

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) A person permitted under section 1533.40 of the Revised Code may possess for sale 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 taken from any waters in the state of Ohio or legally acquired from a person permitted under section 1533.40 or section 1533.632 of the Revised Code at any time and in any number except as prohibited by this or other rules of the wildlife chief.

~~(2)~~(3) It shall be unlawful:

(a) For a ~~bait dealer~~ person permitted under section 1533.40 of the Revised Code to possess minnows, ~~bait~~ fish listed in paragraphs (A)(2) and (A)(3)(e), crayfish and hellgrammites at any place, except at the address listed on ~~his~~ that person's application for a ~~bait dealer's~~ permit, without having each receptacle containing minnows, fish, crayfish, and hellgrammites marked with ~~his~~ that person's name, address and ~~license permit~~ 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 (A)(1) of this rule by the aid or use of a trap, 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 issued under section 1533.40 of the Revised Code; 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)~~(2) of this rule, excepting therefrom, smelt, hellgrammites, other larval aquatic insects, and canned or preserved minnows, except as provided for in section 1533.57 of the Revised Code;

(d) For a ~~bait dealer~~person permitted under section 1533.40 of the Revised Code to sell to any person other than a person possessing a ~~bait dealer's~~permit issued under section 1533.40 of the Revised Code; more than one hundred crayfish or five hundred in the aggregate of the wild animals specified in paragraph (A)(~~4~~2) of this rule, excepting therefrom, smelt, hellgrammites, other larval aquatic insects and canned or preserved minnows:-

(e) For a person permitted under section 1533.40 of the Revised Code to sell or offer for sale: bluegill sunfish (*Lepomis macrochirus*), longear sunfish (*Lepomis megalotis*), green sunfish (*Lepomis cyanellus*), orange-spotted sunfish (*Lepomis humilis*), pumpkinseed sunfish (*Lepomis gibbosus*), redear sunfish (*Lepomis microlophus*), warmouth sunfish (*Lepomis gulosus*), yellow bullhead (*Ameiurus natalis*), brown bullhead (*Ameiurus nebulosus*), or black bullhead (*Ameiurus melas*) unless those fish have been legally acquired from a person permitted under section 1533.40 or section 1533.632 of the Revised code or legally acquired from out of state;

(i) It shall be unlawful for a person permitted under section 1533.40 of the Revised Code to sell any fish listed in paragraph (A)(3)(e) of this rule without providing a receipt to the purchaser listing the following:

(a) the date and time of sale

(b) the number of fish by species

(c) the name and address of the seller

(ii) It shall be unlawful to possess any fish listed in paragraph (A)(3)(e) of this rule acquired from a person permitted under section 1533.40 of the Revised Code without a receipt listing the following:

(a) the date and time of sale

(b) the number of fish by species

(c) the name and address of the seller

(f) For a person permitted under section 1533.40 of the Revised Code to possess any live fish listed in paragraph (A)(3)(e) of this rule at the person's usual place of business listed on that person's application unless those fish have been legally acquired from a person permitted

under section 1533.40 or section 1533.632 of the Revised Code or legally acquired from out of state;

(g) For a person permitted under section 1533.40 of the Revised Code to fail to keep a copy of the receipts as described in paragraph (A)(3)(e) for a period of less than two years;

(h) For any person to possess, buy, sell or offer for sale live skipjack herring within the lake Erie drainage basin, except as provided for in section 1533.632 of the Revised Code.

(B) Lake Erie emerald shiners (*Notropis atherinoides* Rafinesque) may be taken, sold, or possessed by ~~licensed bait dealers~~ person permitted under section 1533.40 of the Revised Code in unlimited numbers, and such ~~dealers~~persons may sell minnows to other ~~bait dealers~~person permitted under section 1533.40 of the Revised Code 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; in 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~~permitted under section 1533.40 of the Revised Code to fail to keep accurate daily records of all transactions with ~~other bait dealers~~ a person permitted under section 1533.40 or section 1533.632 of the Revised Code from within or without the state. Such records shall be for all sales or purchases of minnows, fish, crayfish, hellgrammites and other larval aquatic insects and shall include:

(1) The type of ~~bait~~animal bought or sold,

(2) The amount of ~~bait~~animals 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 wildlife officer at all reasonable hours. Provided further, such officers may enter and inspect any premises where minnows, ~~bait~~ fish, crayfish and ~~hellgrammites~~hellgrammites are bought, sold or held under a ~~license~~ permit 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 1533. of the Revised Code or division order is being violated.
- (H) All definitions set forth in rule 1501:31-1-02 of the Administrative Code shall apply to this rule.