



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
284 STATE STREET
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041

CHANDLER E. WOODCOCK
COMMISSIONER

December 1st, 2018

Dear Baitfish or Smelt Wholesaler,

Thank you for purchasing a 2019 Baitfish or Smelt Wholesale license. As you know the availability of baitfish and smelt is important to Maine anglers. That is why we need your help...

In an effort to better manage the baitfish resources of Maine and in accordance with Title 12 Chapters 923, Section 12551-A, all holders of 2019 Baitfish or Smelt Wholesale licenses are required to submit an annual report of their harvest activity and catch information to the Department of Inland Fisheries & Wildlife by May 31st of each license year. All of the data submitted as part of this report is for scientific purposes only and will remain confidential and not a public record, except that the commissioner may disclose data released in a form that is statistical or general in nature.

Take note that failure to submit a report by the deadline will result in the suspension of your privilege to obtain a Baitfish or Smelt Wholesale license for one calendar year. You must file a report even if you did not harvest or were unable to fish during the current season. The information you provide is needed to better manage these resources into the future.

The reporting deadline of May 31st is consistent for both Baitfish and Smelt Wholesaler license holders and will make it easier for those of you who possess both licenses to comply. Typically, the bait fishing season spans two calendar years (often September through May). However, we expect the report you submit by May 31st, 2019 to cover any bait you harvested within the reporting period of May 2018 through April 2019. For subsequent years, you will be expected to report on your harvest and fishing activity for the period spanning May 1 through April 30.

A report form(s) and instructions are included in your dealer packet. Adhere to the following guidelines to ensure that you get properly credited for reporting:

1. Send reports to: Merry Gallagher, Maine Dept. Inland Fisheries & Wildlife, 650 State Street, Bangor, Maine 04401 **by May 31st each year.**
2. Include your name, license #, type of license, address, and telephone # on all pages of your report form.
3. Include the name(s) and license number(s) of other dealers/helpers covered by your report, or be sure they file their own report (see instructions for more details).
4. Remember to file a report **even if you did not harvest fish or were unable to fish during the current season.**

The Maine Department of Inland Fisheries and Wildlife thanks you for your cooperation, and wishes you a safe and successful season. Please call me at (207) 941-4381 if you have any questions or need more information.

Sincerely,

Merry Gallagher
Native Fish Conservation Biologist – Native Fish Conservation Group Leader



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
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JUDITH CAMUSO
ACTING COMMISSIONER

January 23rd, 2019

Dear Smelt Wholesaler,

Statewide management of Maine smelt waters is guided by priorities developed by the Department with input from a public working group. Statewide smelt management objectives, in order of priority (highest to lowest priority) are as follows:

1. Provide smelt as forage for coldwater sportfish;
2. Provide recreational fisheries for smelts where it will not adversely impact coldwater sportfish forage; and
3. Provide opportunity for commercial harvest of smelt where it will not conflict with coldwater sportfish forage or recreational smelt fishing.

Periodically, waters containing smelts are reviewed to ensure waters are being managed consistent with the statewide management priorities. A recent review identified 33 additional waters that qualify to be open for commercial harvest and the 2019 list of waters open to commercial harvest has been revised to include these 33 waters, effective 1/23/19. Normally these waters would be added to the list of waters "Open to the Taking of Live Smelts Under the Live Smelt Wholesalers License" in December (just prior to the start of a new year).

Please visit the department's website at: <https://www.maine.gov/ifw/docs/Smelt-Wholesale-License-Info-Packet.pdf> for the updated list.

The Maine Department of Inland Fisheries and Wildlife thanks you for your cooperation, and wishes you a safe and successful season.

