

HB3717



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3717

Introduced 2/22/2021, by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

515 ILCS 5/15-105
515 ILCS 5/15-130

from Ch. 56, par. 15-105
from Ch. 56, par. 15-130

Amends the Fish and Aquatic Life Code. Allows commercial fishermen to obstruct more than one-half the width of any stream or watercourse under specified circumstances. Specifies requirements for commercial fishermen who are unable to be in immediate supervision of his or her gill and trammel nets. Defines "trammel net" and "gill net". Makes conforming changes

LRB102 13784 KMF 19134 b

A BILL FOR

1 AN ACT concerning fish.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fish and Aquatic Life Code is amended by
5 changing Sections 15-105 and 15-130 as follows:

6 (515 ILCS 5/15-105) (from Ch. 56, par. 15-105)

7 Sec. 15-105. Devices near spillways, fishways, lakes, and
8 dams.

9 (a) Except as otherwise provided in subsection (b), it ~~is~~
10 shall be unlawful to use or operate any commercial devices
11 within 300 yards above or below all spillways, fishways, or
12 locks or dams of any type or in a manner that obstructs more
13 than one-half the width of any stream or watercourse.

14 (b) A commercial fisherman may obstruct more than one-half
15 the width of any stream or watercourse if: (i) the commercial
16 fisherman is within sight of his or her gear and available to
17 prevent boaters from contacting his or her nets; and (ii) the
18 commercial fisherman places at least 2 fluorescent orange
19 buoys that are at least 2 feet in diameter on the opposite side
20 of the net from which the commercial fisherman is working to
21 warn boaters of the presence of the commercial fisherman's
22 nets.

23 (Source: P.A. 87-833.)

1 (515 ILCS 5/15-130) (from Ch. 56, par. 15-130)

2 Sec. 15-130. Gill or trammel net. It shall be unlawful to
3 use a gill or trammel net except in the Mississippi River, in
4 the Ohio River, and in the Illinois River from its mouth up to
5 the Illinois River bridge, Highway Route 89, including
6 adjacent backwaters but not above the mouth of any stream,
7 ditch, or tributary connected to these backwaters. ~~No trammel
8 net used under this Section shall have meshes less than 2
9 inches bar measurement and no gill net used under this Section
10 shall have meshes less than 4 inches bar measurement.~~ No gill
11 or trammel net shall be less than 100 feet in length.

12 All gill or trammel nets that are set in any body of water
13 shall be under the immediate supervision of the operator, who
14 may be the licensee or his or her employee, except (i) from May
15 1 to September 30, (ii) when the nets are set under the ice,
16 (iii) from sunset to sunrise, or (iv) as specified by
17 administrative rule. Immediate supervision shall be defined as
18 the operator being on the waters where the nets are set to be
19 readily available to identify the nets to law enforcement
20 officers empowered to enforce this Code. It shall be unlawful
21 for any employee on any one day to lift or attend nets of more
22 than one licensee.

23 A commercial fisherman that is not able to be in immediate
24 supervision of his or her gill and trammel nets will be allowed
25 to identify his or her net with a florescent orange buoy that

1 is no less than 2 feet in diameter with his or her name and
2 phone number legibly printed or inscribed on the buoy. Any law
3 enforcement officer that encounters a net marked in this
4 manner, and cannot reach the fisherman that owns the net by
5 phone or text message within 30 minutes, shall consider the
6 device unattended.

7 All gill or trammel nets set under the ice shall be at a
8 distance of not less than 100 yards from any natural opening in
9 the ice.

10 A net shall be defined as a "trammel net" for the purposes
11 of enforcing this Code if: (i) there are no less than 3 panels
12 of mesh tied to a single float and lead line; (ii) the outer
13 panels of mesh are constructed of a number 9 or larger diameter
14 twine; (iii) the outer panels of mesh are diamond shaped and no
15 greater than 40 inch bar measure; and (iv) the inner panel of
16 mesh is not less than 2 inches bar measure.

17 A net shall be defined as a "gill net" for the purposes of
18 enforcing this Code if it is constructed of a single panel of
19 mesh that is not less than 3 inches bar measure that is tied to
20 a single float and lead line.

21 The Department may modify provisions of this Section as
22 provided in Section 1-135.

23 (Source: P.A. 95-147, eff. 8-14-07.)