NON-SPORT AND COMMERICIAL MANAGEMENT PLAN

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
DIVISION OF FISHERIES AND HATCHERIES

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INTRODUCTION

Maine law allows for the commercial harvest of American eels (*Anquilla rostrata*), suckers (*Catastomus* spp.) alewives (*Alosa pseudoharenqus*), yellow perch (*Perca flavescens*), rainbow smelt (*Osmerus mordax*), and baitfish (mostly Cyprinidae). The eel is addressed in a management plan developed by the ASMFC (Atlantic States Marine Fisheries Commission) in 1999. Alewives are addressed through a plan within the Maine Department of Marine Resources. The rainbow smelt (*Osmerus mordax*) is addressed in a separate assessment document prepared by the Maine Department of Inland Fisheries and Wildlife. The yellow perch (*Perca flavescens*) is considered in this commercial assessment, as well as in the minor sportfish assessment. The remaining species are addressed within this plan.

Non-sportfish are fish species that anglers generally do not pursue recreationally, and are not regulated as such. The commercial fish description applies to any non-sportfish species that is legal to offer for sale, either as food, bait, or any other profitable enterprise. The term “baitfish” refers to those species used by anglers to entice larger fish to take a hook. Fish species that may be used as bait in Maine are legally defined in Maine Statute (Appendix I).

LIFE HISTORIES

Because this document addresses management of approximately 30 species of fish with a wide variety of habitats, it cannot describe every type of habitat in Maine where one or more of these species are found. Some species that are known to occur in rivers and streams have not been observed in lakes and ponds in Maine, and The Maine Department of Inland Fisheries & Wildlife does not have a central file on species distribution in our running waters. Table 1 lists non-sport fish found in Maine lakes by species, the number of lakes, and total amount of water acreage. Most lakes will, of course contain more than one of these species. Range maps of many of the more important bait species are attached in Appendix II. A more intensive survey of our lakes and ponds would no doubt increase these numbers. Past surveys have not always been precise in identifying species and often their occurrence has been noted only as minnows. A central filing system for stream surveys and a more complete species listing would help clarify range distribution for many of these fish. There is no reason to expect much habitat loss for most of these small fishes, except for the less tolerant, which may suffer from isolated cases of habitat degradation.

Table 1. List of all Non-Sport Fish in Maine

SPECIES	NUMBER OF LAKES	ACRES OF LAKES
Alewife, sea-run	102	94,651
Chub, creek	569	512,429
Chub, lake	291	412,516
Chubsucker, creek	19	4,846
Dace, blacknose	436	462,505
Dace, finescale	251	189,856
Dace, longnose	3	7,405
Dace, pearl	163	209,133
Dace, redbelly	433	298,124
Darter, swamp[1]	4	318
Eel, American	683	499,919
Fallfish	461	733,040
Killifish, banded	363	322,964
Lamprey, sea	13	16,581
Minnow, sp.	213	71,589
Minnow, eastern silvery[2]		
Minnow, fathead	96	48,423
Mummichog	1	31
Perch, yellow	818	736,745
Pickerel, redfin		
Shiner, blacknose	82	53,693
Shiner, bridled	8	17,041
Shiner, common	462	525,791
Shiner, emerald	4	14,113
Shiner, golden	851	612,205
Shiner, spottail[2]		
Sucker, longnose	129	388,452
Sucker, white	1206	893,572

[1] Listed as Threatened in Maine List of Threatened and Endangered Fish and Wildlife.

[2] Species known to be present, but have not yet been observed in any Maine lakes.

Twenty-three of the thirty species of fish listed as non-sportfish are legal to use as bait. Because of the large number of different species involved, this document will not detail the life histories of each. They occupy a wide variety of habitats, have a diversity of behavior, and provide a multiplicity of ecological functions. Table 2 summarizes the life histories of certain Maine baitfish, and or, commercial fish species. Selected species are discussed in greater detail in the body of the text.

The members of the family Cyprinidae, the minnows, are the most abundant fish that are used as bait, numbering seventeen species. All are spring or summer spawners, and spawning migrations are limited to short movements upstream or beyond the shoals of a lake. Spawning habits of these species vary from elaborate nest preparation to no nest construction and no parental care. The fallfish (*Semotilus corporalis*) builds the most commonly observed nest of the minnows found in Maine. The males construct a communal nest of stones up to 2 inches in diameter, as large as 6 feet across and 2 feet high. The golden shiner (*Notemigonus crysoleuas*) spawns by scattering its adhesive eggs over beds of submerged aquatic vegetation in quiet water in the late spring and summer. Because of this spawning behavior, the golden shiner is one of the favored bait species to raise in Maine. The common shiner (*Notropis cornutus*) spawns in running water over a clean, gravel bottom, in late spring and early summer when water temperatures rise into the low 60's.

Most minnows never grow larger than 2 to 4 inches at their maximum size. The golden shiner and fallfish are the largest of the minnows. A few golden shiners have reportedly been observed at 12 inches. Anglers fishing for trout and bass re commonly take fallfish at lengths up to 16 inches.

Three species of the sucker family (Catostomidae) are found in Maine. The white sucker (*Catostomus commersoni*), the longnose sucker (*Catostomus* catostomus), and the creek chubsucker (*Erimyzon oblongus*). All three run in streams during the early spring to spawn in the gravelly areas of shallow, swift-flowing streams. Generally, spawning takes place at night and there is no nest preparation or parental care. Most opportunity for the sucker harvest in Maine occurs during the spawning movements in the spring. The white and longnose suckers are used as bait for sport fishing, and are harvested for use as lobster bait by permit.

The white sucker is found in a variety of habitats; from small streams to large lakes, rocky to muddy substrates, in swift to quiet waters, both warm and cold waters; and heavy to little or no aquatic vegetation. It spends most of its time close to the bottom. The longnose sucker is more closely associated with cold, rapid flowing, gravel or rubble bottomed trout streams or colder lakes. In lakes it is generally associated with deeper water than white suckers. The creek chubsucker is generally found in warmwater lakes and sluggish streams with a muck bottom and an abundance of aquatic vegetation.

All of the suckers grow to fairly large sizes, with the white sucker generally being the largest. White suckers up to 4 or 5 pounds are common in some lake environments, while the longnose suckers have been observed to not get much over 2 pounds and 16 to 18 inches in length. The creek chubsucker can generally grow to about 14 inches.

All are bottom feeders, consuming both plant and animal material, such as insect larvae, snails, small crustaceans, worms, algae, and fish eggs. All the suckers will also consume dead animal matter, playing an important role in the recycling of nutrients in aquatic systems.

The killifish family (Cyprinodontidae), are represented by 2 species in Maine, the banded killifish (*Fundulus diaphanous*), and the mummichog (*Fundulus heteroclitus*). The mummichog spawns in mid-summer by depositing its eggs in clumps on the bottom in shallow water. Depending on water temperature, the eggs hatch in 10 to 20 days. The banded killifish spawns throughout the summer by scattering its eggs over the bottom among the weeds. There is no parental care by either species. Size at maturity is 2 to 4 inches for each species, while the mummichog will attain a slightly larger size.

There are two representatives of the perch family (Percidae) in Maine. The smaller, and the more obscure, is the swamp darter (*Etheostoma fusiforme*). The species is found in lowland streams and ponds along the coast, in heavily weeded shallows of protected coves in ponds, and in streams in patches of vegetation where there is fast water. It spawns among the aquatic vegetation in the spring. Size seldom exceeds 2 inches in length. The swamp darter is a species of concern, and is presently listed as Threatened on the Maine Species of Endangered and Threatened Fish and Wildlife. The yellow perch (*Perca flavescens*) is found in 818 lakes and ponds in Maine and is open to commercial harvest by permit. Yellow perch spawn in early spring when water temperatures are in the mid 40's by expelling their eggs in a gelatinous ribbon strung over aquatic vegetation or entwined in the submerged branches of fallen trees or rooted, aquatic vegetation. In Maine yellow perch seldom exceed 12 inches in length, and adults probably average closer to 8 inches in most waters.

Redfin pickerel (*Esox americanus americanus*) are the smallest members of the pike and pickerel family. They are commonly distributed along the Atlantic coastal plain from Florida to New Hampshire with a single, isolated northern-most population in an unnamed tributary to Merrymeeting Bay in central Maine. Although they have a moderate saline tolerance, redfins primarily inhabit heavily vegetated, smaller-sized, slow flowing, shallow freshwater streams. Throughout their range, they are common in acidic, blackwater, swampy lowlands. Redfin pickerel typically forage on various aquatic insects and small crustaceans, with an occasional small fish or two appearing on their menu. Similar to chain pickerel, spawning occurs in early spring and eggs are broadcast over shallow, vegetated shoreline habitats with no further parental care.

In Maine, spawning occurs in late April to early May. Fry are readily apparent in the very shallow, vegetated shoreline areas shortly thereafter. Larvae grow from about 1/2 inch in early June to about 2 inches in late September. The adult population is composed of 4 year classes with most fish being one to two years old and averaging about 4 inches total length. The Maine redfin population persists in an isolated stream with few fish competitors. Aquatic insects and small crustaceans are abundant and the location is moderately isolated with little human disturbance although 'hot spots' of development are not too far away. However, overall available habitat for the redfins is quite limited with little opportunity for immigration or emigration.