Sincerely,

Francis Brautigam

MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
THE FOLLOWING LAKES ARE OPEN TO THE TAKING OF SMELTS UNDER THE
LIVE SMELT WHOLESALERS LICENSE
FOR CALENDAR YEAR 2019 (Updated 1/23/19)

ANDROSCOGGIN COUNTY

ALLEN P
 ANDROSCOGGIN L
 BARTLETT P
 BEAR P
 BRETTUNS P
 CRYSTAL P
 NO NAME P
 RANGE P (UPPER)
 ROUND P
 SABATTUS P
 TAYLOR P
 WILSON P (LITTLE)
 WORTHLEY P

GREENE
 WAYNE
 LIVERMORE
 HARTFORD
 LIVERMORE
 TURNER
 LEWISTON
 POLAND
 LIVERMORE
 SABATTUS
 AUBURN
 TURNER
 POLAND

AROOSTOOK COUNTY

BIG MACHIAS L
 BRACKETT L
 CARRY L
 CLAYTON L
 CONROY L
 ISLAND P
 MATTAWAMKEAG L (UPPER)
 MCNALLY P (UPPER)
 PRATT L
 ROSS L
 SLY BROOK L (FIRST)
 SLY BROOK L (SECOND)
 SPAULDING L
 UMCOLCUS L
 WYTOPITLOCK L

T12 R8 WELS
 WESTON
 LITTLETON
 T12 R8 WELS
 MONTICELLO
 T14 R8 WELS
 ISLAND FALLS
 T11 R10 WELS
 T11 R9 WELS
 LITTLETON
 NEW CANADA
 NEW CANADA
 OAKFIELD
 T7 R5 WELS
 GLENWOOD PLT

CUMBERLAND COUNTY

BARKER P
 BAY OF NAPLES
 COLD RAIN P
 HIGHLAND (DUCK) L
 HIGHLAND L
 INGALLS (FOSTER'S) P
 ISLAND P
 NOTCHED P
 NUBBLE P
 RAYMOND P
 SEBAGO L (LITTLE)
 THOMAS P
 WATCHIC P
 WOODS P

SEBAGO
 NAPLES
 NAPLES
 FALMOUTH
 BRIDGTON
 BRIDGTON
 HARRISON
 RAYMOND
 RAYMOND
 RAYMOND
 GRAY
 RAYMOND
 STANDISH
 BRIDGTON

FRANKLIN COUNTY

BEAL P
 COW P
 DUTTON P
 FLATIRON P
 GULL P
 HALEY P
 HILLS P
 JIM P (LITTLE)
 LONG P
 NORCROSS P
 PARKER P
 QUIMBY P
 SABBATH DAY P
 SANDY RIVER P (LOWER)
 SANDY RIVER P (MIDDLE)
 SANDY RIVER P (UPPER)
 SPENCER P

MADRID TWP
 LANG TWP
 KINGFIELD
 DAVIS TWP
 DALLAS PLT
 DALLAS PLT
 PERKINS TWP
 JIM POND TWP
 TOWNSHIP E
 CHESTERVILLE
 JAY
 RANGELEY
 TOWNSHIP E
 SANDY RIVER PLT
 SANDY RIVER PLT
 SANDY RIVER PLT
 TOWNSHIP D

STAPLES P
TOOTHAKER P
TUFTS P

HANCOCK COUNTY

ALAMOOSOOK L
DEBEC P
GEORGES P
GILES P
GOOSE P
GRAHAM L
GREAT P
LEAD MTN P (LOWER & MIDDLE)
LEONARD L
LONG P
MOULTON P
MOUNTAIN Y P
PATTEN P (UPPER)
PORTER P
PUGHOLE P
ROCKY P
SABAO L (LOWER)
SABAO L (UPPER)
SOMES P
SPECTACLE P
WEBB P
WILLIAMS P

