



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 604

H.P. 423

House of Representatives, February 21, 2013

An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation

(EMERGENCY)

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

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative MITCHELL of the Penobscot Nation. Cosponsored by Senator CAIN of Penobscot and Representatives: COTTA of China, LAJOIE of Lewiston, LONGSTAFF of Waterville, MOONEN of Portland, RUSSELL of Portland, WERTS of Auburn.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** this legislation expands the availability of marine resources licenses for 4 members of the Penobscot Nation; and
- 5 **Whereas,** it is important that these licenses be available during the spring because of 6 the seasonal nature of harvesting certain marine species; and

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

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

Sec. 1. 12 MRSA §6302-A, sub-§3, ¶E, as amended by PL 2011, c. 598, §17, is
 further amended to read:

E. The Penobscot Nation may not issue to members of the nation more than <u>8</u> <u>48</u> commercial licenses for the taking of elvers in any calendar year, except that the commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses to members of the nation for the taking of elvers if the commissioner determines <u>and the Penobscot Nation determine</u> that elver resources are sufficient to permit the issuance of new licenses; and

20 **Emergency clause.** In view of the emergency cited in the preamble, this 21 legislation takes effect when approved.

22

SUMMARY

This bill increases the number of commercial licenses for the taking of elvers that the Penobscot Nation may issue in any calendar year from 8 to 48. It also specifies that if the Commissioner of Marine Resources and the Penobscot Nation determine elver resources are sufficient to permit the issuance of more licenses, the commissioner by rule may increase the number.