The Maine redfin population does not support any known sport or commercial fishery. Although redfins in other states support some degree of sport fisheries, the small individual sizes of Maine's population coupled with difficult access, precludes any degree of sport or commercial fishery; however, the ecological importance of this little fish is paramount. The unnamed tributary to Merrymeeting Bay is a truly unique community dominated by one top-level predator, the redfin pickerel. This relatively abundant fish in this small, isolated location probably contributes to the overall forage opportunities for assorted local fish-eating birds and mammals.

Table 2. Life Histories of Certain Maine Baitfish and/or Commercial Fish Species

SPECIES	INDIGENOUS	HABITAT PREFERENCE	SPAWNING TIME	SPAWNING HABITAT	NEST BUILDING	PARENTAL CARE	PRIMARY FORAGE	AGE AT MATURITY	MAXIMUM AGE	SIZE AT MATURITY	ECOLOGICAL ROLE	RELATION TO MAN
Chub, creek	Yes	Hard bottomed lakes & streams, cool temperatures	Late spring/early summer	Pebble-heap nest on gravel bottom	Yes	No	Insections, crayfish, mollusks, small fish & plant material	3 to 4 years	6 to 7 years	Generally between 3 and 5 inches	Forage for CW & WW gamefish & piscivorous birds	Good bait species and can be reared artificially
Chub, lake	Yes	Hard bottomed lakes & streams, cool temperatures	Late spring/early summer	Rubble bottomed streams	No	No	Aquatic insects, small crustaceans, and small fish	3 to 4 years	5 years	Generally between 3 and 5 inches	Forage for CW & WW gamefish & piscivorous birds	Sometimes used as bait
Chubsucker, creek	Yes	Mud bottomed lakes and sluggish streams with aquatic vegetation	Spring	Gravel streams	No	No	Bottom feeding omnivore		8 years	6 to 8 inches	Utilized as prey by larger gamefish & piscivorous birds	Minor use as bait
Dace, blacknose	Yes	Small, rapid streams with cobble or gravel bottom substrate, cool temperatures	Late spring/early summer	Gravel bottoms in fast water	No, but territorial	Yes	Aquatic insects and algae	2 years	3 to 4 years	2 to 2 ½ inches	Closely associated with and important forage for brook trout	Minor use as bait
Dace, finescale	Yes	Boggy lakes and streams with cool water	Late spring/early summer	Mass of filamentous algae	No	No	Aquatic insects and algae	Unknown	Unknown	2 to 2 ½ inches	Closely associated with and important forage for brook trout	Minor use as bait
Dace, longnose	Yes	Larger, rapid streams & rivers with cobble or gravel bottom substrate, cool temperatures	Late spring/early summer	Gravel bottoms in fast water	Yes, territorial	Yes	Benthic aquatic insects	3 to 4 years	5 years	2 ½ to 3 inches	Closely associated with and important forage for brook trout	Minor use as bait
Dace, pearl	Yes	Cool, clear streams, stained lakes and ponds	Spring	Sand or gravel with weak current	No, but territorial	No	Aquatic insects and algae	2 to 3 years	4 to 5 years	2 to 3 inches	Usually associated with redbelly, finescale, and creek chub	Minor use as bait
Dace, redbelly	Yes	Boggy acidic lakes and slow streams with cool water	Late spring/early summer	Mass of filamentous algae	No	No	Algae grazer	2 to 3 years	5 to 6 years	2 to 3 inches	Small vegetarian is excellent forage for trout	Minor use as bait
Eel, American	Yes	Lakes and deep, slow moving streams	Winter	Ocean spawners	No	No	Scavenger omnivore, and a voracious feeder	5 to 20 years	20+ years	Males usually less than 24" and females up to 48"	Juveniles are forage for fish & piscivorous birds, adults play important role as scavengers	Juveniles used as bait by saltwater anglers or in aquaculture, adults harvested for food
Fallfish	Yes	Adaptive species found in warm or cold water lakes, rivers and streams	Late spring/early summer	Male builds a large communal nest with pebbles and small stones	Yes	No	Insects, fish, crayfish and algae	3 to 4 years	5 to 6 years	Usually 5 to 8 inches, but up to 16 inches	Important forage for gamefish, also competes with young gamefish for food and space	Minor use as bait
Killfish, banded	No	Open areas around the shallows of lakes and slow streams	Throughout the summer	Spawn over bottom around aquatic vegetation	No	No	Aquatic insects, crustaceans, and plant material			2 to 3 inches	Forage for CW & WW gamefish and piscivorous birds and mammals	Although excellent baitfish because of its hardiness, not utilized much commercially
Minnow, fathead	No	Lakes, ponds, and still areas of rivers and streams with mud bottom	Late spring to mid-summer	Eggs laid on undersides of logs or branches, large rocks, and lily pads	No	Yes	Organic detritus, aquatic insect larvae & zooplankton	1 to 2 years	2 to 3 years	2 to 3 inches	Important forage fish converting algae and organic detritus from bottom deposits in to food for other fish	Ideal bait species because of its small size, high fecundity, and extended spawning period. Extensively used in pond culture.
Mummichog	No	Quite, shallow tide waters	Mid-summer	Eggs are deposited in clumps in shallow water	No	No	Aquatic insects, crustaceans, mollusks, fish eggs, and vegetation			2 to 3 inches	Forage for a wide variety of brackish piscivorous fish, birds, and mammals	An excellent baitfish because of its hardiness, utilized in southern coastal Maine
Shiner, blacknose	Yes	Quiet, sluggish, weedy lakes and ponds with clear water and sand bottom	Summer	Eggs broadcast over sandy bottoms	No	No	Aquatic insects, zooplankton, and green algae			1 ½ to 3 inches	Locally important forage for a wide variety of organisms	Minor use as bait
Shiner, bridled	No	Quiet, sluggish, weedy lakes and ponds with clear water and mud bottom	Late spring/early summer	Quiet water amongst aquatic plants	No	No	Aquatic insects, crustaceans, zooplankton			1 ½ to 2 inches	Considered important forage for a variety of WW gamefish especially pickerel	Minor use as bait

Table 2. Life Histories of Certain Maine Baitfish and/or Commercial Fish Species Continued

SPECIES	INDIGENOUS	HABITAT PREFERENCE	SPAWNING TIME	SPAWNING HABITAT	NEST BUILDING	PARENTAL CARE	PRIMARY FORAGE	AGE AT MATURITY	MAXIMUM AGE	SIZE AT MATURITY	ECOLOGICAL ROLE	RELATION TO MAN
Shiner, common	Yes	Moderately cool streams and ponds with gravel bottom and sparse vegetation	Late spring/early summer	Adhesive eggs deposited in nests or natural depressions in stream gravel	Yes	No	Very versatile, consuming a wide variety of plant and animal items			3 to 5 inches	Forage for CW & WW gamefish and piscivorous birds and mammals	Popular for commercial sale as trapped, wild bait. Not suitable for pond culture. Also known as redfin shines.
Shiner, emerald	No	Introduced pelagic species currently in 4 lakes	Late spring/early summer	Probably mid-water spawner	No	No	Plankton, toward lake surface at dusk and down during the day	1 to 2 years	3 years	3 to 4 inches	Provides some forage, too soon to determine the impact and role of this exotic species	Popular as bait for salmonids where available because of its similarities with smelts
Shiner, golden	No	Quiet waters of lakes and sluggish streams, preferring thick vegetation and mud bottoms	Late spring/early summer	Scatters adhesive eggs over beds of submerged aquatic vegetation in quiet water	No	No	Very versatile, consuming a wide variety of plant and animal items	2 to 3 years	5 years	3 to 4 inches	Valuable, primary forage for bass, pickerel and other gamefish.	Very important commercial species. Most popular baitfish for culture.
Sucker, longnose	Yes	Hard bottomed lakes and streams, cool temperatures	Usually earlier in the spring than white suckers	Gravel-bottomed, fast flowing streams	No	No	Wide variety of invertebrates	5 to 7 years	20+years	8 to 14 inches	Utilized as prey by a wide variety of fish, birds and mammals. Very important role in recycling nutrients.	Used as bait for sportfish and lobsters. Rarely eaten, but sometimes angled or speared.
Sucker, white	Yes	Uses a wide variety of habitat types.	Early spring	Gravel bottomed, fast flowing streams, may spawn on lake shores	No	No	Insect larvae and pupae and other invertebrates	5 to 8 years	15+years	8 to 14 inches	Utilized as prey by a wide variety of fish, birds and mammals. Very important role in recycling nutrients.	Used as bait for sportfish and lobsters. Rarely eaten, but sometimes angled or speared.

MANAGEMENT HISTORY

Baitfish

"Big fish eat little fish, little fish eat smaller fish and so on ad infinitum" This adage is known, at least in theory, by all anglers. Because most anglers are interested in catching big fish it stands to reason that they would use little fish with which to bait their hooks. Many anglers, because of regulation or choice, use artificial lures, but these too are designed to imitate smaller fish and attract large sport fish by their size, color, shape, action or smell. Most would agree that artificial lures do not produce as well as the real thing, and that a small live fish impaled on a hook is the ideal bait. In Maine, they are especially good bait for black bass, lake trout, landlocked Atlantic salmon, chain pickerel, large brook trout, and brown trout. Some anglers prefer to capture their own baitfish with small minnow traps, but most purchase their bait from retail shops. A small non-cohesive baitfish industry has grown in Maine, where retailers offer various species of fish for sale as bait. These bait shops may capture what they sell or, more likely, they purchase stock from wholesalers who have captured or have raised what they sell. Maine state law lists which fish species may be legally used as bait (Appendix I). Maine law also prohibits the importation of live baitfish (Appendix I). Therefore, all live baitfish used in Maine must be either taken from the wild or reared in captivity within the state. These laws were designed to protect native ecosystems from disease, parasites, and non-native fish species. There are a few entrepreneurs who have developed bait farms in small ponds and/or raceway hatchery systems. There is also a market for exported live bait, especially smelt, which are shipped to New Hampshire where the taking of smelts from the wild has been restricted. The use of smelts for bait and other purposes is discussed further in the Smelt Management Plan; interested readers are referred to that document.