KENNEBEC COUNTY

ANDERSON P
ANDROSCOGGIN L
ANNABESSACOOK L
BERRY P
BUKER P
CHINA L
COBBOSSEECONTEE L
COBBOSSEECONTEE L (LITTLE)
COBBOSSEECONTEE S
COCHNEWAGON P
DAM P
DAVID P
DEXTER P
GOULD P
HALES P
HAMILTON P
HORSESHOE P
HUTCHINSON P
INGHAM P
JIMMIE P
JIMMY P
LOVEJOY P
LOVEJOY P
MCGRATH P
MESSALONSKEE L
MOODY P
NORTH & LITTLE P
PATTEE P
PLEASANT P
POCASSET L
PURGATORY P (LITTLE)
SALMON P
SAND P
SAVADE P
THREECORNERED P
THREEMILE P
TILTON P
TOGUS P
TOLMAN P
TORSEY L
WEBBER P

TEMPLE
PHILLIPS
KINGFIELD

ORLAND
AMHERST
FRANKLIN
AURORA
DEDHAM
MARIAVILLE
GREAT POND
T28 MD
ELLSWORTH
BUCKSPORT
DEDHAM
DEDHAM
ELLSWORTH
T3 ND
T41 MD
T22 MD
T35 MD
T41 MD
MOUNT DESERT
OSBORN
EASTBROOK
BUCKSPORT

AUGUSTA
WAYNE
MONMOUTH
WAYNE
LITCHFIELD
CHINA
WEST GARDINER
WINTHROP
W.GARDINER
MONMOUTH
AUGUSTA
FAYETTE
WAYNE
SIDNEY
FAYETTE
BELGRADE
WEST GARDINER
MANCHESTER
MOUNT VERNON
MANCHESTER
LITCHFIELD
ALBION
FAYETTE
OAKLAND
SIDNEY
WINDSOR
ROME
WINSLOW
LITCHFIELD
WAYNE
LITCHFIELD
OAKLAND
MONMOUTH
WINDSOR
AUGUSTA
CHINA
FAYETTE
AUGUSTA
AUGUSTA
MOUNT VERNON
VASSALBORO

WHITTIER P
WILSON P
WOODBURY P

KNOX COUNTY

CHICKAWAUKIE P
CRAWFORD P
HOBBS P
LERMOND P
LONG P
NORTH P
ROUND P
SENNEBEC P
SEVEN TREE P
SOUTH P
WASHINGTON P

LINCOLN COUNTY

BISCAY P
BOYD P
CLARY L
DEER MEADOW P
DUCKPUDDLE P
DYER LONG P
MCCURDY P
MEDOMAK P (LITTLE)
PEMAQUID P
THREE CORNER P
TRAVEL P

OXFORD COUNTY

ANASAGUNTICOOK L
BACK (5 KEZARS) P
BEAR P
BEAVER P
BEAVER P (LITTLE)
C POND
CLEMONS P (LITTLE)
HALL P
HANCOCK P
HOGAN P
HUTCHINSON P
LONG (MCWAIN) P
LONG P
LOVEWELL P
MIDDLE (5 KEZARS) P
MOOSE (LITTLE) P
NORTH P
RICHARDSON P (LOWER EAST)
RICHARDSON P (UPPER EAST)
RICHARDSON P (WEST)
SAND (WALDEN) P
SAND P
STEARNS P
SUNDAY P
TROUT P
VIRGINIA LAKE
WEBBER P
WHITNEY P

PENOBSCOT COUNTY

BOTTLE L
CARIBOU, EGG, LONG P
DAVIS P
DUCK L
ETNA P
GREEN P
HAMMOND P
HERMON P
JO-MARY L (MIDDLE)
KEG L
MADAGASACAL P, BIG

