

§12456. Open seasons; exceptions**1. Open seasons.**

[PL 2009, c. 214, §4 (RP).]

1-A. Open seasons. The commissioner shall establish open seasons for fishing, except as provided in this section and section 6140-A, subsection 4.

A. The open-water fishing season on boundary waters between Maine and New Brunswick is from April 1st to September 30th, inclusive. [PL 2015, c. 301, §33 (AMD).]

[PL 2015, c. 301, §33 (AMD).]

2. Exceptions. Notwithstanding the open seasons established under subsection 1-A:

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 by rule. Bag limits established 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.

(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 (2) that person commits a Class E crime; and [PL 2013, c. 588, Pt. A, §17 (RPR).]

B. [PL 2009, c. 214, §6 (RP).]

C. [PL 2009, c. 214, §6 (RP).]

D. [PL 2009, c. 214, §6 (RP).]

E. In accordance with section 10104, the commissioner may change the established opening date of an open-water recreational fishing season and may change the established closing date of a recreational ice-fishing season if, in the commissioner's opinion, the change is warranted due to weather conditions. [PL 2019, c. 9, §1 (AMD).]

[PL 2019, c. 9, §1 (AMD).]

3. Rules. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and may be adopted by emergency rulemaking pursuant to Title 5, section 8054.

[PL 2019, c. 9, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B244 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 237, §2 (AMD). PL 2007, c. 695, Pt. C, §3 (AMD). PL 2009, c. 214, §§4-6 (AMD). PL 2013, c. 3, §§1, 2 (AMD). PL 2013, c. 73, §1 (AMD). PL 2013, c. 588, Pt. A, §17 (AMD). PL 2015, c. 301, §33 (AMD). PL 2019, c. 9, §§1, 2 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The

text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.