

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

M
R.S.

L.D. 2356

DATE: 2/22/2000

(Filing No. S-503)

MARINE RESOURCES

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 904, L.D. 2356, Bill, "An Act Regarding Elver Fishing Licenses"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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.

R. 4. 3.

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.

R 12

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

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 any of the elver fishing seasons in 1996, 1997 and 1998 for which that person held a license.

C. Beginning with the 2001 elver fishing season and in

A 13

COMMITTEE AMENDMENT "A" to S.P. 904, L.D. 2356

2 subsequent years, a person who is issued an elver fishing
3 license pursuant to section 6505-A, subsection 2, paragraph
4 D may not immerse more than one elver dip, elver fyke net or
5 Sheldon eel trap.

6 **Sec. 6. Allocation.** The following funds are allocated from
7 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.		

20 Further amend the bill by inserting at the end before the
22 summary the following:

24 **FISCAL NOTE**

	1999-00	2000-01
APPROPRIATIONS/ALLOCATIONS		
Other Funds	\$8,600	\$8,600
REVENUES		
General Fund	\$2,838	\$2,838
Other Funds	8,600	8,600

38 Changing certain eligibility requirements for elver fishing
40 licenses will increase annual General Fund revenue collected by
42 the Department of Marine Resources from license fees by \$2,838
44 beginning in fiscal year 1999-00. This estimate assumes a March
46 1, 2000 effective date. These same changes in eligibility
48 requirements will also increase annual Other Special Revenue
50 funds by \$8,600 beginning in fiscal year 1999-00. In addition,
the bill includes an additional annual Other Special Revenue
funds allocation of \$8,600 beginning in fiscal year 1999-00 to
the Bureau of Resource Management for the Eel and Elver
Management Fund within the Department of Marine Resources. This
estimate and allocation assume a March 1, 2000 effective date.

COMMITTEE AMENDMENT

2 The Department of Marine Resources will incur some minor
3 additional costs to administer a elver fishing license lottery.
4 These costs can be absorbed within the department's existing
5 budgeted resources.

6
7 This bill may increase prosecutions for Class D crimes. If
8 a jail sentence is imposed, the additional costs to the counties
9 are estimated to be \$83.36 per day per prisoner. The number of
10 prosecutions that may result in a jail sentence and the resulting
11 costs to the county jail system are expected to be insignificant.

12
13 The additional workload and administrative costs associated
14 with the minimal number of new cases filed in the court system
15 can be absorbed within the budgeted resources of the Judicial
16 Department. The collection of additional fines may increase
17 General Fund revenue by minor amounts.'

20 SUMMARY

22 This amendment replaces the bill. The amendment changes the
23 eligibility requirements for elver fishing licenses as follows.
24 It limits the total number of elver fishing licenses in any year
25 to 827. It authorizes a person who held an elver fishing license
26 in the previous calendar year to be issued a license. It
27 authorizes a person who held an elver fishing license in any 2 of
28 the years 1996, 1997 and 1998 to enter a lottery for an elver
29 fishing license for the 2000 elver season. It requires the
30 Commissioner of Marine Resources to hold a lottery for 2000
31 licenses by March 15, 2000 and it limits the number of licenses
32 that may be awarded through that lottery to 86. It authorizes
33 anyone to enter a lottery for an elver fishing license for the
34 2001 elver season and subsequent seasons and specifies that the
35 number of persons awarded eligibility in a lottery may not cause
36 the total number of elver fishing licenses issued to exceed 827.

38 The amendment authorizes a person who held an elver fishing
39 license in the previous calendar year to use the type and amount
40 of gear that person was authorized to use during the previous
41 elver fishing season. It authorizes a person issued a license
42 for the 2000 elver season based on the lottery to use an amount
43 of gear based on that person's historical average amount of gear,
44 but not more than 2 nets or traps. It authorizes a person issued
45 a license for the 2001 elver season or subsequent seasons based
46 on the lottery to use one net or one trap.

48 It also adds a fiscal note to the bill.