

# MAINE STATE LEGISLATURE

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L.D. 2020

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DATE: 3/17/06

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MARINE RESOURCES  
Report C

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

COMMITTEE AMENDMENT "B" 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; or

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COMMITTEE AMENDMENT "B" to H.P. 1421, L.D. 2020

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  
each elver fishing season.~~

8 **Sec. 2. 12 MRSA §6505-A, sub-§2-A**, as enacted by PL 1999, c.  
10 534, §2, is amended to read:

12 **2-A. Elver license lottery.** The commissioner shall  
14 establish a lottery system under which an elver license issued in  
16 2006 that was not renewed in any subsequent year by the license  
18 holder may be issued to a person who did not hold an elver  
20 fishing license in the previous calendar year may become eligible  
22 to obtain that license. The number of persons awarded  
24 eligibility in a lottery may not cause the total number of elver  
26 fishing licenses issued to exceed 827 the number of licenses  
28 issued in 2006.

30 ~~A. A person is eligible to enter the lottery for a 2000  
32 elver fishing license if that person held an elver fishing  
34 license issued under this section for at least 2 of the 3  
36 years of 1996, 1997 and 1998. An eligible person wishing to  
38 enter the lottery for 2000 shall submit a lottery  
40 application no later than March 10, 2000 on forms provided  
42 by the commissioner. The commissioner shall hold the  
44 lottery by March 15, 2000 and the lottery must be a public  
46 drawing by random selection from all eligible applicants.  
48 The number of persons awarded 2000 elver fishing licenses in  
50 the lottery may not exceed 86.~~

52 **B. Beginning with the 2001 elver fishing season and in**  
54 **subsequent years, any person is eligible to enter the**  
56 **lottery, except that a person who is issued a license**  
58 **pursuant to subsection 2, paragraph C may not enter the**  
60 **lottery.** The commissioner shall adopt rules to implement a  
62 lottery system beginning with the 2001 2007 elver fishing  
64 season under which a person who did not hold an elver  
66 fishing license in the previous calendar year may become  
68 eligible to obtain that license if a license issued in 2006  
70 or any subsequent year is not renewed by that license  
72 holder. The rules for a lottery system must include  
74 provisions for the method and administration of a lottery.  
76 Rules adopted pursuant to this subsection are routine  
78 technical rules as defined in Title 5, chapter 375,  
80 subchapter II-A 2-A.

82 **Sec. 3. 12 MRSA §6575, sub-§1**, as amended by PL 1999, c. 7,  
84 §7, is further amended to read:

2 1. **Open season.** It is unlawful for a person to fish for or  
3 take elvers within the waters of the State except during the open  
4 season from noon on March 22nd 29th to noon on May-31st June 7th.

6 **Sec. 4. 12 MRSA §6575-B, sub-§2-B,** as enacted by PL 1999, c.  
7 534, §5, is amended to read:

8  
9 **2-B. Type and amount of gear.** It is unlawful for a person  
10 to immerse elver fishing gear other than the types and amounts  
11 authorized pursuant to this subsection. In determining the  
12 number of traps or nets that may be immersed, the following  
13 limits apply.

14  
15 A. A person who is issued an elver fishing license pursuant  
16 to section 6505-A, subsection 2, paragraph C may not immerse  
17 elver fishing gear other than the types and amounts of gear  
18 the person was authorized to immerse during the previous  
19 elver fishing season, except that a person may surrender the  
20 authority to use an elver fyke net in order to use an elver  
21 dip net.

22  
23 ~~B. In the 2000 elver fishing season, a person who is issued~~  
24 ~~an elver fishing license pursuant to section 6505-A,~~  
25 ~~subsection 2, paragraph D may not immerse at any one time a~~  
26 ~~total of more than 2 elver dip nets, elver fyke nets and~~  
27 ~~Sheldon eel traps. In determining the number of traps or~~  
28 ~~nets that may be immersed, the following formula must be~~  
29 ~~used, except that if the number arrived at using the formula~~  
30 ~~is greater than 2 nets or traps, the maximum number of traps~~  
31 ~~and nets that may be immersed is 2. A person may not~~  
32 ~~immerse:~~

33  
34 ~~(1) A number of elver dip nets that is greater than the~~  
35 ~~average number, rounded down, of elver dip nets that~~  
36 ~~person was authorized to use during any of the elver~~  
37 ~~fishing seasons in 1996, 1997 and 1998 for which that~~  
38 ~~person held a license;~~

39  
40 ~~(2) A number of elver fyke nets that is greater than~~  
41 ~~the average number, rounded down, of elver fyke nets~~  
42 ~~that person was authorized to use during any of the~~  
43 ~~elver fishing seasons in 1996, 1997 and 1998 for which~~  
44 ~~that person held a license; and~~

45  
46 ~~(3) A number of Sheldon eel traps that is greater than~~  
47 ~~the average number, rounded down, of traps that person~~  
48 ~~was authorized to use during any of the elver fishing~~  
49 ~~seasons in 1996, 1997 and 1998 for which that person~~  
50 ~~held a license.~~

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

8 **Sec. 5. 12 MRSA §6575-C, sub-§5**, as enacted by PL 1999, c. 7,  
9 §13, is amended to read:

10  
11 **5. Fyke net placement.** A person may not place or set an  
12 elver fyke net or take elvers from an elver fyke net when any  
13 portion of the net, including any anchoring device, is located  
14 within ~~an imaginary line between~~ 15 feet of the wing ends of  
15 another elver fyke net. Cod end anchoring devices may not exceed  
16 10 feet in length and wing end anchoring devices may not  
17 interfere with or create a hazard to navigation within the middle  
18 1/3 of a navigable watercourse. A marine patrol officer may open  
19 the cod end of a net that is located in violation of this  
20 subsection.

22 **Sec. 6. 12 MRSA §6864, sub-§8** is enacted to read:

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

## 32 SUMMARY

34 This amendment is the minority report and provides that only  
35 those who held an elver fishing license in 2006 are eligible to  
36 obtain an elver fishing license in subsequent years. It  
37 establishes a lottery system to issue elver fishing licenses that  
38 were not renewed in 2007 or subsequent years to other eligible  
39 persons. It also requires elver dealers to report the total  
40 harvest of elvers they received to the Department of Marine  
41 Resources within 30 days of the close of the elver fishing  
42 season. This amendment changes the open season for elver fishing  
43 by moving it one week later in the calendar year and prohibits  
44 the setting of a fyke net within 15 feet of another fyke net.  
45 This amendment also amends the emergency preamble to better  
46 reflect the provisions of the amendment.