

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

Sec. 2. 12 MRSA §6001, sub-§13-H is enacted to read:

13-H. Elver dip net. "Elver dip net" means a dip net fitted with netting that measures 1/8 inch bar mesh or less.

Sec. 3. 12 MRSA §6001, sub-§40-A, as enacted by PL 1995, c. 536, Pt. A, §4, is amended to read:

40-A. Sheldon eel trap. "Sheldon eel trap" means a box trap with a netted wing 10 feet or less in length used to intercept and direct elvers into the trap.

Sec. 4. 12 MRSA §6575, sub-§4 is enacted to read:

4. Nets of certain sizes. It is unlawful for a person to immerse or leave immersed in the coastal waters of the State a fyke net, Sheldon eel trap or dip net fitted with netting that measures 1/8 inch bar mesh or less from midnight of June 15th to noon of March 15th of the following year.

Sec. 5. 12 MRSA §6575-B, sub-§3, as enacted by PL 1995, c. 536, Pt. A, §9, is amended to read:

3. Rebuttable presumption. It is a rebuttable presumption that an elver fyke net ~~or a~~ Sheldon eel trap ~~or elver dip net~~ immersed in any ~~river, stream or brook of the~~ coastal waters of the State from noon of March 15th to midnight of June 15th is immersed for the purpose of fishing for or taking elvers.

Sec. 6. 12 MRSA §6575-C, sub-§3, as enacted by PL 1995, c. 536, Pt. A, §9, is amended to read:

3. Portion of rivers, streams and brooks. It is unlawful for a person to fish for or take elvers at any time within the middle 1/3 of a river, stream ~~or brook~~ or other watercourse, as measured at mean ~~high~~ low tide, within the coastal waters of the State.

See title page for effective date.

CHAPTER 92

S.P. 171 - L.D. 500

**An Act to Protect Near-shore
Groundfish Spawning Areas**

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

Sec. 1. 12 MRSA §6572 is enacted to read:

§6572. Identification of groundfish spawning areas

1. Spawning areas for certain species. By January 1, 1998, the commissioner shall by rule identify the location of all coastal waters that serve as spawning areas for cod, haddock or yellowtail flounder and the dates during which those spawning activities occur in each area. In determining the coastal spawning areas for cod, haddock and yellowtail flounder, the commissioner shall solicit information on the State's historic coastal groundfish spawning areas from persons who participate in, or are otherwise knowledgeable about, commercial and recreational coastal marine fisheries. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

2. Report. The commissioner shall by March 15, 2003 report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on areas identified as spawning areas for cod, haddock or yellowtail flounder and any actions taken by the commissioner regarding those spawning areas.

3. Repeal of authority. After June 30, 2003, the commissioner may not designate spawning areas for cod, haddock or yellowtail flounder.

See title page for effective date.

CHAPTER 93

H.P. 361 - L.D. 506

**An Act to Provide Authority to Close
Marine Waters to Fishing in the
Event of Contamination**

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

Sec. 1. 12 MRSA §6172, sub-§1-A is enacted to read:

1-A. Federal waters. The commissioner may adopt rules establishing standards for closing waters under the jurisdiction of the Federal Government to the harvesting of a marine organism that the commissioner determines is or may become contaminated or polluted. The commissioner may, in accordance with standards adopted under this subsection, by rule close waters under the jurisdiction of the Federal Government to the harvesting of a marine organism when the commissioner determines the organism is or may become contaminated or polluted. Rules adopted pursuant to this subsection must be in conformance with applicable federal law and regulations. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.