

MAINE STATE LEGISLATURE

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MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 289, L.D. 353, Bill, "An Act to Improve Management in the Elver Fishery"

Amend the bill in section 1 by striking out all of subsection 13-G and inserting in its place the following:

'13-G. Elver fyke net. "Elver fyke net" means a fyke net that is 30 feet or less in length from cod end to shore-side either wing tip and that, is fitted with netting that measures 1/8 inch bar mesh square-measure or less and that contains a 1/2-inch bar mesh excluder panel that covers the entrance of the net.'

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 12 MRSA §6001, sub-§13-H is enacted to read:

13-H. Elver dip net. "Elver dip net" means a dip net fitted with netting that measures 1/8 inch bar mesh or less.'

Further amend the bill by striking out all of section 3 (page 1, lines 19 to 25 in L. D.) and inserting in its place the following:

'Sec. 3. 12 MRSA §6575, sub-§4 is enacted to read:

4. Nets of certain sizes. It is unlawful for a person to immerse or leave immersed in the coastal waters of the State a fyke net, Sheldon eel trap or dip net fitted with netting that measures 1/8 inch bar mesh or less from midnight of June 15th to noon of March 15th of the following year.'

COMMITTEE AMENDMENT

2 Further amend the bill in section 4 in subsection 3 in the
2nd line (page 1, line 31 in L.D.) by inserting after the
4 following: "trap or" the following: 'elver'

6 Further amend the bill in section 5 by striking out all of
subsection 3 (page 1, lines 39 to 42 in L.D.) and inserting in
8 its place the following:

10 '3. **Portion of rivers, streams and brooks.** It is
unlawful for a person to fish for or take elvers at any time
12 within the middle 1/3 of a river, stream ~~or~~, brook or other
watercourse, as measured at mean high low tide, within the
14 coastal waters of the State.'

16 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
18 consecutively.

20 Further amend the bill by inserting at the end before the
summary the following:
22

24 **FISCAL NOTE**

26 This bill may increase prosecutions for Class D crimes. If
a jail sentence is imposed, the additional costs to the counties
28 are estimated to be \$83.78 per day per prisoner. These costs are
not reimbursed by the State. The number of prosecutions that may
30 result in a jail sentence and the resulting costs to the county
jail system are expected to be insignificant.
32

The additional workload, administrative costs and indigent
34 defense costs associated with the minimal number of new cases
filed in the court system can be absorbed within the budgeted
36 resources of the Judicial Department. The collection of
additional fines may also increase General Fund revenue by minor
38 amounts.

40 The additional enforcement costs can be absorbed by the
Department of Marine Resources utilizing existing budgeted
42 resources.'

44
46 **SUMMARY**

48 The amendment requires an elver fyke net to be fitted with
an excluder panel that measures 1/2 inch bar mesh and covers the
50 entrance to the net. It enacts a definition of elver dip net and

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2 adds that for enforcement purposes an elver dip net immersed in
the coastal waters between noon of March 15th and midnight of
4 June 15th is presumed to be fishing for elvers. It prohibits a
person from immersing a fyke net, Sheldon eel trap or dip net
6 fitted with netting that measures 1/8 inch bar mesh or less in
the coastal waters from midnight of June 15th to noon of March
8 15th. It changes the portion of watercourses in which elvers may
not be fished from the middle 1/3 as measured at mean high tide
to the middle 1/3 as measured at mean low tide.

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