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**Public Law**  
**124th Legislature**  
**First Regular Session**

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**Chapter 17**  
**H.P. 130 - L.D. 151**

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**Sec. 3. 12 MRSA §6131, sub-§5,** as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place: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

Effective September 12, 2009