

MAINE STATE LEGISLATURE

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MARINE RESOURCES
Report A

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1421, L.D. 2020, Bill, "An Act Relating to Elver Fishing"

Amend the bill in the emergency preamble by striking out all of the 2nd paragraph (page 1, lines 3 to 5 in L.D.) and inserting in its place the following:

Whereas, the management of the American eel population in Maine is dependent on elver dealers reporting harvest data to the Department of Marine Resources in a timely manner; and

Whereas, this legislation must be enacted prior to the end of the elver fishing season on May 31st to ensure the Department of Marine Resources receives harvest data in time to use that information for developing a long-term conservation plan for the American eel; and

Further amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 12 MRSA §6505-A, sub-§2, as amended by PL 1999, c. 534, §1, is further amended to read:

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

C. Possessed an elver fishing license in the previous calendar year.

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2002

2 ~~D. Becomes eligible to obtain an elver fishing license~~
4 ~~pursuant to a lottery under subsection 2-A.~~

6 ~~The department may not issue more than 827 elver fishing licenses~~
8 ~~each elver fishing season.~~

10 **Sec. 2. 12 MRSA §6505-A, sub-§2-A,** as enacted by PL 1999, c.
12 534, §2, is repealed.

14 **Sec. 3. 12 MRSA §6575-B, sub-§2-B,** as enacted by PL 1999, c.
16 534, §5, is amended to read:

18 **2-B. Type and amount of gear.** It is unlawful for a person
20 to immerse elver fishing gear other than the types and amounts
22 authorized pursuant to this subsection. ~~In determining the~~
24 ~~number of traps or nets that may be immersed, the following~~
26 ~~limits apply.~~

28 A. A person who is issued an elver fishing license pursuant
30 to section 6505-A, subsection 2, paragraph C may not immerse
32 elver fishing gear other than the types and amounts of gear
34 the person was authorized to immerse during the previous
36 elver fishing season, except that a person may surrender the
38 authority to use an elver fyke net in order to use an elver
40 dip net.

42 ~~B. In the 2000 elver fishing season, a person who is issued~~
44 ~~an elver fishing license pursuant to section 6505-A,~~
46 ~~subsection 2, paragraph D may not immerse at any one time a~~
48 ~~total of more than 2 elver dip nets, elver fyke nets and~~
50 ~~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~~

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2 ~~(3) - A number of Sheldon eel traps that is greater than~~
3 ~~the average number, rounded down, of traps that person~~
4 ~~was authorized to use during any of the elver fishing~~
5 ~~seasons in 1996, 1997 and 1998 for which that person~~
6 ~~held a license.~~

7 ~~C. -- Beginning with the 2001 elver fishing season and in~~
8 ~~subsequent years, a person who is issued an elver fishing~~
9 ~~license pursuant to section 6505-A, subsection 2, paragraph~~
10 ~~D may not immerse more than one elver dip, elver fyke net or~~
11 ~~Sheldon eel trap.~~

12 **Sec. 4. 12 MRSA §6864, sub-§8** is enacted to read:

13 **8. Reporting.** A dealer licensed under this section shall
14 report the total annual harvest of elvers received by that dealer
15 to the department within 30 days after the end of the elver
16 fishing season. The commissioner shall prescribe how that data
17 and any other information necessary for a meaningful analysis of
18 the elver harvest are reported to the department.'

22 **SUMMARY**

23 This amendment is the majority report and provides that only
24 those who held an elver fishing license in 2006 are eligible to
25 obtain an elver fishing license in subsequent years. It also
26 requires an elver dealer to report the total harvest of elvers
27 received by that dealer annually to the Department of Marine
28 Resources within 30 days of the close of the elver fishing
29 season. This amendment also amends the emergency preamble to
30 better reflect the provisions of the amendment.
31
32