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An Act Relating to Elver Fishing

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

Whereas, it is necessary that this legislation be enacted as an emergency measure prior to March 22, 2006 so that the changes to the elver fishing laws take effect before the open season begins; and

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

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

Sec. 1. 12 MRSA §6505-A, sub-§2, as amended by PL 1999, c. 534, §1, is further amended to read:

2. Eligibility. An elver fishing license may be issued only to an individual who:

C. Possessed an elver fishing license in the previous calendar year; or

D. Becomes eligible to obtain an elver fishing license pursuant to a lottery under subsection 2-A.

The department may not issue more than 827286 elver fishing licenses each for the 2006 elver fishing season. The number of licenses that may be issued in subsequent years is subject to the rulemaking authorized under subsection 2-A.

Sec. 2. 12 MRSA §6505-A, sub-§2-A, as enacted by PL 1999, c. 534, §2, is amended to read:

2-A. Elver license lottery. The commissioner shall establish a lottery system under which a person who did not hold an elver fishing license in the previous calendar year may become eligible to obtain that license. The number of persons awarded eligibility in at the lottery for the 2006 elver fishing season may not cause the total number of elver fishing licenses issued to exceed 827286. The commissioner shall adopt rules establishing the total number of elver fishing licenses for subsequent years. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. A person is eligible to enter the lottery for a 2000 elver fishing license if that person held an elver fishing license issued under this section for at least 2 of the 3 years of 1996, 1997 and 1998. An eligible person wishing to enter the lottery for 2000 shall submit a lottery application no later than March 10, 2000 on forms provided by the commissioner. The commissioner shall hold the lottery by March 15, 2000 and the lottery must be a public drawing by random selection from all eligible applicants. The number of persons awarded 2000 elver fishing licenses in the lottery may not exceed 86.

B. Beginning with the 2001 elver fishing season and in subsequent years, any person is eligible to enter the lottery, except that a person who is issued a license pursuant to subsection 2, paragraph C may not enter the lottery. The commissioner shall adopt rules to implement a lottery system beginning with the 2001 elver fishing season under which a person who did not hold an elver fishing license in the previous calendar year may become eligible to obtain that license. The rules for a lottery system must include provisions for the method and administration of a lottery. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter H-A2-A.

Sec. 3.12 MRSA §6575, sub-§1, as amended by PL 1999, c. 7, §7, is further amended to read:

1. Open season. It is unlawful for a person to fish for or take elvers within the waters of the State except during the open season from noon on ~~March 22nd~~April 5th to noon on ~~May 31st~~June 14th.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

This bill reduces the number of elver fishing licenses that the Department of Marine Resources may issue for the 2006 season and requires the Commissioner of Marine Resources to establish by rule the total number of elver fishing licenses for subsequent years. The bill also changes the open season for elver fishing by moving it 2 weeks later in the calendar year.