

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 26**

H. P. 62

House of Representatives, January 14, 1937.

Referred to the Committee on Inland Fisheries and Game. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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**Report and Recommendations of the Commission on the Revision of Laws  
Relating to the Protection of Groundfish covering study and discussions  
of the period from 1935 to Jan. 1st, 1937.**

Submitted by the Committee according to law, for the consideration of the Hon. Governor and Council and the members of the 88th Legislature.

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**Report and Recommendations of Special Groundfish Commission.**

After two years of study and several meetings, members of the Commission on the Revision of Laws Relating to the Protection of Groundfish unanimously agree that further regulations are necessary for the general good of the industry. Every phase of the taking and protection of groundfish has been discussed and studied.

It is believed that no steps should be taken to prohibit otter or beam trawlers from operating in State waters. In order to maintain a balanced supply the industry needs this type of harvesting. A study of the breeding and spawning habits of groundfish leads the Commission to believe that beam and otter trawls do not unduly disturb these functions. The fact that less than 5% of the ocean bottom in our territorial waters is suitable for beam and otter trawl operations, minimizes any harm that they might do to the feeding grounds. The industry as a whole gives credit to the beam and otter trawl for providing sufficient fish to establish a nationwide market.

The Commission does, however, make the following recommendations for regulations that are believed to be impartial and worthwhile of Legislative consideration:

1. **Minimum mesh measure for beam and otter trawls.** Beam or otter trawls using nets with a stretched mesh of less than  $4\frac{3}{4}$  inches should not be allowed to operate in the territorial waters of Maine. Exhaustive government tests have demonstrated that a mesh smaller than  $4\frac{3}{4}$  inches is injurious to the small or unmarketable fish. The smaller mesh takes everything in its way regardless of size. The small fish are thrown back overboard and for the most part destroyed. The recommended mesh will tend to let the small fish through and allow them an opportunity to reach maturity. A serious waste would be eliminated and this would react favorably on the industry. A law establishing a  $4\frac{3}{4}$  inch minimum mesh measure should be enacted with the penalty for violation being the loss of fishing license or \$100 fine with 30 days in jail in case of default. A double penalty should be imposed for second offense.

2. **Closing fishing grounds to non-residents.** As our supply of groundfish is hardly adequate to provide our Maine fishermen with a decent livelihood the Commission is of the opinion that our territorial waters should be closed to non-resident commercial fishermen from April 1st to October 31st, each year. During the best fishing season many out of state boats operate in Maine waters taking large quantities of fish and of course leaving less for our own fishermen. These boats take our fish to out of state markets. They buy their equipment and supplies out of the state. They are in no way beneficial to our fishing industry and in many ways harmful. Other states have laws prohibiting non-resident boats from fishing in certain waters and other measures discriminating against non-resident fishermen. It is understood that more strict and stringent regulations of this nature are being contemplated by other states.

The Commission recommends the enacting of a law closing our territorial waters to non-resident fishermen for the period above stated, each year, and providing that one must be a bona fide resident of the State for at least five years before having the right to obtain a license. A heavy penalty, providing for at least a \$500 fine for the first violation and \$1000 fine with 60 days in jail for the second should be imposed.

3. **The closing of certain spawning grounds.** The Commission is of the opinion that it is harmful for otter trawls and all other types of ground fishing equipment to operate on the spawning grounds during the months of April and May, each year. In order to qualify this theory the Commission

recommends that certain areas be closed for the two months mentioned each year, to all groundfishing. Groundfish spawn for the most part during April and May and seek certain grounds for this function. The destruction of spawn fish is harmful to the industry and it is great when boats work on the spawning grounds during April and May.

The Commission recommends that the following areas be closed:

The area landward from a line drawn on the chart from Owl's Head Lighthouse in Penobscot Bay to Northern Head on North Haven Island. This area is known as a natural spawning ground for groundfish.

