

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Alewife Fishing Laws

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

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

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

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

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

Sec. 3. 12 MRSA §6131, sub-§5, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

5. Leasing of rights. The commissioner:

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

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

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

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

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

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

- C. For general propagation and conservation of alewives and other migratory fish; ~~and~~
- D. For research to enhance the fishing industry based on alewives and other migratory fish.; and
- E. For management measures required to maintain or enhance alewife populations or populations of other migratory fish.

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

SUMMARY

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