

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 617

H.P. 433

House of Representatives, February 16, 2017

An Act To Allow the Sale of Saltwater Smelt for Bait

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HIGGINS of Dover-Foxcroft.
Cosponsored by Senator DAVIS of Piscataquis and
Representative: STEARNS of Guilford.

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

2 **Sec. 1. 12 MRSA §12551-A, sub-§7, ¶A,** as amended by PL 2015, c. 301, §36,
3 is further amended to read:

4 A. The holder of a smelt wholesale dealer's license may:

5 (1) Take live smelts for resale from inland waters or private ponds. The taking
6 of live smelts from inland waters must be in accordance with general rules
7 adopted by the commissioner in regard to the taking of smelts. Except as
8 provided in paragraph B, the holder of a smelt wholesaler's license shall comply
9 with the same daily bag limit and the same tackle restrictions that apply to all
10 other anglers and is subject to the same penalties for violations of those limits and
11 restrictions. This subparagraph does not apply to a holder of a fish cultivator
12 license as provided under section 12507;

13 (2) Beginning on the date the body of water on which the smelts are taken is
14 open to ice fishing and ending March 31st annually, use a drop net, a lift net or
15 hook and line to take up to 8 quarts of smelts through man-made openings in the
16 ice while fishing on the ice from specific inland waters designated by the
17 commissioner. A dip net may be used in conjunction with the above methods to
18 assist with the handling and transporting of smelts. A licensee may keep the
19 daily bag limit alive. The daily bag limit established under this subparagraph is
20 for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m.
21 the following day;

22 (2-A) In waters naturally free of ice, take smelts from noon to 2:00 a.m. by the
23 use of a dip net in the usual and ordinary way. The commissioner may establish
24 the daily bag limit by rule and a licensee may keep the daily bag limit of smelts
25 alive. The daily bag limit established under this subparagraph is for a 24-hour
26 period, beginning at noon on a given day and ending at 11:59 a.m. the following
27 day. The commissioner may shorten the noon to 2:00 a.m. smelt fishing time
28 frame by rule for enforcement or conservation purposes;

29 (3) Use artificial light for the purpose of luring smelts to a drop net or a lift net;

30 (4) Transport or possess at the holder's business facility more than the daily bag
31 limit of smelts provided that the smelts were taken by the license holder in
32 accordance with this section or acquired from a person licensed under this section
33 to deal in live smelts;

34 (5) Designate others to assist in selling live smelts at the holder's business
35 facility; ~~and~~

36 (6) Transport or designate others to transport on the license holder's behalf live
37 smelts in accordance with this subsection; ~~and~~

38 (7) Possess and sell at the holder's business facility more than the daily bag limit
39 of smelts taken from the State's coastal waters provided that the smelts were
40 acquired from a person licensed under chapter 615 to deal in live smelts.

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SUMMARY

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This bill allows the holder of a smelt wholesaler's license to possess and sell at the

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licensee's business facility smelts taken from the State's coastal waters.