ROME
WAYNE
LITCHFIELD

ROCKPORT
UNION
HOPE
HOPE
ISLE AU HAUT
WARREN
UNION
APPLETON
UNION
WARREN
WASHINGTON

BREMEN
BRISTOL
JEFFERSON
JEFFERSON
NOBLEBORO
JEFFERSON
BREMEN
WALDOBORO
DAMARISCOTTA
JEFFERSON
JEFFERSON

HARTFORD
STONEHAM
HARTFORD
MAGALLOWAY PLT
MAGALLOWAY PLT
C SURPLUS
HIRAM
PARIS
DENMARK
OXFORD
ALBANY TWP
WATERFORD
DENMARK
FRYEBURG
WATERFORD
WATERFORD
WOODSTOCK
ADAMSTOWN TWP
ADAMSTOWN TWP
ADAMSTOWN TWP
DENMARK
NORWAY
SWEDEN
MAGALLOWAY PLT
MASON TWP
STONEHAM
SWEDEN
OXFORD

LAKEVILLE
LINCOLN
T5 R7 WELS
LAKEVILLE
ETNA
T3 R1 NBPP
HAMPDEN
HERMON
T4, INDIAN PURCHASE (ALSO PISCATAQUIS CTY)
LAKEVILLE
BURLINGTON

MATTANAWCOOK P
PLEASANT (STETSON) L
PLYMOUTH P
PUG L (LOWER)
SAWTELLE DEADWATER
SEBASTICOOK L
SILVER L

PISCATAQUIS COUNTY

BEAR P
BIG BENNETT P
BIG MOOSE P
BIG PINE P
CENTER P
DEBSCONEAG L (SECOND)
DOUGHTY P (LOWER)
DOUGHTY P (UPPER)
DUCK P
FITZGERALD P
FROST P
GREENWOOD P (LITTLE)
GRINDSTONE P
HARLOW P
HUSSEY P
INDIAN P
JO-MARY L (MIDDLE)
JOHNSTON P
LOBSTER L (LITTLE)
MANHANCOCK P
MILLINOCKET L
MOOSE P (LITTLE)
ORDWAY P
PASSAMAGAMET L
PRONG P
RAINBOW L
ROACH P (SECOND)
ROACH P (FOURTH)
RUM P
SAWYER P
SECRET P
SHADOW P
SHALLOW L (LITTLE)
SNAKE P
SPECTACLE P
TOGUE P (UPPER)
TROUT P
YOKE PONDS

SAGADAHOC COUNTY

NEQUASSETT L

SOMERSET COUNTY

AUSTIN P (LITTLE)
BEAN P
BIG INDIAN P
CARRY P (EAST)
DOLE P
EAST P
FISH P
FISH P
FLAGSTAFF L
FOSS P
GRACE P
KNIGHTS P
LONG P
LONG P
LONG P
MISERY P
MOORE P
NORTH OTTER P
OAKS P

LINCOLN
STETSON
PLYMOUTH
LAKEVILLE
T6 R7 WELS
NEWPORT
LEE

ELLIOTTSVILLE TWP
GUILFORD
MOOSEHEAD JUNCTION
T3 R13 WELS
SANGERVILLE
T2 R10 WELS
MONSON
MONSON
T4 R11 WELS
BIG MOOSE TWP
T3 R11 WELS
ELLIOTTSVILLE
WILLIMANTIC
PARKMAN
BLANCHARD TWP
BOWDOIN COLLEGE
T4 INDIAN PURCHASE (ALSO PENOBSCOT COUNTY)
TA R10 WELS
LOBSTER TWP
SANGERVILLE
T7 R9 WELS
MOOSEHEAD JUNCTION
SHIRLEY
T1 R9 WELS
BEAVER COVE
RAINBOW TWP
T1 R12 WELS
SHAWTOWN
GREENVILLE
GREENVILLE
GREENVILLE
MOOSEHEAD JUNCTION
T7 R14 WELS
T7 R11 WELS
MONSON
T2 R9 WELS
MOOSEHEAD JUNCTION
TA R11 WELS

