



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 26

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H.P. 24

House of Representatives, January 15, 2013

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

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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.