

MAINE STATE LEGISLATURE

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MAINE

L.D. 629

DATE: 4/1/05

(Filing No. H-104)

MARINE RESOURCES

Minority

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 462, L.D. 629, Bill, "An Act To Enhance Community Support for Anadromous Fish Restoration"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 12 MRSA §6131, sub-§1, as enacted by PL 1977, c. 661, §5, is amended to read:

1. Alewife rights. The commissioner shall grant the right, exclusive or otherwise, to take alewives to any municipality entitled to those rights on January 1, 1974 and may grant the right to take alewives to any other municipality provided:

A. Any municipality that has had the right to take alewives, exclusive or otherwise, or is granted that right by the commissioner, shall take action through its legislative body and file a copy of this action with the commissioner prior to April 20th or lose that right for the remaining part of that year;

B. Municipal rights in existence on January 1, 1974 which that are not exercised for 3 consecutive years shall lapse;

C. At its annual meeting the municipality may determine by vote:

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(1) Whether alewife fishing will be operated by the municipality through the municipal officers or a committee; and

(2) Whether the municipal rights to take alewives will be sold by the municipal officers or committee; and

D. Harvesting plans shall ~~shall~~ must be developed as follows.

(1) Any municipality engaged in harvesting alewives shall submit a written harvesting plan to the commissioner prior to April 20th of each calendar year. All harvesting plans shall ~~shall~~ must set forth in detail the exact conditions under which alewives may be taken, all in accordance with good conservation practices.

(2) The commissioner, after consultation with the appropriate municipal officers, shall approve or modify the harvesting plan as ~~he--deems~~ the commissioner considers necessary for the conservation of alewives and other anadromous fish, and shall file a copy of the approved plan with the clerk of the municipality.

When granting alewife fishing rights, the commissioner shall give preference to the municipality in which the alewives are harvested.'

SUMMARY

This amendment replaces the substance of the bill and is the minority report. The amendment requires the Commissioner of Marine Resources to give preference to the municipality in which alewives are harvested when granting alewife fishing rights.