishing license issued under this section.~~

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

D. Becomes eligible to obtain an elver fishing license pursuant to a lottery under subsection 2-A.

The department may not issue more than 827 elver fishing licenses each elver fishing season.

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

**2-A. Elver license lottery.** The commissioner shall establish a lottery system under which a person who did not hold an elver fishing license in the previous calendar year may become eligible to obtain that license. The number of persons awarded eligibility in a lottery may not cause the total number of elver fishing licenses issued to exceed 827.

A. A person is eligible to enter the lottery for a 2000 elver fishing license if that person held an elver fishing license issued under this section for at least 2 of the 3 years of 1996, 1997 and 1998. An eligible person wishing to enter the lottery for 2000 shall submit a lottery application no later than March 10, 2000 on forms provided by the commissioner. The commissioner shall hold the lottery by March 15, 2000 and the lottery must be a public drawing by random selection from all eligible applicants. The number of persons awarded 2000 elver fishing licenses in the lottery may not exceed 86.

B. Beginning with the 2001 elver fishing season and in subsequent years, any person is eligible to enter the lottery, except that a person who is issued a license pursuant to subsection 2, paragraph C may not enter the lottery. The commissioner shall adopt rules to implement a lottery system beginning with the 2001 elver fishing season under which a person who did not hold an elver fishing license in the previous calendar year may become eligible to obtain that license. The rules for a lottery system must include provisions for the method and administration of a lottery. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 3. 12 MRSA §6505-A, sub-§5,** as amended by PL 1999, c. 7, §4, is further amended to read:

**5. Gear.** Except as prohibited by section 6575-B, subsection 2-A 2-B, a person issued a license under this section may utilize one elver fyke net, one Sheldon eel trap or one dip net to fish for or take elvers without paying the fee required for a first net or trap pursuant to section 6505-B. A license issued under this section must identify the number and types of nets that the license holder may use pursuant to this section and section 6505-B.

**Sec. 4. 12 MRSA §6575-B, sub-§2-A,** as enacted by PL 1999, c. 7, §10, is repealed.

**Sec. 5. 12 MRSA §6575-B, sub-§2-B** is enacted to read:

**2-B. Type and amount of gear.** It is unlawful for a person to immerse elver fishing gear other than the types and amounts authorized pursuant to this subsection. In determining the number of traps or nets that may be immersed, the following limits apply.

A. A person who is issued an elver fishing license pursuant to section 6505-A, subsection 2, paragraph C may not immerse elver fishing gear other than the types and amounts of gear the person was authorized to immerse during the previous elver fishing season, except that a person may surrender the authority to use an elver fyke net in order to use an elver dip net.

B. In the 2000 elver fishing season, a person who is issued an elver fishing license pursuant to section 6505-A, subsection 2, paragraph D may not immerse at any one time a total of more than 2 elver dip nets, elver fyke nets and Sheldon eel traps. In determining the number of traps or nets that may be immersed, the following formula must be used, except that if the number arrived at using the formula is greater than 2 nets or traps, the maximum number of traps and nets that may be immersed is 2. A person may not immerse:

(1) A number of elver dip nets that is greater than the average number, rounded down, of elver dip nets that person was authorized to use during any of the elver fishing seasons in 1996, 1997 and 1998 for which that person held a license;

(2) A number of elver fyke nets that is greater than the average number, rounded down, of elver fyke nets that person was authorized to use during any of the elver fishing seasons in 1996, 1997 and 1998 for which that person held a license; and

(3) A number of Sheldon eel traps that is greater than the average number, rounded down, of traps that person was authorized to use during any of the elver fishing sea-

sons in 1996, 1997 and 1998 for which that person held a license.

C. Beginning with the 2001 elver fishing season and in subsequent years, a person who is issued an elver fishing license pursuant to section 6505-A, subsection 2, paragraph D may not immerse more than one elver dip, elver fyke net or Sheldon eel trap.

**Sec. 6. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1999-00      2000-01

**MARINE  
RESOURCES,  
DEPARTMENT OF**

**Bureau of Resource  
Management**

|   |         |         |
|---|---------|---------|
| All Other   | \$8,600 | \$8,600 |
| Allocates additional funds for the Eel and Elver Management Fund. |         |         |

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

Effective February 23, 2000.

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**CHAPTER 535**

**H.P. 1701 - L.D. 2407**

**An Act to Amend the Laws  
Regulating Farm Wineries**

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

**Whereas,** the changes proposed by this Act need to take effect before the expiration of the 90-day period to enable a farm winery in this State to commence business; and

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

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