WOOLWICH

BALD MOUNTAIN TWP
PLEASANT RIDGE PLT
SAINT ALBANS
CARRYING PLACE TOWN
DOLE BROOK TWP
SMITHFIELD
MOXIE GORE
THORNDIKE
DEAD RIVER TWP
KINGSBURY PLT
UPPER ENCHANTED TWP
SQUARETOWN TWP
DOLE BROOK TWP
LONG POND TWP
TAUNTON & RAYNHAM
MISERY TWP
BRADSTREET TWP
BOWTOWN TWP
SKOWHEGAN

OTTER P
PARLIN P
RIPLEY P
ROWE POND
SEBOOMOOK L
SIBLEY P
WHITES P

WALDO COUNTY

COLEMAN P
ELLIS P
FOSTER P
HALFMOON P
KNIGHT P
MIXER P
NORTON P
PASSAGASSAWAKEAG L
PITCHER P
QUANTABACOOK L
SANBORN P
STEVENS P
UNITY P

WASHINGTON COUNTY

BARROWS L
BEDDINGTON L
CHAIN L (FIRST)
CHAIN L (SECOND)
CHAIN L (THIRD)
CLIFFORD L
CRAWFORD L
GRAND FALLS FLOWAGE
HADLEY L
HOWARD L
MACHIAS L (THIRD)
MONTEGAIL P
ORANGE L
OXBROOK L (LOWER)
OXBROOK L (UPPER)
PATRICK L
PENNAQUAN L
ROCKY L
ROUND L
ROUND P
SCRAGGLY L
SILVER PUG L
SPRUCE MTN L
SUCKER L
WABASSUS L
WESTERN L
WOODLAND FLOWAGE

YORK COUNTY

BUNGANUT P
DEER P
SAND P
SWAN P

BOWTOWN TWP
PARLIN POND TWP
RIPLEY
PLEASANT RIDGE PLT
SEBOOMOOK TWP
CANAAAN
PALMYRA

LINCOLNVILLE
BROOKS
PALERMO
PROSPECT
NORTHPORT
KNOX
LINCOLNVILLE
BROOKS
NORTHPORT
SEARSMONT
BROOKS
LIBERTY
UNITY

ALEXANDER
BEDDINGTON
T26 ED BPP
T26 ED BPP
T26 ED BPP
T27 ED BPP
CRAWFORD
PRINCETON
EAST MACHIAS
ROBBINSTON
T43 MD BPP
T19 MD BPP
WHITING
T6 R1 NBPP
T6 R1 NBPP
NO 14 TWP
CHARLOTTE
WHITING
CHARLOTTE
STEUBEN
T6 R1 NBPP
T26 ED BPP
BEDDINGTON
DANFORTH
T43 MD BPP
ROBBINSTON
BAILEYVILLE

LYMAN
HOLLIS
LIMINGTON
LYMAN

**Maine Department of Inland Fisheries and Wildlife
Commercial Smelt / Baitfish Wholesale Dealer Report Log**

Commercial smelt and baitfish wholesale dealers are required to report their fishing/catch information to the Maine Department of Inland Fisheries and Wildlife. This information will allow IF&W to better manage smelt and baitfish resources throughout the State. All of the data submitted as part of the report is for scientific purposes only and will remain confidential and not a public record, except that the commissioner may disclose data released in a form that is statistical or general in nature. Dealers should report their information on the log forms provided with your license, and additional forms can be requested from the Department or photocopied as needed from the originals you received. Reports must be submitted to Merry Gallagher, 650 State Street, Bangor, Maine 04401 by **May 31st of each year**, and any person who fails to report **will be prohibited from obtaining a Smelt Wholesale or Baitfish Wholesale license next year.** Remember to file a report **even if you did not fish during the current season.**

