

Date:

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## MARINE RESOURCES

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### STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 8, L.D. 44, “An Act to Amend the Laws Pertaining to Elver Fishing”

Amend the bill by striking out all of the emergency preamble.

Amend the bill by striking out all of section 1.

Amend the bill by striking out all of section 3 and inserting the following:

**'Sec. 3. 12 MRSA §6505-A, sub-§2, ¶F,** as amended by PL 2017, c. 250, §4, is further amended to read:

F. Becomes eligible to obtain an elver fishing license pursuant to the elver lottery under subsection 2-C and who has completed any educational requirements established under section 6505-E.'

Amend the bill by striking out all of section 5 and inserting the following:

**'Sec. 5. 12 MRSA §6505-A, sub-§3-A,** as amended by PL 2015, c. 131, §1, and PL 2023, c. 369, Pt. A, §4 and affected by §5, is further amended to read:

**3-A. Elver fishing quotas.** The commissioner may adopt rules to establish, implement and administer an elver individual fishing quota system in order to ensure that the elver fishery annual landings do not exceed the overall annual quota established by the Atlantic States Marine Fisheries Commission. Prior to allocating any portion of the overall annual quota for the State established pursuant to paragraph A, the commissioner may withhold up to 1% of the available overall annual quota. Except as provided in section 6575-L, a person issued a license under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not take, possess or sell elvers in excess of the weight quota allocated to that person under the quota system. The rules must:

A. Establish an overall annual quota for the State;

B. Establish the amount of the overall annual quota under paragraph A that is allocated to persons licensed under this section and specify a formula to establish individual quotas for persons licensed under this section. The formula may take into account the

1 amount of elvers a person licensed under this section lawfully harvested in previous  
2 seasons based on final harvesting reports. The rules must specify the date by which  
3 harvester reports are considered final for the purpose of determining individual quotas;  
4 and

5 C. Provide, in accordance with section 6302-B, that 21.9% of the overall annual quota  
6 under paragraph A is allocated to the federally recognized Indian tribes in the State and  
7 establish the amount of that portion of the overall annual quota allocated to the  
8 Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians  
9 and the Mi'kmaq Nation.

10 If persons issued licenses under this section collectively exceed the overall annual quota  
11 allocated to those persons pursuant to paragraph B, the number of pounds by which the  
12 license holders exceeded that overall annual quota must be deducted from the following  
13 year's overall annual quota allocated to persons licensed under this section. If the overage  
14 exceeds the overall annual quota allocated to persons licensed under this section for the  
15 following year, the overage must be deducted from the overall annual quota allocated to  
16 persons licensed under this section in subsequent years until the entire overage has been  
17 accounted for.

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

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

23 **Sec. 6. 12 MRSA §6505-E** is enacted to read:

24 **§6505-E. Elver handling training course**

25 Prior to the issuance of an elver fishing license, the commissioner may require an  
26 applicant to complete an educational course that the commissioner determines appropriate  
27 to provide necessary information regarding the proper handling of elvers to ensure  
28 survivability.'

29 Amend the bill by striking out all of the emergency clause.

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

32 **SUMMARY**

33 This amendment removes the emergency preamble and emergency clause from the bill.  
34 The amendment allows the Commissioner of Marine Resources to require certain  
35 applicants for an elver fishing license to complete an educational course and gives the  
36 commissioner the authority to withhold up to 1% of the available overall annual elver quota  
37 for the State before allocating any portion of the overall annual quota. The amendment also  
38 removes limits on possession of elvers established by the bill and removes the changes  
39 regarding the suspension of a license or certificate made by the bill.

40 The amendment also removes from the bill the provision permitting an elver fishing  
41 license holder to whom a fyke net tag is issued to allow another license holder to empty the  
42 fyke net of the tag holder under the tag holder's supervision.