

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1168

H. P. 1107

House of Representatives, March 12, 1971

Reported by Mr. Bunker from Committee on Fisheries and Wildlife. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT** Relating to Cultivation of Fish in Private Ponds.

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

**R. S., T. 12, § 2557, repealed and replaced.** Section 2557 of Title 12 of the Revised Statutes, as repealed and replaced by section 23 of chapter 448 of the public laws of 1965 and as amended by section 13 of chapter 494 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 2557. Private ponds and the cultivation of useful fish by individuals

After filing a declaration of intent with the commissioner, a riparian proprietor or proprietors may, within the limits of their own property, construct a dam across the waters of a nonnavigable brook, stream or river for the purpose of creating a private pond for cultivating or harvesting fish.

The commissioner, after investigating, may require such riparian proprietor or proprietors to furnish suitable passage for fish frequenting such waters.

Any riparian proprietor or proprietors of such private pond, or his or their designee or designees, may take, catch, kill, possess, transport or have transported fish cultivated in a private pond as set forth in this section. Said fish may be taken regardless of existing regulations pertaining to manner, time, season, bag limit, length limit or fishing license requirements.

It shall be unlawful to cultivate or harvest fish commercially in the manner described in this section without first obtaining a license from the commissioner. The fee for such license shall be \$10.

All fish taken from a private pond, or a portion thereof, used for commercial purposes shall, while transported or possessed at place of storage, be tagged as provided by regulations established by the commissioner.

It shall be unlawful to introduce fish or fish spawn into a private pond without first obtaining a written permit from the commissioner.

It shall be unlawful to introduce fish or fish spawn raised by the department into a private pond.

Private ponds shall include all artificially constructed ponds even though the water is not supplied directly from a brook, stream or river.

A natural pond or lake having a surface area of more than 10 acres shall not be considered a private pond in accordance with this section.

Conviction of any provision of this section shall be punishable by a fine as provided in section 3060.

Existing private ponds shall be exempt from the provision of filing a declaration of intent as required in the first paragraph of this section.

This section shall not apply to a private pond used exclusively for the purposes of cultivating fishes commercially used for bait.