

DEPARTMENT OF MARINE RESOURCES

CHAPTER 32 - EELS

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DEPARTMENT OF MARINE RESOURCES

Chapter 32 - Eel Regulations

32.01 Definitions

For the purposes of compliance with this chapter:

1. An eel means a member of the species *Anguilla rostrata* in that stage of its life cycle when it is 9 inches or more in length.
2. An elver means a member of the species *Anguilla rostrata* that will pass through a 1/8" non-stretchable mesh net.
3. A pigmented eel means a member of the species *Anguilla rostrata* in that stage of its life cycle when it will not pass through a 1/8" non-stretchable mesh but is less than 9 inches in length.
4. Fishing day means from 12:00 p.m. local time until 11:59 a.m. local time the following day.

32.02 Elver Harvest Reporting Requirements: See Chapter 8.10(E) Landings Program

32.03 Harvesting Regulations

1. Elvers

A. Area Closures

It shall be unlawful to fish for, take or possess elvers in the following areas:

- 1) Camden Harbor- upstream of a line drawn from the northernmost point of the granite pier of the Camden Town Landing, to the southernmost point of the granite wall that borders on the northern side of the Megunticook River.
- 2) Franklin- by any means other than dip net, from May 1 to May 31 of any year within 327 feet (109 yards) downstream of the bridge that crosses Mill Brook on the Grist Mill Road in the town of Franklin.
- 3) Bangor- in the Penobscot River upstream of a line approximately 3100 feet downstream of where the Veazie dam once existed. The line will run on the downstream side of the Bangor Water District Pipeline crossing and will be identified by red posts on both sides of the river. The eastern end of the closure line will be identified by a red post located in front of the Eddington Salmon Club. The closure line will run in a westerly direction across the river and be identified by a second red post located in the town of Veazie.
- 4) Brewer- in the Sedgeunkedunk Stream upstream of the Route 15 crossing.
- 5) Bangor- in the Kenduskeag Stream upstream of the Harlow Street bridge.
- 6) Bangor- in the Peniajawoc Stream upstream of the Route 2 crossing
- 7) Ellsworth- in Card's Brook upstream of the Route 230 crossing.
- 8) Tremont- in Seal Cove upstream of the Route 102-A bridge.
- 9) Gardiner – within the Kennebec River, bounded on the northern side by the northern side of the Gardiner-Randolph bridge, and on the southern side by the southernmost end of the Gardiner seawall to a red painted post located on eastern shore of the Kennebec River directly across from the seawall. Cobbosseecontee Stream is

closed to fishing for, taking, or possessing elvers from its confluence with the Kennebec River and all waters upstream.

B. (Repealed)

C. Authorized Activities of Unlicensed Crew Members

- 1) The holder of an elver fishing crew license who is authorized to fish using a dip net may engage one unlicensed crew member to assist with the activities associated with fishing for elvers under the direct supervision of the license holder. The unlicensed crew member may possess elvers when the license holder is present. It is unlawful for an unlicensed crew member to fish for, take, or sell elvers.
- 2) The holder of an elver fishing crew license who is authorized to fish using an elver fyke net may engage one unlicensed crew member to assist with activities associated with fishing for elvers under the direct supervision of the license holder. The unlicensed crew member may possess elvers when the license holder is present and may assist with tending the gear of the license holder when the license holder is present, except that it is unlawful for an unlicensed crew member to tend the cod end of the license holder's elver fyke net. It is unlawful for an unlicensed crew member to sell elvers.