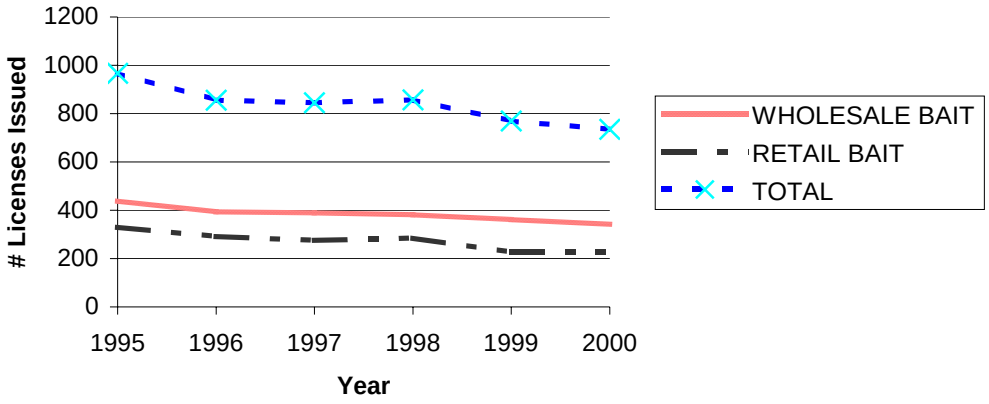
Licenses are required to capture and sell bait commercially in Maine (Appendix I). Individuals may capture bait for their own use with a regular fishing license in waters open to fishing, however, a commercial license is required to harvest and sell live bait. Table 3 summarizes the history of commercial baitfish licensing in Maine. It has only been since 1949 when the first license was required to commercially take bait for sale in Maine. At that time a license cost $2.00 and the law only specified the seine size. Since then, the bait business has grown to be the multi-million dollar industry that it is today. In 1959, the prohibition on the importation of live fish for use as bait was enacted. In 1985, that law was challenged and the case went to the United States Supreme Court where it was upheld in the States favor.

Table 3. History of Maine Live Bait Licensing and Regulation.

YEAR	HISTORY
1949	License cost $2.00; seine size limited to 4 x 25 feet.
1950	A dealer's license allows a person to possess more than 4 quarts of smelts.
1951	License rose to $5.00.
1959	Prohibition on importation of live fish for bait; allowed the culture of "useful' fish; "No Live Fish as Bait" regulations were passed; baitfish defined: "cannot use pickerel, yellow perch, goldfish, white perch, bass, sunfish, crappie, hornpout, carp, or spiny ray fish" for bait.
1963	Allowed for the use of yellow perch and other live bait on Little Sebago if the yellow perch were caught on the same day at Little Sebago.
1965	License increased to $10.00; seine size increased to 8 x 150 feet; repealed use of yellow perch on Little Sebago Lake.
1969	Regular bait license = $10.00; $50.00 license required to sell smelt; names must be on bait traps.
1975	Regular bait license = $13.00; smelt license = $60.00.
1980	Regular bait license = $15.00; smelt license = $62.00.
1981	Regular bait license = $17.00; smelt license = $62.00.
1984	Regular bait license = $19.00; smelt license = $64.00.
1985	Regular bait license = $20.00; smelt license = $65.00.
1986	Regular bait license = $21.00; smelt license = $66.00.
1987	New licenses established: Live bait retail = $10.00; live bait wholesale = $20.00; smelt wholesale = $65.00.
1994	Live bait retail = $12.00; live bait wholesale = $22.00; smelt wholesale = $67.00.
1995	Live bait retail = $13.00; live bait wholesale = $23.00; smelt wholesale = $68.00.
1996	Live bait retail = $14.00; live bait wholesale = $24.00; smelt wholesale = $69.00.

Biologically, there are several implications associated with the use of live bait that need to be carefully considered whenever regulations and programs are developed. Our present ecosystems are products of centuries of evolutionary forces working within the relatively small confines of individual watersheds. Constraints on aquatic organisms are different than those imposed upon avian or terrestrial creatures. Fish cannot, under their own initiative, leave one body of water and travel to another, unless they are connected by a wholly aquatic environment, whereas birds and mammals may travel at will, even across miles of unsuitable habitat. This means that in any given aquatic system there is likely to be fewer different species of living organisms than may be found in surrounding terrestrial habitats. Furthermore, all species found in lakes or ponds are very likely to be well adjusted to living together in a finely balanced relationship. Additionally, individual species may even develop subtly different genetic strains after many years of reproductive isolation. Thus; any changes brought about within one part of the system are going to be felt throughout the whole system. If a new species of fish is added to a lake or pond, all other species must adjust their relationships with one another to make room for the newcomer. Sometimes, this shifting results in the elimination of an organism; sometimes it results in a species becoming much more abundant than it was previously. It may take years for this ecosystem to regain its balance after its species assemblage has been altered. Ecosystem alteration can also result from the introduction of exotic diseases or parasites; just as the American Indians or the American chestnut were severely impacted by exposure to diseases from outside their range, so are fish susceptible to devastation by organisms for which they have neither immunity nor resistance.

Figure 1. Bait License Activity



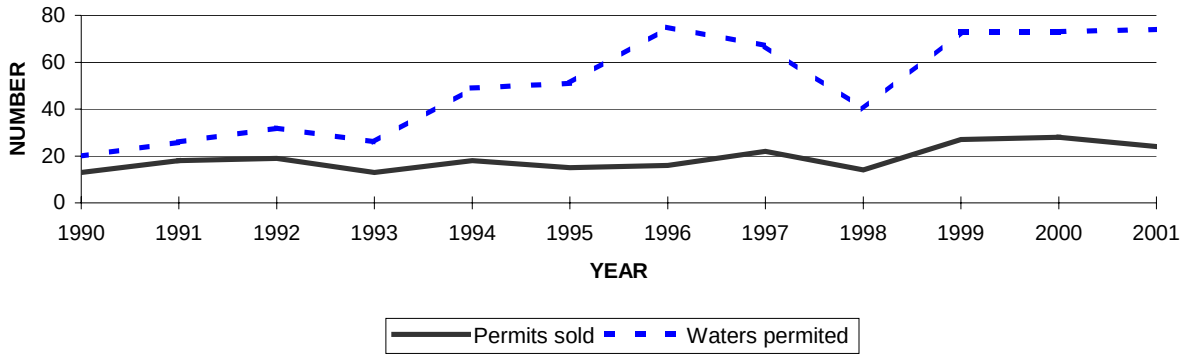
Minnows, shiners, and other "little fishes" provide an irreplaceable link in the food chain between producers and predators. The top predators constitute many of the species that are attractive to recreational anglers. Consequently, prey species must be protected from over harvest, competition, and non-native diseases and parasites to ensure maintenance of a certain amount of fish flesh in the top predator position. The use of live fish for bait is a socially acceptable method for angling that has a long history in Maine. Bait license activity is illustrated in Figure 1. Anglers using live bait, however, sometimes have the habit of releasing their unused bait into the water when they are done fishing for the day. This has resulted in the spread of several species of fish into waters where they were not originally present. For instance, emerald shiners (*Notropis atherinoides*) and spottail shiners (*Notropis hudsonius*) are now found in Maine, due in part, to this type of introduction. To preserve the quality of sport fisheries, it is necessary to regulate the use of live bait so that undue risk from undesirable introductions does not result. If the use of live fish as bait is to continue in Maine, and there is every reason to expect that it will, then the use of locally caught and locally reared bait should be encouraged. There is an economic incentive for people who sell bait to be able to raise or capture their own, and native bait is less likely to harbor diseases and parasites with which other native species are not adapted to live.

Suckers

White (common) sucker (*Catostomus commersoni*) and longnose sucker (*Catostomus catostomus*) are widely distributed in Maine (Table 4). Until recently there has been little consumptive demand for suckers. They have been taken during spring spawning runs for animal feed, sport (often left to rot), or, rarely, human food. In parts of Maine suckers are in demand as bait for lake trout (Salvelinus namaycush) and Northern pike.

Maine law allows for the commercial harvest of suckers although few people took advantage of this resource until late in the 1980's. At that time, a shortage of traditional bait caused coastal lobster harvesters to look elsewhere and they looked inland. They found that fresh suckers, especially gravid females, make excellent lobster bait. With this knowledge came an increase in demand and value for spring caught suckers.

Figure 2. History of Sucker Harvest Permit Sales and Waters Permitted.



Along with increased interest in suckers (Figure 2) came increased concern by biologists for possible ecosystem disruption from excessive harvest or damage to non-target species. A recent, unpublished study by Unity College attempted to answer some of those questions. That study determined that the catch of non-target species was small, in fact, 96% of all fish captured in trap nets during the spring spawning run were white suckers. The issue of ecosystem disruption from excessive harvest is more difficult to answer. What is "excessive harvest"? At what level can harvest be sustained in different habitats? Could some ecosystem disruption be desirable in, for instance, a brook trout pond, where increases in trout biomass have been associated with sucker removal? These and other questions remain and should be investigated in the near future.

