

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1837

H. P. 1524

House of Representatives, April 21, 1975

Reported by Mr. Blodgett from the Committee on Marine Resources and printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

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Sec. 1. 12 MRSA § 3708, sub-§ 1, ¶ B, first sentence, as repealed and replaced by PL 1973, c. 343, § 2, is amended to read: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~~ shall, with the advice of the commissioner if requested, 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Sec. 2. 12 MRSA § 3708, sub-§ 1, ¶ C, as last amended by PL 1973, c. 513, § 22, is repealed and the following enacted in place thereof: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 shall 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. After consultation with the appropriate municipal officers, the commissioner shall approve or modify as he deems necessary the harvesting plan for the conservation of alewives and other anadromous fish and shall file a copy of the approved plan with the clerk of the appropriate municipality.

It shall be unlawful for any municipality or purchaser of the privilege or lessee of a municipality to take alewives in any manner, except as provided

for in an alewife harvesting plan approved by the Commissioner 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 ~~destructive misuse~~ 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. However, if the corrective measures are carried out, the municipality shall notify the commissioner who shall permit the alewife harvesting to continue for the season. 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.