2. Eels

- A. Pursuant to 12 M.R.S. §6575-E, it shall be unlawful for a person to fish for or take eels by any method other than eel pot, except that a person may fish for or take for personal use up to 25 eels per day from the coastal waters of the state by spear gun, harpoon, eel pot, or hook and line and possess and transport such eels that person has so lawfully taken.
- B. It shall be unlawful to fish for, take, possess, or transport elvers unless properly licensed under, and in accordance with 12 M.R.S. §6505-A, §6302-A, §6864, or §6865. It shall be unlawful to fish for, take, possess, or transport pigmented eels, except that eel and elver harvesters, licensed in accordance with 12 M.R.S. §6505-A, §6505-C, and §6302-A, shall not be in violation when encountering pigmented eels as "by-catch", provided that the pigmented eels are immediately released upon culling the catch at the harvest location.
- C. Any person holding an eel harvesting license issued under 12 M.R.S. §6505-C or 6302-A shall comply with the following regulations:
 - 1) Eel pots must be marked with a buoy. Two or more pots may be placed upon a single line with a single buoy.
 - 2) All eel pots must be clearly labeled with the owner's eel license number on the buoy.
 - 3) Eel pots must be placed in such a manner so as to not obstruct boat launch areas, swimming areas, or to create hazards to navigation.
 - 4) Eel pots must not be baited with live fish.
 - 5) All eel pots must be tended at least twice a week. Any animals other than eels captured in the pots shall be immediately released unharmed.
- D. Captains and mates involved in party/charter (for hire) employment on party/charter (for-hire) activities may possess 50 eels each for bait purposes during fishing.
- E. Captains involved in party/charter (for hire) activities may possess up to 100 eels each in shoreside cars.

1. Sheepscot River-It shall be unlawful to use any type of net or seine in the Sheepscot River and its tributaries between the Wiscasset-North Edgecomb Bridge and the so-called Headtide Dam at Alna.
2. Kennebec River and Cobbosseecontee Stream – It shall be unlawful to fish for or take eels from the Kennebec River bounded on the northern side by the northern side of the Gardiner-Randolph bridge, and on the southern side by the southernmost end of the Gardiner seawall to a red painted post located on eastern shore of the Kennebec River directly across from the seawall. Cobbosseecontee Stream is closed to fishing for, taking, or possessing eels from its confluence with the Kennebec River and all waters upstream.

Exceptions:

- A. The fishing of lamprey eels within these waters shall be under the direction of the Commissioner of Marine Resources who may issue permits to take lamprey eels at places and by means designated by him or her.
- B. This section does not apply to the taking of river herring under any other law or regulation.
- C. Elver fyke or dip nets may be fished in the Sheepscot River for the harvest of elvers only. Persons issued an elver license in accordance with 12 M.R.S. §6505-A or §6302-A and who fish in accordance with current elver laws and regulations are not in violation of this regulation.

32.07 Elver harvesting limitations; gear

It is unlawful for a person to fish for or take elvers by any method other than dip net, unless authorized to fish for or take elvers by elver fyke net or Sheldon eel trap pursuant to 12 M.R.S. §6575-B sub-§2-B, or by elver fyke net pursuant to 12 M.R.S. §6302-A sub-§3 E, E-1, F, or G.

32.35 Elver Quota System for 2016 Elver Season

- A. The total allowable catch of elvers for 2016 for individuals licensed to fish for elvers under 12 M.R.S. §§6505-A and 6302-A is 9,688 lbs.
- B. The total allowable catch of elvers for individuals licensed to fish for elvers established in accordance 12 M.R.S. §6505-A(3-A)(B) for 2016 is 7,566 lbs.
- C. The total allowable catch of elvers for individuals licensed to fish for elvers under 6302-A, established in accordance with 12 M.R.S. §6505-A(3-A)(C) for 2016 is 2,122 lbs. A total of 2,122 lbs allowable catch is allocated pursuant to 12 M.R.S. 6302-B, subsection 1 as follows:
 1. 1,356 lbs to the Passamaquoddy Tribe
 2. 620 lbs to the Penobscot Nation
 3. 107 lbs to the Houlton Band of Maliseet Indians
 4. 39 lbs to the Aroostook Band of Micmac Indians
- D. An individual licensed to fish for elvers under 12 M.R.S. 6505-A(1) will be allocated an elver individual fishing quota based on the following process. The Department will:
 1. Determine each license holder's allocation for the 2015 fishing season.
 2. Deduct any quota that was allocated from license holders that were suspended for the duration of the 2015 season.
 3. Calculate the poundage that would be allocated to license holders suspended for the duration of the 2016 elver season and for licenses not renewed in 2015, and distribute that poundage equally across all other license holders.

