

**TOWN OF LINCOLNVILLE
ORDINANCE
GOVERNING THE HARVESTING OF ALEWIVES**

Section 1. Purpose:

The purposes of this Ordinance are to establish and maintain compliance with Maine State Law governing the harvesting of alewives; to protect residents and their property rights and to maintain traffic safety in neighborhoods adjacent to or bordering the harvesting area.

Section 2. Applicability:

This Ordinance applies to the harvesting of alewives, to the protection of fish other than alewives and blueback herring, and to the protection of citizens' interests.

Section 3. Effective Date:

The Effective date of this Ordinance is March 26, 1996. A certified copy of this Ordinance shall be filed with the Waldo County Register of Deeds, according to the requirements of State Law.

Section 4. Validity and Severability:

Should any section or provision of this Ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 5. Regulations:

A. A minimum unobstructed opening of two (2) feet shall be maintained at all times between the river bank and the downstream end the weir.

B. The maximum mesh size of wire, twine, or other material used in the weir shall not exceed one (1) inch by one (1) inch (1" x 1").

C. 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 (3) feet by three (3) feet (3' x 3') shall be maintained in the upstream and downstream end of the trap to allow for escapement of spawning alewives and other migratory fish.

D. Migratory fish such as salmon, shad, or other species, except alewives and blueback herring, which enter the trap shall be removed and allowed to pass upstream.

E. Fishing operations shall cease and all fishing gear obstructing the passage of fish shall be removed from the fishing waters not later than June 5th. If late-run alewives are entering the river, the Town may grant its fishing agents an extension of fishing time. No alewife fishing shall be authorized beyond June 15th of any calendar Year.

F. The total landings in pounds or bushels and value of the catch shall be made available to the Town of Lincolnville, Maine Department of Marine Resources and/or National Marine Fisheries Service on request by these agencies.

Section 6. Application to Harvest:

Application to harvest alewives, within the boundaries of Lincolnville shall be made to the Code Enforcement Officer in writing, the final application to be signed by the Board of Selectmen, signed by the person in charge of the harvesting and responsible to the Town by this Ordinance.

Section 7. Availability of Ordinance:

A copy of this ordinance, governing the harvesting of alewives will be made available to the person whose signature appears on the above mentioned application.

Section 8. Equipment to be used:

The application shall state the kinds of equipment to be used in the alewife stream; whether traps, weirs or otherwise. If no traps or weirs are used in the alewives stream, the only requirement necessary may be the seventy-two (72) hour closed season, depending on the presence of other fish species in the river.

Section 9. Property Rights of Residents:

The protection of residents and their property rights shall be respected and maintained in all instances. Privately owned property may be temporarily used for passage to and from the body/bodies of water wherein alewife harvesting is engaged only after authorization is granted, in writing, by the property owner to the harvester named in the application. A copy of such authorization shall be presented to the Code Enforcement Officer to be made part of the official record.

Section 10. Traffic Control:

The parking of trucks, automobiles, or other vehicular equipment, by harvesters, in such a manner as to block private driveways or to obstruct the free passage of traffic over public (Town) roads, shall be considered a public nuisance of a hazardous nature and is hereby prohibited.

Section 11. Littering:

Upon completion of the harvesting period, the general land area used in harvesting shall be left in as litter-free a condition as was found at the beginning of the harvesting.

Section 12. Penalties/Fines:

Any violation of this Ordinance which does not constitute a Class E crime may be prosecuted as a civil violation pursuant to District Court Civil Rule 80H. A fine of up to \$200 but not less than \$100 shall be adjudged for each violation for the benefit of the municipality. Each day a violation continues shall constitute a separate offense.

Additional Regulations For Streams Containing Atlantic Salmon Runs:

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

B. Dipping of alewives shall be confined to the dipping pen or trap.

Approved: March 25, 1996

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