MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 629

H.P. 462

House of Representatives, February 8, 2005

An Act To Enhance Community Support for Anadromous Fish Restoration

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

Millient M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FLETCHER of Winslow.

Cosponsored by Representatives: ASH of Belfast, JENNINGS of Leeds, PINEAU of Jay,

THOMPSON of China, Senator: GAGNON of Kennebec.

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4	Sec. 1. 12 MRSA §6131, sub-§1, as enacted by PL 1977, c. 661, §5, is amended to read:
6	1. Alewife rights. The commissioner shall grant the right exclusive or otherwise, to take alewives to any municipality
8	entitled to those rights on January 1, 1974 and may shall grant the right to take alewives to any other municipality provided:
10	A. Any municipality that has had the right to take
12	alewives, exclusive or otherwise, or is granted that right by the commissioner, shall take action through its
14	legislative body and file a copy of this action with the commissioner prior to April 20th or lose that right for the
16	remaining part of that year;
18	BMunicipal-rights-in-existence-on-January-11974-whiel are-not-exercised-for-3-consecutive-years-shall-lapse;
20	C. At its annual meeting the municipality may determine by
22	vote:
24 26	(1) Whether alewife fishing will be operated by the municipality through the municipal officers or a committee; and
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28 30	(2) Whether the municipal rights to take alewives will be sold by the municipal officers or committee; and
32	D. Harvesting plans shall must be developed as follows.
34	(1) Any municipality engaged in harvesting alewives shall submit a written harvesting plan to the
36	commissioner prior to April 20th of each calendar year All harvesting plans shall must set forth in detail the
38	exact conditions under which alewives may be taken, al in accordance with good conservation practices.
40	(2) The commissioner, after consultation with the appropriate municipal officers, shall approve or modif
42	the harvesting plan as hedeems the commissione considers necessary for the conservation of alewive
44	and other anadromous fish, and shall file a copy of th approved plan with the clerk of the municipality.
46	Sec. 2. 12 MRSA §6131, sub-§9 is enacted to read:

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

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9. Fees. A municipality that has the right to take alewives under subsection 1 may collect fees from the sale or lease of its alewife harvesting rights.

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Sec. 3. Report on fishing rights for migratory fish. Commissioner of Marine Resources shall submit a report, no later than January 31, 2007, to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding the feasibility of the extension of municipal rights to take alewives to include the right to take other migratory fish, including, but not limited to, American shad and rainbow smelt. joint standing committee οf the Legislature having jurisdiction over marine resources matters may report out a bill to the First Regular Session of the 123rd Legislature in response to the report.

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SUMMARY

This bill requires the Commissioner of Marine Resources to grant the right to take alewives to any municipality that meets certain conditions. Current law requires that municipal rights to take alewives lapse if not exercised for 3 years. This bill eliminates that restriction. The bill also clarifies that any municipality that has the right to take alewives is authorized to collect fees from the sale or lease of alewife fishing rights. The bill also requires the Commissioner of Marine Resources to report on extending municipal rights to take alewives to include

the right to take other migratory fish.