JANET T. MILLS
GOVERNOR

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

JUDITH CAMUSO
COMMISSIONER

December 1st, 2019

Dear Baitfish or Smelt Wholesaler,

Thank you for purchasing a 2020 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 2020 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, 2020 to cover any bait you harvested within the reporting period of May 2019 through April 2020. 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: Jerrod Parker, Maine Dept. Inland Fisheries & Wildlife, 284 State Street, Augusta, Maine 04333 **by May 31st each year.** You may also email your report to Jerrod.Parker@maine.gov or fax your report to 207-287-6395.
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) 287-3216 if you have any questions or need more information.

Sincerely,

Jerrod Parker
Fisheries Senior Resource Biologist

MAINE DEPARTMENT OF INLAND FISHERIES & WILDLIFE

WATERS WITH SPECIAL RESTRICTIONS UNDER THE BAITFISH WHOLESALERS LICENSE

FOR CALENDAR YEAR 2020

Individuals possessing a valid Baitfish Wholesale License may take baitfish from all inland waters statewide in accordance with MRS: Title 12 and Chapter Rule, **EXCEPT** the waters listed in the categories below:

A. Waters closed to baitfish dealers except for the use of minnow traps.
B. Waters closed to the taking of baitfish.

A. The following waters are closed to baitfish dealers except for the use of minnow traps:

ANDROSCOGGIN COUNTY

Lake Auburn, tributaries, outlet, Auburn
Little Androscoggin River, tributaries, outlet, Mechanic Falls

CUMBERLAND COUNTY

Brandy Pond, tributaries, outlet, Naples
Collins Pond, tributaries, outlet, Windham
Little Sebago, tributaries, outlet, Windham, Gray
Mill Pond, tributaries, outlet, Windham
Presumpscot River, impoundments**,** tributaries, outlet, Windham
Sebago Lake, tributaries, outlet
Songo River, tributaries, outlet, Naples
Thompson Lake, tributaries, outlet, Casco, Otisfield, Poland, Oxford (**also Oxford County)**

KENNEBEC COUNTY

Annabessacook Lake, Monmouth (including the portion of Wilson Stream from 200 feet upstream of the Waugan Road Bridge to Annabessacook Lake, also the use of motorboats is prohibited in this area)
Basin Pond, Fayette
Cobbosseecontee Lake, Winthrop **(**PORTION OF – Defined in 2019**)****
Cobbossee Stream, tributaries, outlet, West Gardiner, Litchfield
Great Pond, tributaries, outlet, Belgrade, Rome
Kimball Pond, Vienna, etc.
Messalonskee Lake, tributaries, outlet, Belgrade, Sidney, Oakland
Pleasant Pond (Mud Pond), tributaries, outlet, Gardiner, Richmond **(also Sagadahoc County)**

LINCOLN COUNTY

Damariscotta Lake, tributaries, outlet, Whitefield, Jefferson, Nobleboro
Peters Pond, Waldoboro

OXFORD COUNTY

Bryant Pond, tributaries, outlet, Woodstock
Cushman Pond, tributaries, outlet, Lovell
Hogan Pond, tributaries, outlet, Oxford
Shagg Pond, tributaries, outlet, Woodstock
Thompson Lake, tributaries, outlet, Oxford, Casco, Otisfield, Poland

PENOBSCOT COUNTY

Little Pushaw Pond, tributaries and outlet, Hudson
Mud Pond (Perch Pond), tributaries and outlet, Old Town
Pushaw Lake, tributaries and outlet (Pushaw Stream), Old Town, Hudson, Alton
Penobscot River downstream of the Howland and West Enfield Dams (all towns)

YORK COUNTY

Balch Pond, tributaries, outlet, Newfield
Legion Pond, tributaries, outlet, Kittery
Milton Pond, tributaries, Lebanon
Northeast Pond, tributaries, Lebanon
Little Ossipee River Flowage (Lake Arrowhead), tributaries, outlet, Waterboro, Limerick, Limington
Big Ossipee River, tributaries, Hiram, Porter, Parsonsfield, Cornish
Saco River (and tributaries) from the confluence of Big Ossipee River in Cornish/Hiram/Baldwin to tidewater in Saco/Biddeford.
Salmon Falls River (and tributaries) from Milton Mills crossing in Acton to Tidewater in South **Berwick**
Spaulding Pond, tributaries, outlet, Lebanon
Town House Pond, tributaries, Lebanon
West Pond, tributaries, outlet, Parsonsfield

