

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(New Draft of H.P. 37, L.D. 40)  
(New Title)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1653

H.P. 1211 House of Representatives, May 21, 1987  
Reported by Representative WEYMOUTH from the Committee on  
Fisheries and Wildlife and printed under Joint Rule 2.  
EDWIN H. PERT, Clerk  
Original bill sponsored by Representative JACQUES of  
Waterville.

STATE OF MAINE

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

1 AN ACT Authorizing the Use of Gill Nets by  
2 Department of Inland Fisheries and Wildlife  
3 Personnel for Scientific Purposes.  
4

5 Emergency preamble. Whereas, Acts of the Legis-  
6 lature do not become effective until 90 days after  
7 adjournment unless enacted as emergencies; and

8 Whereas, the 90-day period will not terminate un-  
9 til well through the next biological field season;  
10 and

11 Whereas, the current ban on the use of gill nets  
12 will have significant adverse impact on biological

1 efforts to evaluate and assess the State's inland  
2 fishery resources; and

3       Whereas, the inland fishery resources in the  
4 State have a tremendous impact on outdoor recreation  
5 and tourism; and

6       Whereas, in the judgment of the Legislature,  
7 these facts create an emergency within the meaning of  
8 the Constitution of Maine and require the following  
9 legislation as immediately necessary for the preser-  
10 vation of the public peace, health and safety; now,  
11 therefore,

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

14       Sec. 1. 12 MRSA §7771, sub-§1, ¶B, as enacted by  
15 PL 1979, c. 420, §1, is amended to read:

16       B. In the waters so set apart, the commissioner  
17 and persons acting under his authority in their  
18 respective fish culture and scientific work may  
19 take fish at any time or in any manner, and erect  
20 and maintain any fixtures necessary for these  
21 purposes. In no instance may the commissioner  
22 permit the taking of fish by explosive, poisonous  
23 or stupefying substances, except for the use of  
24 registered fish toxicants for reclamation pur-  
25 poses.

26       Sec. 2. 12 MRSA §7771, sub-§4 is enacted to  
27 read:

28       4. Gill nets. Department personnel may use gill  
29 nets under the following constraints.

30       A. Notwithstanding section 7621, the department  
31 may use gill nets in inland waters provided that:

32       (1) When requested by another agency to un-  
33 dertake a gill netting project, the depart-  
34 ment shall be reimbursed by that agency for  
35 all costs relating to the gill netting  
36 project;

1                   (2) Both ends of the net are marked with  
2                   buoys which are clearly visible from a dis-  
3                   tance of 300 feet and which identify the de-  
4                   partment; and

5                   (3) The results of each netting are for-  
6                   warded on a weekly basis to the office of  
7                   the commissioner where records shall be  
8                   available for public inspection.

9                   B. Any person not complying with the restric-  
10                   tions set forth under this subsection shall be  
11                   guilty of a prohibited act.

12                   C. The department shall provide the Legislature  
13                   with a report on the use of gill nets by depart-  
14                   ment personnel and any violations of this subsec-  
15                   tion by March 1, 1989. This subsection is re-  
16                   pealed on October 1, 1989.

17                   Emergency clause. In view of the emergency cited  
18                   in the preamble, this Act shall take effect when ap-  
19                   proved.

20                   STATEMENT OF FACT

21                   This new draft allows the use of gill nets by  
22                   personnel of the Department of Inland Fisheries and  
23                   Wildlife for scientific purposes. It emphasizes that  
24                   misuse of these nets by department personnel is pun-  
25                   ishable as a Class E crime. The new draft also re-  
26                   quires the department to report on the use of gill  
27                   nets after 2 years. The use of any explosive, poi-  
28                   sonous or stupefying substances is specifically pro-  
29                   hibited for scientific work, except for the use of  
30                   registered fish toxicants for reclamation purposes.

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