

**DEPARTMENT OF MARINE RESOURCES**

**Chapter 30: RIVER HERRING**

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### 30.01 Definitions

- A. In addition to the definitions set forth in 12 M.R.S. §6001, the following definitions shall apply in interpretation of Chapter 30.
1. “River Herring” means the species *Alosa pseudoharengus* commonly called alewife, and *Alosa aestivalis*, commonly called blueback herring.

### 30.02 Limits on River Herring

Beginning January 1, 2012 it shall be unlawful for any person to take, possess, harvest or sell river herring in the State of Maine or in waters under the jurisdiction of the State of Maine.

#### Exceptions:

A. **River herring fishing rights**

A municipality or an individual with existing river herring harvest rights granted by the Commissioner in accordance with 12 M.R.S. §6131 are not subject to Chapter 30. The Commissioner may authorize a future river herring fishery, authorized pursuant to 12 M.R.S. §6131, after submission of a sustainable fisheries management plan for that fishery by the Department, which is approved by the Atlantic States Marine Fisheries Commission (ASMFC) Management Board.

Individuals holding a valid license issued under 12 M.R.S. §6851 may buy, sell, ship or transport river herring obtained from a municipality or individual with river herring harvest rights granted by the Commissioner in accordance with 12 M.R.S. §6131. Individuals may buy river herring from a municipality or individual with river herring rights, or an individual holding a valid license issued under M.R.S. §6851, but must produce a bill of sale indicating amount of fish purchased, date of purchase, and river of origin if requested by marine patrol, and may sell those river herring in the retail trade.

B. **Tolerance for river herring as bycatch in fisheries conducted inside and outside Maine territorial waters**

No person may possess fish where more than 5% of the total by count is comprised of river herring. The 5% tolerance by count will be determined by examination of ½ bushel chosen at random by marine patrol from the bulk pile. The number of fish in the sample will be separated by species to obtain a count of river herring verses other species. The total number of river herring in the sample will be divided by the total number of fish in the sample to determine the percent composition of river herring caught.

**C. Recreational fishing limit**

Beginning January 1, 2012 an individual may take up to 25 river herring per day for recreational or personal use. If a municipality or individual has obtained exclusive river herring harvesting rights under 12 M.R.S. §6131, an individual may only take river herring for recreational or personal use if it is in accordance with the municipal harvest plan submitted annually to the Department by the municipality.

Methods for taking river herring are limited to hook and line and dip net. The possession limit is 25 fish per individual. Individuals must be properly registered or licensed.\*

\* Registry or license information is available at DMR Licensing Division, 21 State House Station, Augusta, Maine 04333-0021, Telephone (207) 624-6550 or online at the following web link: <http://maine.gov/saltwater> .

**D. Pilot Project**

The Commissioner may authorize the harvest of river herring, subject to any necessary limitations, in the following locations as part of a Pilot Project approved by the Atlantic States Marine Fisheries Commission Shad and River Herring Management Board for river herring runs which do not currently have an approved sustainable fisheries management plan.

1. Sewell Pond, Arrowsic
2. Wight's Pond, Penobscot
3. Center Pond, Phippsburg

This exemption expires December 31, 2025.

**30.03 Taking of River Herring from Walker's Brook**

Except from May 15 through June 5, it shall be unlawful for any person to take, in any manner, river herring from the waters of Walker's Brook, so-called, that runs between Walker's Pond and the Bagaduce River in the Towns of Brooksville and Sedgewick.

**30.04 Taking of River Herring in the Town of Orland Regulated**

The St. Regis Paper Company or its successors shall be required from the 15th day of April to the first day of December of each year, at their own expense, to keep the fishways at the lower and upper dams of the Eastern River in repair and in such order at all times so that the passage of said fish into, or out of, Lake Alamoosook, so called, will not be hindered.

**30.05 Taking of River Herring in Georges River**

- A. It shall be unlawful to construct, set, maintain or use any net or seine in the water of Georges River above a line drawn from Hooper's Point in the Town of St. George,

westerly past the northerly end of Caldwell's Island to a point opposite on the shore in the town of Cushing, for the purpose of taking or catching river herring between April 1st and July 15th. Nothing herein shall be construed to abridge or affect in any manner the rights and privileges now held by law by the Town of Warren in the river herring fishing in the said Georges River.

- B. Between April 20th and June 15th of each year no one shall fish, disturb or molest the river herring, or operate any boat within 1,000 feet of the river herring trap, located approximately 500 feet south of the Lower Warren Village Bridge on the Georges River.

### **30.06 Taking of River Herring in Damariscotta River**

- A. It shall be unlawful to construct, set, maintain, or use any net, weir, seine or other device, in the waters of the Damariscotta River, northerly of the bridge between the Villages of Newcastle and Damariscotta, for the purpose of taking or catching river herring. No one shall fish, disturb or molest the river herring in any way, west of the railroad bridge, from April 20th to June 15th. Nothing herein shall be construed to abridge nor affect in any manner the rights and privileges now held by law by the Towns of Newcastle and Nobleboro in the river herring fishery in the said Damariscotta River.

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#### EFFECTIVE DATE:

P&SL 1959, c. 155, §38 - Section 01. This section is subject to the Revised Statutes, Title 12, Section 6131, as amended.

P&SL 1969, c. 254, §2 - Section 01

P&SL 1959, c. 155 §40 – Section 02

P&SL 1959, c. 155, §42 – Section 03

P&SL 1959, c. 155, §43 – Section 04

P&SL 1969, c. 254, §2 – Section 04

P&SL 1959, c. 155, §54 - Section 05. This section is subject to the Revised Statutes of 1964, Title 12, Section 3708, as amended.

P&SL 1969, c. 105 – Section 05

P&SL 1969, c. 254, §2 – Section 05

P&SL 1959, c. 155, §64 – Section 06. This section is subject to the Revised Statutes of 1964, Title 12, Section 3708, as amended.

P&SL 1969, c. 19 – Section 06

P&SL 1969, c. 254, §2 – Section 06

P&SL 1959, c. 155, §106 – Section 07

P&SL 1959, c. 155, §130-A – Section 08

P&SL 1973, c. 44 – Section 08

#### AMENDED:

May 9, 2002 - Section 02 (EMERGENCY, EXPIRES 8/7/02)

June 24, 2002 – Section 02

April 11, 2012 – Entire Chapter

March 15, 2020 -30.02(D)

March 13, 2021-32.03(limited rec fishery permitted)

October 31, 2021-32.03