

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1316

H.P. 913

House of Representatives, April 4, 2017

**An Act To Provide for an Elver Dealer's License for the Houlton
Band of Maliseet Indians**

(EMERGENCY)

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

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BEAR of the Houlton Band of Maliseet Indians.

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 increases the ability of the Houlton Band of Maliseet
4 Indians to harvest elvers; and

5 **Whereas**, the elver resource is a traditional resource of the Houlton Band of
6 Maliseet Indians; and

7 **Whereas**, the Constitution of Maine, Article X, Section 5, which was enacted in
8 1820 and remains in full force, provides that the State shall assume and perform all the
9 duties and obligations of the Commonwealth of Massachusetts towards the Indians within
10 the State, whether the same arise from treaties or otherwise, and this provides for the right
11 of the Houlton Band of Maliseet Indians to bring elvers to trade or sale within the State;
12 and

13 **Whereas**, this legislation must take effect before the end of the 90-day period in
14 time for the open season on elvers from March 22nd to June 7th; and

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

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

20 **Sec. 1. 12 MRSA §6864, sub-§14** is enacted to read:

21 **14. Houlton Band of Maliseet Indians.** Notwithstanding this section, the
22 department shall issue an elver dealer's license to the Houlton Band of Maliseet Indians at
23 no cost to the Houlton Band of Maliseet Indians each licensing year.

24 **Sec. 2. 2017 elver dealer licensing year.** Notwithstanding the Maine Revised
25 Statutes, Title 12, section 6864, subsection 1-A, the department shall issue an elver
26 dealer's license to the Houlton Band of Maliseet Indians for the 2017 elver fishing season.

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

29 **SUMMARY**

30 This bill requires the Department of Marine Resources to issue an elver dealer's
31 license to the Houlton Band of Maliseet Indians at no cost annually.