Table 4. Distribution of White Suckers and Longnose Suckers in Maine; Number of Lakes and Acreage per County.

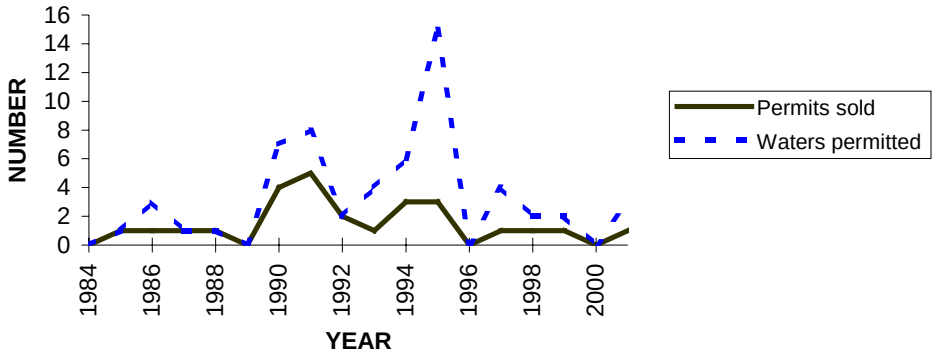
COUNTY	WHITE SUCKER		LONGNOSE SUCKER	
	NUMBER OF LAKES	NUMBER OF ACRES	NUMBER OF LAKES	NUMBER OF ACRES
Androscoggin	24	10,201	31	64,945
Aroostook	125	85,206	1	28,771
Cumberland	35	45,723	20	25,967
Franklin	57	32,158	1	979
Hancock	124	59,383		
Kennebec	66	41,831		
Knox	25	6,710		
Lincoln	27	9,731		
Oxford	94	50,707	12	25,307
Penobscot	104	90,540	4	32,835
Piscataquis	199	225,853	40	168,749
Sagadahoc	2	438		
Somerset	137	88,677	19	40,643
Waldo	41	10,790		
Washington	103	124,113	1	256
York	43	11,511		
STATE	**1,206**	**893,572**	**129**	**388,452**

Yellow Perch

The yellow perch, while much esteemed for food and sport in other parts of the United States, is not considered desirable by most Maine people. Consequently, Maine has spent more time and effort at eliminating yellow perch populations than we have at managing them. Because of the relatively low fertility of Maine waters, short growing seasons, and inter-specific competition; yellow perch in Maine are commonly small in size. Sport anglers seldom keep yellow perch they have caught while angling for other species, and Maine fishing laws do not regulate yellow perch size or bag limits.

There has been some interest in harvesting perch for biological laboratories and, more recently, as a food fish to be exported to other parts of the United States where there is a high demand for perch fillets. Figure 3 depicts the trends in yellow perch harvest permits and the number of permitted waters. We have no data on numbers or pounds of perch harvested.

Figure 3. History of Yellow Perch Harvest Permit Sales and Waters Permitted.



PAST MANAGEMENT GOALS

In 1986, the stated goal of the commercial fish plan was to maintain a sufficient abundance and distribution of all native commercial species so that the biological integrity of the aquatic systems is undisturbed, and a surplus of preferred species is available for harvest.

NON-SPORT AND BAITFISH
GOALS AND OBJECTIVES
1986-1991

GOAL: Maintain a sufficient abundance and distribution of all native non-sportfish species so that the biological integrity of the aquatic systems is undisturbed, and a surplus of preferred species is available for harvest as live bait.

Abundance Objective: Maintain sufficient numbers of non-sport fish, including a complete assemblage of native species, so that predator-prey relationships are maintained and predatory sport-fish are able to reach satisfactory growth potentials.

Harvest Objective: Provide for a harvest of 5 million non-sport fish by commercial and non-commercial users for live bait purposes.

Fishing Quality Objectives: Maintain a sufficient number of waters where baitfish may be harvested so that ample numbers of healthy fish are available in various size ranges and so that baitfish harvesters are not subjected to excessive competition.

We lack any direct measure of our success in achieving the goals and objectives of this management plan. Work by regional personnel on bait issues has not been a high priority since 1996 when the last revision to the plan occurred. The last figures available for the value of the baitfish industry are somewhat dated. There has not been a coordinated, statewide effort by the regional staff to determine the annual volume of baitfish sales since 1993.

OPPORTUNITY

Although population estimates are lacking, the present opportunity in Maine for bait for sale or individual use, is good, based on the number and surface area of the waters in which these species occur. Total acreage of water that is listed in the lake survey database with bait species present has increased approximately 7% since the last revision of the plan, primarily because of newly surveyed lakes. While some of that bait is not readily available or easy to obtain, the supply of commercial baitfish species in Maine appears to be adequate, if people are willing to work to obtain it.

Any licensed angler may take bait for his or her own use from any water that is currently open to fishing, and may obtain a permit to trap bait from closed waters with a permit. Any licensed bait dealer may take bait in closed waters, statewide, with the exception of the waters listed annually by the Maine Department of Inland Fisheries and Wildlife in WATERS WITH SPECIAL RESTRICTIONS UNDER THE BAITFISH WHOLESALE LICENSE. Waters listed as having special restrictions on the trapping of bait fall into four categories based on concerns expressed by IF&W Staff. Typically these are waters that for ecological or enforcement reasons are either closed, or restricted to the taking of bait. The list for 2002 has a total of 109 waters that have one of the special restrictions listed below.

A. Waters closed to bait dealers during the closed seasons.
B. Waters closed to bait dealers during the closed season except for the use of minnow traps.
C. Waters closed to bait dealers from freeze-up (ice-in) in the fall through March 31.
D. Waters closed to the taking of bait.

Live bait is usually captured through netting or the use of baited traps during the late summer and fall of the year. Some live bait is trapped during the winter using drop nets or minnow traps set beneath the ice. The majority is then sold throughout the winter because on an annual basis ice fishermen use the majority of live bait. Baitfish species (minnows, shiners, etc.) tend to school in large numbers when the water cools off and anyone locating these schooling areas has a good opportunity to capture them. It can be hard work, requiring expensive nets, aerators, trucks, holding tanks, etc. Even when the bait is safely deposited in ponds or holding tanks at the dealer's place of business, they have to be careful of disease, water quality, and other factors which may cause them to lose their investment. Due in part to labor and uncertainties involved with capturing wild bait, a few individuals have begun developing bait-rearing facilities in Maine. Some are using outdoor ponds that they fertilize and stock with wild-caught live bait. Golden shiners are the species of choice because they are preferred bait, and because there is extensive background work done on rearing them in other states. Some people are using raceway culture and are working on methods to improve captive rearing of common suckers and smelt. Others have begun to import live bait, especially golden shiners, from the intensive and extensive aquaculture areas of the mid-west. The large bait farmers in that area are only too happy to sell truckloads of bait to anyone with money to pay for it. Current Maine law prohibits the importation of any live fish into Maine without a permit, and permits are seldom issued for baitfish importation. It is probably due to illegal activities in this area that we now have emerald shiners and spottail shiners established in several areas of the state where they never were before.

DEMAND

The number of fishing licenses sold has remained relatively steady over the last fifteen years, with 272,699 licensed anglers in 2000 compared to 275,443 in 1985. In 1985, the Department issued 554 bait licenses, compared to 967 in 1995, and 735 in 2000, an indication of greater demand for bait now than at the start of the last planning period in 1986. Those figures include wholesale, retail, and smelt licenses (Figure 1). Some individuals have multiple licenses, so the numbers of various license types are not additive. When market demand for bait increases, more pressure is placed on our naturally occurring live bait resources. We do not have the necessary information to forecast the optimum amount of bait that can be harvested from a given volume of water without depleting the population below the recovery point. It may be that most bait species can recover very rapidly from over harvest since most have a very high fecundity rate, but it may also be that serious negative effects can result from heavy bait collecting. More studies are needed in baitfish population dynamics in Maine before these questions can be answered. There is also a growing need for the Department to assist the people involved in the baitfish industry by advising them on places where they may take bait, and to provide them with information on capture methods, holding and transportation methods, parasite and disease treatment and species identification. As people become more successful with capturing and handling native bait species, they will be less likely to be tempted to import fish from areas outside of Maine.

Appendix I

Applicable Maine Statutes and Regulations

INLAND FISHERIES AND WILDLIFE

CHAPTER 701

GENERAL PROVISIONS

12 § 7001. Definitions

As used in this chapter and chapters 703 to 721, unless the context otherwise indicates, the following terms shall have the following meanings. 1979, c. 420, §1 (new).]]

1. Alien. "Alien" means a person who is not a citizen of the United States.

[1979, c. 420, §1 (new).]

