

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 542

H.P. 361

House of Representatives, February 19, 2013

An Act To Remove the Limit on the Retention of Live Smelts

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KESCHL of Belgrade.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: CHASE of Wells, FREDETTE of Newport, KNIGHT of Livermore Falls,
SHAW of Standish, WILLETTE of Mapleton, WINSOR of Norway.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** immediate enactment of this legislation is necessary in order for it to be
4 effective in time for the open-water fishing season; and

5 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
6 the meaning of the Constitution of Maine and require the following legislation as
7 immediately necessary for the preservation of the public peace, health and safety; now,
8 therefore,

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

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

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

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

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

24 Each day a person violates subparagraph ~~(1)~~ or (2) that person commits a Class E
25 crime.

26 **Emergency clause.** In view of the emergency cited in the preamble, this
27 legislation takes effect when approved.

28 **SUMMARY**

29 This bill removes the limit of 5 dozen live smelts from a person's daily bag limit for
30 smelt fishing.