

# MAINE STATE LEGISLATURE

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(After Deadline)

2

SECOND REGULAR SESSION

3

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 2016

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8

H.P. 1533

House of Representatives, January 31, 1984

9

Reference to the Committee on Marine Resources. Ordered printed and sent up for concurrence.

10

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

11

EDWIN H. PERT, Clerk

Presented by Representative Vose of Eastport.

12

Cosponsors: Representative Carter of Winslow, Representative Kelleher of Bangor and Representative Jacques of Waterville.

13

STATE OF MAINE

14

15

IN THE YEAR OF OUR LORD

16

NINETEEN HUNDRED AND EIGHTY-FOUR

17

18

AN ACT to Establish a Commercial Tag for  
Atlantic Salmon.

19

20

21

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

22

23

Sec. 1. 12 MRSA §6171, sub-§2, as enacted by PL 1977, c. 661, §5, is amended to read:

24

25

2. Limitations. This section grants no authority to adopt regulations for the conservation of Atlantic salmon, except as provided in section 6253, subsection 3. A regulation authorized under this section may only limit the taking of marine organisms by one or more of the following:

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29

30

31

A. Time;

32

B. Method;

- 1 C. Number;
- 2 D. Weight;
- 3 E. Length; or
- 4 F. Location.

5 Sec. 2. 12 MRSA §6253, sub-§3, as enacted by PL  
6 1977, c. 661, §5, is repealed and the following en-  
7 acted in its place.

8 3. Regulations. When requested by the commis-  
9 sion, the Commissioner of Marine Resources, within  
10 the limits of section 6171, may promulgate regula-  
11 tions as necessary to conserve the Atlantic salmon.  
12 The advice and consent of the advisory council shall  
13 be required.

14 Sec. 3. 12 MRSA §6255 is enacted to read:

15 §6255. Atlantic salmon license

16 1. License required. It is unlawful for any  
17 person to fish for Atlantic salmon from the areas in-  
18 dicated in subsection 2, or take, possess, ship or  
19 transport fish taken from these waters without a cur-  
20 rent Atlantic salmon license.

21 2. Limit of application. This requirement ap-  
22 plies to all inland waters and to the following  
23 coastal waters, from the head of tide downstream to  
24 the line indicated:

25 A. Sheepscot River, above the Wiscasset-Edgecomb  
26 U.S. Route 1 bridge;

27 B. Dennys River, above the upstream side of the  
28 U.S. Route 1 bridge;

29 C. Kennebec River, above the upstream side of  
30 the Route 197 bridge between Richmond and  
31 Dresden;

32 D. East Machias River, above a line extending  
33 from Simpson's Wharf due south to the opposite  
34 shore on the Rim;

- 1           E. Machias River, above the upstream side of the  
2           Rim Bridge, lower-most bridge on the Machias Riv-  
3           er;
- 4           F. Pleasant River, above the upstream side on  
5           the main river bridge in Addison;
- 6           G. Narraguagus River, above the upstream side on  
7           the U.S. Route 1A bridge in Milbridge;
- 8           H. Union River, above a line extending from the  
9           southern extremity of the Ellsworth city boat  
10           launch ramp due west to the opposite shore of the  
11           Union River;
- 12           I. Penobscot River, above the upstream side of  
13           the Joshua Chamberlain Bridge in Bangor; and
- 14           J. Ducktrap River, above the 3 red posts set on  
15           the shores approximately 1,000 feet downstream  
16           from the U.S. Route 1 bridge.
- 17           3. Issuance and License Fees. The commission  
18           shall issue an Atlantic salmon license to fish for  
19           Atlantic salmon in inland waters and coastal waters  
20           designated in subsection 2.
- 21           A. The fee for an Atlantic salmon license is \$10  
22           for any resident.
- 23           B. The fee for an Atlantic salmon license is \$30  
24           for any nonresident.
- 25           4. License limitations and validation. It is  
26           unlawful for any person to purchase for his own use,  
27           more than one Atlantic salmon license in any single  
28           calendar year. Immediately after issuance of an At-  
29           lantic salmon license, the purchaser shall sign it in  
30           the space provided. An unsigned license is consid-  
31           ered invalid.
- 32           5. Tags. Any Atlantic salmon taken from inland  
33           waters or coastal waters, designated in subsection 2,  
34           shall be immediately tagged with a tag bearing the  
35           license number of the person who caught the fish.  
36           Ten of these tags shall be issued with each Atlantic  
37           salmon license. It is unlawful for any person to

1 have in his possession an Atlantic salmon that has  
2 not been so tagged while fishing on waters described  
3 in section 2.

