

1501:31-13-04

Bait and bait dealers.

(A) Bait fish, crayfish, larval aquatic insects - bait dealers

(1) Any individual or bait dealer may take minnows, crayfish, hellgrammites, and other larval aquatic insects, suckers not exceeding ten inches in length, skipjack herring, smelt, brook silversides, brook sticklebacks, gizzard shad, trout perch, sculpins, darters, top minnows and mud minnows from any waters in the state of Ohio at any time and in any number except as prohibited by this or other rules of the wildlife chief.

(2) It shall be unlawful:

(a) For a bait dealer to possess minnows, bait fish, crayfish and hellgrammites at any place, except at the address listed on his application for a bait dealer's permit, without having each receptacle containing minnows, crayfish, and hellgrammites marked with his name, address and license number in letters and numerals at least one-half inch high in the English language;

(b) For any person to take any fish not mentioned in this paragraph by the aid or use of a net or seine unless authorized by a license or permit issued by the division of wildlife;

(c) For any person, except a person possessing a bait dealer's permit, or a licensed fishing guide providing bait to their customers, to have in possession more than one hundred crayfish or five hundred in the aggregate of the wild animals specified in paragraph (A)(1) of this rule, excepting therefrom, smelt, hellgrammites, other larval aquatic insects, and canned or preserved minnows;

(d) For a bait dealer to sell to any person other than a person possessing a bait dealer's permit, more than one hundred crayfish or five hundred in the aggregate of the wild animals specified in paragraph (A)(1) of this rule, excepting therefrom, smelt, hellgrammites, other larval aquatic insects and canned or preserved minnows.

(B) Lake Erie emerald shiners (*Notropis atherinoides Rafinesque*) may be taken, sold, or possessed by licensed bait dealers in unlimited numbers, and such dealers may sell minnows to other bait dealers in and out of the state in unlimited numbers, provided they make and keep a record of each such sale. Such records shall be open for inspection at all reasonable hours. This paragraph does not supersede or alter the law requiring a permit to buy, sell, or deal in minnows for bait purposes.

(C) Crayfish and larval aquatic insects

It shall be unlawful for any person to take crayfish or larval aquatic insects by any method, from nine p.m. to the following four a.m., except by trapping, angling or by hand picking. This provision does not apply to east and west harbors, Ottawa county, and such waters where fishing with nets is licensed by law.

(D) It shall be unlawful for any person to sell as bait fish, or use as bait any fish or minnow not already established in waters of Ohio over which the wildlife chief has control.

(E) It shall be unlawful for any individual licensed under section 1533.40 of the revised code to fail to keep accurate daily records of all transactions with other bait dealers from within or without the state. Such records shall be for all sales or purchases of minnows, crayfish, hellgrammites and other larval aquatic insects and shall include:

(1) the type of bait bought or sold,

(2) the amount of bait in gallons, numbers or pounds,

(3) the date of sale or purchase,

(4) the name and address of the buyer and seller.

(F) It shall be unlawful to fail to keep the records required under paragraph H of this rule for a period of less than two years.

(G) The sale and purchase records required by this rule shall be open for inspection by any division of wildlife employee at all reasonable hours. Provided further, such division of wildlife employees may enter and inspect any premises where minnows, bait fish, crayfish and hellgrammites are bought, sold or held under a license issued under section 1533.40 of the revised code and any box, package, or receptacle and the contents for the purpose of determining whether any provision of chapter 1531, or chapter 1533, of the revised code or a division rule is being violated.

~~(E)~~(H) All definitions set forth in rule 1501:31-1-02 of the Administrative Code shall apply to this rule.