

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

‘Sec. 1. 12 MRSA §12456, sub-§2, ¶A, as repealed and replaced by PL 2005, c. 237, §2, is amended to read:

A. A person who holds a valid Maine fishing license may take smelts for recreational purposes only from the inland waters or portions of inland waters that are naturally free of ice with a dip net in the usual and ordinary way from noon to 2:00 a.m. in accordance with bag limits established under section 12460-B, subsection 2 and by rule. Bag limits established in section 12460-B, subsection 2 and by rule under this paragraph are for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may prohibit the taking of smelts under this section or shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes.

(1) A person may not keep more than 5 dozen smelts alive as part of that person's daily bag limit pursuant to section 12460-B, subsection 2 or this paragraph.

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

Each day a person violates subparagraph (1) or (2) that person commits a Class E crime;

Sec. 2. 12 MRSA §12460-B is enacted to read:

§ 12460-B. Smelt fishing on Worthley Pond in Oxford County

1. Prohibition on smelt fishing in Worthley Pond. A person may not fish for smelt in Worthley Pond within the Town of Peru, Oxford County. A person who violates this subsection commits a Class E crime.

2. Exception. Notwithstanding subsection 1, a person who has not attained 17 years of age may fish for smelt in Worthley Pond by use of a dip net that meets the definition and restrictions under section 10001, subsection 12-A.

A. A person may not exceed the daily bag limit of 2 quarts per person. A person that violates this paragraph commits a Class E crime.

B. A person may not harvest smelt under this section for commercial purposes. A person who violates this paragraph commits a Class D crime for which a fine of not less than \$1,000 must be adjudged.’

SUMMARY

This amendment replaces the bill. It provides that a person may not fish for smelt in Worthley Pond within the Town of Peru, Oxford County but does authorize a person who has not attained 17 years of age to fish in that pond with a dip net. It sets a 2-quart daily bag limit and makes violating that limit a Class C crime. The amendment also prohibits smelting in Worthley Pond for commercial purposes, makes smelting in Worthley Pond for commercial purposes a Class D crime and imposes a fine of not less than \$1,000 for violating that prohibition.