

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Date: 6/6/17

(Filing No. H-426)

MARINE RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 219, L.D. 286, Bill, "An Act To Promote and Encourage the Sustainability of the Elver Fishery"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 12 MRSA §6505-A, sub-§1-C, as amended by PL 2013, c. 485, §6, is further amended to read:

1-C. Elver transaction card issued. The department may issue an elver transaction card to each license holder under this section and to each license holder under section 6302-A, subsection 3, paragraphs E, E-1, F and G in accordance with section 6302-B. The department may charge each license holder an annual fee for the elver transaction card that may not exceed \$35. Fees collected under this subsection must be deposited in the Eel and Elver Management Fund under section 6505-D. The license holder shall use the elver transaction card to meet electronic reporting requirements established by rule pursuant to section 6173. The elver transaction card must include the license holder's name and license number.'

Amend the bill in section 2 in subsection 1-F in the first line (page 1, line 16 in L.D.) by striking out the following: "shall issue" and inserting the following: 'may issue up to'

Amend the bill in section 5 in subsection 2-C in the first paragraph in the 5th line (page 1, line 29 in L.D.) by striking out the following: "one" and inserting the following: '5'

Amend the bill in section 5 in subsection 2-C in the first paragraph in the 6th line (page 1, line 30 in L.D.) by striking out the following: "application" and inserting the following: 'applications'

Amend the bill in section 5 in subsection 2-C in the first paragraph by striking out all of the last sentence (page 1, lines 30 and 31 in L.D.) and inserting the following: 'In any year in which a lottery is held, the lottery must be held on or before February 15th.'

COMMITTEE AMENDMENT

NO P.S.

COMMITTEE AMENDMENT "A" to H.P. 219, L.D. 286

1 Amend the bill in section 5 in subsection 2-C in the 2nd paragraph in the first line
2 (page 1, line 32 in L.D.) by striking out the following: "shall" and inserting the following:
3 'may'

4 Amend the bill by striking out all of sections 6 and 7 and inserting the following:

5 '**Sec. 6. 12 MRSA §6505-A, sub-§4**, as amended by PL 2013, c. 468, §25, is
6 further amended to read:

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

8 A. For a person who is a resident, ~~\$105~~ \$205;

9 B. For a person who is a nonresident, ~~\$442~~ \$542;

10 C. For a person who is a resident with crew, ~~\$305~~ \$405; and

11 D. For a person who is a nonresident with crew, ~~\$1,326~~ \$1,426.

12 ~~Fifty~~ One hundred and fifty dollars of each license fee collected under paragraphs A and
13 B and ~~\$200~~ \$300 of each license fee collected under paragraphs C and D accrue to the
14 Eel and Elver Management Fund established in section 6505-D.

15 **Sec. 7. 12 MRSA §6575-J**, as enacted by PL 2013, c. 301, §13, is amended to
16 read:

17 **§6575-J. Seizure of illegally harvested elvers**

18 In addition to any other penalty imposed, elvers that are purchased or possessed that
19 were taken in violation of any law or rule pertaining to elvers are subject to seizure by
20 any officer authorized to enforce this Part. The entire bulk pile containing illegally
21 harvested elvers may be seized. For the purposes of this section, "bulk pile" means all
22 elvers in the possession of a holder of an elver fishing license, an elver dealer's license or
23 an elver exporter's license who fished for, took, possesses or bought elvers in violation of
24 any law or rule regulating elvers under this Part.

25 **Sec. 8. Appropriations and allocations.** The following appropriations and
26 allocations are made.

27 **MARINE RESOURCES, DEPARTMENT OF**

28 **Bureau of Marine Science 0027**

29 Initiative: Provides allocations to the Eel and Elver Management Fund to reflect increased
30 revenue from proceeds of the reinstated lottery for elver licenses, an increased license
31 surcharge and an increased swipe card fee.

32	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
33	All Other	\$152,500	\$152,500
34			
35	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$152,500</u>	<u>\$152,500</u>

36 **Bureau of Policy and Management 0258**

ROFS

COMMITTEE AMENDMENT "A" to H.P. 219, L.D. 286

1 Initiative: Provides allocations for administrative costs funded by an increase in revenue
2 from proceeds of the reinstated lottery for elver fishing licenses.

3	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
4	All Other	\$40,000	\$40,000
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$40,000</u>	<u>\$40,000</u>

7	MARINE RESOURCES, DEPARTMENT OF		
8	DEPARTMENT TOTALS	2017-18	2018-19
9			
10	OTHER SPECIAL REVENUE FUNDS	\$192,500	\$192,500
11			
12	DEPARTMENT TOTAL - ALL FUNDS	<u>\$192,500</u>	<u>\$192,500</u>
13			

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
15 section number to read consecutively.

16 **SUMMARY**

17 This amendment allows the Department of Marine Resources to charge the holder of
18 an elver fishing license an annual fee not to exceed \$35 for an elver transaction card. The
19 amendment allows an applicant to the elver fishing license lottery to submit up to 5
20 applications per lottery year. The amendment removes the requirement in the bill that the
21 Commissioner of Marine Resources hold an elver fishing license lottery each year. The
22 amendment removes the provision of the bill that allocates at least 4 pounds of elver
23 fishing quota to each license holder. The amendment increases the fees for all elver
24 fishing licenses. The amendment removes the provision in the bill that requires rules
25 regarding elver fishing quotas to provide a method for redistributing quota that will not be
26 fished; that authority exists in current law. The amendment defines "bulk pile" for the
27 purposes of the law on the seizure of illegally harvested elvers as all elvers in the
28 possession of a harvester or dealer who fished for, took, bought or possesses elvers in
29 violation of any law or rule regulating elvers. The amendment removes the requirement
30 in the bill that the commissioner issue 425 elver fishing licenses each year and instead
31 allows the commissioner to issue up to 425 licenses. The amendment adds an
32 appropriations and allocations section.

33 **FISCAL NOTE REQUIRED**

34 (See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 286

LR 1064(02)

An Act To Promote and Encourage the Sustainability of the Elver Fishery

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-426)

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Appropriations/Allocations				
Other Special Revenue Funds	\$192,500	\$192,500	\$192,500	\$192,500
Revenue				
Other Special Revenue Funds	\$192,500	\$192,500	\$192,500	\$192,500

Fiscal Detail and Notes

The bill would allow the Department of Marine Resources (DMR) the option of reinstating a lottery system for elver fishing licenses. The bill also increases the surcharge on elver licenses issued and the fee charged for electronic swipe cards. These changes are expected to increase Other Special Revenue Funds revenue by \$192,500 annually beginning in fiscal year 2017-18. This estimate was made using the following assumptions: The DMR will start holding a lottery in fiscal year 2017-18. This lottery will have approximately 4,000 entries at \$35 each, generating \$140,000 in revenue, of which \$100,000 will be credited to the Eel and Elver Management Fund (EEMF) and \$40,000 will be retained by the DMR for administrative costs. The DMR will issue 1000 swipe cards at \$35 each, an increase of \$10 over the current \$25, generating an additional \$10,000 in EEMF revenue. The DMR will issue 425 resident elver licenses at \$100 each, generating \$42,500 in EEMF revenue.