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

A. Lake chub, (Couesius plumbeus); [1985, c. 607, §1 (new).]
B. Eastern silvery minnow, (Hybognathus regius); [1993, c. 574, §1 (amd).]
C. Golden shiner, (Notemigonus crysoleucas); [1993, c. 574, §1 (amd).]
D. Emerald shiner, (Notropis atherinoides); [1985, c. 607, §1 (new).]
E. Bridle shiner, (Notropis bifrenatus); [1993, c. 574, §1 (amd).]
F. Common shiner, (Luxilus cornutus); [1993, c. 574, §1 (amd).]
G. Blacknose shiner, (Notropis heterolepis); [1985, c. 607, §1 (new).]
H. Spottail shiner, (Notropis hudsonius); [1985, c. 607, §1 (new).]
I. Northern redbelly dace, (Phoxinus eos); [1985, c. 607, §1 (new).]
J. Finescale dace, (Phoxinus neogaeus); [1985, c. 607, §1 (new).]
K. Fathead minnow, (Pimephales promelas); [1985, c. 607, §1 (new).]
L. Blacknose dace, (Rhinichthys atratulus); [1985, c. 607, §1 (new).]
M. Longnose dace, (Rhinichthys cataractae); [1985, c. 607, §1 (new).]
N. Creek chub, (Semotilus atromaculatus); [1985, c. 607, §1 (new).]
O. Fallfish, (Semotilus corporalis); [1985, c. 607, §1 (new).]
P. Pearl dace, (Margariscus margarita); [1993, c. 574, §1 (amd).]
Q. Banded killifish, (Fundulus diaphanus); [1985, c. 607, §1 (new).]
R. Mummichog, (Fundulus heteroclitus); [1985, c. 607, §1 (new).]
S. Longnose sucker, (Catostomus catostomus); [1985, c. 607, §1 (new).]
T. White sucker, (Catostomus commersoni); [1991, c. 443, §1 (amd).]
U. Creek chubsucker, (Erimyzon oblongus); [1993, c. 574, §2 (amd).]
V. American eel, (Anquilla rostrata); and [1993, c. 574, §3 (amd).]
W. Blackchin shiner, (Notropis heterdon). [1993, c. 574, §4 (new).]

[1993, c. 574, §§1-4 (amd).]

12 § 7153. Alewife, eel, sucker and yellow perch permit

1. Issuance. The commissioner may issue permits to fish for or possess alewives, eels, suckers and yellow perch under rules that the commissioner establishes, if these permits do not interfere with rights granted under section 6131.

A. Eels may be harvested in inland waters using only eel pots or weirs. 1995, c. 536, Pt. B, §2 (new).]]

B. Alewives, suckers and yellow perch may be harvested in inland waters using trap nets, dip nets or spears. [1995, c. 536, Pt. B, §2 (new).]

[1995, c. 536, Pt. B, §2 (rpr).]

2. Fee. The minimum fee for an individual permit for alewives, suckers and yellow perch is $42. Beginning in calendar year 1996, a crew permit may be sold for alewives, suckers and

yellow perch for $100, authorizing up to 3 persons to engage in the licensed activity. The annual fee for an eel pot or weir permit is $100. An eel pot or eel weir license is not transferable.

[1995, c. 536, Pt. B, §2 (rpr).]

3. Prohibitions. The following prohibitions apply to the harvesting of eels and elvers in inland waters.

A. It is unlawful for any person to fish for or take elvers from inland waters. [1995, c. 536, Pt. B, §2 (new).]

B. It is unlawful for any person other than the owner of a weir used to fish for or take eels in inland waters to tend that weir while the weir is immersed unless that person has in the person's possession written permission from the owner to tend the weir or is in the presence of the owner and has the owner's permission to tend the weir. [1995, c. 536, Pt. B, §2 (new).]

[1995, c. 536, Pt. B, §2 (new).]

4. Disposition of fees. All fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D, except that $42 accrues to the General Fund for each eel pot or eel weir permit issued under this section.

[1999, c. 549, §1 (amd).]

5. Five-year limited entry; eel weirs. The department may not issue an eel weir permit to a person unless that person possessed a valid eel weir permit for calendar year 1995. The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter II-A regarding the issuance of eel weir permits. The number of weirs and the number of square miles of watersheds in this State fished by eel weirs may not exceed those permitted in calendar year 1995.

[1999, c. 549, §2 (amd).]

Section History:
1979, c. 543, § 16 (AMD).
1995, c. 536, § B2 (RPR).
1999, c. 549, § 1,2 (AMD).
1979, c. 420, § 1 (NEW).
1983, c. 807, § P12 (AMD).
1993, c. 419, § 14 (AMD).
1993, c. 438, § 8 (AMD).
1995, c. 455, § 11 (AMD).

SUBCHAPTER V
LIVE BAIT

12 § 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.

[1985, c. 607, §§3, 9 (rpr).]

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. [1985, c. 607, §§3, 9 (new).]

B. A baitfish wholesaler's license permits a person to take and possess for resale, sell or offer to sell live baitfish. [1985, c. 607, §§3, 9 (new).]

C. A smelt wholesaler's license permits a person to take and possess for resale, sell or offer to sell live smelts. [1985, c. 607, §§3, 9 (new).]

[1985, c. 607, §§3, 9 (rpr).]

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

1993199419951996

and

after

A. Live bait retailer's license$10 $12 $13 $14
[1993, c. 419, §17 (amd).]

B. Baitfish wholesaler's license$20 $22 $23 $24
[1993, c. 419, §17 (amd).]

C. Smelt wholesaler's license$65 $67 $68 $69
[1993, c. 419, §17 (amd).]

[1993, c. 419, §17 (amd).]

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, that person 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 in selling live smelts and baitfish at the license holder's business facility.

(3) The holder of a live bait retailer's license, or a 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 must be presented upon request to any agent of the commissioner.

(5) A person licensed to sell live fish as bait may not possess at that person's place of business any species of fish that may not legally be sold as bait.

(6) A person holding a live bait retailer's license may obtain live smelts only from a person lawfully licensed under this section to deal in live smelts. [1997, c. 432, §23 (amd).]

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

(1) Any person engaged in taking, or assisting in taking, live baitfish for resale from inland waters must hold a current baitfish wholesaler's license, which must 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, that person must obtain a separate license for each place of business.

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

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

(7) The holder of a baitfish wholesale license who attempts to take live bait for resale using drop nets from the inland waters of the State by fishing through the ice shall mark all holes made in the ice by that person 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.

(8) The holder of a baitfish wholesaler's license may not take eels.

(9) The holder of a baitfish wholesaler's license may not take or sell suckers (Genus Catostomus) greater than 10 inches in length between April 1st and September 30th of each year.

(10) A person licensed to sell live fish as bait may not possess at that person's place of business any species of fish that may not legally be sold as bait. [1997, c. 432, §24 (amd).]

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, or assisting 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 adopted by the commissioner in regard to the taking of smelts. In taking smelts under the

general rules, 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. The holder of a smelt wholesaler's license may not take multiple limits from waters governed by general rules in order to attain the 8-quart limit of smelts described in subparagraph (3).

(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 a given day, from specific inland waters designated by the commissioner. A seine may not be used to take smelts.

(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 transport or possess at the holder's business facility 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. For purposes of this paragraph, live smelts shall be considered in possession of the licensee once the smelts have been removed from the inland waters and placed in a container.

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

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

(8) The holder of a smelt wholesaler's license, or the holder's designee, may transport live smelts, except that live smelts being transported directly from an inland water source must be accompanied by the licensee. The holder of a smelt wholesaler's license may not transport from an inland water source to the licensee's place of business more than 8 quarts of live smelts.

(9) The holder of a smelt wholesaler's license who attempts to take live smelt for resale using drop nets from the inland waters of the State by fishing through the ice must mark all holes made in the ice by that person 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.

(10) A person holding a smelt wholesaler's license may obtain live smelts only from a person lawfully licensed under this section to deal in live smelts.

(11) A person holding a smelt wholesaler's license must, at the time that person is engaged during the winter months in the taking of smelts, have a number 14 fish grader in operable condition in that person's immediate proximity during the taking of smelts and must use that grader during the smelt harvesting activity. The license holder must liberate immediately all undersized smelts alive into the waters from which they were taken. For the purpose of this subparagraph, a number 14 grader is a grader having a maximum grate size of 14/64 inches.

(12) A person licensed to sell live fish as bait may not possess at that person's place of business any species of fish that may not legally be sold as bait. [1997, c. 432, §§25, 26 (amd).]

D. For purposes of this subsection, "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 and baitfish to anglers. [1995, c. 455, §16 (new).]

[1997, c. 432, §§23 - 26 (amd).]

5. Effect of revoked or suspended license. Notwithstanding this section, a person whose license to deal in live smelts and baitfish has been revoked or suspended pursuant to section 7077, 7078 or 7079, may not assist another dealer in selling or transporting live smelts and baitfish.

[1989, c. 913, Pt. B, §3 (new).]

6. 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 these 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 these fish available for inspection by a warden or a department fisheries biologist at any time, upon request.

[1997, c. 432, §27 (amd).]

Section History:
1979, c. 543, § 18,19 (AMD).
1983, c. 807, § P9 (AMD).
1987, c. 317, § 10,11 (AMD).
1993, c. 419, § 17 (AMD).
1995, c. 455, § 13-16 (AMD).
1995, c. 667, § A23 (AMD).
1979, c. 420, § 1 (NEW).
1979, c. 723, § 7 (AMD).
1981, c. 414, § 22 (AMD).
1983, c. 588, § 10 (AMD).
1985, c. 607, § 3,9 (RPR).
1989, c. 493, § 20 (AMD).
1989, c. 913, § B3 (AMD).
1993, c. 438, § 9 (AMD).
1993, c. 574, § 16 (AMD).
1997, c. 432, § 23-27 (AMD).