B. Waters closed to the taking of baitfish.

AROOSTOOK COUNTY

Allagash River downstream of Allagash Falls to the St. John (all towns)
Beau Lake, T19 & 20 R11 WELS
Black Pond, T15 R9 WELS
Black Pond, Little North and Tributaries, T15 R9 WELS
Black Pond, Little South and Tributaries and Outlet, T15 R9 WELS
Black River, Big, including the Shields Branch (all towns)
Black River, Little (all towns)
Chapman Pit, Limestone
Crater Pond and Tributaries, T15 R9 WELS
Cross Lake, T18 R10 WELS
Daaquam River, all towns
Debouille Lake and Tributaries and Outlet, T15 R9 WELS
Denny Pond and Tributaries and Outlet, T15 R9 WELS
Duck Pond and Tributaries and Outlet, T15 R9 WELS
Durepo Lake and Tributaries, Limestone
Echo Lake and Tributaries, Presque Isle
Fifth Lake Brook (Fifth Pelletier Brook) and Tributaries, T15 R9 WELS
Fish River downstream of lower Fish River Falls (Fort Kent) to the St. John River (all towns)
Galilee Pond and Tributaries and Outlet, T15 R9 WELS
Gardner Brook and Tributaries, T15 R9 WELS
Gardner Lake and Tributaries, T15 R9 WELS
Glazier Lake including the McPherson Ponds, T18 R10 WELS
Greenlaw Brook Drainage, Limestone
Green Pond, Limestone
Hanson Brook Lake, Presque Isle
Hunnewell Lake, Tributaries and Outlet to Barrier Dam, St. John Plt.
Island Pond and Tributaries and Outlet, T15 R9 WELS
Limestone Stream, Limestone
Malabeam Lake, Limestone
Nadeau Lake, Fort Fairfield
Pelletier Brook Lake (5th) and Tributaries and Outlet, T15 R9 WELS
Pelletier Brook Lake (6th) and Tributaries and Outlet, T15 R9 WELS
Perch Pond and Tributaries, T15 R9 WELS
Prestile Stream below the Mars Hill Dam, Mars Hill, Blaine & Bridgewater
Pushineer Pond and Tributaries and Outlet, T15 R9 WELS
Red River and Tributaries (including that from Black Pond), T15 R9 WELS
Rocky Brook and Tributaries, T15 R9 WELS
St. Francis River (all towns)
St. John River : Main Stem (all towns)
St. John River: Northwest Branch (all town)
Stink Pond and Outlet, T15 R9 WELS

Silver Lake, T15 R5 WELS
Upper Pond, T15 R9 WELS
Violette Brook Lake, Van Buren, Cyr Plt.

CUMBERLAND COUNTY

Pleasant Lake, Casco, Otisfield

HANCOCK COUNTY

Burnt Pond, Otis/Dedham (also Clifton, Penobscot County)
Duck Lake, T4 ND
Dutton Pond, Amherst
Halfmile Pond, Amherst
Halfmile Pond, Aurora
Harriman Pond, Dedham
Hatcase Pond, Dedham
Floods Pond, Otis
King Pond, Great Pond Plt.
Little Pond, Franklin
Little Jellison Hill Pond, Amherst
Long Pond, Aurora
Long Pond, T10 SD
Narraguagus Lake, Tl6 MD etc.
Noyce (Norris) Pond, Blue Hill
Oxhead Pond, Upper, T40 MD
Rift Pond, Great Pond Plt.
Salmon Pond, Tl0 SD
Saulter Pond, Dedham
Simmons Pond, Hancock
Spring Brook Pond, Amherst
Trout Pond, T40 MD

KENNEBEC COUNTY

Tyler Pond, Manchester

LINCOLN COUNTY

Little Pond, Damariscotta
Wiley Pond, Boothbay

OXFORD COUNTY

Abbott's Pond, Sumner
Little Concord Pond, Woodstock
Broken Bridge Pond, Albany
C Pond, C Surplus
Crocker Pond, Albany
Mosquito Pond, Albany Twp
Mount Zircon Reservoir, Rumford
Overset Pond, Greenwood
Round Pond, Albany
Speck Pond (Big), Norway

PENOBSCOT COUNTY

All waters in Baxter State Park
Hay Pond, T6 R8 WELS
Atwood Pond, T5 R8 WELS
Cold Stream Pond, Enfield, Lowell, Lincoln
Ireland Pond, T7 R8 WELS
Katahdin Lake, T3 R8 WELS
Lane Brook Pond, T6 R6 WELS

Rocky Pond, T3 R8 WELS
Trout Pond, Grand Falls Twp.

