

## **MODEL ALEWIFE ORDINANCE**

### **TOWN OF BREMEN ALEWIFE ORDINANCE - 2008**

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#### **Regulations for the taking of alewives shall be as follows:**

- A minimum unobstructed opening of two feet (2') shall be maintained at all times between the riverbank and the downstream end of the weir.
- The maximum mesh size of wire, twine, or other material used in the weir shall not exceed one inch by one inch (1" x 1").
- There shall be a 72-hour weekly closed season on alewives from sunrise each Thursday morning until sunrise the following Sunday morning. During the closed season, a minimum size unobstructed opening of three feet by three feet (3' x 3') shall be maintained in the upstream and downstream end of the trap to allow escapement of spawning alewives and other migratory fish.
- Migratory fish such as salmon, shad, or other species except alewives and blueback herring that enter the trap shall be removed and allowed to pass upstream.
- Fishing operations shall cease and all fishing gear obstructing the passage of fish shall be removed from the fishing waters not later than June 5.
- The total landings in pounds or bushels and value of the catch shall be made available to the Maine Department of Marine Resources and/or National Marine Fisheries Service on request by these agencies.

#### **ADDITIONAL REGULATIONS FOR STREAMS WITH ATLANTIC SALMON RUNS**

- The entrance to the dipping pen or trap shall be covered by bars, slats, or spacers with a maximum width of two inches (2") between said bars, slats or spacers.
- Dipping of alewives shall be confined to the dipping pen or trap.

**§6131. Alewife fishing rights**

The commissioner is authorized to develop, manage or lease alewife fishing rights as follows.

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

A. Any municipality that has had the right to take alewives, 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;

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

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

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

(2) Whether the municipal rights to take alewives will be sold by the municipal officers or committee; and

D. Harvesting plans shall be developed as follows.

(1) Any municipality engaged in harvesting alewives shall submit a written harvesting plan to the commissioner prior to April 20th of each calendar year. All harvesting plans shall set forth in detail the exact conditions under which alewives 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 he deems necessary for the conservation of alewives and other anadromous fish,

and shall file a copy of the approved plan with the clerk of the municipality.

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

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

B. It shall be unlawful for any municipality or purchaser or lessee of the municipal right to take alewives in any manner except as provided in the approved alewife harvesting plan.

**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 alewives 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.

**4. Violation of harvesting plan.** If the commissioner determines after investigation that the municipality is not following its alewife harvesting plan, he shall notify the municipality. Any municipality which fails to take corrective action within 48 hours of notification shall lose its alewife fishing privilege for that calendar year. Upon further notification by the commissioner of loss of alewife fishing privileges, the municipality or its agents shall cease all fishing activity and immediately remove all traps, weirs, seines or other alewife fishing gear from their alewife waters.

**5. Leasing of rights.** 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, he 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 he feels to be in the best interest of the State. All leases shall be in writing, signed by the commissioner and the lessee and shall set forth in detail the exact conditions under which the alewives may be taken, all in accordance with good conservation practices.

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

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

**8. Migratory Fish Fund.** All fees received by the commissioner from alewife leasing rights shall be allocated to the Migratory Fish Fund, as established. Expenditures from the Migratory Fish Fund shall 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.

The Migratory Fish Fund shall not lapse.

1994, c. 731.