

DEPARTMENT OF MARINE RESOURCES

CHAPTER 40 - SMELT

TITLE INDEX

40.12 Taking of smelts from the coastal waters of Maine

## DEPARTMENT OF MARINE RESOURCES

### Chapter 40 - Smelt Regulations

#### 40.12 Taking of smelts from the coastal waters of Maine

##### A. Definitions

1. Smelt means the sea run rainbow smelt, *Osmerus mordax*
2. Smelt Management "Zone One (1)" includes all coastal waters East of the New Hampshire border to the Owl's Head Lighthouse.
3. 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.
4. Smelt Management "Zone Three (3)" includes all coastal waters East of Naskeag Point to the US/Canada Border.

##### B. Statewide Restrictions

It is unlawful to stand in the coastal waters, including the coastal waters of any river, brook, or stream, while fishing for smelts.

##### C. Smelt Management Zone Restrictions

###### 1. Zone One (1)

The following restrictions apply when fishing for, taking, or possessing smelt in Zone One (1):

- a. Method of take: From February 1 to September 30, both days inclusive, it is unlawful to fish for, take or possess smelt by any means other than by hook and line through the ice. From October 1 to January 31, both days inclusive, it is unlawful to fish for or take smelt except by hook and line.
- b. Season restrictions: None
- c. Limit: From March 15 to September 30, both days inclusive, it is unlawful to fish for, take or possess more than 2 quarts of smelt per day. From October 1 to March 14, both days inclusive, it is unlawful to fish for, take, or possess more than 4 quarts of smelts per day.

###### 2. Zone Two (2)

The following restrictions apply when fishing for, taking, or possessing smelt in Zone Two (2):

- a. Method of take: From March 15 to June 30, both days inclusive, it is unlawful to fish for, take or possess smelt by any means other than by dip net or by hook and line. From July 1 to March 14, both days inclusive, it is unlawful to fish for, take or possess smelt by any means other than by hook and line.
- b. Season restrictions: From March 15 to June 30, both days inclusive, it is unlawful to fish for, take, or possess smelt on a Tuesday or Wednesday.
- c. Limit: From March 15 to June 30, both days inclusive, it is unlawful to fish for, take, or possess more than 1 quart of smelt per day. From July 1 to March 14, both days inclusive, it is unlawful to fish for, take, or possess more than 4 quarts of smelt per day.

###### 3. Zone Three (3)

The following restrictions apply when fishing for, taking, or possessing smelt in Zone Three (3):

- a. Method of take: It is unlawful to fish for, take or possess smelt by any means other than by dip net or by hook and line.
- b. Season restrictions: None
- c. Limit: From March 15 to June 30, both days inclusive, it is unlawful to fish for, take, or possess more than 2 quarts of smelt per day. From July 1 to March 14, both days inclusive, there is no limit on the take of smelt.

D. Exceptions

1. Any wholesale seafood or retail seafood dealer licensed pursuant to 12 M.R.S. §6851 or §6852; or any 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 by persons licensed pursuant to 12 M.R.S. §6502-A:  
  
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, 067° 47.60' W (end of Ripley Neck) to 44° 29.92'N, 067° 44.64'W (end of Cape Split)  
Narraguagus River in the Towns of Milbridge and Cherryfield within 44° 31.23'N, 067° 51.63'W (Long Point) to 44° 31.61'N, 067° 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 by persons licensed pursuant to 12 M.R.S. §6502-A:  
  
Town of Steuben;  
Indian River in the towns of Addison, Jonesport, and Jonesboro within 44° 29.87'N, 067° 42.74'W (the end point of Moose Neck), and 44° 31.60'N, 067° 38.34'W (end of Hopkins Point);  
Harrington River and Mill River in the towns of Harrington and Milbridge within 44° 32.51'N, 067° 49.09'W (end of Ray Point) and 44° 32.67'N, 067° 48.23'W (end of Town Landing Road);  
Chandler River in the town of Jonesboro within 44° 37.85'N, 067° 32.61'W (end of Look Point) and 44° 38.40'N, 067° 32.62'W (end of Deep Hole Point).
  - c. Outside these dates and coordinates the restrictions in the rest of Chapter 40.12 apply.

**DEPARTMENT OF MARINE RESOURCES  
CHAPTER 40 - SMELT  
INDEX**

**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)

March 19, 2024-40.12 (A), (B), (C), & (D)