

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 26

H.P. 24

House of Representatives, January 15, 2013

**An Act To Authorize the Commissioner of Inland Fisheries and
Wildlife To Change a Fishing Season Opening Date Statewide**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SHAW of Standish.
Cosponsored by Senator PATRICK of Oxford and
Representatives: BRIGGS of Mexico, DILL of Old Town, ESPLING of New Gloucester,
GUERIN of Glenburn, TIMBERLAKE of Turner, Senator: DUTREMBLE of York.

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

2 **Sec. 1. 12 MRSA §12456, sub-§2, ¶A**, as amended by PL 2009, c. 214, §6, is
3 further amended to read:

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

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

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

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

18 **Sec. 2. 12 MRSA §12456, sub-§2, ¶E** is enacted to read:

19 E. In accordance with section 10104, the commissioner may change the established
20 opening date of an open season if, in the commissioner's opinion, the change is
21 necessary due to earlier-than-normal seasonal temperature changes or weather
22 conditions.

23 **SUMMARY**

24 This bill authorizes the Commissioner of Inland Fisheries and Wildlife to change a
25 fishing season opening date in inland waters of the State if weather conditions make that
26 change necessary.