

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

chapter and whose last injurious exposure to a carcinogen in his employment occurred after January 1, 1985.

A. For the purposes of this subsection, "full-time firefighter" means a regular full-time member, active or retired, of a municipal fire department if that person has aided in the extinguishment of fires, regardless of whether or not that person had administrative duties or other duties as a member of the municipal fire department.

Effective July 16, 1986.

CHAPTER 607

S.P. 858 - L.D. 2169

AN ACT to Revise the Statutes Pertaining to
Use and Sale of Live Fish as Bait.

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

Sec. 1. 12 MRSA §7001, sub-§§1-A and 1-B are enacted to read:

1-A. Baitfish. "Baitfish" means only those species in the following list:

- A. Lake chub, (Couesius plumbeus);
- B. Silvery minnow, (Hybognathus nuchalis);
- C. Golden shiner, (Notemigonus chrysoleucas);
- D. Emerald shiner, (Notropis atherinoides);
- E. Bridled shiner, (Notropis bifrenatus);
- F. Common shiner, (Notropis cornutus);
- G. Blacknose shiner, (Notropis heterolepis);
- H. Spottail shiner, (Notropis hudsonius);
- I. Northern redbelly dace, (Phoxinus eos);
- J. Finescale dace, (Phoxinus neogaeus);

- K. Fathead minnow, (Pimephales promelas);
- L. Blacknose dace, (Rhinichthys atratulus);
- M. Longnose dace, (Rhinichthys cataractae);
- N. Creek chub, (Semotilus atromaculatus);
- O. Fallfish, (Semotilus corporalis);
- P. Pearl dace, (Semotilus margarita);
- Q. Banded killifish, (Fundulus diaphanus);
- R. Mummichog, (Fundulus heteroclitus);
- S. Longnose sucker, (Catostomus catostomus);
- T. White sucker, (Catostomus commersoni); and
- U. Creek chubsucker, (Erimyzon oblongus).

1-B. Baitfish trap. "Baitfish trap" means a device used to take baitfish, fitted with rigid entrance or exit holes and having a volume no greater than 50 cubic feet.

Sec. 2. 12 MRSA §7001, sub-§33-A is enacted to read:

33-A. Seine. "Seine" means an ordinary commercial-type minnow seine, not to exceed 1,200 square feet, used vertically to enclose baitfish when its ends are brought together or drawn ashore.

Sec. 3. 12 MRSA §7171, as amended by PL 1983, c. 588, §10 and c. 807, Pt. P, §9, is repealed and the following enacted in its place:

§7171. License to deal in live smelts and baitfish

1. Eligibility. Any resident or nonresident is eligible to obtain a license to deal in live smelts and baitfish upon payment of the appropriate fee.

2. Issuance. The commissioner may issue live smelt and baitfish licenses in the following categories.

A. A live bait retailer's license permits a person to possess for resale, sell or offer to sell live smelts, *Osmerus mordax*, and baitfish, as defined in section 7001, subsection 1-A.

B. A baitfish wholesaler's license permits a person to take and possess for resale, sell or offer to sell live baitfish.

C. A smelt wholesaler's license permits a person to take and possess for resale, sell or offer to sell live smelts.

3. Schedule of fees. The schedule of fees is as follows:

<u>A. Live bait retailer's license</u>	<u>\$10</u>
<u>B. Baitfish wholesaler's license</u>	<u>\$20</u>
<u>C. Smelt wholesaler's license</u>	<u>\$65</u>

4. Restrictions. Restrictions on the selling of baitfish are as follows.

A. The following restrictions apply to the selling of live smelts and baitfish under the live bait retailer's license.

(1) If a person sells live smelts or baitfish from more than one retail facility, he must obtain a separate license for each place of business.

(2) The holder of a live bait retailer's license may designate others to assist him in selling live smelts and baitfish at his business facility.

(3) The holder of a live bait retailer's license, or his designee, may transport live smelts and baitfish.

(4) The holder of a live bait retailer's license may possess more than the daily bag limit of smelts at any time, providing that the smelts were acquired in a lawful manner. As evidence of lawful possession, the receipted invoice, bill of lading, bill of sale or other satisfactory evidence shall be presented upon request to any agent of the commissioner.

B. The following restrictions apply to the taking and selling of baitfish under the baitfish wholesaler's license.

(1) Any person engaged in taking live baitfish for resale from inland waters must hold a current baitfish wholesaler's license which shall be exhibited upon request to any agent of the commissioner.

