

MAINE STATE LEGISLATURE

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INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 34, L.D. 85, Bill, "An Act To Simplify and Consolidate Maine's Fishing Laws and Rules"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 12 MRSA §12452, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

§12452. Consolidation of rules

Fishing rules as set forth in the annual Open Water and Ice Fishing Regulations folder and the annual Ice Fishing Regulations folder, as printed and distributed to the public, are declared to be official consolidations of fishing rules upon filing with the Secretary of State, except that the 150-day limit of Title 5, section 8052, subsection 7, paragraph B does not apply to this section.

Sec. 2. 12 MRSA §12454, sub-§1, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 3. 12 MRSA §12455, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 4. 12 MRSA §12456, sub-§1, as amended by PL 2007, c. 695, Pt. C, §3, is repealed.

Sec. 5. 12 MRSA §12456, sub-§1-A is enacted to read:

1-A. Open seasons. The commissioner shall establish open seasons for fishing, except as provided in this section and section 6140-A, subsection 4.

A. The open-water fishing season on boundary waters between Maine and New Brunswick is from April 15th to September 30th, inclusive.

Sec. 6. 12 MRSA §12456, sub-§2, as amended by PL 2005, c. 237, §2, is further amended to read:

1 **2. Exceptions.** Notwithstanding the open seasons established under subsection 4
2 **1-A:**

3 A. A person who holds a valid Maine fishing license may take smelts for recreational
4 purposes only from the inland waters or portions of inland waters that are naturally
5 free of ice with a dip net in the usual and ordinary way from noon to 2:00 a.m. in
6 accordance with bag limits established by rule. Bag limits established by rule under
7 this paragraph are for a 24-hour period, beginning at noon on a given day and ending
8 at 11:59 a.m. the following day. The commissioner may prohibit the taking of smelts
9 under this section or shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for
10 enforcement or conservation purposes.

11 (1) A person may not keep more than 5 dozen smelts alive as part of that
12 person's daily bag limit pursuant to this paragraph.

13 (2) A person may not take smelts with a dip net unless that dip net meets the
14 requirements under section 10001, subsection 12-A.

15 Each day a person violates subparagraph (1) or (2) that person commits a Class E
16 crime;.

17 ~~B. There is a continued closed season on the dipping of smelts from Morrill Pond~~
18 ~~and its tributaries in Somerset County;~~

19 ~~C. Whenever the last day of open water fishing season falls on a Saturday, the~~
20 ~~season is extended one day to include the following Sunday; and~~

21 ~~D. The commissioner by rule may extend the open water fishing season as long as~~
22 ~~such an extension does not pose a threat to the fishery. Rules adopted under this~~
23 ~~paragraph may include provisions that establish catch and release only restrictions on~~
24 ~~landlocked salmon, trout, togue and bass.~~

25 **Sec. 7. 12 MRSA §12461, sub-§6** is enacted to read:

26 **6. Exceptions.** Notwithstanding the stocking restrictions set forth in subsection 4,
27 the commissioner may:

28 A. Stock Big Reed Pond in T.8, R.10, W.E.L.S. with native fish species. If sufficient
29 brook trout from Big Reed Pond are not available, brook trout from Reed Brook and
30 its tributaries in T.8, R.10, W.E.L.S. may be used for restocking. If arctic charr from
31 Big Reed Pond are not available, arctic charr from an endemic arctic charr water in
32 the State may be used for restocking. If northern redbelly dace need to be restocked
33 in Big Reed Pond, northern redbelly dace from Reed Brook and its tributaries in T.8,
34 R.10, W.E.L.S. may be used for restocking.

35 **Sec. 8. 12 MRSA §12652, sub-§1**, as affected by PL 2003, c. 614, §9 and
36 amended by c. 655, Pt. B, §275 and affected by §422, is repealed and the following
37 enacted in its place:

38 **1. Prohibition.** Unless otherwise provided:

39 A. A person may not fish with more than 2 lines at any one time during the
40 open-water fishing season; and

1 B. A person may not fish during the open-water fishing season unless that person's
2 fishing lines are under that person's immediate supervision.

