

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
MARINE RESOURCES**

JUNE 1996

MEMBERS:

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Sen. Jill M. Goldthwait
Sen. Rochelle M. Pingree*

*Rep. Theone F. Look, Chair
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Rep. Chester A. Rice*

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ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
June 1996

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Joint Standing Committee on Marine Resources

LD 185

An Act Regarding the Harvesting of Eels and Elvers

PUBLIC 536
EMERGENCY

Sponsor(s)
HEINO
LOOK

Committee Report
OTP-AM

Amendments Adopted
H-759
H-763

LD 185 proposed to regulate the taking of eels by making it illegal to possess an eel that is less than 6 inches in length.

Committee Amendment "A" (H-759) proposed to strike the bill and replace it with the following provisions.

Part A proposed to repeal the eel fishing license in effect at the time for coastal waters and enact 2 new licenses for eel fishing in the coastal waters:

1. An elver fishing license with fees of \$33 for residents and \$1,000 for nonresidents; and
2. An eel harvesting license with a fee of \$100 for residents and nonresidents.

The amendment proposed to define elvers as eels less than 6 inches in length. The amendment also proposed to enact an elver dealer's license with a fee of \$1,000 for residents and nonresidents.

The amendment proposed to define the terms "elver fyke net," "Sheldon eel trap" and "dip net" and limit the method of fishing for elvers to those nets and traps. It proposed to limit the method of fishing for eels in coastal waters to eel pots and hoop nets. The amendment proposed to limit to 5 the number of elver fyke nets, Sheldon eel traps or any combination of nets and traps an elver license holder may use. It also proposed to enact fees for the use of elver fyke nets and Sheldon eel traps of \$100 per net or trap for the first or 2nd net or trap used and \$200 per net or trap for the 3rd, 4th or 5th net or trap used. The amendment also proposed to enact a \$75 per net fee for the use of dip nets.

The amendment proposed to dedicate revenues from the elver fishing license, the eel pot fishing license, the elver fyke and dip net fees and the elver dealer license to the Eel and Elver Management Fund. The fund could be used by the Commissioner of Marine Resources to support research and management of eel and elver resources and enforcement of the eel and elver laws. Expenditures from the fund would be in accordance with a management plan that would be reviewed by the joint standing committee of the Legislature having jurisdiction over marine resource matters.

The amendment proposed to limit the harvesting of elvers to the State's coastal waters. It also proposed to enact a season for elver fishing that runs from noon of March 15th to midnight of June 15th. It proposed to prohibit the harvesting of elvers from noon on Saturdays to noon on Sundays. It proposed to prohibit the setting of any fyke nets or Sheldon eel traps from February 15th to noon of March 15th and it proposed to prohibit claiming any elver fishing locations from February 15th to noon of March 15th.

The amendment proposed to prohibit fishing for elvers from boats, although it would allow nets, traps and gear to be transported by boat. It proposed to prohibit a person who fishes for elvers with a dip net from fishing while standing in the water of a river, brook or stream. It proposed to prohibit fishing for elvers in the middle 3rd of coastal rivers, streams or brooks, as measured at mean high tide. It proposed to prohibit the use of dip nets in the mouths of elver fyke nets. It proposed to prohibit fishing for elvers within 150 feet of a dam with a fishway, within 150 feet of a fishway and within 50 feet of a licensed alewife trap.

It proposed to require a person to affix to each elver fyke net and Sheldon eel trap a tag issued by the Department of Marine Resources. The amendment also proposed to prohibit a person other than a net tag holder from tending a net unless the person has written permission to do so or is in the presence of the tag holder and has permission to do so.

The amendment also proposed to enact a violation for molesting an elver fyke net. A violation would carry a minimum \$500 fine. In addition, the commissioner would be required to suspend for one year the elver fishing license of a person convicted of molesting a fyke net.

Part B of this amendment proposed to implement the recommendations of the Joint Standing Committee on Inland Fisheries and Wildlife with respect to management of the eel and elver fishery in inland waters.

The amendment proposed to prohibit the taking of elvers in inland waters, limit the eligibility for eel weir permits over the next 5 years to persons who held that permit in 1995, prohibit the use of traps and spears when harvesting eels in inland waters and increase the annual freshwater eel pot and eel weir permit fee to \$100. Money from eel pot and eel weir permits sold during calendar years 1996, 1997, 1998, 1999 and 2000 would be deposited into the Eel and Elver Management Fund that would be administered by the Department of Marine Resources in coordination with the Department of Inland Fisheries and Wildlife.

