

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 906

S.P. 304

In Senate, February 2, 1999

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### An Act to Improve Elver Fishery Management.

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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 "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.

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

2  
4       Sec. 1. 12 MRSA §6505-A, sub-§§2-A through 2-F are enacted to read:

6       2-A. Fyke and dip net license. Effective with the issuance  
8 of elver licenses in the year 2000, a person may not  
10 simultaneously hold an elver fyke net license and an elver dip  
12 net license.

14       2-B. Fyke net license; 2000 season. In the year 2000, an  
16 elver fyke net license may not be issued to any person unless  
18 that person held an elver fyke net license during each of the 3  
20 years of 1996, 1997 and 1998. Persons who qualify for an elver  
22 fyke net license are eligible, with the restrictions of section  
24 3, to renew that license through the year 2002 only.

26       2-C. Dip net license; 2000 season. In the year 2000, an  
28 elver dip net license may not be issued to any person unless that  
30 person held an elver dip net license or any combination of elver  
32 licenses during each of the 3 years of 1996, 1997 and 1998.

34       2-D. Elver licenses after the 2000 season. In the years  
36 2001 and 2002, an elver license may not be issued to any person  
38 unless the person held the same type license in the prior  
40 calendar year, except that the holder of an elver fyke net  
42 license may surrender that license, at the time of renewal only,  
44 and is eligible to purchase an elver dip net license subject to  
46 the restrictions of section 3. Holders of the year 2002 elver  
48 fyke net license are eligible to purchase a year 2003 elver dip  
50 net license subject to the restrictions of section 3.

2-E. License cap. Beginning January 31, 2003 and in  
subsequent years, the department may not issue an elver license  
to any person who was not the holder of an elver license in the  
previous calendar years, unless the department has issued fewer  
than 1000 elver dip licenses in the previous year. The  
difference between the number of licenses sold in the previous  
year, when that number is less than 1000, and 1000 will be the  
number of licenses available on a first-come, first-served basis  
after January 1 of each subsequent year and subject to the  
restrictions in section 3.

2-F. Nonresident licenses; reciprocity with other states.  
Beginning January 1, 2000 and in subsequent years the number of  
nonresident elver licenses must be limited to a number not  
exceeding 1% of the total licenses issued. Nonresidents are  
eligible to purchase a nonresident elver dip net license only.  
The only nonresidents eligible to purchase a nonresident elver  
dip net license are those persons from other states who document  
to the commissioner that their state of residence allows Maine

2 residents to purchase an elver license and fish for elvers in  
3 that state.

4 Sec. 2. 12 MRSA §6505-A, sub-§4, as amended by PL 1997, c.  
5 297, §1, is repealed.

6 Sec. 3. 12 MRSA §6505-A, sub-§4-A is enacted to read:

7 4-A. Fees. The fees for elver fishing licenses are the  
8 amounts listed in the following schedule:

9 A. Beginning January 1, 2000:

10 (1) Resident dipping, \$100 with no additional gear fee;

11 (2) Resident fyke net, \$200 plus gear fee of \$200 per  
12 net; and

13 (3) Nonresident dipping, \$200 with no additional gear  
14 fee.

15 B. Beginning January 1, 2001:

16 (1) Resident dipping, \$200 with no additional gear fee;

17 (2) Resident fyke net, \$500 plus gear fee of \$500 for  
18 2nd net;

19 (3) Nonresident dipping, \$400 with no additional gear  
20 fee.

21 C. Beginning January 1, 2002:

22 (1) Resident dipping, \$300 with no additional gear fee;

23 (2) Resident fyke net, \$1000 with no additional gear  
24 fee; and

25 (3) Nonresident dipping, \$600 with no additional gear  
26 fee.

27 D. Beginning January 1, 2003:

28 (1) Resident dipping, \$400 with no additional gear fee  
29 (dip net only fishery); and

30 (2) Nonresident, \$800 with no additional gear fee.