(2) The holder of a baitfish wholesaler's license may take baitfish by use of a seine as defined in section 7001, subsection 33-A; a baitfish trap as defined in section 7001, subsection 1-B; a dipnet, a dropnet, a lift net or a bag net; or by hook and line.

(3) The holder of a baitfish wholesaler's license may use particles of food for the purpose of luring baitfish to a baitfish trap, a dipnet, a dropnet, a lift net or a bag net.

(4) If a person sells live baitfish from more than one wholesale facility, he must obtain a separate license for each place of business.

(5) The holder of a baitfish wholesaler's license may designate others to assist him in selling live baitfish at his business facility.

(6) The holder of a baitfish wholesaler's license, or his designee, may transport live baitfish.

C. The following restrictions apply to the taking and selling of live smelts under the smelt wholesaler's license.

(1) Any person engaged in taking live smelts for resale from inland waters must hold a current smelt wholesaler's license which shall be exhibited upon request to any agent of the commissioner.

(2) The holder of a smelt wholesaler's license may take live smelts for resale from any inland water in accordance with general rules promulgated by the commissioner in regard to the taking of smelts.

(3) The holder of a smelt wholesaler's license may use a baitfish trap, a dipnet, a dropnet, a lift net, a bag net or hook and line to take up to 8 quarts of smelts in a

24-hour period, beginning at noon on any given day, from specific inland waters designated by the commissioner.

(4) The holder of a smelt wholesaler's license may use particles of food for the purpose of luring smelts to a baitfish trap, a dipnet, a dropnet, a lift net or a bag net.

(5) The holder of a smelt wholesaler's license may possess more than the daily bag limit of smelts at any time, providing that the smelts were acquired in a lawful manner. If the smelts were purchased from another person, a receipted invoice, bill of lading or bill of sale shall be presented upon request to any agent of the commissioner.

(6) If a person sells live smelts from more than one wholesale facility, he must obtain a separate license for each place of business.

(7) The holder of a smelt wholesaler's license may designate others to assist him in selling live smelts at his business facility.

(8) The holder of a smelt wholesaler's license, or his designee, may transport live smelts, except that live smelts being transported directly from an inland water source must be accompanied by the licensee.

Sec. 4. 12 MRSA §7173, as amended by PL 1979, c. 723, §8, is further amended to read:

§7173. Permit to take baitfish

1. Issuance. Whenever any inland waters are closed to fishing, the commissioner may issue permits to take ~~minnows~~ baitfish for bait purposes from those waters.

Sec. 5. 12 MRSA §7606, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

§7606. Selling, using or possessing baitfish

1. Selling, using or possessing illegal baitfish. A person is guilty, except as provided in

section 7630, subsection 1, of selling, using or possessing illegal baitfish if he sells, offers for sale, uses or possesses for use as bait for fishing any species of fish not listed in section 7001, subsection 1-A.

2. Failure to label baitfish traps or baitfish holding boxes. A person is guilty of failure to label baitfish traps or baitfish holding boxes if he sets or places within the inland waters of the State any baitfish trap or any baitfish holding box without having the baitfish trap or baitfish holding box plainly labeled with his full name and address.

Sec. 6. 12 MRSA §7606-A is enacted to read:

§7606-A. Disturbing baitfish traps or baitfish holding boxes

A person is guilty of disturbing baitfish traps or baitfish holding boxes if he disturbs or takes any baitfish trap or baitfish holding box or any fish from any baitfish trap or baitfish holding box other than his own, without the consent of the owner of the baitfish trap or baitfish holding box.

Sec. 7. 12 MRSA §7630, sub-§1, ¶B, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

B. It is lawful to take baitfish, as defined in section 7001, subsection 1-A, from all inland waters of the State during the period that these waters are open to fishing and the commissioner may grant permits in accordance with section 7173 to take baitfish from certain waters at any time.

Sec. 8. 12 MRSA §7630, sub-§§1-A and 4 are enacted to read:

1-A. Section 7608. Notwithstanding section 7608, it is lawful to take baitfish with a baitfish trap, as defined in section 7001, subsection 1-B.

4. Section 7622. Notwithstanding section 7622, it is lawful to place food particles in a baitfish trap for the purpose of luring baitfish.

Sec. 9. Effective date. Section 3 of this Act shall take effect on January 1, 1987.