

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 528

H.P. 383

House of Representatives, January 28, 1997

An Act Concerning Elver Fishing and Dip Nets.

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HONEY of Boothbay.
Cosponsored by Representatives: BUCK of Yarmouth, COLWELL of Gardiner, GOODWIN of Pembroke, PINKHAM of Brunswick, PINKHAM of Lamoine.

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

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4 **Sec. 1. 12 MRSA §6001, sub-§17-C**, as enacted by PL 1995, c. 536, Pt. A, §2, is repealed.

6 **Sec. 2. 12 MRSA §6001, sub-§40-A**, as enacted by PL 1995, c. 536, Pt. A, §4, is repealed.

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10 **Sec. 3. 12 MRSA §6505-A, sub-§5**, as enacted by PL 1995, c. 536, Pt. A, §8, is repealed.

12 **Sec. 4. 12 MRSA §6505-B, sub-§§1 and 2**, as enacted by PL 1995, c. 536, Pt. A, §8, are repealed.

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16 **Sec. 5. 12 MRSA §6505-B, sub-§4**, as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

18 4. **Payment with license.** The fees fee required under
20 ~~subsections 1 and subsection~~ subsection 3 must be paid upon application for an elver fishing license under section 6505-A.

22 **Sec. 6. 12 MRSA §6575, sub-§§2 and 3**, as enacted by PL 1995, c. 536, Pt. A, §9 and affected by §13, are repealed.

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26 **Sec. 7. 12 MRSA §6575-A**, as enacted by PL 1995, c. 536, Pt. A, §9 and affected by §13, is amended to read:

28 **§6575-A. Closed period; elver harvesting**

30 It is unlawful for a person to fish for or take elvers from
32 noon Saturday to noon Sunday. ~~A person may leave an elver fyke net or a Sheldon eel trap in the coastal waters of the State during the closed period if the net or trap is left in a condition that prevents the capture of elvers.~~

36 **Sec. 8. 12 MRSA §6575-B**, as enacted by PL 1995, c. 536, Pt. A, §9, is amended to read:

38 **§6575-B. Method of elver fishing**

40 1. **Gear.** It is unlawful for a person to fish for or take
42 elvers by any method other than by dip net, ~~elver fyke net or Sheldon eel trap.~~

44 2. ~~Number of elver fyke nets and Sheldon eel traps.~~ ~~It is unlawful from noon of March 15th to midnight of June 15th for a person to immerse at any one time:~~

48 A. ~~More than 5 elver fyke nets;~~

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~~B.---More-than-5-Sheldon-eel-traps,or~~

~~C.---Any-combination-of-elver-fyke-nets-and-Sheldon-eel-traps
that-total-more-than-5-nets-and-traps.~~

~~3.---Rebuttable-presumption.---It-is-a-rebuttable-presumption
that-an-elver-fyke-net-or-a-Sheldon-eel-trap-immersed-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-the
purpose-of-fishing-for-or-taking-elvers.~~

~~4.---Prohibition-on-fishing-from-boats.---It-is-unlawful-for-a
person-to-set-or-tend-an-elver-fyke-net-or-a-Sheldon-eel-trap
from-a-boat-or-to-fish-for-or-take-elvers-from-a-boat.---A-person
may-transport-an-elver-fyke-net,a-Sheldon-eel-trap-or-a-dip-net
by-boat.~~

~~5.---Use-of-dip-nets.---It-is-unlawful-for-a-person-to-use-a
dip-net-to-fish-for-or-take-elvers-while-standing-in-the-water-of
a-river,stream-or-brook-within-the-coastal-waters-of-the-State.~~

Sec. 9. 12 MRSA §6575-C, sub-§1, as enacted by PL 1995, c. 536, Pt. A, §9, is amended to read:

1. Dams. It is unlawful for a person to fish for or take elvers while standing upon a dam, within 150 feet of any part of a dam with a fishway or within 150 feet of a fishway.

Sec. 10. 12 MRSA §6575-C, sub-§4, as enacted by PL 1995, c. 536, Pt. A, §9, is repealed.

Sec. 11. 12 MRSA §6575-D, as enacted by PL 1995, c. 536, Pt. A, §9, is repealed.

SUMMARY

This bill limits the method of elver harvesting to dip nets.