

MAINE STATE LEGISLATURE

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(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1253

H.P. 937 House of Representatives, April 13, 1987
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Fisheries and Wildlife
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MCGOWAN of Canaan.
Cosponsored by Representative WEYMOUTH of West Gardiner,
Senators DOW of Kennebec and CAHILL of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Encourage Sport Fisheries on the
Lower Kennebec and Androscoggin
Rivers.

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

Sec. 1. 12 MRSA §7001, sub-§10-A is enacted to
read:

10-A. Fisheries management. "Fisheries manage-
ment" means:

A. Establishment and enforcement of laws regard-
ing fishing;

B. Research or investigation to provide a basis
for sound management in this State;

- 1 C. Manipulation of fishing pressure;
2 D. Propagation and distribution of fish;
3 E. Introduction of exotic fish when desirable;
4 F. Protection and improvement of aquatic envi-
5 ronments; and
6 G. Provision of public facilities for use of the
7 resource.

8 Sec. 2. 12 M RSA §7001, sub-§12-A is enacted to
9 read:

10 12-A. Freshwater fish. "Freshwater fish" means
11 the following fish species, when found in inland wa-
12 ters as defined in subsection 18: Brown trout; lake
13 trout; largemouth bass; yellow perch; whitefish;
14 black crappie; hornpout; brook trout; landlocked
15 salmon; smallmouth bass; northern pike; rainbow
16 trout; blueback trout; white perch; chain pickerel;
17 and splake.

18 Sec. 3. 12 M RSA §7001, sub-§18, as enacted by PL
19 1979, c. 420, §1, is amended to read:

20 18. Inland waters. "Inland waters" means all wa-
21 ters within the State above the rise and fall of the
22 tide and wholly or partially within the territorial
23 limits of the State, except private ponds as defined
24 in subsection 30, and any other waters designated by
25 law.

26 Sec. 4. 12 M RSA §7035, sub-§13 is enacted to
27 read:

28 13. Regulation of fishing in certain waters.
29 The commissioner may prescribe bag limits, size lim-
30 its, open or closed seasons and methods of taking
31 freshwater fish, as defined in section 7001, subsec-
32 tion 12-A, in the following waters:

33 A. Kennebec River and tributaries from the head
34 of tide to Chops Point;

1 B. Androscoggin River and tributaries from the
2 head of tide to its confluence with Merrymeeting
3 Bay; and

4 C. Merrymeeting Bay and tributaries.

5 STATEMENT OF FACT

6 The lower Kennebec River from Edwards Dam to
7 Chops Point, including Merrymeeting Bay, is influ-
8 enced by tide, but is actually all freshwater. Salt
9 water does not rise above Chops Point. Rather than
10 being a bay in the normal sense of the word,
11 Merrymeeting Bay is actually a large, shallow,
12 freshwater, tidal lake, fed by 5 separate freshwater
13 rivers: The Kennebec; the Androscoggin; the Eastern;
14 the Cathance and the Abagadusset. The purpose of
15 this bill is to recognize the basically freshwater
16 nature of this portion of the Kennebec and
17 Androscoggin Rivers and Merrymeeting Bay.

18 A wide variety of freshwater fish reside in this
19 portion of the Kennebec River and Merrymeeting Bay,
20 including a number of significant gamefish. These
21 species include brown trout, brook trout, largemouth
22 bass, smallmouth bass and white perch. Under current
23 law there is no legal protection for these game fish.
24 No seasons, size or bag limits apply to these fish
25 species in the lower Kennebec River, nor is a fishing
26 license required for the taking of these species.
27 This bill gives the Department of Inland Fisheries
28 and Wildlife authority to require a license to fish
29 for and to place other rules on these freshwater spe-
30 cies if need is demonstrated.

31 This bill does not intend to give the Department
32 of Inland Fisheries and Wildlife authority to regu-
33 late or license the taking of striped bass, shad,
34 eels, alewives or Atlantic salmon in the lower Kenne-
35 bec and Androscoggin Rivers. This bill will not per-
36 mit the department to license or regulate the taking
37 of smelts during winter or spring fisheries in the
38 lower Kennebec River, Merrymeeting Bay or any of the
39 other rivers emptying into the bay.

1 Adoption of this bill is required if a sea-run
2 brown trout program is to be established in the lower
3 Kennebec and Androscoggin Rivers. Since a sea-run
4 brown trout program would be financed by revenues
5 collected from freshwater anglers, it is necessary
6 for the Department of Inland Fisheries and Wildlife
7 to be able to require those who participate in the
8 fishery to have a fishing license. Likewise, the De-
9 partment of Inland Fisheries and Wildlife will need
10 authority to regulate seasons, size and bag limits,
11 as well as fishing methods for sea-run brown trout in
12 the lower Kennebec and Merrymeeting Bay.

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