

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1918

S.P. 710

In Senate, February 18, 1994

**An Act to Prohibit the Use of Gill Nets in the Kennebec and
Androscoggin Rivers.**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ESTY of Cumberland.
Cosponsored by Representatives: FARNSWORTH of Hallowell, HEINO of Boothbay,
JACQUES of Waterville, LIPMAN of Augusta, MARSH of West Gardiner, PARADIS of
Augusta, STEVENS of Sabattus, TREAT of Gardiner.

Emergency preamble. Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
as emergencies; and

4
Whereas, the lower Kennebec and Androscoggin Rivers once
6 supported abundant runs of striped bass that spawned in the
rivers in spring and provided a significant commercial fishery;
8 and

10 Whereas, the construction of dams and the pollution from
mills and cities that poured into these 2 great rivers eventually
12 wiped out the native striper population around 1930; and

14 Whereas, as river water quality began to improve in the late
1970s the Department of Marine Resources was urged to reintroduce
16 stripers to this river system; and

18 Whereas, starting in 1982 and continuing until 1989 the
Kennebec and Androscoggin estuaries were stocked with a total of
20 almost 200,000 young striped bass; and

22 Whereas, beginning in 1987, annual samplings of the Kennebec
estuary resulted in the capture of small numbers of striped bass
24 young-of-the-year each year and in late November 1993 several
hundred 5-inch long young-of-the-year were captured in a fyke net
26 just upstream from the Bath bridge in the Kennebec River; and

28 Whereas, the estuaries of both the Kennebec and Androscoggin
Rivers and their tributaries are presently open to commercial
30 fishing with gill nets, which kill all the fish they catch, and
there is a significant danger that gillnetting after ice-out in
32 1994 for alewives, shad or other species will result in large
numbers of these small, native stripers being killed in gill
34 nets; and

36 Whereas, the restoration of a natural, native population of
striped bass in the estuaries of the Kennebec and Androscoggin
38 Rivers and their tidewater tributaries is a priority issue for
the State's fishery management program; and

40
Whereas, the risk of killing large numbers of the
42 young-of-the-year nucleus of a native striped bass population in
the estuaries of the Kennebec and Androscoggin Rivers presently
44 exists; and

46 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
48 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
50 safety; now, therefore,

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

4 Sec. 1. 12 MRSA §6553-B is enacted to read:

6 §6553-B. Gill nets in the Kennebec River and the Androscoggin
River and their tributaries

8 It is unlawful to use a gill net of any mesh size in the
10 tidal waters of the Kennebec River and the Androscoggin River and
12 their tidal tributaries, including all the tidal waters of the
14 following towns that are connected to the Kennebec River upstream
from Fort Popham: Phippsburg, West Bath, Bath, Bowdoinham,
Topsham, Dresden, Woolwich, Arrowsic and Georgetown.

16 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect April 1, 1994.

18 **STATEMENT OF FACT**

20 For the first time in at least 60 years there is a
22 significant population of native, young-of-the-year striped bass
24 living in the tidal areas of the Kennebec River and the
Androscoggin River and their tidal tributaries. This bill
prohibits the use of gill nets as a fishing method in those
26 areas, effective April 1, 1994.

28
30
32 This document has not yet been reviewed to determine the
34 need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.