SUBCHAPTER VI
SELLING, IMPORTING, STOCKING AND CULTIVATING FISH

12 § 7201. License to cultivate or sell commercially grown and imported fish

1. Issuance. The commissioner may issue a license to cultivate and sell fish that have been either commercially grown within the State or imported from without the State except that the commissioner may not issue permits governing any aspect of either the commercial aquaculture of Atlantic salmon when intended for use in commercial aquaculture in coastal waters or the Atlantic salmon restoration program.

[1999, c. 315, §1 (amd).]

2. Fee. The fee for a license to sell commercially grown or imported fish is $25 annually.

[1999, c. 315, §2 (amd).]

3. Restrictions.

A. Licenses must be kept constantly and publicly posted in the office or place of business of the licensee. [1997, c. 432, §28 (amd).]

B. Whenever any person sells these fish in more than one wholesale or retail outlet, each outlet must be licensed. [1997, c. 432, §28 (amd).]

C. All fish sold under this section must be identified with the name and address of the source of the fish in a manner approved by the commissioner. A person may not offer for sale any commercially grown or imported fish that is not so identified. [1997, c. 432, §28 (amd).]

D. All licensees shall keep invoices of fish sold and purchased under this section so that the invoices are available at all times for inspection by the commissioner or the commissioner's duly authorized agent. [1997, c. 432, §28 (amd).]

[1997, c. 432, §28 (amd).]

Section History:
1979, c. 420, § 1 (NEW).
1979, c. 600 (AMD).
1997, c. 432, § 28 (AMD).
1999, c. 315, § 1,2 (AMD).
1979, c. 543, § 21 (AMD).
1983, c. 807, § P15 (AMD).
1993, c. 419, § 18 (AMD).

12 § 7202. Permit to import live freshwater fish or eggs

1. Issuance. The commissioner may grant permits to introduce, import or transport any live fish or gametes into the State or to receive or have in possession fish or gametes so introduced, imported or transported if the commissioner determines that the species does not pose an unreasonable risk to any species of fish or other organism after evaluating fish health, habitat and population management issues. The commissioner may not adopt rules or issue permits governing any aspect of either the commercial aquaculture of Atlantic salmon when intended for use in commercial aquaculture in coastal waters or the Atlantic salmon restoration program.

[1999, c. 315, §3 (amd).]

2. Application. Importers shall, when requesting a permit, provide the commissioner with the following information:

A. The number and species to be imported; [1979, c. 420, §1 (new).]

B. The name and address of the source; [1999, c. 315, §4 (amd).]

C. A statement from an American Fisheries Society certified fish health inspector, an American Fisheries Society certified fish pathologist or a licensed accredited veterinarian, certifying that the fish or gametes are from sources that show no evidence of viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, Myxosomo cerebralis or other diseases that may threaten fish stocks within the State; and [1999, c. 315, §4 (amd).]

D. Other professionally recognized tests or analyses, including evaluation of fish health, habitat or population management issues that the commissioner may require by rule to ensure that the species will not pose an unreasonable risk to any species of fish or other organism. [1999, c. 315, §5 (new).]

[1999, c. 315, §§4, 5 (amd).]

3. Rules. The commissioner may adopt rules allowing the importation of certain species of tropical fish and goldfish without a permit, for aquarium purposes only, if the commissioner determines that the species does not pose an unreasonable risk to any species of fish or other organism after evaluating fish health, habitat and population management issues. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[1999, c. 315, §6 (new).]

Section History:
1999, c. 315, § 3-6 (AMD).
1979, c. 420, § 1 (NEW).

12 § 7203. Permit to stock inland waters

1. Issuance. The commissioner may issue a written permit allowing a person to introduce fish of any kind into any inland waters by means of live fish or otherwise. [1979, c. 420, § 1 (new).]

Section History:
1979, c. 420, § 1 (NEW).

12 § 7204. Permit to introduce fish or fish spawn into a private pond

1. Issuance. The commissioner may issue a written permit to introduce fish or fish spawn into a private pond. [1979, c. 420, § 1 (new).]

Section History:
1979, c. 420, § 1 (NEW).

12 § 7205. License to cultivate or harvest fish in private ponds (REPEALED)

Section History:
1979, c. 420, § 1 (NEW).
1979, c. 723, § 9 (AMD).
1983, c. 807, § P16 (AMD).
1997, c. 432, § 29 (RP).
1979, c. 543, § 22 (AMD).
1981, c. 414, § 23 (AMD).
1981, c. 644, § 11,12 (AMD).
1993, c. 419, § 19 (AMD).

12 § 7205-A. License to operate a private fee pond

1. License required. A person who owns a private pond may not charge others for the opportunity to fish in that private pond unless the owner of that pond possesses a private fee pond license issued by the commissioner under this section.

[1997, c. 432, §30 (new).]

2. Licensed activities. A private fee pond license authorizes the owner of a private pond to charge others for the opportunity to fish in that private pond and authorizes persons who fish in that pond to fish for, take, possess and transport fish harvested from that pond, notwithstanding other provisions of the law or rules of the department pertaining to manner, time, season, bag limit, length limit or fishing license requirements.

[1997, c. 432, §30 (new).]

3. Fee. The fee for a private fee pond license is $25.

[1997, c. 432, §30 (new).]

4. Restrictions. All fish taken from a private fee pond operated pursuant to this section must be killed prior to being transported from the site. All fish transported from the site must be tagged as provided by rules established by the commissioner.

[1997, c. 432, §30 (new).]

Section History:
1997, c. 432, § 30 (NEW).

12 § 7206. Permit to transport live fish for breeding and advertising

The commissioner may issue a permit to anyone, permitting that person to take and transport within the limits of the State, fish taken in the State for breeding or advertising purposes. [1997, c. 432, §31 (new).]

Section History:
1997, c. 432, § 31 (NEW).

2.01 Waters Designated for Use in Fish Culture and Scientific Research by the State.

All inland waters of the state (as defined in Chapter 701, Section 7001, sub-section 18, 12 M.R.S.A.) are designated as waters for the use of the State in the prosecution of the work of fish culture and scientific research relative to fish, for the period beginning July 1, 1989, through June 30, 1999.

2.02 Rules for the Taking, of Alewives, Cusk, Eels, Hornpout, Suckers and Yellow Perch Under Provisions of Permits Authorized by 12 M.R.S.A., Section 7153

NOTE: This rule may be filed under Ch. 1, Section 2

A. Applications

1. Bids for specific sites for trapping devices which extend from bank to bank must be received in January and February to insure a specific site.
2. Sites not awarded on bid may be awarded at the minimum fee after March 1 each year.
3. All permit applications must include the landowner's permission for use on the site desired.
4. No more than one permit will be issued for a trapping device that extends from bank to bank on any one brook, stream, river or lake outlet.
5. In-stream alteration (use of mechanical equipment in dam building) shall be limited to a fifty-foot swath across the thread of the stream.

B. Permits

Each permit shall specify:

1. How the species may be taken. The method of taking may be by weir, trap net, seine, pot or dip net.
2. Dates, days of the week, and times of day that any trapping device may be operated.
3. Installation and removal dates.
4. Type of construction and/or material that may be used.

C. Rules that apply to dip nets, seines, and eel pots for the taking of alewives, cusk, eels, hornpout, suckers, and yellow perch;

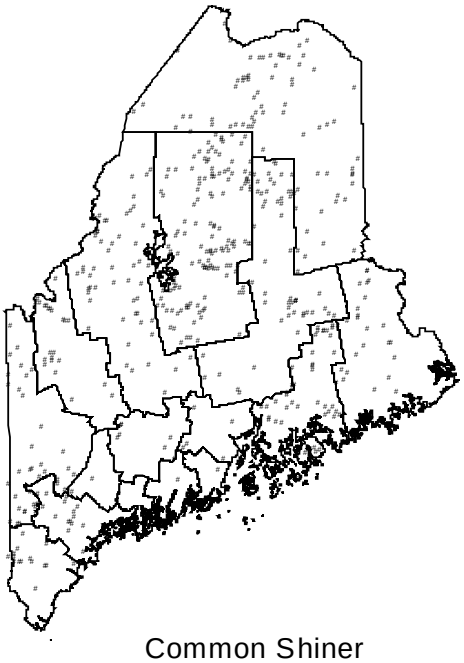
1. No exclusive territory permits will be granted.
2. A permit shall be issued for each body of water.
3. Live fish shall not be used as bait.

D. Release of unauthorized species.

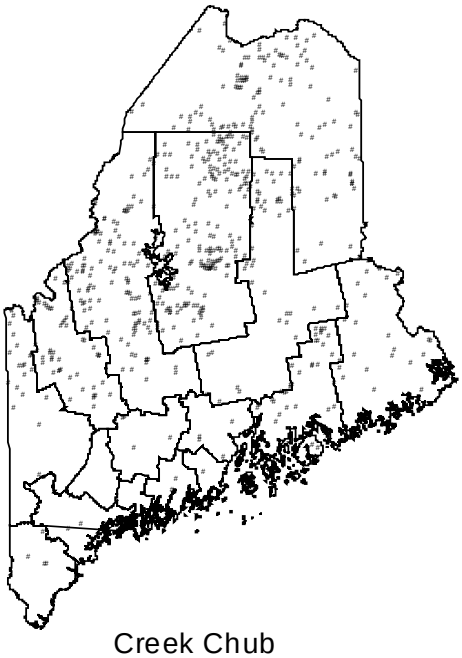
1. Species of fish or other wildlife not covered by any permit used must be released unharmed.

