

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2020

H.P. 1421

House of Representatives, February 22, 2006

An Act Relating to Elver Fishing

(EMERGENCY)

Reported by Representative PERCY of Phippsburg for the Joint Standing Committee on Marine Resources pursuant to Joint Order 2005, H.P. 1414.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

3 **Whereas,** it is necessary that this legislation be enacted as an emergency measure
4 prior to March 22, 2006 so that the changes to the elver fishing laws take effect before the
5 open season begins; and

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

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

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

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

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

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

17 The department may not issue more than ~~827~~ 286 elver fishing licenses ~~each~~ for the 2006
18 elver fishing season. The number of licenses that may be issued in subsequent years is
19 subject to the rulemaking authorized under subsection 2-A.

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

22 **2-A. Elver license lottery.** The commissioner shall establish a lottery system
23 under which a person who did not hold an elver fishing license in the previous calendar
24 year may become eligible to obtain that license. The number of persons awarded
25 eligibility in a the lottery for the 2006 elver fishing season may not cause the total number
26 of elver fishing licenses issued to exceed ~~827~~ 286. The commissioner shall adopt rules
27 establishing the total number of elver fishing licenses for subsequent years. Rules
28 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
29 chapter 375, subchapter 2-A.

30 A. A person is eligible to enter the lottery for a 2000 elver fishing license if that
31 person held an elver fishing license issued under this section for at least 2 of the 3
32 years of 1996, 1997 and 1998. An eligible person wishing to enter the lottery for
33 2000 shall submit a lottery application no later than March 10, 2000 on forms
34 provided by the commissioner. The commissioner shall hold the lottery by March 15,
35 2000 and the lottery must be a public drawing by random selection from all eligible
36 applicants. The number of persons awarded 2000 elver fishing licenses in the lottery
37 may not exceed 86.

38 B. Beginning with the 2001 elver fishing season and in subsequent years, any
39 person is eligible to enter the lottery, except that a person who is issued a license
40 pursuant to subsection 2, paragraph C may not enter the lottery. The commissioner
41 shall adopt rules to implement a lottery system beginning with the 2001 elver fishing

1 season under which a person who did not hold an elver fishing license in the previous
2 calendar year may become eligible to obtain that license. The rules for a lottery
3 system must include provisions for the method and administration of a lottery. Rules
4 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
5 chapter 375, subchapter ~~H-A~~ 2-A.

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

8 **1. Open season.** It is unlawful for a person to fish for or take elvers within the
9 waters of the State except during the open season from noon on ~~March 22nd~~ April 5th to
10 noon on ~~May 31st~~ June 14th.

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

13 **SUMMARY**

14 This bill reduces the number of elver fishing licenses that the Department of Marine
15 Resources may issue for the 2006 season and requires the Commissioner of Marine
16 Resources to establish by rule the total number of elver fishing licenses for subsequent
17 years. The bill also changes the open season for elver fishing by moving it 2 weeks later
18 in the calendar year.