

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 151

H.P. 130

House of Representatives, January 15, 2009

An Act To Amend the Alewife Fishing Laws

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Reference to the Committee on Marine Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PERCY of Phippsburg.

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

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

4 B. Municipal rights ~~in existence on January 1, 1974 which~~ that are not exercised for
5 3 consecutive years ~~shall~~ lapse;

6 **Sec. 2. 12 MRSA §6131, sub-§2, ¶A,** as amended by PL 1987, c. 513, §2, is
7 further amended to read:

8 A. It ~~shall be~~ is unlawful to take alewives from 6 a.m. each ~~Saturday~~ Thursday
9 morning until 6 a.m. Sunday morning. Municipalities ~~which~~ that make other
10 provisions for escape of spawning alewives, which are approved by the
11 commissioner, ~~shall be~~ are exempt from this limit.

12 **Sec. 3. 12 MRSA §6131, sub-§5,** as enacted by PL 1977, c. 661, §5, is repealed
13 and the following enacted in its place:

14 **5. Leasing of rights.** The commissioner:

15 A. When the commissioner decides to manage or lease any alewife fishing rights
16 where a municipality has had those rights and has failed to act as provided in
17 subsection 1, shall so notify the clerk of the municipality in writing. After the notice,
18 the commissioner may lease any of those rights to any person, as the commissioner
19 determines is in the best interest of the State. All leases must be in writing and signed
20 by the commissioner and the lessee and must set forth in detail the exact conditions
21 under which the alewives may be taken, all in accordance with good conservation
22 practices; and

23 B. May manage or lease alewife fishing rights in any river or stream where a
24 municipality does not have those rights. The commissioner may lease any of those
25 rights to any person, as the commissioner determines is in the best interest of the
26 State. All leases must be in writing and approved and signed by the commissioner
27 and the lessee and must set forth in detail the exact conditions under which the
28 alewives may be taken, all in accordance with good conservation practices.

29 **Sec. 4. 12 MRSA §6131, sub-§8,** as enacted by PL 1977, c. 661, §5, is amended
30 to read:

31 **8. Migratory Fish Fund.** All fees received by the commissioner from alewife
32 leasing rights ~~shall be~~ are allocated to the Migratory Fish Fund, as established.
33 Expenditures from the Migratory Fish Fund ~~shall~~ must be made:

34 A. To build fishways for alewives and other migratory fish;

35 B. For construction of other facilities for improving the environment of alewives
36 and other migratory fish;

37 C. For general propagation and conservation of alewives and other migratory fish;
38 ~~and~~

1 D. For research to enhance the fishing industry based on alewives and other
2 migratory fish; and

3 E. For management measures required to maintain or enhance alewife populations or
4 populations of other migratory fish.

5 The Migratory Fish Fund ~~shall~~ does not lapse.

6 **SUMMARY**

7 This bill removes a reference to January 1, 1974 so that municipal rights that were
8 created at any point in time are subject to lapse after 3 consecutive years if they are not
9 exercised. It extends the prohibition on taking alewives, which is currently from 6 a.m.
10 Saturday to 6 a.m. Sunday, to from 6 a.m. Thursday to 6 a.m. Sunday. The bill clarifies
11 that the Commissioner of Marine Resources may lease rights in any municipality where
12 the municipality does not have those rights, not just those where municipal rights have
13 existed in the past. Finally, it expands the uses of the Migratory Fish Fund to include
14 management measures necessary to maintain or enhance alewife populations or
15 populations of other migratory fish.