

§6131. River herring fishing rights

The commissioner is authorized to develop, manage or lease river herring fishing rights as follows. [PL 2011, c. 598, §11 (AMD).]

1. River herring rights. The commissioner shall grant the right, exclusive or otherwise, to take river herring to any municipality entitled to those rights on January 1, 1974 and may grant the right to take river herring to any other municipality provided:

A. Any municipality that has had the right to take river herring, exclusive or otherwise, or is granted that right by the commissioner, shall take action through its legislative body and file a copy of this action with the commissioner prior to April 20th or lose that right for the remaining part of that year; [PL 2011, c. 598, §11 (AMD).]

B. Municipal rights that are not exercised for 3 consecutive years lapse; [PL 2009, c. 17, §1 (AMD).]

C. At its annual meeting the municipality may determine by vote:

(1) Whether river herring fishing will be operated by the municipality through the municipal officers or a committee; and

(2) Whether the municipal rights to take river herring will be sold by the municipal officers or committee; and [PL 2011, c. 598, §11 (AMD).]

D. Harvesting plans must be developed as follows.

(1) Any municipality engaged in harvesting river herring shall submit a written harvesting plan to the commissioner prior to April 20th of each calendar year. All harvesting plans must set forth in detail the exact conditions under which river herring may be taken, all in accordance with good conservation practices.

(2) The commissioner, after consultation with the appropriate municipal officers, shall approve or modify the harvesting plan as the commissioner determines necessary for the conservation of river herring and other anadromous fish, and shall file a copy of the approved plan with the clerk of the municipality. [PL 2011, c. 598, §11 (AMD).]

[PL 2009, c. 17, §1 (AMD); PL 2011, c. 598, §11 (AMD).]

2. Limitations. The following limitations apply to any grant.

A. It is unlawful to take river herring from 6 a.m. each Thursday morning until 6 a.m. Sunday morning. Municipalities that make other provisions for escape of spawning river herring that are approved by the commissioner are exempt from this limit. [PL 2011, c. 598, §11 (AMD).]

B. It is unlawful for any municipality or purchaser or lessee of the municipal right to take river herring in any manner except as provided in the approved river herring harvesting plan. [PL 2011, c. 598, §11 (AMD).]

[PL 2011, c. 598, §11 (AMD).]

3. Closed period in rivers and streams not under lease agreement. In any river or stream not managed under a lease agreement, there is a 72-hour closed period on the taking of river herring and obstruction of the watercourse to allow the free passage of fish from 6 a.m. on Thursday to 6 a.m. the following Sunday.

[PL 2011, c. 598, §11 (AMD).]

4. Violation of harvesting plan. If the commissioner determines after investigation that the municipality is not following its river herring harvesting plan, the commissioner shall notify the municipality. Any municipality that fails to take corrective action within 48 hours of notification loses its river herring fishing privilege for that calendar year. Upon further notification by the commissioner

of loss of river herring fishing privileges, the municipality or its agents shall cease all fishing activity and immediately remove all traps, weirs, seines or other river herring fishing gear from their river herring waters.

[PL 2011, c. 598, §11 (AMD).]

5. Leasing of rights. The commissioner:

A. When the commissioner decides to manage or lease any river herring fishing rights when 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 river herring may be taken, all in accordance with good conservation practices; and [PL 2011, c. 598, §11 (AMD).]

B. May manage or lease river herring 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 river herring may be taken, all in accordance with good conservation practices. [PL 2011, c. 598, §11 (AMD).]

[PL 2011, c. 598, §11 (AMD).]

6. Violation of terms. It is unlawful for any person holding such a lease to violate any of its terms or to cause the same to be done.

[PL 2011, c. 598, §11 (AMD).]

7. Molesting equipment. It is unlawful to molest the fishing equipment of any lease holder or to interfere with the fishing rights granted by the lease.

[PL 2011, c. 598, §11 (AMD).]

8. Migratory Fish Fund. All fees received by the commissioner from river herring leasing rights are allocated to the Migratory Fish Fund, as established. Expenditures from the Migratory Fish Fund must be made:

A. To build fishways for river herring and other migratory fish; [PL 2011, c. 598, §11 (AMD).]

B. For construction of other facilities for improving the environment of river herring and other migratory fish; [PL 2011, c. 598, §11 (AMD).]

C. For general propagation and conservation of river herring and other migratory fish; [PL 2011, c. 598, §11 (AMD).]

D. For research to enhance the fishing industry based on river herring and other migratory fish; and [PL 2011, c. 598, §11 (AMD).]

E. For management measures required to maintain or enhance river herring populations or populations of other migratory fish. [PL 2011, c. 598, §11 (AMD).]

The Migratory Fish Fund does not lapse.

[PL 2011, c. 598, §11 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 433, §3 (AMD). PL 1987, c. 513, §2 (AMD). PL 1993, c. 731, §1 (AMD). PL 2009, c. 17, §§1-4 (AMD). PL 2011, c. 598, §11 (AMD).

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