

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2356

S.P. 904

In Senate, January 12, 2000

### An Act Regarding Elver Fishing Licenses.

(EMERGENCY)

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Reported by Senator GOLDTHWAIT of Hancock for the Joint Standing Committee on Marine Resources pursuant to Public Law 1999, chapter 7, section 16.

Reference to the Committee on Marine Resources suggested and ordered printed pursuant to Joint Rule 218.

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

JOY J. O'BRIEN  
Secretary of the Senate

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

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

8           Whereas, the Legislature stated its intention to review the  
10 1999 elver fishing season and make necessary adjustments for the  
2000 season; and

12           Whereas, the 2000 elver fishing season commences on March  
14 22nd; and

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

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

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

26           **2. Eligibility.** An elver fishing license may be issued  
28 only to an individual who+ held an elver fishing license during  
the 1999 elver fishing season.

30           ~~A.--During the 1996 elver fishing season held an eel fishing~~  
32 ~~license under former section 6505 or an elver fishing~~  
34 ~~license and paid fees for the use of elver fyke nets,~~  
~~Shelden eel traps or dip nets in accordance with Public Law~~  
36 ~~1995, chapter 536, Part A, section 12, and~~

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

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

42           **4. Fees.** Fees for elver fishing licenses are:

44           A. For a person who is a resident, ~~\$83~~ \$120; and

46           B. For a person who is a nonresident, ~~\$384~~ \$421.

48

2 ~~Fifty dollars of each license fee~~ All fees collected under this  
subsection accrue to the Eel and Elver Management Fund  
4 established in section 6505-D.

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

8 **5. Gear.** ~~Except as prohibited by section 6575-B,~~  
10 ~~subsection 2-A, a person issued a license under this section may~~  
~~utilize one elver fyke net, one Sheldon eel trap or one dip net~~  
12 ~~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  
14 under this section must identify the number and types of nets  
section 6505-B.

16 **Sec. 4. 12 MRSA §6505-B, sub-§1, ¶A**, as amended by PL 1999, c.  
18 7, §6, is further amended to read:

20 **A.** ~~Fifty~~ Seventy-five dollars per net or trap for the use  
of a an elver fyke net or Sheldon eel trap, ~~except that the~~  
22 ~~fee under this paragraph does not apply to an elver fyke or~~  
~~Sheldon eel trap a person utilizes pursuant to section~~  
24 ~~6505-A, subsection 5.~~

26 **Sec. 5. 12 MRSA §6505-B, sub-§3**, as amended by PL 1997, c.  
28 297, §5, is further amended to read:

30 **3. Dip net fee.** It is unlawful for a person to utilize a  
dip net to fish for or take elvers without paying a fee of \$50  
32 \$25 per dip net annually.

34 ~~This subsection does not apply to a dip net a person utilizes~~  
~~pursuant to section 6505-A, subsection 5.~~

36 **Sec. 6. 12 MRSA §6575-B, sub-§2-A**, as enacted by PL 1999, c.  
38 7, §10, is amended to read:

40 **2-A. Number of nets and Sheldon eel traps.** A person may  
not immerse at any one time a total of more than 2 elver dip  
42 nets, elver fyke nets and Sheldon eel traps. ~~In determining the~~  
~~number of traps or nets that may be immersed, the following~~  
44 ~~formula must be used. A person may not immerse:~~ A person may  
46 not immerse elver fishing gear other than the types and amounts  
of gear the person was authorized to immerse during the 1999  
48 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.

2 A. -- A number of elver dip nets that is greater than the  
4 average number, rounded down, of elver dip nets that person  
was authorized to use during the past 3 elver fishing  
seasons for which that person held a license;

6 B. -- A number of elver fyke nets that is greater than the  
8 average number, rounded down, of elver fyke nets that person  
was authorized to use during the past 3 elver fishing  
10 seasons for which that person held a license; and

12 C. -- A number of Sheldon eel traps that is greater than the  
14 average number, rounded down, of traps that person was  
authorized to use during the past 3 elver fishing seasons  
for which that person held a license.

16 However, if the number arrived at using the formula is greater  
18 than 2 nets or traps, the maximum number of traps and nets that  
may be immersed may not exceed 2.

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

24 **SUMMARY**

26 This bill, which is an emergency, implements the  
28 recommendations of the Department of Marine Resources regarding  
the 2000 elver fishery. It freezes the number of elver fishing  
30 licenses and gear at 1999 levels. The bill also raises the fees  
for elver fishing licenses to \$120 for residents and \$421 for  
32 nonresidents and specifies that all license fees accrue to the  
Eel and Elver Management Fund.

34 The bill repeals the provision that authorizes a person to  
36 use one net or trap to fish for elvers without paying a gear fee  
and changes the gear fees to \$25 per elver dip net and \$75 per  
38 elver fyke or Sheldon eel trap. These changes to the elver  
license and gear fees will increase funding to the Eel and Elver  
40 Management Fund to support further research on the eel and elver  
fishery.