

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Date: 06-06-07

(Filing No. S- 234)

INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “A” to S.P. 356, L.D. 1104, Bill, “An Act To Amend Certain Provisions of Fish and Wildlife Law”

Amend the bill by striking out section 1 and inserting the following:

‘Sec. 1. 12 MRSA §10206, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

5. Sucker and yellow perch permit revenues. All fees collected ~~under~~ pursuant to section 12506 accrue to the Eel and Elver Management Fund established in section 6505-D, except that \$42 accrues to the General Fund for each eel pot or eel weir permit issued ~~under pursuant to~~ section 12506.’

Amend the bill by inserting after section 2 the following:

‘Sec. 3. 12 MRSA §11152, sub-§1, as amended by PL 2005, c. 477, §5, is further amended to read:

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt antlerless deer as authorized in this section unless that person has a valid permit issued under this section.

~~A. Except as provided in paragraph B, each~~ Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

~~B. A violation of this subsection in Washington County is a Class D crime for which a minimum fine of \$1,000 must be imposed, and the court shall impose a sentencing alternative involving a term of imprisonment of at least 3 days, none of which may be suspended.~~

Sec. 4. 12 MRSA §11152, sub-§1-A is enacted to read:

1-A. Antlerless deer in Washington County. Except as otherwise provided in this Part, a person may not hunt or possess an antlerless deer in Washington County. A

COMMITTEE AMENDMENT

1 person may possess an antlerless deer in Washington County that has been lawfully
2 registered in another county.

3 A person that violates this subsection commits a Class D crime for which a minimum fine
4 of \$1,000 must be imposed, and the court shall impose a sentencing alternative involving
5 a term of imprisonment of at least 3 days, none of which may be suspended.'

6 Amend the bill by inserting after section 3 the following:

7 'Sec. 4. 12 MRSA §12506, as amended by PL 2005, c. 683, Pt. A, §§16 to 18, is
8 further amended to read:

9 **§12506. Eel, sucker and yellow perch harvesting method permit; elver prohibition;**
10 **limitations on alewife harvesting**

11 **1. Permit required.** Except as otherwise authorized pursuant to this Part and except
12 as provided in subsection 5-A, a person may not fish for or possess the following fish
13 using the harvesting methods listed in subsection 2 without a valid permit issued under
14 this section:

- 15 ~~A. Alewives;~~
16 B. Eels;
17 C. Suckers;
18 D. Lampreys; or
19 E. Yellow perch.

20 Each day a person violates this subsection, that person commits a Class E crime for which
21 a minimum fine of \$50 and an amount equal to twice the applicable license fee must be
22 imposed.

23 **2. Issuance.** The commissioner may adopt rules providing for the issuance of
24 permits to fish for or possess the following fish using the following harvesting methods in
25 the inland waters of the State, provided the permits do not interfere with any rights
26 granted under section 6131:

- 27 A. Eels using eel pots or weirs;
28 B. Suckers and yellow perch using trap nets, dip nets or spears; and
29 C. Lampreys by hand or using hand-held dip nets; ~~and~~
30 ~~D. Alewives using trap nets, dip nets, spears or fish pumps.~~

31 The commissioner may place conditions on the use of gear allowed under this subsection
32 and may prohibit or restrict the use of any gear used to concentrate species for harvest
33 under this subsection.

34 Each day a person violates a condition or restriction placed on the use of gear allowed
35 under this subsection, that person commits a Class E crime.

36 **3. Fees; transfer of permit.** The minimum fee for an individual permit for ~~alewives,~~
37 suckers, lampreys and yellow perch is \$44. A crew permit may be sold for ~~alewives,~~

1 suckers, lampreys and yellow perch for \$102, authorizing up to 3 persons to engage in the
2 permitted activity. The annual fee for an eel pot or weir permit is \$102. An eel pot or eel
3 weir permit is not transferable.