4. Round to the nearest tenth of a pound

- E. An individual licensed under 12 M.R.S. §§6505-A and 6302-A must be present to receive his or her transaction card, and must produce a valid, government-issued photo identification card at the time of receipt. The license holder will be notified of his individual quota, both verbally by a law enforcement officer and in writing, at the time of receipt and will be deemed to have received notice of his or her quota upon signing the written notification document. Failure to sign the written notification document will result in ineligibility to obtain the transaction card.
- F. The Department will deactivate the transaction card of any individual who has met or exceeded the elver individual fishing quota that individual has been allocated.

32.40 Elver Transaction Cards

1. Eligibility:

In order to be eligible for an elver transaction card, the individual must be licensed according to 12 M.R.S. §6505-A or 12 M.R.S. §6302-A. Valid transaction cards may only be issued by the Department of Marine Resources.

2. Use:

It shall be unlawful for a licensed elver harvester to sell or transfer elvers (or glass eels) the license holder has caught to an elver dealer licensed under 12 M.R.S. §6864, unless he/she presents a DMR-issued transaction card to the elver dealer during each transaction.

32.41 Elver Dealer Transaction Card.

1. A person licensed in accordance with 12 M.R.S. §6864 shall be eligible to obtain an elver dealer transaction card for the primary facility named on the license and for each supplemental license. Elver dealer transaction cards may only be issued through the Maine Department of Marine Resources.
2. A person licensed in accordance with 12 M.R.S. §6864 must utilize an elver dealer transaction card to record all sales, purchase, or transfer transactions involving another license issued in accordance with 12 M.R.S. §6864. It is unlawful for a person licensed in accordance with 12 M.R.S. §6864 to sell, buy, or transfer elvers in any transaction involving another license issued in accordance with 12 M.R.S. §6864 without utilizing an Elver Dealer Transaction Card. A person licensed in accordance with 12 M.R.S. §6864 must have an operational internet connection when using the elver dealer transaction card to buy or sell or transfer or transport elvers.
3. A person licensed in accordance with 12 M.R.S. §6864 shall maintain transaction card documentation to account for all elvers in their possession. Failure to provide proper documentation will be prima facie evidence that the elvers are illegal and are subject to seizure.

32.45 Elver Record Keeping

Elver dealers must maintain paper records pertaining to all elver purchases and shipments. These records must be made available to the Department upon request and must comply with the following:

1. Each license holder must have a business address at which the records are maintained;
2. The records must be complete, accurate and legible;
3. The records must be sufficient to allow each purchase and shipment of elvers to be tracked by date of purchase from harvester, harvester name and landings number, who the elvers were sold to.
4. The records must be retained for a minimum of three years.

DMR provided reporting software must be synchronized for updates to the reporting system prior to the purchase of elvers on each fishing day as defined in Chapter 32.01(4).

32.50 Mandatory Elver Dealer Meeting to Prepare for the 2016 Elver Season

An individual licensed under 12 M.R.S. §6864 must attend a meeting held at the Department offices in Augusta in order to ensure that the transaction card system is properly understood and implemented for the 2016 elver season. Notice of the date and time of the meeting will be mailed to the address provided by the license holder on their license application and posted to the DMR website. If an individual licensed under 12 M.R.S. §6864 does not attend the meeting, a marine patrol officer may seize any recording equipment issued by the Department to the individual licensed under 12 M.R.S. §6864.

32.60 Transport of Elvers Through the State of Maine

A person may not possess elvers harvested outside the State of Maine, except that elvers legally harvested outside the State of Maine may be transported through the State under the authority of the laws of the United States. Elvers transported through the State must be accompanied by a bill of lading that identifies the product amount by weight and the origin of the product. Elvers transported through the State must remain in the transport vehicle and may not be commingled with Maine elvers.

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March 18, 2000 – Section 11

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October 21, 2002 – Section 06 added

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March 20, 2006 – Section 12

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