

DEPARTMENT OF MARINE RESOURCES

CHAPTER 40 - SMELT

TITLE INDEX

40.12 Taking of smelts from the coastal waters of Maine

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40.12 Taking of smelts from the coastal waters of Maine

A. Definitions

1. Smelt Management "Zone One (1)" includes all coastal waters West of Owl's Head Lighthouse to the boundary of the State's coastal waters to the New Hampshire border.
2. Smelt Management "Zone Two (2)" includes all coastal waters East of the Owl's Head Lighthouse including all coastal waters of the Penobscot River extending to Naskeag Point, including Deer Isle and Stonington.
3. Smelt Management "Zone Three (3)" includes all coastal waters East of Naskeag Point to the US/Canada Border.

B. Statewide Restrictions

1. It shall be unlawful to fish for or take smelts from the coastal waters by any means other than a dip net or by hook and line as defined by [12 M.R.S. §6001 13-C and \(20\)](#).
2. It shall be unlawful to stand in the water of any coastal river, brook, or stream while fishing for smelts.

C. Smelt Management Zone Restrictions

1. Zone One (1)-New Hampshire border to Owl's Head Light

- a. It shall be unlawful to fish for, take or possess smelts in Zone One (1), except by hook and line between October 1-December 31, or by hook and line through the ice, while ice is present.
- b. From July 1 to March 14, both days inclusive, it shall be unlawful to fish for, take, or possess more than 4 quarts of smelts per day in Zone One. From March 15 to June 30, both days inclusive, it shall be unlawful to fish for, take, or possess more than 2 quarts of smelts per day in Zone One.

2. Zone Two (2)-Owl's Head Light to Naskeag Point

- a. It shall be unlawful to fish for, take, or possess more than 1 quart of smelts per day in Zone Two (2) from March 15 to June 30 and it shall be unlawful to fish for or take smelts on Tuesday and Wednesday in Zone Two (2).
- b. When fishing for smelts in Zone Two (2) during the period of July 1 to March 14, it shall be unlawful to fish for or take smelts from the coastal waters of Zone Two (2) by any means other than by hook and line. Beginning December 1, 2015, during the period of July 1 to March 14, it shall be unlawful to fish for, take, or possess more than 4 quarts of smelts per day, both days inclusive.

3. Zone Three (3)-Naskeag Point to the Canadian border

- a. It shall be unlawful to fish for, take or possess more than 2 quarts of smelts per day in Zone Three (3) during the period March 15 to June 30, both days inclusive.

- b. When fishing for smelts in Zone Three (3) during the period of July 1 to March 14, both days inclusive, there shall be no limit on take.

D. Exceptions

1. Any wholesale seafood or retail seafood dealer licensed pursuant to 12 M.R.S. §6851 or §6852; or grocery, restaurant or fish store may possess more than 2 quarts per day in his/her place of business.
2. Taking of smelts in Washington County
 - a. January 1 through April 1, both days inclusive, without any limit on quantity, the use of gill nets and bag nets in addition to dip net or hook and line are allowed in the following tidal waters:
 - East Machias River in the Town of East Machias following the town line;
 - Pleasant River in the Towns of Columbia Falls, Addison, and Harrington within 44° 31.18'N, 67° 47.60' W (end of Ripley Neck) to 44° 29.92'N, 67° 44.64'W (end of Cape Split)
 - Narraguagus River in the Towns of Milbridge and Cherryfield within 44° 31.23'N, 67° 51.63'W (Long Point) to 44° 31.61'N, 67° 51.46'W (Fickett Point).
 - b. January 1 through April 10, both days inclusive, without any limit on quantity, the use of gill nets and bag nets in addition to dip net or hook and line are allowed in the following tidal waters:
 - Town of Steuben;
 - Indian River in the towns of Addison, Jonesport, and Jonesboro within 44° 29.87'N, 67° 42.74'W (the end point of Moose Neck), and 44° 31.60'N, 67° 38.34'W (end of Hopkins Point);
 - Harrington River and Mill River in the towns of Harrington and Milbridge within 44° 32.51'N, 67° 49.09'W (end of Ray Point) and 44° 32.67'N, 67° 48.23'W (end of Town Landing Road);
 - Chandler River in the town of Jonesboro within 44° 37.85'N, 67° 32.61'W (end of Look Point) and 44° 38.40'N, 67° 32.62'W (end of Deep Hole Point).

Outside these dates and coordinates the restrictions in the rest of Chapter 40.12(A) apply.

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EFFECTIVE DATE:

May 2, 1982 - Section 9(B)

May 10, 1982 - Chapter 40 with reprints of Private and Special Laws filed - Sections 1-13

AMENDED:

April 3, 1988 - Section 9 & 12

April 3, 1988 - Section 8 & 12

March 27, 1989 - Section 11

December 21, 2009 – Sections 1-13

March 14, 2014-Section 12(A)(2) & Section 12(B)(3), Section 12(C) added. EMERGENCY
REGULATIONS (expires June 11, 2014)

March 9, 2015-Section (A)(B)(D) amended; (C) added.

March 12, 2017 – 12(C)(1)

August 21, 2018 – 12(C)(1)(a)

March 15, 2020 –40.12(B), (C), & (D)