



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1130

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H.P. 819

House of Representatives, March 7, 2019

### An Act To Promote Equity in the Elver Aquaculture Quota

(EMERGENCY)

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

A handwritten signature in black ink that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

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

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** the Department of Marine Resources must begin the process of  
4 organizing a lottery and adopting any necessary rules as soon as possible to meet the  
5 2020 application deadline established in this Act; and

6           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
7 the meaning of the Constitution of Maine and require the following legislation as  
8 immediately necessary for the preservation of the public peace, health and safety; now,  
9 therefore,

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

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

12           **2-D. Lottery for aquaculture purposes; additional quota.** If the Atlantic States  
13 Marine Fisheries Commission establishes an elver quota to be allocated specifically for  
14 use in aquaculture, the commissioner shall establish a lottery under which a person who is  
15 licensed under this section may become eligible to fish this elver quota. An applicant to  
16 the lottery shall submit a lottery application together with a \$35 nonrefundable  
17 application fee no later than January 15th of the same calendar year as the lottery. An  
18 applicant may not submit more than one application for the lottery established under this  
19 subsection. In any year in which a lottery is held for this purpose, the lottery must be  
20 held on or before February 15th.

21           The commissioner shall assign the quota allocated specifically for use in aquaculture in 5-  
22 pound increments to each successful lottery applicant. A successful applicant shall sell all  
23 elvers caught pursuant to this subsection to an aquaculture facility approved by the  
24 commissioner.

25           The commissioner may adopt rules to implement the lottery under this subsection,  
26 including provisions for the method and administration of the lottery. Rules adopted  
27 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
28 subchapter 2-A.

29           Twenty-five dollars of the application fee collected under this subsection must be  
30 deposited in the Eel and Elver Management Fund established in section 6505-D and used  
31 to fund a life-cycle study of the elver fishery. Ten dollars of the application fee may be  
32 used by the department to fund the costs of administering the lottery.

33           **Emergency clause.** In view of the emergency cited in the preamble, this  
34 legislation takes effect when approved.

35 **SUMMARY**

36           This bill requires the Commissioner of Marine Resources to establish an elver fishing  
37 lottery if the Atlantic States Marine Fisheries Commission allocates an elver quota  
38 specifically for use in aquaculture. To be eligible to apply to the aquaculture lottery, a

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