

# 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 electronic originals  
(may include minor formatting differences from printed original)



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

---

Legislative Document

No. 1765

H.P. 1298

House of Representatives, January 10, 2012

### An Act To Sustain the Elver Fishery

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative TILTON of Harrington.  
Cosponsored by President RAYE of Washington and  
Representative: BURNS of Whiting.

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

2 **Sec. 1. 12 MRSA §6505-A, sub-§1, ¶¶C and D**, as enacted by PL 2003, c. 452,  
3 Pt. F, §11 and affected by Pt. X, §2, are amended to read:

4 C. A nonresident elver fishing license for one device; ~~or~~

5 D. A nonresident elver fishing license for 2 devices; or

6 **Sec. 2. 12 MRSA §6505-A, sub-§1, ¶E** is enacted to read:

7 E. A resident elver fishing license for 3 elver fyke nets.

8 **Sec. 3. 12 MRSA §6505-A, sub-§2, ¶C**, as amended by PL 2007, c. 615, §15, is  
9 further amended to read:

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

11 **Sec. 4. 12 MRSA §6505-A, sub-§2, ¶E**, as enacted by PL 2007, c. 615, §15, is  
12 amended to read:

13 E. Did not possess an elver fishing license in the previous calendar year because the  
14 commissioner had suspended the person's license privileges for a length of time that  
15 included the previous calendar year; or

16 **Sec. 5. 12 MRSA §6505-A, sub-§2, ¶F** is enacted to read:

17 F. Becomes eligible to obtain an elver fishing license pursuant to the elver license  
18 lottery under subsection 2-B.

19 **Sec. 6. 12 MRSA §6505-A, sub-§2-B** is enacted to read:

20 **2-B. Elver license lottery.** The commissioner shall establish a lottery system under  
21 which a person who did not hold an elver fishing license in the previous calendar year  
22 may become eligible to obtain that license. The number of persons issued licenses under  
23 this subsection may not cause the total number of elver fishing licenses issued under this  
24 section to exceed 600.

25 A. The elver license lottery must be held on or before January 31st of each calendar  
26 year beginning in 2013.

27 B. In order to be eligible for the elver license lottery, a person must submit a lottery  
28 application together with a \$25 nonrefundable application fee no later than January  
29 15th of the same calendar year as the lottery.

30 C. A person may file no more than one elver license lottery application per lottery  
31 year.

32 The commissioner shall adopt rules no later than December 31, 2012 to implement the  
33 elver license lottery system. The rules must include provisions for the method and  
34 administration of the lottery. The lottery must be set up in a way that the total number of  
35 elver fishing licenses does not exceed 600. The lottery must be set up by zones  
36 corresponding with the lobster management zones pursuant to section 6446, and the

1 commissioner shall determine the number of elver fishing licenses to be issued in each  
2 zone. Rules adopted under this subsection are routine technical rules pursuant to Title 5,  
3 chapter 375, subchapter 2-A.

4 **Sec. 7. 12 MRSA §6505-A, sub-§4**, as amended by PL 2009, c. 213, Pt. G, §6, is  
5 further amended to read:

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

7 A. For a person who is a resident, ~~\$105~~ \$200; and

8 B. For a person who is a nonresident, ~~\$442~~ \$800.

9 Fifty dollars of each license fee collected under this subsection accrues to the Eel and  
10 Elver Management Fund established in section 6505-D. Ninety-five dollars of each  
11 license fee collected under this subsection must be deposited in the Elver Fishery  
12 Enforcement Fund established under subsection 9.

13 **Sec. 8. 12 MRSA §6505-A, sub-§7**, as enacted by PL 1999, c. 7, §5, is repealed.

14 **Sec. 9. 12 MRSA §6505-A, sub-§8**, as enacted by PL 2001, c. 421, Pt. B, §29  
15 and affected by Pt. C, §1, is amended to read:

16 **8. Violation.** A person who violates this section commits a civil violation for which  
17 a forfeiture fine of ~~not less than \$100 nor more than \$500~~ up to \$5,000 may be adjudged.

18 **Sec. 10. 12 MRSA §6505-A, sub-§9** is enacted to read:

19 **9. Elver Fishery Enforcement Fund.** The Elver Fishery Enforcement Fund is  
20 created as a nonlapsing fund within the department to be used only for supporting the  
21 Bureau of Marine Patrol activities related to the elver fishery. The Elver Fishery  
22 Enforcement Fund receives funds deposited pursuant to subsection 4.

23 **Sec. 11. 12 MRSA §6505-B, sub-§4**, as enacted by PL 1995, c. 536, Pt. A, §8, is  
24 amended to read:

25 **4. Payment with license.** The fees required under subsections 1 and 3 must be paid  
26 upon application for an elver fishing license under section 6505-A except that fees  
27 required under subsections 1 and 3 for a license issued pursuant to the elver license  
28 lottery under section 6505-A, subsection 2-B must be paid upon issuance of that license.

29 **Sec. 12. 12 MRSA §6505-B, sub-§6**, as enacted by PL 2001, c. 421, Pt. B, §30  
30 and affected by Pt. C, §1, is amended to read:

31 **6. Violation.** A person who violates this section commits a civil violation for which  
32 a forfeiture fine of ~~not less than \$100 nor more than \$500~~ up to \$5,000 may be adjudged.

33 **Sec. 13. 12 MRSA §6575, sub-§1**, as amended by PL 1999, c. 7, §7, is further  
34 amended to read:

