## MAINE STATE LEGISLATURE

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## 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 1130

H.P. 819

House of Representatives, March 7, 2019

An Act To Promote Equity in the Elver Aquaculture Quota

(EMERGENCY)

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

ROBERT B. HUNT

Clerk

Presented by Representative FAULKINGHAM of Winter Harbor. Cosponsored by Representative: McDONALD of Stonington.

Emergency preamble. Whereas, acts and resolves of the Legislature do not 1 2 become effective until 90 days after adjournment unless enacted as emergencies; and Whereas, the Department of Marine Resources must begin the process of 3 organizing a lottery and adopting any necessary rules as soon as possible to meet the 4 2020 application deadline established in this Act; and 5 Whereas, in the judgment of the Legislature, these facts create an emergency within 6 the meaning of the Constitution of Maine and require the following legislation as 7 immediately necessary for the preservation of the public peace, health and safety; now, 8 9 therefore, 10 Be it enacted by the People of the State of Maine as follows: **Sec. 1. 12 MRSA §6505-A, sub-§2-D** is enacted to read: 11 2-D. Lottery for aquaculture purposes; additional quota. If the Atlantic States 12 Marine Fisheries Commission establishes an elver quota to be allocated specifically for 13 use in aquaculture, the commissioner shall establish a lottery under which a person who is 14 licensed under this section may become eligible to fish this elver quota. An applicant to 15 the lottery shall submit a lottery application together with a \$35 nonrefundable 16 17 application fee no later than January 15th of the same calendar year as the lottery. An applicant may not submit more than one application for the lottery established under this 18 19 subsection. In any year in which a lottery is held for this purpose, the lottery must be held on or before February 15th. 20 21 The commissioner shall assign the quota allocated specifically for use in aquaculture in 5pound increments to each successful lottery applicant. A successful applicant shall sell all 22 elvers caught pursuant to this subsection to an aquaculture facility approved by the 23 24 commissioner. 25 The commissioner may adopt rules to implement the lottery under this subsection, including provisions for the method and administration of the lottery. Rules adopted 26 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, 27 28 subchapter 2-A. 29 Twenty-five dollars of the application fee collected under this subsection must be deposited in the Eel and Elver Management Fund established in section 6505-D and used 30 to fund a life-cycle study of the elver fishery. Ten dollars of the application fee may be 31 used by the department to fund the costs of administering the lottery. 32 33 **Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved. 34 **SUMMARY** 35 This bill requires the Commissioner of Marine Resources to establish an elver fishing 36 37 lottery if the Atlantic States Marine Fisheries Commission allocates an elver quota specifically for use in aquaculture. To be eligible to apply to the aquaculture lottery, a 38

person must hold a valid elver fishing license. The bill requires the commissioner to allocate the quota in 5-pound increments to each successful lottery applicant and requires that elvers caught as a result of this lottery be sold to an aquaculture facility approved by the commissioner. Twenty-five dollars of the \$35 application fee is required to be deposited in the Eel and Elver Management Fund for a life-cycle study of the elver fishery, and \$10 of the fee may be used by the department to fund the costs of administering the lottery.