

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 8 - L.D. 44

An Act to Amend the Laws Pertaining to Elver Fishing

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

Sec. 1. 12 MRSA §6505-A, sub-§1, as amended by PL 2013, c. 485, §5, is further amended by repealing the first blocked paragraph.

Sec. 2. 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.

Sec. 3. 12 MRSA §6505-A, sub-§2-C, as enacted by PL 2017, c. 250, §6, is amended to read:

2-C. Elver license lottery. The commissioner shall establish an elver fishing license lottery under which a person may become eligible for that license under subsection 2, paragraph F. An applicant to the lottery must submit a lottery application together with a \$35 nonrefundable application fee no later than January 15th of the same calendar year as the lottery. An applicant may not submit more than 5 elver fishing license lottery applications per lottery year. In any year in which a lottery is held, the lottery must be held on or before ~~February~~ March 15th.

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

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

Sec. 4. 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 amount of elvers a person licensed under this section lawfully harvested in previous seasons based on final harvesting reports. The rules must specify the date by which harvester reports are considered final for the purpose of determining individual quotas; and
- C. Provide, in accordance with section 6302-B, that 21.9% of the overall annual quota under paragraph A is allocated to the federally recognized Indian tribes in the State and establish the amount of that portion of the overall annual quota allocated to the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Mi'kmaq Nation.

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

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

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

Sec. 5. 12 MRSA §6505-E is enacted to read:

§6505-E. Elver handling training course

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