

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 183

H.P. 134

House of Representatives, January 13, 2005

### An Act Relating to the Definition of Indigenous Species

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Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SAVIELLO of Wilton.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: DUGAY of Cherryfield, MILLS of Farmington, MOODY of Manchester,  
TRAHAN of Waldoboro.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 1 MRSA §72, sub-§6-B** is enacted to read:

6 **6-B. Indigenous.** "Indigenous" as it pertains to any  
8 species of plant or animal has the meaning provided by the  
10 Commissioner of Inland Fisheries and Wildlife pursuant to Title  
12 12, section 10002. This definition takes priority over any other  
14 definition of "indigenous" referring to a plant or animal  
16 provided in law or rule.

18 **Sec. 2. 12 MRSA §6001, sub-§20-B** is enacted to read:

20 **20-B. Indigenous.** "Indigenous" is defined by the  
22 Commissioner of Inland Fisheries and Wildlife pursuant to section  
24 10002.

26 **Sec. 3. 12 MRSA §10002** is enacted to read:

28 **§10002. Definition of "indigenous"**

30 The commissioner shall by rule define "indigenous" as it  
32 pertains to plants or animals. Rules adopted pursuant to this  
34 section are routine technical rules as defined in Title 5,  
36 chapter 375, subchapter 2-A.

38 **Sec. 4. 38 MRSA §464, first ¶,** as enacted by PL 1985, c. 698,  
40 §15, is amended to read:

42 The waters of the State shall--be are classified in  
44 accordance with this article. For purposes of this article,  
46 "indigenous" is as defined by the Commissioner of Inland  
48 Fisheries and Wildlife pursuant to Title 12, section 10002.

50 **Sec. 5. 38 MRSA §480-U, sub-§1,** as enacted by PL 1991, c. 214,  
52 §2, is amended to read:

54 **1. General permit.** An individual permit is not required  
56 for the alteration of freshwater wetlands to cultivate  
58 cranberries as long as the provisions of this section are met.  
60 For purposes of this section, "indigenous" is as defined by the  
62 Commissioner of Inland Fisheries and Wildlife pursuant to Title  
64 12, section 10002.

## 66 SUMMARY

68 This bill requires the Commissioner of Inland Fisheries and  
70 Wildlife to define by rule "indigenous" as it pertains to plant  
72 and animal species. The bill gives that definition priority over  
74 any other definition of "indigenous" referring to a plant or  
76 animal in law or rule.