Instructions for Smelt Wholesale and Baitfish Wholesale Report Log

- Dealers need to report their full name, license #, type of license, address, and telephone #. Please note that if you hold both Smelt and Baitfish Wholesale licenses, the license number is different and distinct for each license. Also include the names of other licensed dealers/helpers covered by the same report. Do not include information of other dealers/helpers if they intend to file a separate report (see below).
- The annual harvest reporting period is May 1 – April 30. Therefore, report all harvest accrued from May 1 of the previous year to April 30 of the current year. If you did not fish during the reporting period, simply check the box in the upper right corner of the form. Reports are due by May 31 each year.
- If dealers/helpers fishing together report separately, be sure to report only your individual portion of the total catch. For example, if a dealer with a single helper caught 8 quarts and the catch was split evenly then both would report only 4 quarts on their separate reports.
- If you hold both licenses (Smelt Wholesale and Baitfish Wholesale) fill out a separate report form for each license.
- Information is to be recorded for each day and/or water fished, in other words, data cannot be combined to include more than 1 day or multiple waters. If multiple waters are fished on the same date then a separate entry is required for each water.
- Be sure to record information on zero catch days, which still provides the Department with valuable information on fish abundance and catch rates.
- Data to be recorded includes:

Date – the month/day/year of each trip.

Water Name – the name of the water fished.

Town – Town name where the water fished is located.

County – County name where the water fished is located.

Gear Type – the type of gear used on the date and water recorded (i.e. drop-net, lift net, dip-net, hook and line, baitfish trap, bag net, or seine). Note: The Smelt Wholesale and Baitfish Wholesale licenses differ on the types of gear allowed.

Of Gears Fished – if applicable, record the number of nets/traps or individual gear types fished on the date and water recorded.

Quantity Harvested – the total number of smelt or baitfish harvested on the date and water specified. Columns are available to report the quantity in pounds, quarts, dozens, or the number of individual fish. If reporting by pounds or quarts please include an average or general size range of the fish caught.

Species Harvested – record all of the species harvested on the date and water specified.

Other Species Observed – record any observations about other species that were captured and released on the date and water specified (for example: “2 dozen sunfish released”).

The following section is from the Maine Revised Statutes: Title 12 and is included here as a courtesy and to provide information on laws pertaining to the dealing of live smelts and baitfish. Note that this only is a subset of all laws contained within MRS: Title 12.

§12551-A. DEALING IN LIVE SMELTS AND BAITFISH

1. Definition. For purposes of this section, "business facility" means a fixed place of business and does not include a motor vehicle or trailer. Live smelts or baitfish that are held in or on a motor vehicle or trailer by a person licensed under this section are considered in transport even if the motor vehicle or trailer may be temporarily placed at a specific location by the licensee, or the licensee's designee, for the purpose of selling live smelts or baitfish to anglers.

2. License required. A person may not:

A. Possess for resale, sell or offer to sell live smelts, *Osmerus mordax*, or live baitfish, as defined in section 10001, subsection 6, without an appropriate and valid license issued under subsection 3;

B. Engage in taking or assist in taking live baitfish for resale from inland waters without a valid baitfish wholesaler's license;

C. Engage in taking or assist in taking live smelts for resale from inland waters without a smelt wholesaler's license;

D. Sell live smelts or baitfish from more than one facility without an appropriate and valid license for each facility; or

E. When licensed under this section, receive, possess for resale, sell or offer to sell gift baitfish or gift smelts without an appropriate and valid license issued under subsection 3.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

2-A. License required.

3. Issuance; eligibility. The commissioner may issue to a resident or nonresident upon payment of the appropriate fee:

A. A live bait retailer's license that permits a person to possess for resale, sell or offer to sell live smelts and baitfish;

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

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

4. Schedule of fees. The fees for licenses under this section are:

A. For a live bait retailer's license, \$16;

B. For a baitfish wholesaler's license, \$26; and

C. For a smelt wholesaler's license, \$71.

5. Live bait retailer's license authorizations and restrictions. The provisions of this subsection apply to the selling of live smelts and baitfish under a live bait retailer's license.

