OFFICE OF
THE GOVERNOR

NO. 21 FY 19/20
DATE March 25, 2020

AN ORDER REGARDING CERTAIN ELVER FISHING LAWS

WHEREAS, I proclaimed a state of emergency on March 15, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the many different effects of COVID-19; and

WHEREAS, the governor's emergency powers expressly include under 37-B M.R.S. §742(1)(C)(1) and §834 the authority to suspend the enforcement of statute and agency rules inconsistent with emergency management; and

WHEREAS, the governor's emergency powers also expressly include under 37-B M.R.S. §742(1)(C)(13)(a) the authority to adjust time frames and certain deadlines imposed by law when reasonably necessary to mitigate an effect of the emergency; and

WHEREAS, this Order is necessary to minimize the number of participants who would otherwise gather collectively for this fishing; and

WHEREAS, this Order will still ensure that the elver quota allocated to the State of Maine is caught and the economic benefit of the fishery is realized to the greatest degree possible;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to including but not limited to the provisions referenced above, do hereby Order as follows:

I. APPLICATION

The provisions in Section II of this Order apply to activities undertaken by individuals who have:

A. been issued a current elver fishing license under 12 M.R.S. §6302-A or §6505-A; and

B. in the individuals' possession both that license and the elver transaction card for the license holder(s) on whose behalf the license holder is undertaking these activities.

II. ORDERS

A. Enforcement of the prohibition set forth in 12 M.R.S. §6505-A (1) regarding the number of devices with which a license holder may fish shall be suspended until the end of the 2020 elver season; provided that a person may not fish a number of devices that exceeds the combined total of devices authorized by their license and and that of any license holder(s) for which they are in possession of license(s).

B. Enforcement of the prohibition set forth in 12 M.R.S. §6505-A(1-A) on emptying an elver fyke net other than the fyke net of the license holder to whom the tag has been assigned shall be suspended until the end of the 2020 elver season.

C. Enforcement of the prohibition set forth in 12 M.R.S. §6505-A(1-E) on a person possessing an elver transaction card other than the elver transaction card issued to that person shall be suspended until the end of the 2020 elver season.

D. Enforcement of the prohibition set forth in 12 M.R.S. §6575-D (1) on utilizing, transferring, altering or possessing in any manner an elver fyke net unless the license holder issued the tag for the elver fyke net is present and assisting in setting, tending, or removing the net shall be suspended until the end of the 2020 elver season.

E. Enforcement of the prohibition set forth in 12 M.R.S. §6575-K (1) on possessing or selling a weight of elvers that exceeds the elver individual fishing quota that person has been allocated for the fishing season shall be suspended until the end of the 2020 elver season; provided that a person may not possess or sell a weight of elvers that exceeds the combined total of their quota and that of any license holder(s) for which they are in possession of license(s) and elver transaction card(s).

F. Enforcement of the prohibition set forth in 12 M.R.S. §6575-K (2) on fishing for elvers after a person's elver individual fishing quota has been reached for the fishing season shall be suspended until the end of the 2020 elver season; provided that a person may not fish for an amount of elvers that exceeds the combined total of their quota and that of any license holder(s) for which they are in possession of license(s) and elver transaction card(s).

G. Enforcement of the prohibition set forth in Department of Marine Resources (DMR) Regulations Chapter 32.25 on possessing or selling in any combination an amount of elvers that exceeds an individual's elver fishing quota shall be suspended until the end of the 2020 elver season; provided that a person may not possess or sell a weight of elvers that exceeds the combined total of their quota and that of any license holder(s) for which they are in possession of license(s) and elver transaction card(s).

H. Enforcement of the prohibition set forth in DMR Regulations Chapter 32.40 on the use of a transaction card to sell elvers other than those harvested by the individual identified on the transaction card shall be suspended until the end of the 2020 elver season.

All other pertinent statutes and regulations still apply.

II. EFFECTIVE DATE

The effective date of this Order is March 25, 2020.

Janet T. Mills
Governor