

§6505-A. Elver fishing license

1. License required. Except as provided in section 6302-A and section 6302-B, a person may not engage in the activities authorized under subsection 1-A unless the person is issued one of the following elver fishing licenses under this section:

- A. A resident elver fishing license for one device; [PL 2003, c. 452, Pt. F, §11 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- B. A resident elver fishing license for 2 devices; [PL 2003, c. 452, Pt. F, §11 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- C. A nonresident elver fishing license for one device; [PL 2013, c. 468, §23 (AMD).]
- D. A nonresident elver fishing license for 2 devices; [PL 2013, c. 468, §23 (AMD).]
- E. A resident elver fishing license with crew for one device; [PL 2013, c. 468, §23 (NEW).]
- F. A resident elver fishing license with crew for 2 devices; [PL 2013, c. 468, §23 (NEW).]
- G. A nonresident elver fishing license with crew for one device; or [PL 2013, c. 468, §23 (NEW).]
- H. A nonresident elver fishing license with crew for 2 devices. [PL 2013, c. 468, §23 (NEW).]

The department may not issue a license under paragraph E, F, G or H until January 1, 2015. [PL 2013, c. 485, §5 (AMD).]

1-A. Licensed activity. The holder of an elver fishing license or elver fishing license with crew may fish for, take or possess elvers. The holder of an elver fishing license or elver fishing license with crew may transport and sell within state limits elvers that the license holder has taken. The holder of an elver fishing license with crew is liable for the licensed activities under this subsection of an unlicensed crew member assisting that license holder pursuant to subsection 1-B. The license holder to whom a tag is issued or the unlicensed crew member may empty an elver fyke net. [PL 2023, c. 81, §1 (AMD).]

1-B. License limitations. An elver fishing license with crew authorizes the license holder to engage in the licensed activities under subsection 1-A. The holder of an elver fishing license with crew may engage one unlicensed crew member to assist the license holder only in certain activities as authorized by rule, and the unlicensed crew member may assist only under the direct supervision of the license holder. [PL 2013, c. 468, §24 (NEW).]

1-C. Elver transaction card issued. The department may issue an elver transaction card to each license holder under this section and to each license holder under section 6302-A, subsection 3, paragraphs E, E-1, F and G in accordance with section 6302-B. The department may charge each license holder an annual fee for the elver transaction card that may not exceed \$35. Fees collected under this subsection must be deposited in the Eel and Elver Management Fund under section 6505-D. The license holder shall use the elver transaction card to meet electronic reporting requirements established by rule pursuant to section 6173. The elver transaction card must include the license holder's name and landings number. [PL 2019, c. 642, §5 (AMD).]

1-D. Use of elver transaction card required. The holder of an elver fishing license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not sell or transfer elvers the license holder has taken to an elver dealer licensed under section 6864 unless the holder of the elver fishing license presents to the elver dealer the elver transaction card issued to that person under subsection 1-C and that card is used to record the transaction between the license holder and the dealer so that the amount of elvers transferred or sold is deducted from the license holder's quota.

[PL 2019, c. 163, §5 (AMD).]

1-E. Elver transaction card limited. A person may not possess an elver transaction card unless that person holds a license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G and the elver transaction card was issued to that person pursuant to subsection 1-C.

[PL 2013, c. 468, §24 (NEW).]

1-F. Licenses issued. The commissioner may issue up to 425 elver fishing licenses each year under this section.

[PL 2017, c. 250, §3 (NEW).]

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

A. [PL 1999, c. 534, §1 (RP).]

B. [PL 1999, c. 534, §1 (RP).]

C. Possessed an elver fishing license in the previous calendar year; [PL 2011, c. 549, §3 (AMD).]

D. [PL 2005, c. 533, §1 (RP).]

E. Did not possess an elver fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year; or [PL 2011, c. 549, §3 (AMD).]

F. Becomes eligible to obtain an elver fishing license pursuant to the elver lottery under subsection 2-C. [PL 2017, c. 250, §4 (AMD).]

[PL 2017, c. 250, §4 (AMD).]

2-A. Elver license lottery.

[PL 2005, c. 533, §2 (RP).]

2-B. Elver lotteries.

