

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 173

S.P. 70

In Senate, January 11, 1999

An Act to Outlaw the Use of Fyke Nets in the Taking of Elvers.

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 RUHLIN of Penobscot.

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

2
4 **Sec. 1. 12 MRSA §6505-A, sub-§5**, as amended by PL 1997, c. 297, §2, is further amended to read:

6 **5. Gear.** A person issued a license under this section may utilize ~~one elver fyke net~~, one Sheldon eel trap or one dip net to fish for or take elvers without paying the fee required for a first ~~net~~ trap pursuant to section 6505-B. A license issued under this section must identify the number and types of nets or traps that the license holder may use pursuant to this section and section 6505-B.

14 **Sec. 2. 12 MRSA §6505-B, sub-§1**, as amended by PL 1997, c. 297, §§3 and 4, is further amended to read:

16 **1. Elver fyke net prohibition and Sheldon eel trap fee.** It is unlawful for a person to submerge an elver fyke net in the coastal waters of the State to fish for or take elvers. It is unlawful for a person to submerge ~~an elver fyke net~~ a Sheldon eel trap in the coastal waters of the State to fish for or take elvers unless the ~~net~~ trap owner pays annually the following fees:

24 A. Fifty dollars per ~~net~~ trap for the use of a first or 2nd ~~elver fyke net~~ Sheldon eel trap, except that the fee under this paragraph does not apply to ~~an elver fyke~~ a Sheldon eel trap a person utilizes pursuant to section 6505-A, subsection 5. For the purposes of assessing fees under this subsection, ~~an elver fyke net~~ a Sheldon eel trap utilized pursuant to section 6505-A, subsection 5 is the first ~~net~~ trap;

34 B. One hundred dollars per ~~net~~ trap for the use of a 3rd ~~elver fyke net~~ Sheldon eel trap; and

36 C. Two hundred dollars per ~~net~~ trap for the use of a 4th and 5th ~~elver fyke net~~ Sheldon eel trap.

40 **Sec. 3. 12 MRSA §6505-B, sub-§2**, as amended by PL 1997, c. 575, §2, is further amended to read:

42 **2. Tags for Sheldon eel trap.** It is unlawful for a person to submerge ~~an elver fyke net~~ a Sheldon eel trap in the coastal waters of the State to fish for or take elvers unless a tag issued by the department is affixed to the shoreside wing of the ~~net~~ trap and is clearly visible. The department may issue a replacement tag when an owner issued a tag documents that a ~~net~~ trap has been damaged or lost.

50 **Sec. 4. 12 MRSA §6575**, as amended by PL 1997, c. 91, §4, is further amended to read:

2 **§6575. Closed season; elver harvesting**

4 1. **Closed season.** It is unlawful for a person to fish for
6 or take elvers within the coastal waters of the State from June
16th to noon on March 15th of the following year.

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

14 3. **Locating traps.** It is unlawful between February 15th
16 and noon of March 15th for a person to designate or claim by any
means a location in which an ~~elver-fyke-net~~ or a Sheldon eel trap
would be placed or set.

18 4. **Nets of certain sizes.** It is unlawful for a person to
20 immerse or leave immersed in the coastal waters of the State a
22 ~~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.

24 **Sec. 5. 12 MRSA §6575-A**, as amended by PL 1997, c. 575, §3,
is further amended to read:

26 **§6575-A. Closed period; elver harvesting**

28 It is unlawful for a person to fish for or take elvers from
30 noon Friday to noon Sunday. A person may leave an ~~elver-fyke-net~~
32 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.

34 **Sec. 6. 12 MRSA §6575-B**, as amended by PL 1997, c. 575, §4,
36 is further amended to read:

38 **§6575-B. Method of elver fishing; limits on gear**

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 Sheldon eel traps.** It is unlawful from noon
46 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;~~

50 B. More than 5 Sheldon eel traps ~~or~~ .

2 ~~G. Any combination of elver fyke nets and Sheldon eel traps~~
3 ~~that total more than 5 nets and traps.~~

4 **3. Rebuttable presumption.** It is a rebuttable presumption
5 that ~~an elver fyke net,~~ a Sheldon eel trap or elver dip net
6 immersed in any coastal waters of the State from noon of March
7 15th to midnight of June 15th is immersed for the purpose of
8 fishing for or taking elvers.

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

16 **5. Use of dip nets.** It is unlawful for a person to use a
17 dip net to fish for or take elvers while standing in the coastal
18 waters of the State.

20 **Sec. 7. 12 MRSA §6575-C, sub-§4,** as enacted by PL 1995, c.
21 536, Pt. A, §9, is repealed.

22 **Sec. 8. 12 MRSA §6575-D, sub-§1,** as enacted by PL 1995, c.
23 536, Pt. A, §9, is amended to read:

26 **1. Prohibition.** It is unlawful for any person other than a
27 marine patrol officer or the license holder issued a tag for an
28 ~~elver fyke net or~~ a Sheldon eel trap to utilize, transfer, alter,
29 possess or in any manner handle the ~~net or~~ trap unless that
30 person has been issued an elver fishing license under section
31 6505-A and:

32 A. Is in the presence of the license holder issued a tag
33 for the ~~net or~~ trap and has the license holder's permission
34 to tend the ~~net or~~ trap; or

36 B. Is issued written permission by a marine patrol officer
37 to tend the ~~net or~~ trap of a license holder issued a tag. A
38 marine patrol officer may issue a person written permission
39 for the person to tend the license holder's net or trap if
40 the license holder can not tend the ~~net or~~ trap because of a
41 disability or personal or family medical condition.

44 SUMMARY

46 Under certain conditions, current law permits the taking of
47 elvers by fyke net, Sheldon eel trap or dip net. This bill
48 removes from the law all permission to fish for or take elvers by
49 use of a fyke net.
50