

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 920

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S.P. 391

In Senate, March 2, 2023

**An Act to Allow Holders of Elver Fishing Licenses to Fish on Behalf  
of Other Elver Fishing License Holders**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator RENY of Lincoln.

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

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

3 **1-G. Fishing on behalf of another license holder.** Notwithstanding any other  
4 provision of this section to the contrary, a holder of an elver fishing license may allow on  
5 that license holder's behalf another holder of an elver fishing license to perform the licensed  
6 activities under this section. The license holder who is fishing must be in possession of the  
7 other license holder's elver fishing license and elver transaction card.

8 **Sec. 2. 12 MRSA §6505-A, sub-§3-A,** as amended by PL 2015, c. 131, §1, is  
9 further amended to read:

10 **3-A. Elver fishing quotas.** The commissioner may adopt rules to establish, implement  
11 and administer an elver individual fishing quota system in order to ensure that the elver  
12 fishery annual landings do not exceed the overall annual quota established by the Atlantic  
13 States Marine Fisheries Commission. Except as provided in subsection 3-B and section  
14 6575-L, a person issued a license under this section or section 6302-A, subsection 3,  
15 paragraph E, E-1, F or G may not take, possess or sell elvers in excess of the weight quota  
16 allocated to that person under the quota system. The rules must:

17 A. Establish an overall annual quota for the State;

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

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

30 If persons issued licenses under this section collectively exceed the overall annual quota  
31 allocated to those persons pursuant to paragraph B, the number of pounds by which the  
32 license holders exceeded that overall annual quota must be deducted from the following  
33 year's overall annual quota allocated to persons licensed under this section. If the overage  
34 exceeds the overall annual quota allocated to persons licensed under this section for the  
35 following year, the overage must be deducted from the overall annual quota allocated to  
36 persons licensed under this section in subsequent years until the entire overage has been  
37 accounted for.

38 The commissioner may adopt or amend rules on an emergency basis if immediate action is  
39 necessary to establish and implement the elver individual fishing quota in advance of the  
40 beginning of the elver fishing season.

41 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
42 chapter 375, subchapter 2-A.

43 **Sec. 3. 12 MRSA §6505-A, sub-§3-B** is enacted to read:

1 **3-B. Quota exceptions.** Notwithstanding any other provision of this section to the  
2 contrary, a holder of an elver fishing license that is fishing on behalf of another license  
3 holder pursuant to subsection 1-G may not take, possess or sell more than the combined  
4 quotas authorized under that holder's own license and under the license of the holder for  
5 whom they are fishing or selling.

6 **SUMMARY**

7 This bill allows a holder of an elver fishing license to allow on that license holder's  
8 behalf another elver fishing license holder to fish for, take, possess and sell elvers. The  
9 license holder performing these licensed activities must be in possession of the other license  
10 holder's license and elver transaction card. The bill also allows the holder of the elver  
11 fishing license who is fishing on behalf of another license holder to take, possess or sell up  
12 to the combined quotas of the 2 licenses.