4 **4. Five-year limited entry; eel weirs.** A person is ineligible to receive an eel weir
5 permit unless that person possessed a valid eel weir permit for calendar year 1995. The
6 department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter
7 2-A regarding the issuance of eel weir permits. The number of weirs and the number of
8 square miles of watersheds in this State fished by eel weirs ~~can~~ may be no more than
9 those permitted in calendar year 1995.

10 **5-A. Limitations on alewife harvesting.** ~~Notwithstanding subsection 1:~~ Except as
11 provided in this subsection a person may not harvest alewives.

12 A. A person may fish for alewives by use of a dip net or single hook and line for
13 consumption by that person or members of that person's family, provided that the
14 person takes or possesses no more than one bushel in any day and provided also that
15 the alewives are ~~not~~ taken downstream from any ~~waters in which location~~ where a
16 municipality or other person has been granted exclusive rights under section 6131;
17 and

18 B. A person may fish for or possess alewives from inland waters if that person has
19 been granted fishing rights under section 6131; ~~and.~~

20 ~~C. A person may take suckers for use as bait for fishing in inland waters as~~
21 ~~provided in section 12551-A without a permit under subsection 2.~~

22 A person that violates this subsection commits a Class E crime.

23 **5-B. Harvesting suckers for bait without a permit.** Notwithstanding subsection 1,
24 a person may take suckers for use as bait for fishing in inland waters as provided in
25 section 12551-A without a permit under subsection 2.

26 **6. Eels and elvers prohibitions.** The following prohibitions apply to the harvesting
27 of eels and elvers in inland waters.

28 A. A person may not fish for or take elvers from inland waters.

29 B. A person other than the owner of a weir used to fish for or take eels in inland
30 waters may not tend that weir while the weir is immersed unless that person has in
31 the person's possession written permission from the owner to tend the weir or is in the
32 presence of the owner and has the owner's permission to tend the weir.

33 A person who violates this subsection commits a Class E crime.

34 **7. Other harvesting methods for suckers.** Notwithstanding subsection 1, a person
35 licensed or otherwise entitled to fish in Maine waters may take suckers for that person's
36 use in all rivers, brooks and streams that are open to fishing between April 1st and June
37 30th of each calendar year by the use of a hand spear, by bow and arrow or by snagging.

38 A. A person may not use a bow and arrow to harvest suckers unless the arrow used
39 has a barbed or pronged point and the arrow is attached to the bow with a line.

40 B. The following penalties apply to violations of paragraph A.

COMMITTEE AMENDMENT "A" to S.P. 356, L.D. 1104

1 (1) A person who violates paragraph A commits a civil violation for which a fine
2 of not less than \$100 nor more than \$500 may be adjudged.

3 (2) A person who violates paragraph A after having been adjudicated as having
4 committed 3 or more civil violations under this Part within the previous 5-year
5 period commits a Class E crime.'

6 Amend the bill by inserting after section 4 the following:

7 'Sec. 5. **Effective date.** Those sections of this Act that amend the Maine Revised
8 Statutes, Title 12, sections 10206 and 12506 take effect January 1, 2008.'

9 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
10 section number to read consecutively.

11 **SUMMARY**

12 This amendment removes the requirement that a person have a permit to harvest
13 alewives from the Maine Revised Statutes, Title 12, Part 13 because jurisdiction over the
14 management of that species is being transferred to another department. It makes those
15 provisions effective January 1, 2008. It also provides that a person may not possess an
16 antlerless deer in Washington County unless that deer has been legally registered in
17 another county.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 1104

LR 911(02)

An Act To Amend Certain Provisions of Fish and Wildlife Law

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$1,627	\$3,254	\$3,254	\$3,254
Revenue				
General Fund	(\$1,627)	(\$3,254)	(\$3,254)	(\$3,254)

Fiscal Detail and Notes

The repeal of the requirement to hold a permit for the harvesting of alewives will result in the loss of General Fund revenue by the Department of Inland fisheries and Wildlife. The estimated amounts are \$1,627 and \$3,254 in fiscal years 2007-08 and 2008-09, respectively.