

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1455

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H.P. 1005

House of Representatives, April 18, 2017

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**An Act To Fund Research on and Management and Enforcement of  
the Eel and Elver Fisheries**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Reference to the Committee on Marine Resources suggested and ordered printed.

*Robert B. Hunt*

ROBERT B. HUNT  
Clerk

Presented by Representative SIMMONS of Waldoboro.

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-C**, as amended by PL 2013, c. 485, §6, is  
16 further amended to read:

17 **1-C. Elver transaction card issued.** The department may issue an elver transaction  
18 card to each license holder under this section and to each license holder under section  
19 6302-A, subsection 3, paragraphs E, E-1, F and G in accordance with section 6302-B.  
20 The department may charge each license holder an annual fee for the elver transaction  
21 card that may not exceed \$25. Fees collected under this subsection must be deposited in  
22 the Eel and Elver Management Fund under section 6505-D. The license holder shall use  
23 the elver transaction card to meet electronic reporting requirements established by rule  
24 pursuant to section 6173. The elver transaction card must include the license holder's  
25 name and license number.

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

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

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31 repealed.

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

33 **2-C. Elver license lottery.** The commissioner shall establish an elver fishing license  
34 lottery system under which a person who did not hold an elver fishing license in the  
35 previous calendar year may become eligible to obtain that license. The number of  
36 persons issued elver fishing licenses under this subsection may not exceed the number of  
37 pieces of elver fishing gear held by individuals who held an elver fishing license in the

1 year prior to the previous calendar year, but did not hold an elver license in the previous  
2 calendar year.

3 A. The elver fishing license lottery must be held on or before February 15th of each  
4 calendar year beginning in 2018.

5 B. In order to be eligible for the elver fishing license lottery, a person must submit a  
6 lottery application together with a \$25 nonrefundable application fee no later than  
7 January 15th of the same calendar year as the lottery.

8 C. A person may submit no more than one elver fishing license lottery application  
9 per lottery year.

10 The commissioner shall adopt rules to implement the elver fishing license lottery. The  
11 rules must include provisions for the method and administration of the lottery. Rules  
12 adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375,  
13 subchapter 2-A.

14 Application fees collected under this subsection must be deposited in the Eel and Elver  
15 Management Fund under section 6505-D.

16 **Sec. 6. 12 MRSA §6505-A, sub-§3-A, ¶¶B and C**, as enacted by PL 2013, c.  
17 485, §7, are amended to read:

18 B. Establish the amount of the overall annual quota under paragraph A that is  
19 allocated to persons licensed under this section and specify a formula to establish  
20 individual quotas for persons licensed under this section. The formula may take into  
21 account the amount of elvers a person licensed under this section lawfully harvested  
22 in previous seasons based on final harvesting reports. The rules must specify the date  
23 by which harvester reports are considered final for the purpose of determining  
24 individual quotas; ~~and~~

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

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

31 D. Provide that individual quota allocations assigned to persons licensed under this  
32 section who held an elver fishing license in the year prior to the previous calendar  
33 year, but did not hold an elver fishing license in the previous calendar year, may be  
34 sold by auction by the department to any person licensed under this section. The  
35 revenues raised through an auction of an individual quota allocation must be  
36 deposited in the Eel and Elver Management Fund under section 6505-D.

37 **Sec. 8. 12 MRSA §6505-A, sub-§4**, as amended by PL 2013, c. 468, §25, is  
38 further amended to read:

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

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

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- B. For a person who is a nonresident, ~~\$442~~ \$542;
- C. For a person who is a resident with crew, ~~\$305~~ \$405; and
- D. For a person who is a nonresident with crew, ~~\$1,326~~ \$1,426.

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

**Sec. 9. Rulemaking.** The Commissioner of Marine Resources shall, by December 31, 2017, adopt rules to implement the Maine Revised Statutes, Title 12, section 6585-A, subsection 2-C.

**SUMMARY**

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This bill increases the fee for an elver fishing license by \$100. The revenue from the increase is deposited in the Eel and Elver Management Fund. The bill also reinstates a lottery for elver licenses based on the number of pieces of gear that are retired in the prior calendar year. It allows the Department of Marine Resources to charge an annual fee of up to \$25 for the elver transaction card used by harvesters for electronic reporting. It also authorizes the department to sell at auction a portion of the individual quota allocations that are associated with retired licenses to existing license holders, with the revenues of the sale to be deposited in the Eel and Elver Management Fund.