A. The holder of a live bait retailer's license may:

- (1) Sell live baitfish or smelts acquired from a person licensed under this section to deal in live baitfish or smelts;
- (2) Designate others to assist in selling live smelts and baitfish at the license holder's business facility;
- (3) Transport live smelts and baitfish or designate another to transport live smelts and baitfish on the license holder's behalf; and
- (4) Possess more than the daily bag limit of smelts, provided that the smelts were acquired from a person licensed under this section to deal in live smelts.

B. The holder of a live bait retailer's license:

- (1) May not take or possess for the purposes of retail sale live baitfish or smelts from the inland waters of the State or private ponds;
- (2) Shall present a receipted invoice, bill of lading, bill of sale or other satisfactory evidence of the lawful possession of live baitfish or smelts for retail sale to any agent of the commissioner upon request; or
- (3) May not possess at that person's place of business any species of fish that may not legally be sold as bait.

Each day a person violates this paragraph that person commits a class E crime.

6. Baitfish wholesaler's license authorizations and restrictions. The provisions of this subsection apply to the taking and selling of baitfish under the baitfish wholesaler's license.

A. The holder of a baitfish wholesaler's license may:

- (1) Take for the purpose of sale live baitfish from the inland waters of the State or from private ponds;
- (2) Use particles of food for the purpose of luring baitfish to a baitfish trap, a dip net, a drop net, a lift net or a bag net;
- (3) Designate others to assist the holder in selling live baitfish at the holder's business facility; and
- (4) Transport live baitfish or designate another to transport live baitfish on the license holder's behalf.

B. The holder of a baitfish wholesaler's license may not:

- (1) When engaged in taking, or assisting in taking, live baitfish for resale from inland waters, fail to exhibit a baitfish wholesaler's license to any agent of the commissioner upon request;
 - (2) Take baitfish other than by use of a seine as defined in section 10001, subsection 55; a baitfish trap as defined in section 10001, subsection 7; a dip net, a drop net, a lift net or a bag net; or by hook and line;
 - (3) Attempt to take live bait for resale from the inland waters of the State by fishing through the ice using drop nets unless the holder marks all holes made in the ice by the holder for that purpose. The holes must be marked by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides;
 - (4) Take eels;
 - (5) Take or sell suckers, Genus *Catostomus*, greater than 10 inches in length between April 1st and September 30th of each year; or
 - (6) Possess at that person's place of business any species of fish that may not legally be sold as bait.
- Each day a person violates this paragraph that person commits a class E crime.

7. Smelt wholesaler's license authorizations and restrictions. The provisions of this subsection apply to the taking and selling of live smelts under the smelt wholesaler's license.

A. The holder of a smelt wholesale dealer's license may:

- (1) Take live smelts for resale from inland waters or private ponds. The taking of live smelts from inland waters must be in accordance with general rules adopted by the commissioner in regard to the taking of smelts. Except as provided in paragraph B, the holder of a smelt wholesaler's license shall comply with the same daily bag limit and the same tackle restrictions that apply to all other anglers and is subject to the same penalties for violations of those limits and restrictions. This subparagraph does not apply to a holder of a fish cultivator license as provided under section 12507;
- (2) Beginning on the date the body of water on which the smelts are taken is open to ice fishing and ending March 31st annually, use a drop net, a lift net or hook and line to take up to 8 quarts of smelts through man-made openings in the ice while fishing on the ice from specific inland waters designated by the commissioner. A dip net may be used in conjunction with the above methods to assist with the handling and transporting of smelts. A licensee may keep the daily bag limit alive. The daily bag limit established under this subparagraph is for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day;
- (2-A) In waters naturally free of ice, take smelts from noon to 2:00 a.m. by the use of a dip net in the usual and ordinary way. The commissioner may establish the daily bag limit by rule and a licensee may keep the daily bag limit of smelts alive. The daily bag limit established under this subparagraph is 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 shorten the noon to 2:00 a.m. smelt fishing time frame by rule for enforcement or conservation purposes;
- (3) Use artificial light for the purpose of luring smelts to a drop net or a lift net;
- (4) Transport or possess at the holder's business facility more than the daily bag limit of smelts provided that the smelts were taken by the license holder in accordance with this section or acquired from a person licensed under this section to deal in live smelts;
- (5) Designate others to assist in selling live smelts at the holder's business facility; and
- (6) Transport or designate others to transport on the license holder's behalf live smelts in accordance with this subsection.