4 6. Atlantic sea run salmon; possession, buying  
5 or selling. It is unlawful for any person to pos-  
6 sess, buy or sell an Atlantic sea run salmon unless  
7 each fish is clearly identified by one of the follow-  
8 ing methods:

9 A. Tagged with an Atlantic salmon tag provided  
10 by the Atlantic Sea Run Salmon Commission if  
11 caught in Maine waters;

12 B. Tagged with a New Brunswick Atlantic salmon  
13 tag if imported from New Brunswick;

14 C. Identified by a sales receipt less than 24  
15 hours old; or

16 D. For wholesale and retail seafood dealers, a  
17 bill of sale indicating numbers of fish pur-  
18 chased, dates of purchase and point of origin of  
19 all fish purchased.

20 7. Agent's fee. Any clerk or agent appointed by  
21 the commission to issue an Atlantic salmon license  
22 shall retain \$1 for each license issued.

23 8. Use of license fees. All proceeds, except  
24 for necessary expenses for issuing and processing li-  
25 censes, shall be paid to the Atlantic Sea Run Salmon  
26 Commission for purposes of conservation and manage-  
27 ment of the Atlantic salmon resource.

28 9. Duplicates. The commission or its agents  
29 shall issue a duplicate license to any person who has  
30 accidentally lost or destroyed his Atlantic salmon  
31 license upon payment of a fee of \$1 all of which  
32 shall be retained by the issuing agent. Atlantic  
33 salmon tags bearing the license number of a lost or  
34 destroyed license shall be considered invalid.

35 10. Effective date. This section shall take ef-  
36 fect on January 1, 1985.

1           Sec. 4. 12 MRSA §6504, as enacted by PL 1981,  
2           c. 662, §1, is repealed January 1, 1985.

3           Sec. 5. 12 MRSA §7152, as amended by 1981, c.  
4           662, §§3-6, is repealed January 1, 1985.

5

#### STATEMENT OF FACT

6           Public Law 1981, chapter 662, enacted a temporary  
7           tagging system and stamp fee increases which will  
8           terminate on March 1, 1984. This bill would continue  
9           the salmon tagging program and authorize the Atlantic  
10          Sea Run Salmon Commission to issue an Atlantic salmon  
11          fishing license in lieu of a salmon stamp which is  
12          currently issued by the Department of Inland Fisher-  
13          ies and Wildlife. Each licensed fisherman would be  
14          limited to harvesting 10 salmon per year by requiring  
15          each harvested salmon to be tagged with one of 10  
16          tags issued with each license. Each fisherman is  
17          restricted to purchasing only one license per year.  
18          All Atlantic salmon bought, sold or possessed is re-  
19          quired to be identified by a tag or bill of sale.

20          This bill further provides for license fees of  
21          \$10 and \$30 for residents and nonresidents respec-  
22          tively. Provisions are also included to allow for an  
23          agent's fee of \$1 for each license issued and to al-  
24          low issuance of a duplicate license when the original  
25          is lost or destroyed.

26          License fees generate \$50,000 to \$60,000 revenue  
27          to be used for the benefit of the Atlantic salmon  
28          restoration program. The effective date for imple-  
29          mentation of this law will be January 1, 1985, in or-  
30          der to allow sufficient time for the Atlantic Sea Run  
31          Salmon Commission to implement the license and tag-  
32          ging provisions. In the interim period, 1984 fishing  
33          season, the original stamp provision with \$1 and \$15  
34          fees for residents and nonresidents respectively will  
35          be in effect.

1           This bill also authorizes the Commissioner of Ma-  
2   rine Resources to promulgate regulations for Atlantic  
3   salmon conservation in coastal waters when requested  
4   by the Atlantic Sea Run Salmon Commission and with  
5   the advice and consent of the Marine Resources Advis-  
6   ory Council.

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