PISCATAQUIS COUNTY

All waters in Baxter State Park
Big Reed Pond, T8 R10 WELS
Gauntlet Pond and tributaries, TB R10 WELS
Hale Pond, T2 T10 WELS
Hurd Pond, T2 R10 WELS
Little Houston Pond, T6 R9 NWP
Little Pillsbury Pond, T8 R11 WELS
Middle Branch Pond, T5 R9 NWP
Thissell Pond and tributaries and outlet, T5 R11 WELS
Wadleigh (Big) Pond, T8 R15 WELS

SOMERSET COUNTY

Baker Lake, T7 R17
Baker Branch, St John River, T4, 5, 6, 7, 8 & 9 R17 WELS T6 &7 R16 WELS
Embden Pond, Embden
Fifth St John Pond, T5 & 6, R17 WELS
Fourth St John Pond, T5 R17 WELS
Little Southwest Branch St. John River: T8 R19 WELS, T8 R18 WELS, T9 R18 WELS
St. John River Main Stem (all towns)
Southwest Branch St. John River: T8 R1 WELS,T8 R18 WELS, T9 R18 WELS, T9 R17 WELS, T10 R 17 WELS
Trout Pond, and tributaries and outlet, Brighton
Tucker Stream (Grant Brook) and tributaries, Brighton, Athens, Harmony

WALDO COUNTY

Sheepscot Lake, Palermo

WASHINGTON COUNTY

Butcher Lake, Codyville Plt.
East Monroe Pond, T43 MD
Flood Lake, Talmadge
Flood Lake (Upper), Talmadge
Foster Lake, Marion
Ledge Pond, Charlotte
Monroe Lake, T43 MD
Norse Pond, Cutler
Peaked Mtn Pond, Northfield, Centerville, T19 MD
Peep Lake, T30 MD
Pork Barrel Lake, T6 R1 NBPP
Tomah Lake, Forest Twp.
Trout Lake, Kossuth Twp
West Grand Lake (including Pug Lake), T6 ND NBPP, T6 R1 NBPP, Grand Lake Stream Plt.
West Monroe Pond, T43 MD

YORK COUNTY

Cold Water Brook Impoundment, Kennebunk
Kennebunk Plains Pond, Kennebunk
Sand Pond, Limington
Spicer Pond, Newfield

An area of Cobbosseecontee Lake (Winthrop, Maine) is closed to bait dealers using seines. Use of bait traps is not affected by this closure.

The invasive aquatic plant Eurasian water-milfoil (*Myriophyllum spicatum*, hereafter EWM) was confirmed in Cobbosseecontee (Cobbossee) Lake in July 2018.

The Maine Department of Environmental Protection (DEP), Friends of the Cobbossee Watershed (FOCW), and Cobbossee Watershed District coordinated a rapid response to this infestation which included 13 diver surveys to remove EWM between July and late October 2018. A survey of the entire lake by FOCW in 2018 indicated that EWM is confined to a relatively small portion of the north end of Cobbossee Lake, shown in red hatching on the attached map.

To reduce the risk of spreading EWM within Cobbossee and to other waters, the Maine Department of Inland Fisheries and Wildlife will close the red-hatched portion of the attached map to bait dealers using seines (baitfish traps allowed). The area extends from the Island Park bridge on the east in a west/southwestward direction to a west/east line running from the point of land south of the Lakeside Village condominiums to Island Park.

Because the EWM appears to be confined to a small area of Cobbossee, DEP thinks the infestation can be successfully managed with continued surveying and plant removal.

Please contact Francis Brautigam, Fisheries Division Director (287-5263) with questions.

Cobbossecontee Lake-Area Closed to Seining (2019)

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 Jerrod Parker, 284 State Street, Augusta, Maine 04333 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 fishing together report separately, be sure to report only your individual portion of the total catch. For example, if two dealers 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"*).

Maine Department of Inland Fisheries & Wildlife
Report Log for Smelt Wholesale or Baitfish Wholesaler License Holders

Wholesaler Information ☐ Did not fish this reporting period

Last Name: **First Name:** **License #:** ☐ **Smelt** **or** ☐ **Baitfish**

Address: **Telephone #:**

Full Name(s) & License # (s) of other dealers/helpers covered by this report (if applicable):

Note: Do not report Smelt Wholesale and Baitfish Wholesale information on the same form. If you possess both licenses, you must submit a separate form for each

Date	Water Name	Town	County	Gear Type	# of Gears Fished	Quantity Harvested				Species Harvested	Other Species Observed
						Lbs.	Qts.	Doz.	Indiv.		

SIGNATURE:_____

Reporting deadline: May 31st each year. Report all harvest accrued from May 1 (previous year) - April 30 (current year)

Send reports to: Jerrod Parker, Maine Department of Inland Fisheries & Wildlife, 284 State Street, Augusta, Maine 04333 Or FAX (207) 287-6395 by May 31st each year. If questions, please call (207) 287-3216 or email: Jerrod.Parker@maine.gov

The following section is from the Maine Revised Statues: 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.