

MAINE STATE LEGISLATURE

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L.D. 2014

DATE: February 11, 1998

(Filing No. S- 454)

MARINE RESOURCES

Reported by:

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STATE OF MAINE SENATE 118TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 736, L.D. 2014, Bill, "An Act Concerning Elver Fishing"

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, immediate conservation efforts are necessary to preserve the health of the elver fishery; and

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

Further amend the bill by striking out all of sections 1 and 2 and inserting in their place the following:

Sec. 1. 12 MRSA §6001, sub-§13-G, as amended by PL 1997, c. 91, §1, is further amended to read:

13-G. Elver fyke net. "Elver fyke net" means a fyke net that is 30 feet or less in length from cod end to either wing tip, is fitted with netting that measures ~~1/8-inch~~ 1/8-inch bar mesh or less and ~~that~~ contains a 1/2-inch or less bar mesh excluder panel that covers the entrance of the net, and consists of not more than one funnel end, one cod end and 2 wings.

2 Further amend the bill by striking out all of section 6 and
inserting in its place the following:

4 'Sec. 6. 12 MRSA §6575-C, sub-§3, as amended by PL 1997, c.
91, §6, is further amended to read:

6
8 **3. Portion of rivers, streams and brooks.** It is unlawful
for a person to fish for or take elvers at any time within the
10 middle 1/3 of a river, stream, brook or other watercourse, as
measured at mean ~~low~~ high tide, within the coastal waters of the
12 State. It is unlawful for a person to obstruct the middle 1/3 of
any river, stream, brook or other watercourse within the coastal
waters of the State, as measured at mean low tide.'

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

18 '**Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.'

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

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

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30 **'FISCAL NOTE**

32 This bill may increase prosecutions for Class D crimes. If
a jail sentence is imposed, the additional costs to the counties
34 are estimated to be \$86.45 per day per prisoner. These costs are
not reimbursed by the State. The number of prosecutions that may
36 result in a jail sentence and the resulting costs to the county
jail system are expected to be insignificant.

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

44
46 The additional enforcement costs can be absorbed by the
Department of Marine Resources utilizing existing budgeted
48 resources.'

R. of S.

COMMITTEE AMENDMENT "A " to S.P. 736, L.D. 2014

SUMMARY

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This amendment changes the definition of an elver fyke net to include that an elver fyke net may not have more than one funnel end, one cod end and 2 wings. It also makes the prohibition on setting nets in the middle of a watercourse apply any time as measured at high tide. In addition, it prohibits the obstruction of the middle 1/3 of a watercourse as measured at low tide. The amendment also adds an emergency preamble, emergency clause and a fiscal note.