

MAINE STATE LEGISLATURE

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NINETY - NINTH LEGISLATURE

Legislative Document

No. 1113

H. P. 749 House of Representatives, March 4, 1959
Referred to Committees on Inland Fisheries and Game and Sea and Shore
Fisheries jointly, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Rankin of Southport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Regulating Commercial Fishing for Smelts.

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

Closed season on commercial fishing for smelts. From March 15th to June 15th of each year, it shall be unlawful to fish for or take any smelts from any waters of the State by any means other than by the use of a dip-net, or by the ordinary mode of angling with hook and line, and such fishing is restricted to either fishing from the bank or from a boat so that the person fishing does not in any manner wade in the water.

I. Dip-net limitation for inland waters. From March 15th to March 31st of each year, the taking of smelts in the inland waters of the State is restricted to the use of a dip-net only.

II. Limit on possession, exceptions. From March 15th to June 15th of each year, it is unlawful to take, catch, kill or have in possession more than 4 quarts of smelts of any description in any one day, regardless of where the smelts were taken.

A. The provisions of this subsection do not apply to possession of smelts in any grocery store or fish market, or in the vehicle or place of business of any dealer in fish who is licensed under the Revised Statutes of 1954, chapter 37, sections 63 or 64, or in the vehicle or place of business of any bait dealer licensed under said section 63.

III. Some commercial fishing licensees excused; prima facie evidence. The holder of a current resident commercial fishing license or a current nonresident

commercial fishing license is excused from the provisions of this chapter to the extent of any smelts which he catches in any licensed weir or trap maintained and operated in tidal waters for catching herring.

A. If any such licensee is found with smelts in his possession by a coastal warden or game warden, he shall immediately on request show his resident or nonresident commercial fishing license, and his neglect to do so is prima facie evidence that he is not excused as provided in this subsection.

IV. Exception for localities covered by special legislation; prima facie evidence. Any provision of this chapter, that is in conflict with any provision of any special legislation which regulates the taking or possession of smelts in any given locality, is superseded by that special legislation.

A. If any person, other than as provided in subsection II, paragraph A, or in subsection III, is found in possession of more than 4 quarts of smelts in a municipality when and where special legislation does not authorize the possession of more smelts anywhere within that municipality at the time of the possession, it is prima facie evidence that the smelts are possessed in violation of subsection II.

V. Commissioners to cooperate in enforcement. The Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game shall cooperate in the enforcement of this chapter.