31 Fifty dollars of each license fee collected under this subsection  
32 accrues to the General Fund and the balance must accrue to the  
33 Eel and Elver Management Fund established in section 6505-D.

2           **Sec. 4. 12 MRSA §6505-A, sub-§5**, as amended by PL 1997, c.  
3 297, §2, is further amended to read"

4  
5           **5. Gear.** A person issued a license under this section may  
6 utilize one elver fyke net, one Sheldon eel trap or one dip net  
7 to fish for or take elvers without paying the fee required for a  
8 first net or trap pursuant to section 6505-B. A license issued  
9 under this section must identify the number and types of nets  
10 that the license holder may use pursuant to this section and  
11 section 6505-B. This subsection is repealed June 1, 2002.

12           **Sec. 5. 12 MRSA §6505-B, sub-§1**, as amended by PL 1997, c.  
13 297, §§3 and 4, is further amended to read:

14  
15           **1. Elver fyke net and Sheldon eel trap fee.** It is unlawful  
16 for a person to submerge an elver fyke net or a Sheldon eel trap  
17 in the coastal waters of the State to fish for or take elvers  
18 unless the net or trap owner pays annually the following fees  
19 according to the schedule below:

20  
21           A. Fifty dollars per net or trap for the use of a first or  
22 2nd elver fyke net or Sheldon eel trap, except that the fee  
23 under this paragraph does not apply to an elver fyke or  
24 Sheldon eel trap a person utilizes pursuant to section  
25 6505-A, subsection 5. For the purposes of assessing fees  
26 under this subsection, an elver fyke net or Sheldon eel trap  
27 utilized pursuant to section 6505-A, subsection 5 is the  
28 first net or trap;

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

31           C. Two hundred dollars per net or trap for the use of a 4th  
32 and 5th elver fyke net or Sheldon eel trap; and

33           D. Beginning with the issuance of an elver fyke net license  
34 in the year 2000, a fee of \$200 for the use of each fyke net  
35 after the first net;

36           E. Beginning with the issuance of an elver fyke net license  
37 in the year 2001, a fee of \$500 for the use of a 2nd net; and

38           F. No additional fee for the single net allowed for the  
39 2002 season.

40  
41           **Sec. 6. 12 MRSA §6505-B, sub-§3**, as amended by PL 1997, c.  
42 297, §5, is repealed.

43           **Sec. 7. 12 MRSA §6505-B, sub-§4**, as enacted by PL 1995, c.  
44 536, Pt. A, §8, is amended to read:

2           **4. Payment with license.** The fees required under  
subsections subsection 1 and-3 must be paid upon application for  
4 an elver fishing license under section 6505-A. This subsection  
is repealed June 1, 2002.

6           **Sec. 8. 12 MRSA §6505-C, sub-§2,** as enacted by PL 1995, c.  
536, Pt. A, §8, is amended to read:

8           **2. Exemptions.** A person may fish for or take for personal  
10 use an-eel up to 20 eels in the coastal waters of the State by  
speargun, harpoon, trap or hook and line and may possess or  
12 transport ~~that-eel~~ those eels.

14           **Sec. 9. 12 MRSA §6575, sub-§§1-A through 1-C** are enacted to  
read:

16           **1-A. Open and closed seasons in 2000.** It is unlawful to  
18 fish for or take elvers with an elver fyke net or Sheldon eel  
trap within the coastal waters of the State except during the  
20 open season between noon on April 1st and noon on May 15th, both  
dates inclusive. It is unlawful to fish for or take elvers with  
22 an elver dip net with in the coastal waters of the State except  
during the open season between noon on April 1st and noon on May  
24 31st, both dates inclusive.

26           **1-B. Open and closed seasons in 2001 and 2002.** It is  
unlawful to fish for or take elvers with the elver fyke net or  
28 Sheldon eel trap within the coastal waters of the State except  
during the open season between noon on April 15th and noon on May  
30 15th, both dates inclusive. It is unlawful to fish for or take  
elvers with an elver dip net within the coastal waters of the  
32 State except during the open season between noon on April 1st and  
noon on May 31st, both dates inclusive.

