

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 872

S. P. 277

In Senate, February 19, 1969

Referred to Committee on Sea and Shore Fisheries. Sent down for concurrence and 1,000 ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Anderson of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Authorize the Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game to Manage Alewife Fishing Where No Rights Have Been Granted to Others or Where Municipalities Fail to Act.

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

Sec. 1. R. S., T. 12, § 3708, additional. Title 12 of the Revised Statutes is amended by adding a new section 3708 to read as follows:

§ 3708. Commissioners of Sea and Shore Fisheries and Inland Fisheries and Game authorized to manage and lease certain alewife fishing rights

The Commissioners of Sea and Shore Fisheries and Inland Fisheries and Game are authorized to develop, manage or lease alewife fishing rights in those areas of the State where the Legislature has not granted the rights to municipalities or others, or where any municipality which has been granted such rights exclusive or otherwise, and fails to use them, all as provided in this section.

1. Loss of alewife rights by municipality. When any municipality has the rights to the taking of alewives, exclusive or otherwise, and fails to take action through its legislative body on those rights prior to April 1st of any calendar year, then that municipality loses its rights to the taking of alewives during that calendar year and for the following calendar year.

2. Commissioners to notify municipality. When the commissioners decide to manage or lease any alewife fishing rights where a municipality has had those rights and has failed to act as provided in subsection 1, they shall so notify the clerk of the municipality in writing.

3. Commissioners may lease rights, conditions of lease, unlawful acts. The commissioners may lease any such rights to any person, persons, firm or firms, corporation or corporations, as they feel to be in the best interest of the State. All such leases are to be in writing, signed by the commissioners and the lessee and must set forth in detail the exact conditions under which the alewives may be taken, all in accordance with good conservation practices.

A. It is unlawful for any person holding such a lease to violate any of its terms or to cause the same to be done.

B. It is unlawful for any person to molest the fishing equipment of any such lease holder or to interfere with the fishing rights granted by the lease.

4. Migratory Fish Fund; allocation of leasing fees. A fund to be known as the Migratory Fish Fund is established, and all fees received by the commissioners from alewife leasing rights are allocated to that fund.

A. The commissioners may expend any and all of the money allocated to the Migratory Fish Fund from time to time for the building of fishways for alewives and migratory fish and for the construction of other facilities for the improved environment of alewives and other migratory fish for the general propagation and conservation of alewives and other migratory fish, and in general to enhance the fishing industry concerned with alewives and other migratory fish through research.

B. Migratory Fish Fund does not lapse. Fees so collected or allocated in any one year may be used in that year or any succeeding year.

Sec. 2. P. & S. L., 1959, c. 155, §§ 36-A, 37-39; 41-44, 44-A; 54-55; 62-67; 67-A; 76; 76-A; 77-79; 103-A; 104-105; 107-108; 108-A, amended. Section 36-A, as enacted by section 1 of chapter 26 of the private and special laws of 1963 and as amended, sections 37 to 39, sections 41 to 44, section 44-A, as enacted by chapter 55 of the private and special laws of 1965, sections 54 and 55; sections 62 to 67; section 67-A, as enacted by chapter 43 of the private and special laws of 1961, section 76, section 76-A, as enacted by chapter 11 of the private and special laws of 1967, sections 77 and 78, as amended, section 79, section 103-A, as enacted by chapter 167 of the private and special laws of 1965; sections 104 and 105, sections 107 and 108, as repealed and replaced by chapter 179 of the private and special laws of 1961, and section 108-A, as enacted by chapter 58 of the private and special laws of 1965, all of chapter 155 of the private and special laws of 1959, are amended by adding at the end of each said section, the following paragraph:

This section is subject to the Revised Statutes of 1964, Title 12, section 3708, as amended.