

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 829

H.P. 614

House of Representatives, March 9, 1993

An Act to Restrict the Harvesting of Smelts.

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BAILEY of Township 27.
Cosponsored by Representatives: AIKMAN of Poland, ANDERSON of Woodland, BAILEY of Farmington, BENNETT of Norway, BOWERS of Washington, BRUNO of Raymond, CARLETON of Wells, CARROLL of Gray, CATHCART of Orono, DEXTER of Kingfield, DRISCOLL of Calais, FARNUM of South Berwick, FARREN of Cherryfield, GRAY of Sedgwick, HUSSEY of Milo, JALBERT of Lisbon, KNEELAND of Easton, KUTASI of Bridgton, LEMONT of Kittery, LINDAHL of Northport, LOOK of Jonesboro, MORRISON of Bangor, MURPHY of Berwick, PENDEXTER of Scarborough, PLOWMAN of Hampden, POULIOT of Lewiston, QUINT of Paris, REED of Dexter, ROBICHAUD of Caribou, STEVENS of Sabattus, SULLIVAN of Bangor, THOMPSON of Lincoln, TOWNSEND of Eastport, TUFTS of Stockton Springs, YOUNG of Limestone, Senator: BUTLAND of Cumberland.

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

2 Sec. 1. 12 MRSA §7171, sub-§4, ¶C, as amended by PL 1989, c.
4 493, §20, is further amended to read:

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

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

20 (2) The holder of a smelt wholesaler's license may
22 take live smelts for resale from any inland water in
24 accordance with general rules ~~promulgated~~ adopted by
26 the commissioner in regard to the taking of smelts. In
28 taking smelts under the general rules, the holder of a
30 smelt wholesaler's license shall comply with the same
32 daily bag limit and the same tackle restrictions that
34 apply to all other anglers.

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

48 ~~(4) The holder of a smelt wholesaler's license may use~~
~~particles of feed for the purpose of luring smelts to a~~
~~baitfish-trap, a dipnet, a dropnet, a lift-net or a bag~~
~~net.~~

 (5) The holder of a smelt wholesaler's license may
transport or possess at the holder's business facility
more than the daily bag limit of smelts at any time,
~~previding~~ provided that the smelts were acquired in a
lawful manner. If the smelts were purchased from
another person, a receipted invoice, bill of lading or
bill of sale shall must be presented upon request to
any agent of the commissioner. For purposes of this
paragraph, live smelts shall ~~be~~ are considered in
possession of the licensee once the smelts have been
removed from the inland waters and placed in a
container.

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

(7) The holder of a smelt wholesaler's license may designate others to assist in selling live smelts at the holder's business facility.

(8) The holder of a smelt wholesaler's license, or the 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 limits commercial harvesting of smelt to the use of a hook and line only. Currently, smelts may be harvested with a dip net, baitfish trap, drop net, lift net or bag net.