

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 286

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H.P. 219

House of Representatives, January 31, 2017

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

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

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

ROBERT B. HUNT  
Clerk

Presented by Representative SIMMONS of Waldoboro.  
Cosponsored by Senator MAKER of Washington and  
Representatives: ALLEY of Beals, O'CONNOR of Berwick, PIERCE of Dresden.

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

2 **Sec. 1. 12 MRSA §6404-H**, as amended by PL 2013, c. 49, §4, is further amended  
3 to read:

4 **§6404-H. Suspension or revocation based on conviction of an elver fishing license**  
5 **offense**

6 The commissioner shall suspend or revoke a person's eligibility for the elver ~~lotteries~~  
7 lottery under section 6505-A, subsection ~~2-B~~ 2-C if the person is convicted of an offense  
8 in violation of section 6505-A, subsection 1.

9 **1. First offense.** For a first offense, the commissioner shall suspend the person's  
10 eligibility for the elver ~~lotteries~~ lottery under section 6505-A, subsection ~~2-B~~ 2-C for one  
11 year.

12 **2. Second offense.** For a 2nd offense, the commissioner shall permanently revoke  
13 the person's eligibility for the elver ~~lotteries~~ lottery under section 6505-A, subsection ~~2-B~~  
14 2-C.

15 **Sec. 2. 12 MRSA §6505-A, sub-§1-F** is enacted to read:

16 **1-F. Licenses issued.** The commissioner shall issue 425 elver fishing licenses each  
17 year under this section.

18 **Sec. 3. 12 MRSA §6505-A, sub-§2, ¶F**, as enacted by PL 2011, c. 549, §3, is  
19 amended to read:

20 F. Becomes eligible to obtain an elver fishing license pursuant to the elver ~~lotteries~~  
21 lottery under subsection ~~2-B~~ 2-C.

22 **Sec. 4. 12 MRSA §6505-A, sub-§2-B**, as amended by PL 2013, c. 301, §9, is  
23 repealed.

24 **Sec. 5. 12 MRSA §6505-A, sub-§2-C** is enacted to read:

25 **2-C. Elver license lottery.** The commissioner shall establish an elver fishing license  
26 lottery under which a person may become eligible for that license under subsection 2.  
27 paragraph F. An applicant to the lottery must submit a lottery application together with a  
28 \$35 nonrefundable application fee no later than January 15th of the same calendar year as  
29 the lottery. An applicant may not submit more than one elver fishing license lottery  
30 application per lottery year. The lottery must be held on or before February 15th of each  
31 calendar year.

32 The commissioner shall adopt rules to implement the elver fishing license lottery,  
33 including provisions for the method and administration of the lottery. Rules adopted  
34 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
35 subchapter 2-A.

1 Twenty-five dollars of the application fee collected under this subsection must be  
2 deposited in the Eel and Elver Management Fund established in section 6505-D and used  
3 to fund a life-cycle study of the elver fishery. Ten dollars of the application fee may be  
4 used by the department to fund the costs of administering the elver fishing license lottery.

5 **Sec. 6. 12 MRSA §6505-A, sub-§3-A, ¶¶B and C**, as enacted by PL 2013, c.  
6 485, §7, are amended to read:

7 B. Establish the amount of the overall annual quota under paragraph A that is  
8 allocated to persons licensed under this section and specify a formula to establish  
9 individual quotas for persons licensed under this section, except that each person  
10 licensed under this section must be allocated at least 4 pounds unless an allocation of  
11 4 pounds per license holder exceeds the overall annual quota established by the  
12 Atlantic States Marine Fisheries Commission. If an allocation of 4 pounds per  
13 license holder exceeds the annual quota established by the Atlantic States Marine  
14 Fisheries Commission, each license holder must be allocated equal amounts that, in  
15 total, equal the annual quota established. The formula may take into account the  
16 amount of elvers a person licensed under this section lawfully harvested in previous  
17 seasons based on final harvesting reports. The rules must specify the date by which  
18 harvester reports are considered final for the purpose of determining individual  
19 quotas; ~~and~~

20 C. Provide, in accordance with section 6302-B, that 21.9% of the overall annual  
21 quota under paragraph A is allocated to the federally recognized Indian tribes in the  
22 State and establish the amount of that portion of the overall annual quota allocated to  
23 the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet  
24 Indians and the Aroostook Band of Micmacs; ~~and~~

25 **Sec. 7. 12 MRSA §6505-A, sub-§3-A, ¶D** is enacted to read:

26 D. Provide a method for redistributing the quota that will not be fished by a person  
27 licensed under this section due to the death of the license holder or for any reason  
28 known to the commissioner.

## 29 SUMMARY

30 This bill sets at 425 the number of elver fishing licenses issued each year, not  
31 including licenses issued to federally recognized Indian tribes. The bill requires the  
32 Commissioner of Marine Resources to hold a lottery for elver fishing licenses through  
33 which a person who did not possess an elver fishing license in the previous year may  
34 become eligible to obtain one. The bill establishes a minimum allocation of elver quota  
35 to each elver fishing license holder of 4 pounds, unless that amount causes the State to  
36 exceed its overall annual quota set by the Atlantic States Marine Fisheries Commission.  
37 The bill requires the commissioner to adopt rules that provide a method for redistributing  
38 quotas allocated to deceased elver fishing license holders or license holders who for  
39 another reason will not fish those quotas.