34           **1-C. Open and closed seasons in 2003 and subsequent years.**  
36 It is unlawful to fish for or take elvers with an elver dip net  
within the coastal waters of the State except during the open  
38 season between noon on April 1st and noon May 31st, both dates  
inclusive.

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

44           **6575-A. Closed period; elver harvesting**

46           It is unlawful for a person to fish for or take elvers from  
noon Friday to noon Sunday. A person may leave an elver fyke net  
48 or a Sheldon eel trap in the coastal waters of the State during  
the closed period if the net or trap is left in a condition that  
50 prevents the capture of elvers. This section is repealed May 31,  
2002.

52

2           **Sec. 11. 12 MRSA §6575-B, sub-§1**, as enacted by PL 1995, c.  
536, Pt. A, §9, is amended to read:

4           **1. Gear.** It is unlawful for a person to fish for or take  
elvers by any method other than by dip net, elver fyke net or  
6 Sheldon eel trap. This section is repealed May 31, 2002.

8           **Sec. 12. 12 MRSA §6575-B, sub-§2, ¶¶A through C**, as enacted by  
PL 1995, c. 536, Pt. A, §9, are repealed and the following  
10 enacted in their place to read:

12           A. More than 5 elver fyke nets, 5 Sheldon eel traps or any  
combination of elver fyke nets and Sheldon eel traps that  
14 total more than 5 during the 1999 season.

16           B. More than 3 elver fyke nets, Sheldon eel traps or any  
combination of elver fyke nets and Sheldon eel traps that  
18 total more than 3 during the 2000 season.

20           C. More than 2 elver fyke nets, Sheldon eel traps or any  
combination of elver fyke nets and Sheldon eel traps that  
22 total more than 2 during the 2001 season.

24           **Sec. 13. 12 MRSA §6575-B, sub-§2, ¶D** is enacted to read:

26           D. More than 1 elver fyke net or Sheldon eel trap during  
the 2002 season.

28           **Sec. 14. 12 MRSA §6575-B, sub-§4**, as enacted by PL 1995, c.  
30 536, Pt. A, §9, is amended to read:

32           **4. Prohibition on fishing from boats.** It is unlawful for a  
person to set or tend an elver fyke net or a Sheldon eel trap  
34 from a boat or to fish for or take elvers from a boat. A person  
may transport an elver fyke net, a Sheldon eel trap or a dip net  
36 by boat. This subsection is repealed May 31, 2002.

38           **Sec. 15. 12 MRSA §§6575-F through 6575-H** are enacted to read:

40           **6575-F. Closed period; elver harvesting**

42           It is unlawful for a person to fish for or take elvers  
during the open season from noon Friday to noon Saturday. This  
44 section is effective June 1, 2002.

46           **6575-G. Method of elver fishing; limits on gear**

48           Beginning with the year 2003 season it is unlawful to fish  
for or take elvers within the coastal waters of the State by any  
50 method other than with a single hand-operated elver dip net.  
This section is effective June 1, 2002.

2 **§6575-H. Prohibition on fishing from boats**

4 It is unlawful for a person to fish for or take elvers from  
6 a boat. This section is effective June 1, 2002.

8 **SUMMARY**

10 This bill establishes a limitation on the number of licenses  
12 that may be sold in any year and a mechanism for bringing new  
14 people into the fishery as licenses become available through  
16 attrition. It establishes a fee schedule for licenses and for  
18 elver fishing gear. It increases the number of eels that an  
individual may take for personal purposes and it specifies the  
open and closed seasons for the elver fishery for the years 2000,  
2001, 2002 and 2003.

20 The bill also repeals and replaces the Maine Revised  
22 Statutes, Title 12, section 6575-A that allows individuals to  
24 place a new net or trap in coastal waters during the closed  
period if the net is not in a fishable condition and it  
establishes the amount of elver fishing gear that may be used in  
the years 1999, 2000, 2001 and 2002 and that in the year 2003,  
only dip nets may be used in the elver fishery.