

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1502

H.P. 1025

House of Representatives, December 23, 2015

An Act To Provide Flexibility in the Designation of the Closed Period for Elver Harvesting

(EMERGENCY)

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

Received by the Clerk of the House on December 21, 2015. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KUMIEGA of Deer Isle.
Cosponsored by Senator LANGLEY of Hancock and
Representatives: ALLEY of Beals, BATTLE of South Portland, BEEBE-CENTER of
Rockland, BLUME of York, DEVIN of Newcastle, TUELL of East Machias, Senators:
BAKER of Sagadahoc, MIRAMANT of Knox.

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 requires the Commissioner of Marine Resources to adopt
4 rules to improve elver fishing in Maine; and

5 **Whereas,** in order for the rules to apply to the upcoming elver fishing season, which
6 will begin in March, this legislation needs to take effect as soon as possible; and

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

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

12 **Sec. 1. 12 MRSA §6575-A, sub-§1,** as amended by PL 2013, c. 468, §26, is
13 further amended to read:

14 **1. Prohibition.** It is unlawful for a person to fish for or take elvers ~~from noon Friday~~
15 ~~to noon Sunday~~ during the weekly 48-hour closed period established prior to the start of
16 the open season on elvers by the commissioner by rule. Rules adopted pursuant to this
17 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
18 A person may leave an elver fyke net or a Sheldon eel trap in the waters of the State
19 during the closed period if the net or trap is left in a condition that prevents the capture of
20 elvers. The terminal portion of a fyke net cod end must contain a rigid device with an
21 opening not less than 3 inches in diameter and not exceeding 6 inches in length that is
22 unobstructed by any other portion of the net.

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

25 **SUMMARY**

26 This bill requires the Commissioner of Marine Resources to set by rule prior to the
27 start of the elver fishing season the weekly 48-hour closed period for elver harvesting to
28 increase fishing opportunities. It eliminates the provision of current law that provides a
29 weekly closed period from noon Friday to noon Sunday.