

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 353

H.P. 289

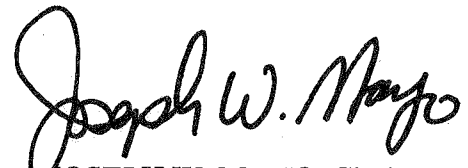
House of Representatives, January 23, 1997

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### An Act to Improve Management in the Elver Fishery.

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Reference to the Committee on Marine Resources suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative ETNIER of Harpswell.

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

4 **Sec. 1. 12 MRSA §6001, sub-§13-G,** as enacted by PL 1995, c. 536, Pt. A, §1, is amended to read:

6 **13-G. Elver fyke net.** "Elver fyke net" means a fyke net  
8 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  
10 1/8 inch mesh square measure or less and that contains a 1/4 inch  
bar mesh excluder panel near the mouth of the net.

12 **Sec. 2. 12 MRSA §6001, sub-§40-A,** as enacted by PL 1995, c. 536, Pt. A, §4, is amended to read:

14 **40-A. Sheldon eel trap.** "Sheldon eel trap" means a box  
16 trap with a netted wing 10 feet or less in length used to  
intercept and direct elvers into the trap.

18 **Sec. 3. 12 MRSA §6575, sub-§2,** as enacted by PL 1995, c. 536,  
20 Pt. A, §9 and affected by §13, is amended to read:

22 **2. Setting nets and traps.** It is unlawful for a person to  
immerse or leave immersed a fyke net or a Sheldon eel trap in any  
24 ~~river, stream or brook of~~ the coastal waters of the State from  
~~February 15th to~~ June 15th to noon of March 15th.

26 **Sec. 4. 12 MRSA §6575-B, sub-§3,** as enacted by PL 1995, c.  
28 536, Pt. A, §9, is amended to read:

30 **3. Rebuttable presumption.** It is a rebuttable presumption  
that an elver fyke net ~~or a~~ Sheldon eel trap or dip net immersed  
32 in any ~~river, stream or brook of the~~ coastal waters of the State  
from noon of March 15th to midnight of June 15th is immersed for  
34 the purpose of fishing for or taking elvers.

36 **Sec. 5. 12 MRSA §6575-C, sub-§3,** as enacted by PL 1995, c.  
38 536, Pt. A, §9, is amended to read:

40 **3. Portion of rivers, streams and brooks.** It is unlawful  
for a person to fish for or take elvers within the middle 1/3 of  
42 a river, stream or brook, as measured at mean-high at any tide  
height, within the coastal waters of the State.

44 **SUMMARY**

46 This bill clarifies the definition and construction of elver  
48 fyke nets and the Sheldon eel traps. It removes redundant  
language from the description of coastal waters, prohibits the  
50 setting of nets outside of the fishing season and adds dip nets

2 to the types of elver gear that are subject to the rebuttable assumption statute. Finally, it prohibits fishing the middle 1/3 portion of a stream at any state of the tide.