

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 226

H.P. 161

House of Representatives, February 16, 1989

Reference to the Committee on Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative JACQUES of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Concerning the Fishing of Smelt.



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

3 **12 MRSA §7171, sub-§4, ¶C,** as amended by PL 1987, c. 317,
5 **§11,** is further amended to read:

7 C. The following restrictions apply to the taking and
8 selling of live smelts under the smelt wholesaler's license.

9 (1) Any person engaged in taking, or assisting in
10 taking, live smelts for resale from inland waters must
11 hold a current smelt wholesaler's license which shall
12 be exhibited upon request to any agent of the
13 commissioner.

14 (2) The holder of a smelt wholesaler's license may use
15 a baitfish trap, a dipnet, a dropnet, a lift net, a bag
16 net or hook and line to take live smelts for resale
17 from any inland water in accordance with general rules
18 promulgated by the commissioner in regard to the taking
19 of smelts.

20 (3) The holder of a smelt wholesaler's license may use
21 a baitfish trap, a dipnet, a dropnet, a lift net, a bag
22 net or hook and line to take up to 8 quarts of smelts
23 in a 24-hour period, beginning at noon on any given
24 day, from specific inland waters designated by the
25 commissioner.

26 (4) The holder of a smelt wholesaler's license may use
27 particles of food for the purpose of luring smelts to a
28 baitfish trap, a dipnet, a dropnet, a lift net or a bag
29 net.

30 (5) The holder of a smelt wholesaler's license may
31 transport or possess at his the wholesaler's business
32 facility more than the daily bag limit of smelts at any
33 time, providing that the smelts were acquired in a
34 lawful manner. If the smelts were purchased from
35 another person, a receipted invoice, bill of lading or
36 bill of sale shall be presented upon request to any
37 agent of the commissioner. For purposes of this
38 paragraph, live smelts shall be considered in
39 possession of the licensee once the smelts have been
40 removed from the inland waters and placed in a
41 container.

42 (6) If a person sells live smelts from more than one
43 wholesale facility, he that person must obtain a
44 separate license for each place of business.

45 (7) The holder of a smelt wholesaler's license may
46 designate others to assist him that license holder in

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selling live smelts at his that license holder's
business facility.

(8) The holder of a smelt wholesaler's license, or his
that license holder's designee, may transport live
smelts, except that live smelts being transported
directly from an inland water source must be
accompanied by the licensee.

STATEMENT OF FACT

This bill helps to clarify the restrictions that apply to
the taking of smelts by licensed wholesalers.