

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 338

H. P. 286

House of Representatives, January 23, 1975

Referred to the Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Blodgett of Waldoboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Amend the Alewife Fishing Laws Relating to Municipalities.

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

Sec. 1. 12 MRSA, § 3708, sub-§ 1, ¶ B, first sentence, as repealed and replaced by PL 1973, c. 343, § 2, is amended to read:

The municipality, at its annual meeting, may determine by vote whether the alewife fishing in previously designated waters shall be operated by the municipality through its elected officials or a committee appointed for that purpose, or the privilege offered for sale by said officials or committee; and likewise ~~may will provide for regulations compatible with good conservation practices~~ **an alewife harvesting plan** to govern the time when and the manner in which alewives shall be taken therein.

Sec. 2. 12 MRSA, § 3708, sub-§ 1, ¶ C, as last amended by PL 1973, c. 513, § 22, is repealed and the following enacted in place thereof:

C. Any municipality engaged in the harvesting of alewives will submit in writing a proposed harvesting plan to the Commissioner of Marine Resources prior to April 1st of each calendar year. All harvesting plans must set forth in detail the exact conditions under which alewives may be taken, all in accordance with good conservation practices. The commissioner shall approve or modify and approve, as he deems necessary for the conservation of alewives and other anadromous fish, each municipal harvesting plan and shall file a copy of the approved plan with the clerk of the appropriate municipality.

It shall be unlawful for any municipality to take alewives in any manner, except as provided for in an alewife harvesting plan approved by the Com-

missioner of Marine Resources.

Sec. 3. 12 MRSA, § 3708, sub-§ 1, ¶ E, as last amended by PL 1973, c. 513, § 22, is further amended to read:

E. If, after thorough investigation, it is the opinion of the Commissioner of Marine Resources that the municipality is not following ~~sound conservation principals in its management of the fishery~~ its alewife harvesting plan, said commissioner shall notify the municipal officials of his findings and they shall take immediate corrective measures to prevent destruction of the fishery. Refusal or neglect to take corrective measures within 48 hours of notification shall be punishable by the loss of alewife fishing privileges for that calendar year and the following year. Upon written notification by the commissioner of loss of alewife fishing privileges, the town or its agents shall cease all fishing activities and immediately remove all traps, weirs, seines or other fishing gear from their alewife fishing waters to provide for unrestricted movement of alewives into upstream spawning areas.

STATEMENT OF FACT

This bill is intended to clarify the conditions under which alewives may be harvested by municipalities in order to assure that sound conservation measures are being carried out to protect the alewife and other anadromous fish resources.