

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 256**

H. P. 194

House of Representatives, February 3, 1977

Referred to the Committee on Fisheries and Wildlife. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Dow of West Gardiner.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT** Relating to the Taking of Smelts and Bait Dealer Licenses.

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Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 12 MRSA § 2552, sub-§ 5, as amended by PL 1967, c. 404, § 31, is repealed and the following enacted in its place:

5. Smelts. It shall be lawful to take smelts by use of a dip net on any day between the hours of 12 noon and 12 midnight in waters or portions of waters naturally free of ice and where the taking of smelts is not prohibited by law or regulation. No person shall take, catch, kill or have in possession more than 2 quarts of smelts in any one day, except as provided in section 2558.

In any waters closed to the taking of smelts by rule and regulation of the commissioner, it shall be unlawful to take, catch, kill, possess, molest or attempt to take smelts from those waters.

Sec. 2. 12 MRSA § 2558, 4th ¶, as amended by PL 1975, c. 772, § 19, is repealed and the following enacted in its place:

Persons having a bait dealer's license under this section may take smelts at any time of day during the months of December, January, February and March by hook and line or with a dip net not exceeding 36 inches in width, in waters which are open to fishing and where the taking of smelts is not prohibited by law or regulation. During the months of April and May, smelts may be taken only between the hours of 12 noon and 12 midnight. The daily

limit of smelts for dealers licensed under this section shall be 2 quarts, and they may possess more than 2 quarts providing the taking was legal.

Sec. 3. 12 MRSA § 2704 is repealed.

#### STATEMENT OF FACT

The purpose of this bill is to clarify the laws pertaining to smelt fishing seasons and possession limits.