



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1027

H.P. 710

House of Representatives, March 24, 2015

An Act To Create an Elver Exporter's License

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative KUMIEGA of Deer Isle.
Cosponsored by Senator MIRAMANT of Knox and
Representative: PIERCE of Dresden.

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

2 **Sec. 1. 12 MRSA §6864, sub-§1**, as amended by PL 2011, c. 549, §9, is further
3 amended to read:

4 **1. License required.** A person may not buy, possess, ~~ship~~, transport within state
5 limits or sell elvers without an elver dealer's license. It is unlawful for a person to possess
6 elvers prior to the beginning of the elver season ~~and~~ or to possess elvers 5 days beyond
7 the end of the elver season pursuant to section 6575.

8 **Sec. 2. 12 MRSA §6864, sub-§2**, as amended by PL 2013, c. 301, §21, is further
9 amended to read:

10 **2. License limited.** An elver dealer's license authorizes the licensed activities at
11 only one permanent facility. For the purposes of this section, "permanent facility" means
12 a permanent building that is owned or legally leased by the license holder and is not a
13 dwelling. A permanent facility must have holding tanks with water and aeration suitable
14 to hold elvers.

15 **Sec. 3. 12 MRSA §6864, sub-§3**, as amended by PL 2013, c. 468, §36, is further
16 amended to read:

17 **3. Supplemental license.** A supplemental license must be obtained for each vehicle
18 or additional permanent facility. Beginning with the 2015 elver fishing season, a
19 supplemental license authorizes a person to buy elvers from a person licensed under
20 subsection 1 at the permanent facility identified on that person's license or to possess,
21 ~~ship~~, transport within state limits or sell elvers.

22 **Sec. 4. 12 MRSA §6864, sub-§7-B** is enacted to read:

23 **7-B. Use of elver dealer transaction card required.** The department shall issue to
24 a dealer licensed under this section an elver dealer transaction card for each dealer license
25 and for each supplemental license to record all sales, purchases and transportation of
26 elvers. All transfers of elvers between any license type requires the use of an elver dealer
27 transaction card, including all transactions between holders of elver dealer licenses and
28 holders of elver dealer supplemental licenses. A person licensed in accordance with this
29 section must have access to an operational Internet connection when using an elver dealer
30 transaction card to buy, sell or transport elvers.

31 **Sec. 5. 12 MRSA §6864, sub-§§9 and 11**, as enacted by PL 2011, c. 549, §9, are
32 amended to read:

33 **9. Authorized representatives.** A person who holds an elver dealer's license may
34 identify authorized representatives to act on the license holder's behalf to purchase elvers
35 at ~~locations other than~~ the permanent facility. The elver dealer's license holder must
36 identify authorized representatives on forms provided by the department.

37 **11. Shipment or transport of elvers outside state limits.** A person who holds an
38 elver dealer's license or the elver dealer's license holder's authorized representative under

1 subsection 9 who is licensed under section 6865, subsection 9 must transport elvers to a
2 permanent facility identified on the license holder's license prior to shipping or
3 transporting elvers outside state limits.

4 **Sec. 6. 12 MRSA §6865** is enacted to read:

5 **§6865. Elver exporter's license**

6 **1. License required.** A person may not engage in the activities authorized under
7 this section without an elver exporter's license.

8 **2. License activities.** A person who holds an elver exporter's license may buy elvers
9 from a person licensed under section 6864 and transport elvers beyond the state limits.

10 **3. License limited.** An elver exporter's license authorizes the licensed activities on
11 only one vehicle, owned, leased or rented by the license holder.

12 **4. Use of transaction card required.** The department shall issue to an exporter
13 licensed under this section an elver dealer transaction card to record all sales and
14 purchase transactions involving another person licensed in accordance with section 6864.
15 A person licensed in accordance with this section may not buy or transfer elvers to or
16 from another individual licensed in accordance with section 6864 without using an elver
17 dealer transaction card. A person licensed in accordance with this section must have
18 access to an operational Internet connection when using an elver dealer transaction card
19 to buy or sell elvers.

20 **5. Fee.** The fee for an elver exporter's license is \$5,000.

21 **6. Disposition of fees.** All fees collected under this section accrue to the Eel and
22 Elver Management Fund established in section 6505-D.

23 **7. Violation.** A person who violates this section commits a Class D crime for which
24 a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this
25 section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

26 **8. Records.** An exporter licensed under this section shall maintain records as
27 specified by the commissioner in rule. Rules adopted pursuant to this subsection are
28 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

29 **9. Authorized representatives.** A person who holds an elver exporter's license may
30 identify authorized representatives to act on the license holder's behalf to transport elvers
31 beyond state limits. The elver exporter's license holder must identify authorized
32 representatives on forms provided by the department.

33 **SUMMARY**

34 This bill creates a new license for elver dealers who are exporting elvers out of the
35 State.