

MAINE STATE LEGISLATURE

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R. of S.

L.D. 772

(Filing No. H-199)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 567, L.D. 772, Bill, "An Act to Provide for an Open Season on Most Inland Fisheries in the State"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 12 MRSA §7552, first ¶, as enacted by PL 1979, c. 420, §1, is amended to read:

Except as provided in subsection 5, 5-A and except as the commissioner may by rule provide, the following shall-be are the open seasons for fishing in the State. All opening and closing dates are inclusive.

Sec. 2. 12 MRSA §7552, sub-§5, as amended by PL 1991, c. 443, §§28 and 29, is repealed.

Sec. 3. 12 MRSA §7552, sub-§5-A is enacted to read:

5-A. Exceptions. Notwithstanding subsections 1 to 4:

A. A person may take smelts at any time by the use of a dipnet in the usual and ordinary way in inland waters or portions of inland waters that are naturally free of ice, and where the taking of smelts is not prohibited by rules of the commissioner;

B. There is a continued closed season on the dipping of smelts from Morrill Pond and its tributaries in Somerset County;

C. Whenever the last day of open-water fishing season falls on a Saturday, the commissioner shall issue a rule extending the season one day to include the following Sunday; and

COMMITTEE AMENDMENT

R. of S.

D. The commissioner by rule shall extend the open-water fishing season through the month of November in lakes and ponds that are managed primarily for warm water sport fish in the following counties: Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, Washington and York. Rules adopted under this paragraph may include provisions that establish catch-and-release-only restrictions on salmon, trout, togue and bass.

Sec. 4. Adoption of rules. The Commissioner of Inland Fisheries and Wildlife shall adopt rules pursuant to the Maine Revised Statutes, Title 12, section 7552, subsection 5-A, paragraph D prior to the 1994 open-water fishing season and shall list these rules in the 1994-1995 and subsequent biennial revisions of "Open Water Fishing Regulations."

FISCAL NOTE

The Department of Inland Fisheries and Wildlife will incur some minor additional costs to adopt rules extending the open-water fishing season for certain counties. These costs can be absorbed within the department's existing budgeted resources.'

STATEMENT OF FACT

This amendment, which is the majority report of the Joint Standing Committee on Fisheries and Wildlife replaces the bill. Under the amendment the Commissioner of Inland Fisheries and Wildlife is required to adopt rules extending the open-water fishing season through November for certain waters of the State. The amendment makes certain technical corrections to the laws and resolves a conflict.

The amendment also adds a fiscal note to the bill.

Reported by the Majority of the Committee on Fisheries and Wildlife
Reproduced and distributed under the direction of the Clerk of the House
4/27/93 (Filing No. H-199)