

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 653

S.P. 231

In Senate, January 26, 1999

**An Act to Limit to 5 Days per Week the Taking of Elvers in Hand Dip
Nets.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator RUHLIN of Penobscot.

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

2
4 **Sec. 1. 12 MRSA §6505-A, sub-§5**, as amended by PL 1997, c. 297, §2, is further amended to read:

6 **5. Gear.** A person issued a license under this section may utilize ~~one elver fyke net, one Sheldon eel trap or~~ one hand 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.

14 **Sec. 2. 12 MRSA §6505-B**, as amended by PL 1997, c. 575, §2, is further amended by repealing and replacing the headnote to read:

18 **§6505-B. Elver gear and fees**

20 **Sec. 3. 12 MRSA §6505-B, sub-§1**, as amended by PL 1997, c. 297, §§3 and 4, is further amended to read:

22 **1. Elver fyke net and Sheldon eel trap prohibition.** It is unlawful for a person to submerge an elver fyke net or a Sheldon eel trap in the coastal waters of the State to fish for or take elvers ~~unless the net or trap owner pays annually the following fees:~~

28 ~~A.--Fifty dollars per net or trap for the use of a first or 2nd elver fyke net or Sheldon eel trap, except that the fee under this paragraph does not apply to an elver fyke or Sheldon eel trap a person utilizes pursuant to section 6505-A, subsection 5. For the purposes of assessing fees under this subsection, an elver fyke net or Sheldon eel trap utilized pursuant to section 6505-A, subsection 5 is the first net or trap;~~

38 ~~B.--One hundred dollars per net or trap for the use of a 3rd elver fyke net or Sheldon eel trap; and~~

42 ~~C.--Two hundred dollars per net or trap for the use of a 4th and 5th elver fyke net or Sheldon eel trap.~~

44 **Sec. 4. 12 MRSA §6505-B, sub-§2**, as amended by PL 1997, c. 575, §2, is repealed.

46 **Sec. 5. 12 MRSA §6575, sub-§§2 and 3**, as enacted by PL 1995, c. 536, Pt. A, §9 and affected by §13, are repealed.

2 **Sec. 6. 12 MRSA §6575, sub-§4**, as enacted by PL 1997, c. 91,
§4, is amended to read:

4 **4. Nets of certain sizes.** It is unlawful for a person to
immerse or leave immersed in the coastal waters of the State a
6 ~~fyke-net,--Sheldon-eel-trap-or~~ hand dip net fitted with netting
that measures 1/8 inch bar mesh or less from midnight of June
8 15th to noon of March 15th of the following year.

10 **Sec. 7. 12 MRSA §6575-A**, as amended by PL 1997, c. 575, §3,
is further amended to read:

12 **§6575-A. Closed period; elver harvesting**

14 It is unlawful for a person to fish for or take elvers from
16 noon Friday to noon Sunday. ~~A-person-may-leave-an-elver-fyke-net~~
~~or-a-Sheldon-eel-trap-in-the-coastal-waters-of-the-State-during~~
18 ~~the-closed-period-if-the-net-or-trap-is-left-in-a-condition-that~~
~~prevents-the-capture-of-elvers.~~

20 **Sec. 8. 12 MRSA §6575-B**, as amended by PL 1997, c. 575, §4,
22 is further amended to read:

24 **§6575-B. Method of elver fishing; limits on gear**

26 **1. Gear.** It is unlawful for a person to fish for or take
elvers by any method other than by hand dip net, ~~elver-fyke-net~~
28 ~~or-Sheldon-eel-trap.~~

30 ~~**2.--Number of elver fyke nets and Sheldon eel traps.--It is**~~
~~unlawful from noon of March 15th to midnight of June 15th for a~~
32 ~~person to immerse at any one time:~~

34 ~~A.--More than 5 elver fyke nets;~~

36 ~~B.--More than 5 Sheldon eel traps; or~~

38 ~~C.--Any combination of elver fyke nets and Sheldon eel traps~~
~~that total more than 5 nets and traps.~~

40 **3. Rebuttable presumption.** It is a rebuttable presumption
42 that an ~~elver-fyke-net,--Sheldon-eel-trap-or~~ elver hand dip net
immersed in any coastal waters of the State from noon of March
44 15th to midnight of June 15th is immersed for the purpose of
fishing for or taking elvers.

46 **4. Prohibition on fishing from boats.** It is unlawful for a
48 person ~~to set or tend an elver fyke net or a Sheldon eel trap~~
~~from a boat or to~~ fish for or take elvers from a boat. A person

2 may transport ~~an elver fyke net, a Sheldon eel trap or~~ a hand dip
net by boat.

4 **5. Use of hand dip nets.** It is unlawful for a person to
use a hand dip net to fish for or take elvers while standing in
6 the coastal waters of the State.

8 **Sec. 9. 12 MRSA §6575-C, sub-§4,** as enacted by PL 1995, c.
536, Pt. A, §9, is repealed.

10 **Sec. 10. 12 MRSA §6575-D,** as enacted by PL 1995, c. 536, Pt.
12 A, §9, is repealed.

14
16 **SUMMARY**

18 This bill eliminates from current law the permission to use
fyke nets and Sheldon eel traps to fish for or take elvers from
coastal waters of the State. The bill also provides that only
20 hand dip nets may be used for elver fishing. The bill retains
the 5-day per week period for elver fishing in current law.