MAINE STATE LEGISLATURE

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(Filing No. S-4/20)

3	MARINE RESOURCES
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	129TH LEGISLATURE
8	SECOND REGULAR SESSION
o	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT " A" to S.P. 667, L.D. 1925, Bill, "An Act To Make Technical Changes to Maine's Marine Resources Laws"
11	Amend the bill by striking out all of section 1 and inserting the following:
12 13	'Sec. 1. 12 MRSA §6302-B, sub-§2, ¶A, as enacted by PL 2015, c. 391, §6, is amended by amending subparagraph (4) to read:
14 15 16 17 18 19 20 21 22 23	(4) When the quota established under subsection 1 is reached, the department shall notify the tribe, nation or band. The commissioner may use the data collected from the elver transaction cards issued under subparagraph (1) to determine whether the overall annual quota established under subsection 1 has been reached. When the quota established under subsection 1 is reached, the holder of a license issued by the tribe, nation or band under section 6302-A, subsection 3 may not thereafter take, possess or sell elvers. Taking, possessing or selling elvers after the quota established under subsection 1 is reached is deemed a violation by the license holder of the prohibition on fishing in excess of the person's individual quota in section 6505-A, subsection 3-A.'
24	Amend the bill by striking out all of sections 5 to 7 and inserting the following:
25 26	'Sec. 5. 12 MRSA §6505-A, sub-§1-C, as amended by PL 2017, c. 250, §2, is further amended to read:
27 28 29 30 31	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

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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

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- Sec. 6. 12 MRSA §6575-K, sub-§1, as amended by PL 2015, c. 131, §2, is further amended to read:

1. Prohibition on possession or sale of elvers in excess of elver individual fishing

quota. A person may not possess or sell a weight of elvers that exceeds in excess of the elver individual fishing quota that person has been allocated for the fishing season pursuant to section 6505-A, subsection 3-A, plus any additional quota the person may be authorized to take under section 6575-L. After a person's elver transaction card issued pursuant to section 6505-A, subsection 1-C has been used to record transactions equal to or in excess of the elver quota allocated to that person, that person may not possess or sell

Sec. 7. 12 MRSA §6575-K, sub-§2, as amended by PL 2015, c. 131, §2, is further amended to read:

2. Prohibition on fishing after elver individual fishing quota has been reached. Except as provided in section 6575-L, this section applies to fishing after a person's elver individual fishing quota has been reached. A person who has sold a weight of elvers that meets or exceeds equal to or in excess of that person's elver individual fishing quota may not fish for or possess elvers for the remainder of the season, except that such a person who has been issued a license to fish for elvers may in accordance with section 6575-D assist another person who has been issued a license to fish for elvers who has not met or exceeded that person's elver individual fishing quota as provided in section 6505-A, subsection 3-A. After a person's elver transaction card issued pursuant to section 6505-A, subsection 1-C has been used to record transactions equal to or in excess of the elver quota allocated to that person, that person may not fish for elvers. All gear tagged by a license holder who has met or exceeded that person's elver individual fishing quota must be removed. A marine patrol officer may seize the elver transaction card of a license holder who has met or exceeded that person's elver individual fishing quota.'

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

SUMMARY

This amendment clarifies language related to the elver quota. Specifically, it does the following.

1. It allows the Commissioner of Marine Resources to use data collected from the elver transaction cards to determine whether the overall annual quota has been reached for federally recognized Indian tribes in the State.

2. It specifies that a person may not possess or sell elvers when that person's elver transaction card has been used to record transactions equal to or in excess of the elver quota allocation to that person.

3. It specifies that a person may not fish for or possess elvers for the remainder of the season when that person's elver transaction card has been used to record sales of elvers in an amount equal to or in excess of the elver quota allocation to that person.

FISCAL NOTE REQUIRED (See attached)

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COMMITTEE AMENDMENT



129th MAINE LEGISLATURE

LD 1925

LR 3018(02)

An Act To Make Technical Changes to Maine's Marine Resources Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"(S-4)26)
Committee: Marine Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Marine Resources as a result of changes to the laws governing elver quotas are anticipated to be minor and can be absorbed within existing budgeted resources.