[PL 2017, c. 250, §5 (RP).]

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 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.

[PL 2017, c. 250, §6 (NEW).]

3. Limits on issuance.

[PL 2013, c. 8, §3 (RP).]

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. 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; [PL 2013, c. 485, §7 (NEW).]
- 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 [PL 2013, c. 485, §7 (NEW).]
- 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. [PL 2013, c. 485, §7 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

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.

[PL 2015, c. 131, §1 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

4. Fees.

[PL 2017, c. 284, Pt. EEEEE, §7 (RP); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

4-A. License fee. Fees for elver fishing licenses are:

- A. For a resident elver fishing license for one device, \$55; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]
- B. For a resident elver fishing license for 2 devices, \$63; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]
- C. For a nonresident elver fishing license for one device, \$392; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]
- D. For a nonresident elver fishing license for 2 devices, \$400; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]
- E. For a resident elver fishing license with crew for one device, \$105; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]
- F. For a resident elver fishing license with crew for 2 devices, \$113; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

G. For a nonresident elver fishing license with crew for one device, \$1,126; and [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

H. For a nonresident elver fishing license with crew for 2 devices, \$1,134. [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]
[PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

4-B. License surcharge. In addition to the license fee established in subsection 4-A, the commissioner shall assess a surcharge on each license issued under this section as follows:

A. For an elver fishing license issued under subsection 4-A, paragraphs A to D, \$150; and [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

B. For an elver fishing license issued under subsection 4-A, paragraphs E to H, \$300. [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

The surcharge fees collected under this subsection must be deposited in the Eel and Elver Management Fund established under section 6505-D.

[PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

5. Gear. A person issued a license under this section may utilize one elver fyke net, one Sheldon eel trap or one dip net to fish for or take elvers without paying the fee required for a first net or trap pursuant to section 6505-B. A license issued under this section must identify the number and types of nets that the license holder may use pursuant to this section, section 6505-B and section 6575-B. [PL 2015, c. 391, §8 (AMD).]

5-A. Possession of elvers. The holder of an elver fishing license may possess elvers only during the open season established in section 6575 and for up to 6 hours beyond the end of the open season. [PL 2013, c. 301, §10 (NEW).]

6. Minimum age. A person who is under 15 years of age may not fish for or take elvers. [PL 2001, c. 421, Pt. B, §28 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

7. Nonresident licenses; reciprocity with other states. A nonresident is eligible to purchase an elver fishing license only if the nonresident documents to the commissioner that the nonresident's state of residence allows Maine residents to purchase an elver license and fish for elvers in that state. [PL 1999, c. 7, §5 (NEW).]

8. Violation.

[PL 2013, c. 49, §8 (RP).]

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

[PL 2013, c. 49, §9 (NEW).]

SECTION HISTORY

PL 1995, c. 536, §A8 (NEW). PL 1997, c. 297, §§1,2 (AMD). PL 1999, c. 7, §§2-5 (AMD). PL 1999, c. 534, §§1-3 (AMD). PL 2001, c. 421, §§B27-29 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW7 (AMD). PL 2003, c. 452, §F11 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 533, §§1,2 (AMD). PL 2007, c. 615, §15 (AMD). PL 2009, c. 213, Pt. G, §6 (AMD). PL 2011, c. 549, §§3-5 (AMD). PL 2013, c. 8, §§2, 3 (AMD). PL 2013, c. 49, §§8, 9 (AMD). PL 2013, c. 301, §§9, 10 (AMD). PL 2013, c. 468, §§23-25 (AMD). PL 2013, c. 485, §§5-7 (AMD). PL 2015, c. 131, §1 (AMD). PL 2015, c. 391, §8 (AMD). PL 2017, c. 250, §§2-7 (AMD). PL 2017, c. 284, Pt. EEEEE, §§7, 8 (AMD). PL 2017, c. 284, Pt. EEEEE, §31 (AFF). PL 2019, c. 163, §5 (AMD). PL 2019, c. 642, §5 (AMD). PL 2023, c. 81, §1 (AMD). PL 2023, c. 369, Pt. A, §4 (REV). PL 2023, c. 369, Pt. A, §5 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.