Appendix II

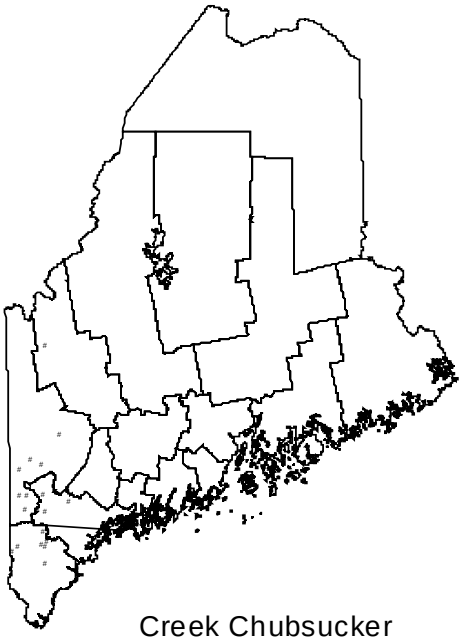
Occurrence Maps For Selected Maine Commercial Fish Species



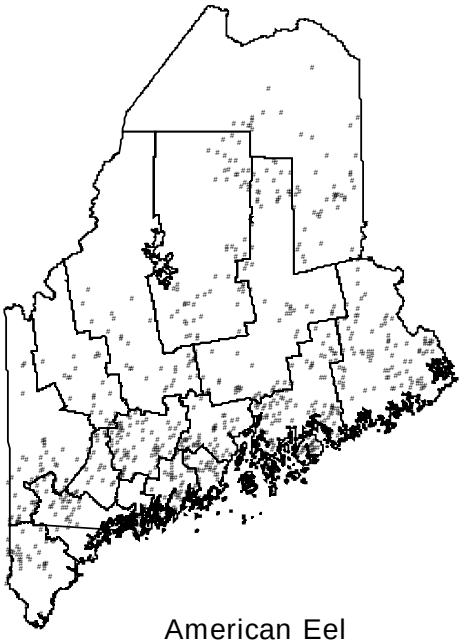
Common Shiner



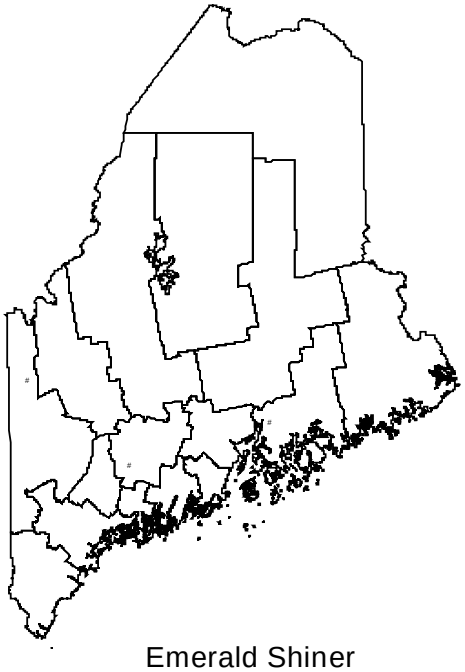
Creek Chub



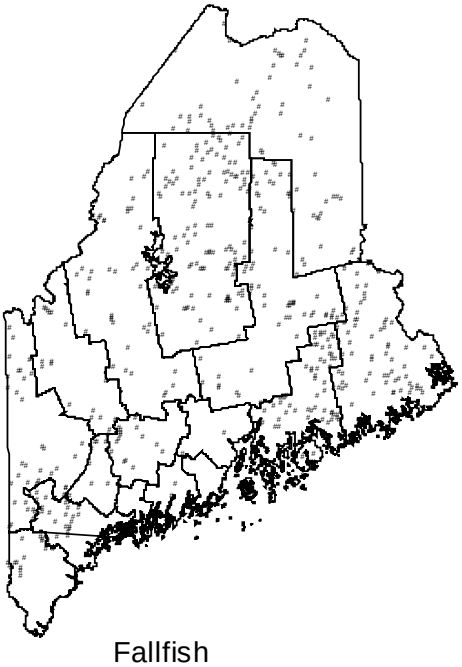
Creek Chubsucker



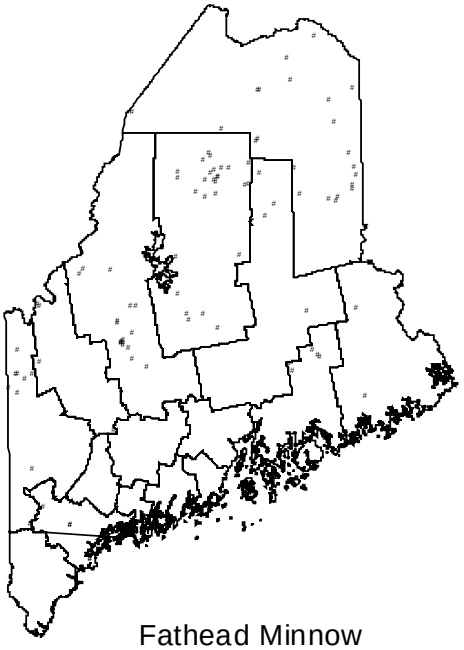
American Eel



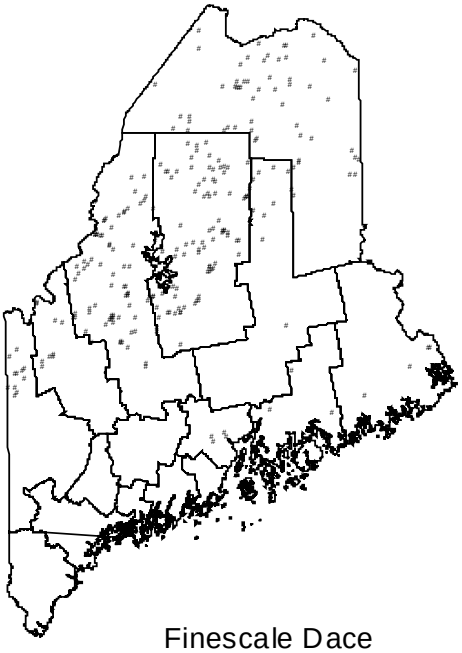
Emerald Shiner



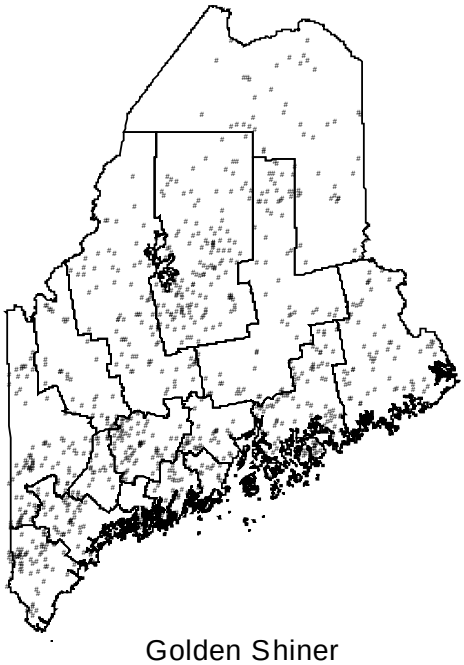
Fallfish



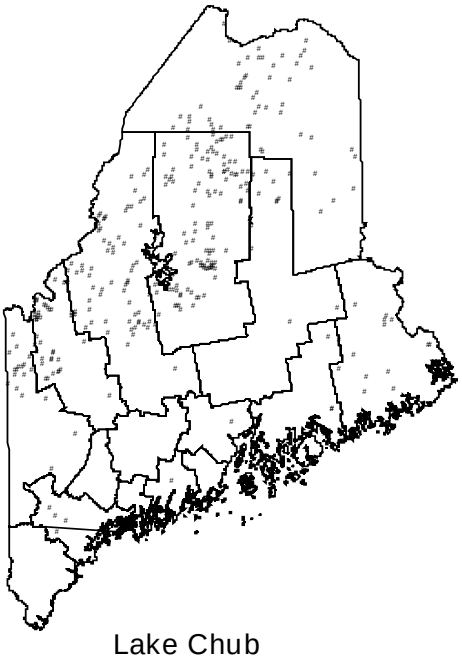
Fathead Minnow



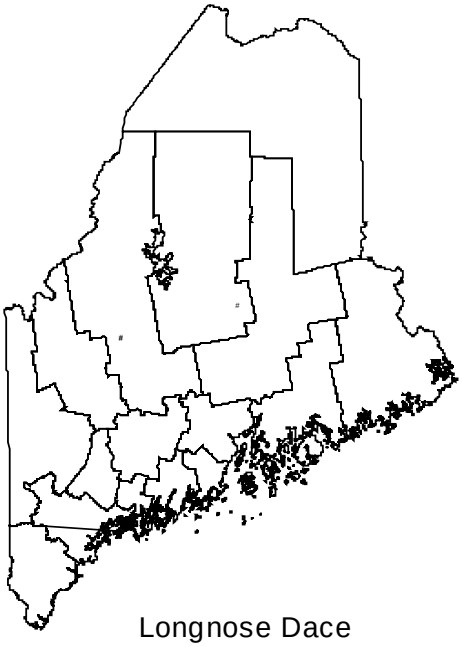
Finescale Dace



