

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 106

H.P. 115

House of Representatives, January 21, 2003

### An Act Regarding Alewife Harvesting

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TARDY of Newport.  
Cosponsored by Senator MITCHELL of Penobscot and  
Representatives: CARR of Lincoln, DUNLAP of Old Town, FLETCHER of Winslow,  
McGOWAN of Pittsfield, USHER of Westbrook, Senators: DAVIS of Piscataquis, WESTON  
of Waldo.

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

4 **Sec. 1. 12 MRSA §6001, sub-§15-B** is enacted to read:

6 15-B. Fish pump. "Fish pump" means a mechanical device designed to pump fish from one location to another.

8 **Sec. 2. 12 MRSA §6131, sub-§5**, as enacted by PL 1977, c. 661, §5, is amended to read:

10 **5. Leasing of rights.** When the commissioner decides to  
12 manage or lease any alewife fishing rights where a municipality  
14 has had those rights and has failed to act as provided in  
16 subsection 1, he the commissioner shall so notify the clerk of  
18 the municipality in writing. After the notice, the commissioner  
20 may lease any of those rights to any person, as he the  
22 commissioner feels to be in the best interest of the State. All  
leases shall must be in writing, signed by the commissioner and  
the lessee and shall must set forth in detail the exact  
conditions under which the alewives may be taken, all in  
accordance with good conservation practices. Alewives may be  
harvested using trap nets, dip nets, spears or fish pumps.

24 **Sec. 3. 12 MRSA §7001, sub-§10-B** is enacted to read:

26 10-B. Fish pump. "Fish pump" means a mechanical device designed to pump fish from one location to another.

28 **Sec. 4. 12 MRSA §7153, sub-§1, ¶B**, as enacted by PL 1995, c.  
30 536, Pt. B, §2, is amended to read:

32 B. Alewives, suckers and yellow perch may be harvested in  
34 inland waters using trap nets, dip nets ~~or~~ spears or fish  
pumps.

36 **SUMMARY**

38 This bill authorizes the Department of Inland Fisheries and  
40 Wildlife and the Department of Marine Resources to issue permits  
42 for the harvesting of alewives using fish pumps.