

# MAINE STATE LEGISLATURE

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DATE: 3/13/96

(Filing No. H- 763)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 137, L.D. 185, Bill, "An Act to Restrict the Taking of Eels Less than 6 Inches in Length from Maine Coastal Waters"

Amend the amendment in Part A in section 8 by striking out all of that part designated "~~§6505-A.~~" and inserting in its place the following:

'§6505-A. Elver fishing license

1. License required. It is unlawful for a person to fish for or take elvers or possess, ship, transport or sell elvers that the person has taken unless the person is issued an elver fishing license under this section.

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

3. Limits on issuance. The department may not issue an elver fishing license after March 15th and before June 16th.

4. Fees. Fees for elver fishing licenses are:

A. For a person who is a resident, \$33; and

B. For a person who is a nonresident, \$334.

5. Gear listed on license. The license must identify the number and types of nets for which the license holder has paid fees pursuant to section 6505-B.'

Further amend the amendment in Part A in section 9 by striking out all of that part designated "§6575-D." and inserting in its place the following:

'§6575-D. Molesting elver fishing gear

1. Prohibition. It is unlawful for any person other than a marine patrol officer or the license holder issued a tag for an elver fyke net or a Sheldon eel trap to utilize, transfer, alter, possess or in any manner handle the net or trap unless that person has been issued an elver fishing license under section 6505-A and:

A. Is in the presence of the license holder issued a tag for the net or trap and has the license holder's permission to tend the net or trap; or

B. Is issued written permission by a marine patrol officer to tend the net or trap of a license holder issued a tag. A marine patrol officer may issue a person written permission for the person to tend the license holder's net or trap if the license holder can not tend the net or trap because of a disability or personal or family medical condition.

2. Penalty. A violation of this section is a Class D crime, except that the court shall impose a minimum fine of \$500 for each violation.'

Further amend the amendment in Part A in section 12 in the 9th line (page 9, line 21 in amendment) by striking out the following: "April 15" and inserting in its place the following: 'April 1' and in the 11th line (page 9, line 23 in amendment) by striking out the following: "April 15" and inserting in its place the following: 'April 1'

### FISCAL NOTE

Reducing the fee that will be charged for a nonresident elver fishing license will reduce the annual dedicated revenues to be collected by the Department of Marine Resources by \$33,300. The Eel and Elver Management Fund will now be receiving annual dedicated revenues of \$763,095 beginning in fiscal year 1995-96.

### STATEMENT OF FACT

This floor amendment amends the committee amendment by changing the nonresident elver license fee from \$1,000 to \$334. It also changes the conditions under which a person can tend an

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HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 137, L.D.  
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2 elver net or trap for another person. The floor amendment  
3 requires a tender to have an elver fishing license and either be  
4 in the presence of the net or trap owner and have verbal  
5 permission or have written permission from a marine patrol  
6 officer to tend the owner's net or trap. The officer may issue  
7 written permission if the net or trap owner can not tend the net  
8 or trap because of a disability or personal or family medical  
9 condition.

10 The floor amendment also requires that people who hold  
11 current eel fishing licenses and fish for elvers pay the elver  
12 net and trap fees by April 1st and affix tags to their nets and  
13 traps by April 1st. The committee amendment requires the payment  
14 and tags by April 15th.

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18 SPONSORED BY: *Theodore F. Look*  
19 (Representative LOOK)

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21 TOWN: Jonesboro  
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**HOUSE AMENDMENT**