

MAINE STATE LEGISLATURE

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M
R. G. S.

MINORITY

L.D. 925

Date: 5-13-09

(Filing No. S-157)

INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 347, L.D. 925, Bill, "An Act To Allow Youth To Fish for Smelt on Worthley Pond"

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

'Sec. 1. 12 MRSA §12456, sub-§2, ¶A, as repealed and replaced by PL 2005, c. 237, §2, is amended to read:

A. A person who holds a valid Maine fishing license may take smelts for recreational purposes only from the inland waters or portions of inland waters that are naturally free of ice with a dip net in the usual and ordinary way from noon to 2:00 a.m. in accordance with bag limits established under section 12460-B, subsection 2 and by rule. Bag limits established in section 12460-B, subsection 2 and by rule under this paragraph are for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may prohibit the taking of smelts under this section or shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes.

(1) A person may not keep more than 5 dozen smelts alive as part of that person's daily bag limit pursuant to section 12460-B, subsection 2 or this paragraph.

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

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

Sec. 2. 12 MRSA §12460-B is enacted to read:

COMMITTEE AMENDMENT

1 **§12460-B. Smelt fishing on Worthley Pond in Oxford County**

2 **1. Prohibition on smelt fishing in Worthley Pond.** A person may not fish for
3 smelt in Worthley Pond within the Town of Peru, Oxford County. A person who violates
4 this subsection commits a Class E crime.

5 **2. Exception.** Notwithstanding subsection 1, a person who has not attained 17 years
6 of age may fish for smelt in Worthley Pond by use of a dip net that meets the definition
7 and restrictions under section 10001, subsection 12-A.

8 A. A person may not exceed the daily bag limit of 2 quarts per person. A person that
9 violates this paragraph commits a Class E crime.

10 B. A person may not harvest smelt under this section for commercial purposes. A
11 person who violates this paragraph commits a Class D crime for which a fine of not
12 less than \$1,000 must be adjudged.'

13 **SUMMARY**

14 This amendment replaces the bill. It provides that a person may not fish for smelt in
15 Worthley Pond within the Town of Peru, Oxford County but does authorize a person who
16 has not attained 17 years of age to fish in that pond with a dip net. It sets a 2-quart daily
17 bag limit and makes violating that limit a Class C crime. The amendment also prohibits
18 smelting in Worthley Pond for commercial purposes, makes smelting in Worthley Pond
19 for commercial purposes a Class D crime and imposes a fine of not less than \$1,000 for
20 violating that prohibition.

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 925

LR 1308(02)

An Act To Allow Youth To Fish for Smelt on Worthley Pond

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class D and E crimes; increases correctional and judicial costs
The collection of additional fines may also increase General Fund revenue by minor amounts.