

MAINE STATE LEGISLATURE

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L.D. 1410

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Date: 6/15/15

(Filing No. S-265)

3

INLAND FISHERIES AND WILDLIFE

4

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

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STATE OF MAINE

6

SENATE

7

127TH LEGISLATURE

8

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 525, L.D. 1410, Bill, "An Act To Strengthen Maine's Fisheries Laws"

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Amend the bill by striking out all of section 7 (page 1, lines 21 to 30 in L.D.)

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Amend the bill by striking out all of section 9 (page 1, line 34 and page 2, lines 1 to 17 in L.D.) and inserting the following:

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'Sec. 9. 12 MRSA §12506, as amended by PL 2013, c. 148, §§1 and 2, is further amended to read:

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

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

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B. Eels;

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C. Suckers;

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D. Lampreys; or

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E. Yellow perch.

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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.

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

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A. Eels using eel pots or weirs;

- 1 B. Suckers and yellow perch using trap nets, dip nets or spears;
- 2 C. Lampreys by hand or using hand-held dip nets; and
- 3 E. Yellow perch using seines.

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

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

9 **3. Fees; transfer of permit.** The minimum fee for an individual permit for suckers,
 10 lampreys and yellow perch is \$44. A The holder of an individual permit for suckers,
 11 lampreys or yellow perch may purchase a crew permit ~~may be sold~~ for suckers, lampreys
 12 and yellow perch for \$102, authorizing up to 3 persons to engage in the permitted
 13 activity. The annual fee for an eel pot or weir permit is \$102. An eel pot or eel weir
 14 permit is not transferable.

15 **4. Five-year limited entry; eel weirs.** A person is ineligible to receive an eel weir
 16 permit unless that person possessed a valid eel weir permit for calendar year 1995. The
 17 department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter
 18 2-A regarding the issuance of eel weir permits. The number of weirs and the number of
 19 square miles of watersheds in this State fished by eel weirs may be no more than those
 20 permitted in calendar year 1995.

21 **5-A. Limitations on alewife harvesting.** Except as provided in this subsection a
 22 person may not harvest alewives.

23 A. A person may fish for alewives by use of a dip net or single hook and line for
 24 consumption by that person or members of that person's family, as long as the person
 25 takes or possesses no more than 25 fish in any day and as long as the alewives are
 26 taken downstream from any location where a municipality or other person has been
 27 granted exclusive rights under section 6131; and

28 B. A person may fish for or possess alewives from inland waters if that person has
 29 been granted fishing rights under section 6131.

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

31 **5-B. Harvesting suckers for bait without a permit.** Notwithstanding subsection 1,
 32 a person may take suckers for use as bait for fishing in inland waters as provided in
 33 section 12551-A without a permit under subsection 2.

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

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

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

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

2 **7. Other harvesting methods for suckers.** Notwithstanding subsection 1, a person
3 licensed or otherwise entitled to fish in Maine waters may take suckers for that person's
4 use in all rivers, brooks and streams that are open to fishing between April 1st and June
5 30th of each calendar year by the use of a hand spear, by bow and arrow or by snagging.

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

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

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

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

14 **8. Reports required.** A person issued a permit under this section shall submit a
15 completed report on forms provided by the department with the following information:
16 water name and location, including the town and county of waters fished; date fished;
17 total catch; gear type and quantity; number of crew; amount of time the gear is set; total
18 gear in the water; water depth; total time the boat is on the water; species and pounds
19 harvested; license number of the dealer the catch was sold to or the disposition of the
20 catch; town where the catch was brought to shore; boat registration number; vessel name;
21 and the harvester's name, telephone number and permit number. A holder of an eel
22 permit must submit the report by the date specified on the permit. A holder of a sucker,
23 lamprey or yellow perch permit must submit the report by December 31st of each year.
24 All data submitted as part of the report are for scientific purposes only and are
25 confidential and not part of a public record within the meaning of Title 1, chapter 13,
26 subchapter 1, except that the commissioner may disclose data collected under this
27 subsection if that data are released in a form that is statistical or general in nature.

28 If a person issued a permit under this section fails to provide information required under
29 this section, the commissioner may refuse to renew or may revoke that person's permit. If
30 a person becomes ineligible for a permit as a result of a violation of this section, that
31 person may request a hearing in accordance with section 10905.

32 **Sec. 10. 12 MRSA §12551-A, sub-§2-A** is enacted to read:

33 **2-A. License required.** The holder of a license issued under this section may not
34 receive, possess for resale, sell or offer to sell gift baitfish or gift smelts.'

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

37 **SUMMARY**

38 This amendment clarifies that the holder of an individual permit for harvesting
39 suckers, lampreys or yellow perch may purchase a crew permit that authorizes up to 3
40 persons to engage in the permitted activity. The amendment provides that the holder of a
41 smelt or baitfish dealer license may not receive, possess for resale, sell or offer to sell gift

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1 baitfish or gift smelts. The amendment provides that the required report from the holder
2 of a sucker, lamprey or yellow perch permit must be submitted to the Department of
3 Inland Fisheries and Wildlife by December 31st of each year.

4 **FISCAL NOTE REQUIRED**

5 (See attached)



127th MAINE LEGISLATURE

LD 1410

LR 579(02)

An Act To Strengthen Maine's Fisheries Laws

Fiscal Note for Bill as Amended by Committee Amendment 'A'(S-265)
Committee: Inland Fisheries and Wildlife
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class E crimes.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Any additional revenue loss to the Department of Inland Fisheries and Wildlife from implementing this legislation is expected to be minor.