House Amendment "B" to Committee Amendment "A" (H-763) proposed to amend the committee amendment by changing the nonresident elver license fee from \$1,000 to \$334. It also proposed to change the conditions under which a person could tend an elver net or trap for another person. The amendment proposed to require a tender to have an elver fishing license and either be in the presence of the net or trap owner and have verbal permission or have written permission from a marine patrol officer to tend the owner's net or trap. The officer could issue written permission if the net or trap owner can not tend the net or trap because of a disability or personal or family medical condition.

Enacted law summary

Public Law 1995, chapter 536 enacts a variety of provisions relating to the harvesting of elvers and eels.

Part A repeals the eel fishing license in effect at the time for coastal waters and enacts 2 new licenses for eel fishing in the coastal waters:

1. An elver fishing license with fees of \$33 for residents and \$334 for nonresidents; and
2. An eel harvesting license with a fee of \$100 for residents and nonresidents.

The law defines elvers as eels less than 6 inches in length. The law also enacts an elver dealer's license with a fee of \$1,000 for residents and nonresidents.

The law defines the terms "elver fyke net," "Sheldon eel trap" and "dip net" and limits the method of fishing for elvers to those nets and traps. It limits the method of fishing for eels in coastal waters to eel pots and hoop nets. The law limits to 5 the number of elver fyke nets, Sheldon eel traps or any combination of nets and traps an elver license holder may use. It also enacts fees for the use of elver fyke nets and Sheldon eel traps of \$100 per net or trap for the first or 2nd net or trap used and \$200 per net or trap for the 3rd, 4th or 5th net or trap used. The law enacts a \$75 per net fee for the use of dip nets.

The law dedicates revenues from the elver fishing license, the eel pot fishing license, the elver fyke and dip net fees and the elver dealer license to the Eel and Elver Management Fund. The fund may be used by the Commissioner of Marine Resources to support research and management of eel and elver resources and enforcement of the eel and elver laws. Expenditures from the fund must be in accordance with a management plan that is reviewed by the joint standing committee of the Legislature having jurisdiction over marine resource matters. The law limits the harvesting of elvers to the State's coastal waters. It also enacts a season for elver fishing that runs from noon of March 15th to midnight of June 15th. It prohibits the harvesting of elvers from noon on Saturdays to noon on Sundays. It prohibits the setting of any fyke nets or Sheldon eel traps from February 15th to noon of March 15th and it prohibits claiming any elver fishing locations from February 15th to noon of March 15th.

The law prohibits fishing for elvers from boats, although it allows nets, traps and gear to be transported by boat. It prohibits a person who fishes for elvers with a dip net from fishing while standing in the water of a river, brook or stream. It prohibits fishing for elvers in the middle 3rd of coastal rivers, streams or brooks, as measured at mean high tide. It prohibits the use of dip nets in the mouths of elver fyke nets. It prohibits fishing for elvers within 150 feet of a dam with a fishway, within 150 feet of a fishway and within 50 feet of a licensed alewife trap.

It requires a person to affix to each elver fyke net and Sheldon eel trap a tag issued by the Department of Marine Resources. The law also prohibits a person other than a net tag holder from tending a net unless the person has written permission to do so or is in the presence of the tag holder and has permission to do so.

The law also enacts a violation for molesting an elver fyke net. A violation carries a minimum \$500 fine. In addition, the commissioner is required to suspend for one year the elver fishing license of a person convicted of molesting a fyke net.

It also requires a tender to have an elver fishing license and either be in the presence of the net or trap owner and have verbal permission or have written permission from a marine patrol officer to tend the owner's net or trap. The officer may issue written permission if the net or trap owner can not tend the net or trap because of a disability or personal or family medical condition.

Part B of the law deals with the management of the eel and elver fishery in inland waters. The law prohibits the taking of elvers in inland waters, limits the eligibility for eel weir permits over the next 5 years to persons who held that permit in 1995, prohibits the use of traps and spears when harvesting eels in inland waters and increases the annual freshwater eel pot and eel weir permit fee to \$100. Money from eel pot and eel weir permits sold during calendar years 1996, 1997, 1998, 1999 and 2000 is deposited into the Eel and Elver Management Fund that is administered by the Department of Marine Resources in coordination with the Department of Inland Fisheries and Wildlife.

Chapter 536 was enacted as an emergency measure effective March 14, 1996.