3 **Sec. 9. 12 MRSA §12656, sub-§1, ¶A**, as enacted by PL 2003, c. 414, Pt. A, §2
4 and affected by c. 614, §9, is amended to read:

5 A. Possess any grapnel, trawl, weir, seine, gill net or trap or set line or drop net on
6 or adjacent to any of the inland waters of the State, except in accordance with
7 sections 12157 and 12506, section 12551-A, subsection 7, paragraph A, subparagraph
8 (2) and section 12763, subsections 3 and 4; or

9 **Sec. 10. 12 MRSA §12659-A, sub-§4**, as amended by PL 2005, c. 477, §19, is
10 further amended to read:

11 **4. Checking cusk lines.** ~~In waters that are opened under section 12454, subsection~~
12 ~~1, paragraph B, a~~ A person fishing through the ice for cusk in the nighttime shall visit at
13 least once every hour all lines set by that person for cusk.

14 A. A person who violates this subsection commits a civil violation for which a fine
15 of not less than \$100 nor more than \$500 may be adjudged.

16 B. A person who violates this subsection after having been adjudicated as having
17 committed 3 or more civil violations under this Part within the previous 5-year period
18 commits a Class E crime.

19 **Sec. 11. 12 MRSA §12661, sub-§1, ¶A**, as affected by PL 2003, c. 614, §9 and
20 amended by c. 655, Pt. B, §283 and affected by §422, is further amended to read:

21 A. May not leave or allow the shack or structure to remain on the ice of any inland
22 waters ~~more than 3 days after the waters on which the shack or structure is located~~
23 ~~are closed to ice fishing after April 1st; or~~

24 **Sec. 12. 12 MRSA §12661, sub-§1, ¶B**, as affected by PL 2003, c. 614, §9 and
25 amended by c. 655, Pt. B, §283 and affected by §422, is repealed.

26 **Sec. 13. 12 MRSA §12662**, as amended by PL 2005, c. 397, Pt. E, §12, is
27 repealed.'

28 SUMMARY

29 This amendment:

30 1. Exempts the rules adopted for open-water fishing and ice fishing from the 150-day
31 limit for review by the Attorney General;

32 2. Repeals the prohibition on ice fishing at night;

33 3. Adds drop nets to the list of fishing implements that are illegal to possess on or
34 adjacent to inland waters except as otherwise provided in law;

35 4. Gives the Commissioner of Inland Fisheries and Wildlife the ability to set, by rule,
36 the open season for fishing in certain waters;

37 5. Exempts smelt wholesale dealers from using certain fishing implements to harvest
38 smelts that are otherwise illegal;

1 6. Repeals the requirement that rules adopted by the commissioner that set forth the
2 special fishing regulations for inland waters must include a list of waters where a person
3 under 12 years of age may fish with a single-baited hook and line;

4 7. Authorizes the Department of Inland Fisheries and Wildlife to stock Big Reed
5 Pond in Piscataquis County with native fish species;

6 8. Removes language concerning the continued closed season on the dipping of
7 smelts from Morrill Pond and its tributaries in Somerset County;

8 9. Removes the requirement that whenever the last day of open-water fishing season
9 falls on a Saturday, the season is extended one day to include the following Sunday;

10 10. Removes the provision that allows the commissioner by rule to extend the open-
11 water fishing season as long as such an extension does not pose a threat to the fishery
12 because this authority is no longer needed;

13 11. Provides that a person must keep fishing lines during the open-water fishing
14 season under the immediate supervision of that person;

15 12. Provides that a person may not leave an ice shack on the ice of any inland waters
16 past April 1st of each year; and

17 13. Removes the prohibition against placing an ice shack on the ice of inland water
18 more than 3 days before the start of ice fishing season.