The area landward from a line drawn from Marshall's Point at Port Clyde to the Mosquito Island whistling buoy and thence to the Two Bush Island Lighthouse. This is another known spawning ground.

R. & R. 107. Formerly P. L. 1931, c. 264, ¶ 3, should be amended with the closed area line running from Small Point to the southern end of Sequin; thence to the southern end of Pumpkin Island in the County of Lincoln; thence to the northern end of Fisherman's Island and thence to Pemaquid Lighthouse. R. & R. 106. Formerly P. L., 1931, c. 264, ¶ 1, should be repealed as it is covered by this amended law. These are known spawning grounds and have been partially closed for some time.

It is believed that much can be learned about the spawning habits of groundfish and many benefits obtained from closing these areas. If the hoped for results are forthcoming the State of Maine will be well on its way towards bringing its groundfish business back. Violators of these regulations should be fined at least \$100 on the first offense and from \$100 to \$500 on the second offense with jail sentence of from 30 to 60 days upon failure to pay.

4. **Every commercial fisherman should be licensed.** The Commission believes that every commercial ground fisherman should be required to obtain a license annually, without fee. This would be necessary for adequate enforcement of the laws as violators would be faced with the danger of having their licenses suspended and be more careful of their activities. Such a regulation is the basic fundamental of the Commission's recommendations. Without it enforcement of the laws would be difficult.

This regulation would also give the Department of Sea and Shore Fisheries an opportunity to establish a much desired statistical department. When making application for a license each fisherman should be required to state on blanks supplied by the Department, the value of his boat and equipment, the value of his catch for the previous 12 months and any other information that might be desired.

A statistical department would be beneficial as it would show the trend of the various species and the types of harvesting. It would provide information that would allow the department to concentrate on all new problems as they arose. At the present time accurate figures are kept on lobsters, through a similar system.

The question of a fee was discussed and the Commission recommends that none be charged. It was thought that the cost of issuing the licenses would not be especially large and that the benefits of such a regulation would be adequate to take care of the small expenditure. Every person desiring to engage in commercial ground fishing should be required to apply to the Commissioner for a license and a fine of \$25 should be imposed upon those who fish without licenses for the first offense, a \$50 fine for the second offense and \$50 fine with 30 days in jail for the third or any subsequent offense. The Commission should be empowered to suspend the right to obtain a license after a violation, for a reasonable length of time.

5. **A permanent commission with increased scope.** As two members did not choose to qualify for the Commission it is recommended that the Governor fill these places.

It is recommended that the Commission be made a permanent institution with members appointed to serve for a period of four years.

Under the present set up the Commission can deal only with groundfish problems. It is recommended that the group's scope of study be broadened to cover all phases of the fishing industry and that it be required to make whatever recommendations it might feel necessary to each future session of Legislature.

There are many problems facing the industry and new ones arising each year. Under the Department's program for rehabilitation of our fisheries it is believed that the Commissioner would appreciate the help and cooperation of such a Commission in weighing the various matters as they arise.

6. **General unofficial opinion of Commission.** During the course of its discussions the Commission heard much about the other phases of the industry and the work of the Department. The members beg leave to state unofficially that they are in accord with Commissioner Feyler's program of rehabilitation of the fishing industry and are of the opinion that a larger appropriation for the Department to carry out its work is fair and justified. The Maine fishing industry has declined for years and the time has come to

act. The groundwork is laid and the Commission hopes that financial support may be given to carry out the program.

As Chairman of the Commission, I, Charles E. Wheeler of Tenant's Harbor, do hereby certify that the above report and recommendations were the unanimous opinions of the members of the Commission and that it is their wish that they be presented to the Honorable Governor and Council and the members of the 88th Legislature for consideration.

Signed CHARLES E. WHEELER,  
Chairman of the Commission on the Revision of Laws  
Relating to the Protection of Groundfish.

Date Jan. 1st, 1937.