B. The holder of a smelt wholesale dealer's license may not:

- (1) When engaged in taking, or assisting in taking, live smelts for resale from inland waters, fail to exhibit the license to any agent of the commissioner upon request;
- (2) Take multiple bag limits from waters governed by general rules regulating the taking of smelts in order to attain the 8-quart limit of smelts described in paragraph A, subparagraph (2);
- (3) Use a seine to take smelts;
- (4) Transport or possess at the holder's business facility more than the daily bag limit of smelts at any time unless the smelts were acquired in accordance with paragraph A, subparagraph (4). If the smelts were purchased from another person, the license holder must present a receipted invoice, bill of lading or bill of sale to any agent of the commissioner upon request;
- (5) Transport from an inland water source to the licensee's place of business more than 8 quarts of live smelts;
- (6) Permit any person to transport live smelts on the license holder's behalf directly from an inland water source;
- (7) Attempt to take from the inland waters of the State live smelts for resale using drop nets through the ice unless the license holder marks all holes made in the ice by that license holder for that purpose. The holes must be marked either by evergreen boughs placed around the hole or by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides;
- (8) Take smelts unless the holder uses an operable commercially manufactured number 14 fish

grader to sort smelts by size during the taking of smelts. The holder shall liberate immediately all undersized smelts alive into the waters from which they were taken. For the purpose of this subparagraph, a commercially manufactured number 14 grader is a grader having a minimum grate size of 14/64 inches and that allows smelts to pass through at least 2 sides and the bottom of the grader. The commissioner may adopt rules to amend the grate size restrictions under this subparagraph if the commissioner determines such rules are necessary for conservation or enforcement purposes;

- (9) Possess at that person's place of business any species of fish that may not legally be sold as bait;
- (10) Use particles of food or any other type of bait or lure except light to lure smelts to a drop net or a lift net; or
- (11) Use a dip net to take smelts unless that dip net meets the requirements under section 10001, subsection 12-A.

Each day a person violates this paragraph that person commits a Class E crime.

For purposes of this subsection, live smelts are considered in possession of the licensee once the smelts have been removed from the inland waters and placed in a container.

8. Effect of revoked or suspended license. A person whose license to deal in live smelts and baitfish has been revoked or suspended pursuant to section 10902 may not assist another dealer in selling or transporting live smelts and baitfish.

A person who violates this subsection commits a class E crime.

9. Inspection of live smelts and baitfish. A person licensed under this section who possesses live smelts or baitfish at a fixed place of business shall make those fish available for inspection by a warden or a department fisheries biologist during normal business hours. A person licensed under this section who possesses live smelts or baitfish at a location other than the licensee's fixed place of business shall make those fish available for inspection by a warden or a department fisheries biologist at any time, upon request.

9-A. Record inspection. Records retained as required in this section must be open for inspection by the commissioner or the commissioner's agent.

10. Reports required. A person licensed under this section must submit a report on forms provided by the department with the following information: name and location, including the town and county of waters fished; date fished; total catch; gear type; and number of nets used. The report must be submitted by May 31st of each year. A person who has not submitted this report may be prohibited from obtaining a license under this section. A person who is prohibited from obtaining a license under this section may submit an appeal to the commissioner.

All data submitted as part of the report are for scientific purposes only and are confidential and not a public record within the meaning of Title 1, chapter 13, subchapter 1, except that the commissioner may disclose data collected under this subsection if that data are released in a form that is statistical or general in nature.