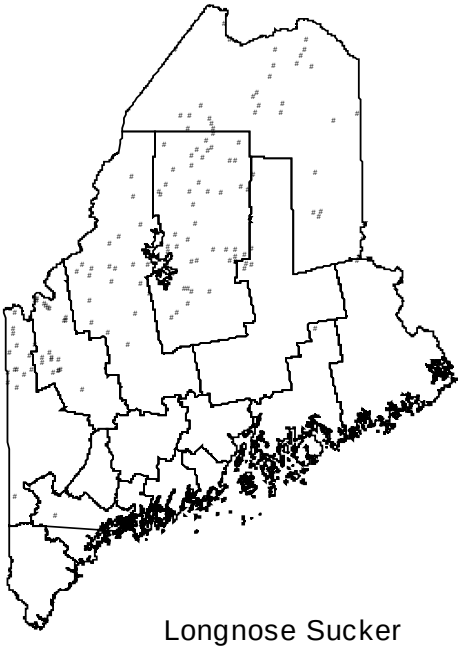
Golden Shiner



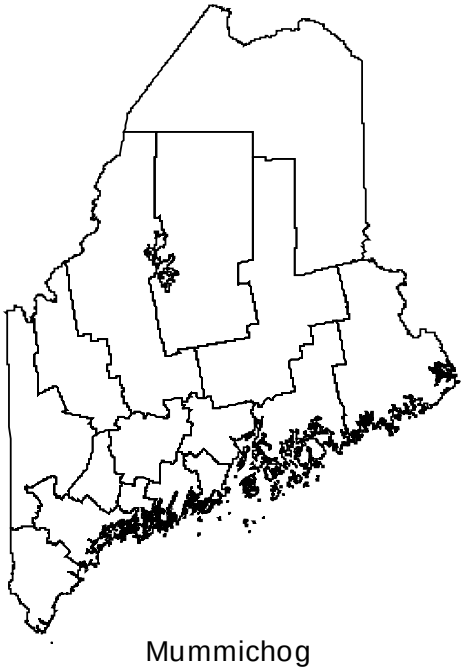
Lake Chub



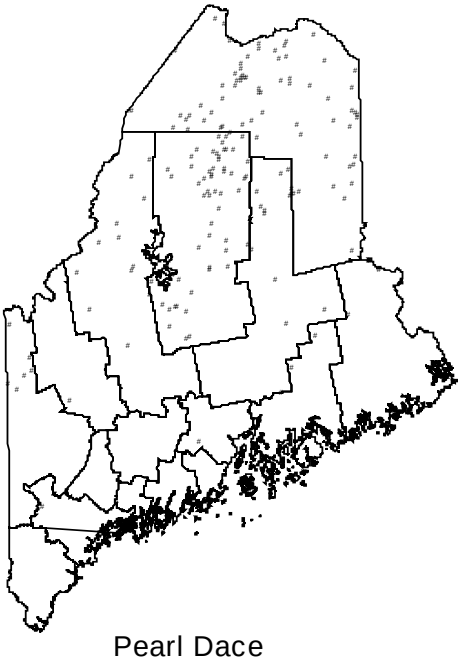
Longnose Dace



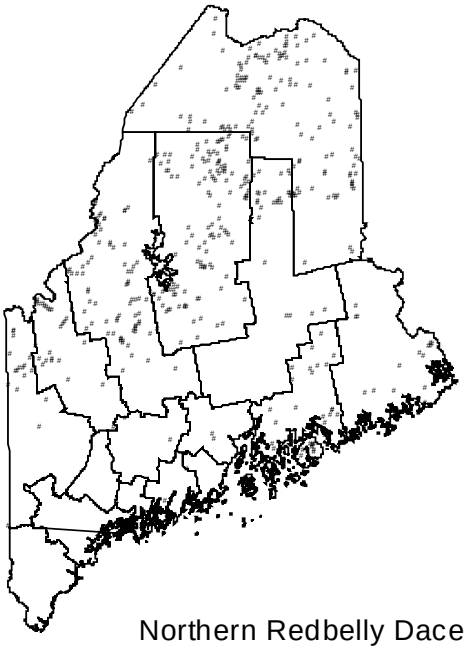
Longnose Sucker



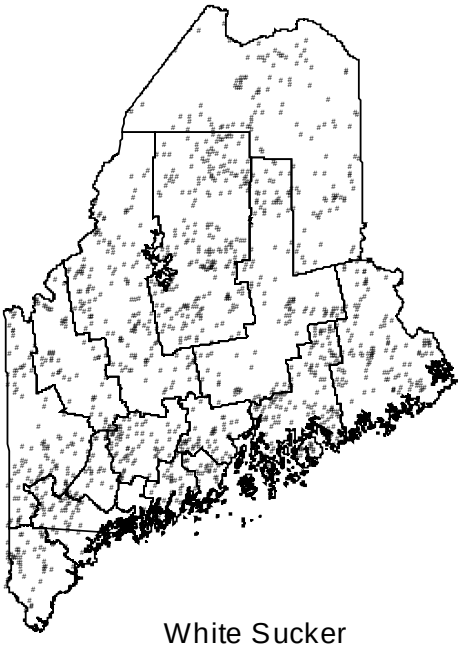
Mummichog



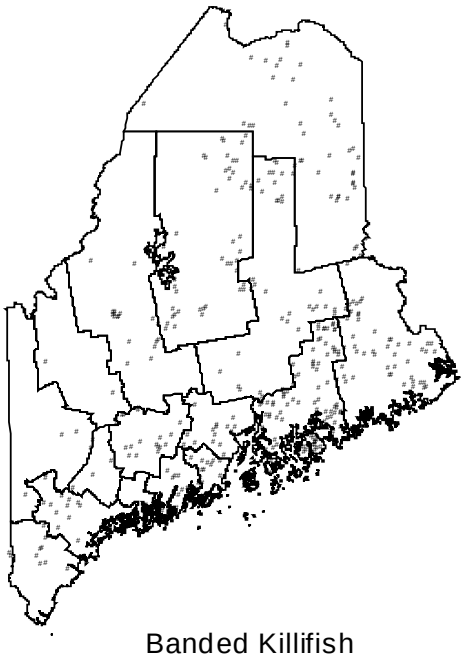
Pearl Dace



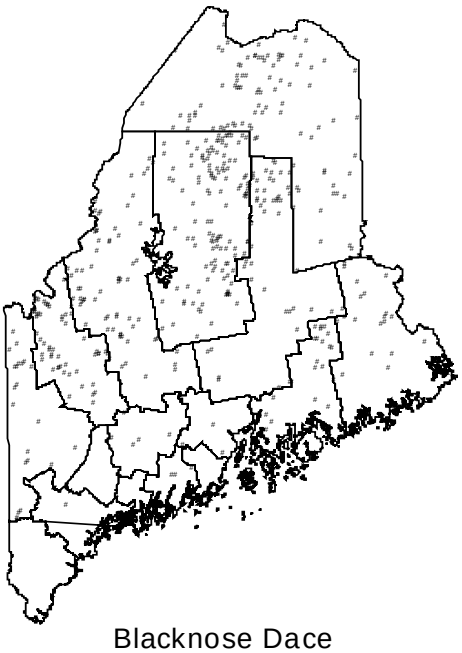
Northern Redbelly Dace



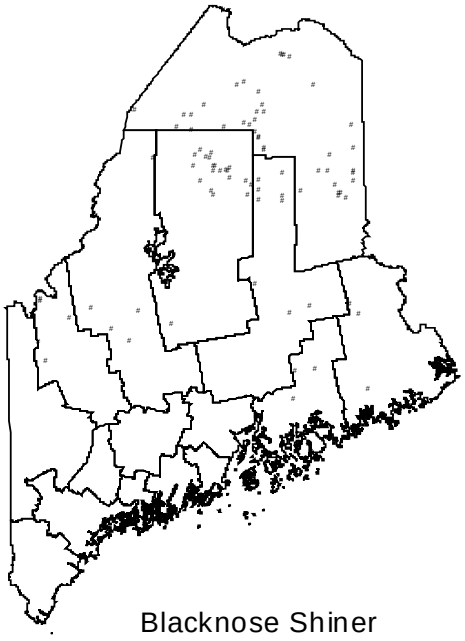
White Sucker



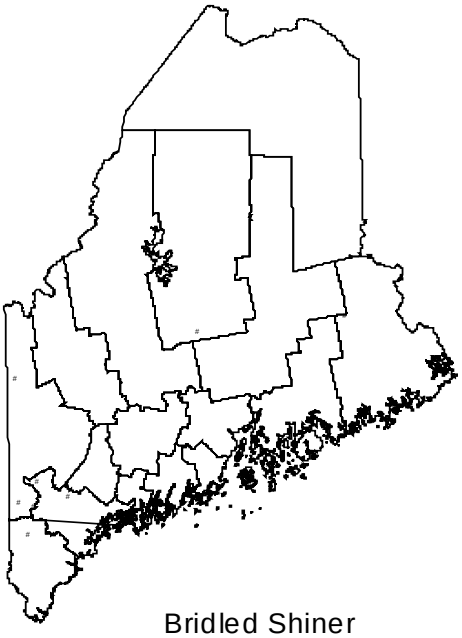
Banded Killifish



Blacknose Dace



Blacknose Shiner



Bridled Shiner