

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1836
6

7 S.P. 711

In Senate, January 13, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gauvreau of Androscoggin.

11 Cosponsored by Representative Aliberti of Lewiston, Representative
Handy of Lewiston and Representative Stevens of Sabbathus.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT Relating to the Stocking of Fish
18 in Bodies of Water.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 12 MRSA c. 713, sub-c. VIII is enacted to read:

23 SUBCHAPTER VIII

24 STOCKING OF FISH

25 §7781. Definitions

26 As used in this subchapter, unless the context
27 otherwise indicates, the following terms have the
28 following meanings.

29 1. Body of water. "Body of water" means the
30 navigable waters of the State, the great ponds, their
31 tributaries and distributaries.

1 2. Commissioner. "Commissioner" means the Com-
2 missioner of Inland Fisheries and Wildlife.

3 3. Nonnative species. "Nonnative species" means
4 a species which has not been in the 10 years prior to
5 the proposed stocking, except by reason of prior
6 stocking, common or predominant in the relevant body
7 of water, its tributaries, its distributaries or any
8 other body of water to which the species can reason-
9 ably be expected to gain access from the body of wa-
10 ter proposed to be stocked.

11 4. Stocked or stocking. "Stocked or stocking"
12 refers to the process of introduction by human inter-
13 vention of a species into a body of water not gener-
14 ally inhabited by that species.

15 §7782. Stocking prohibited

16 No agency or officer of the State may stock or
17 cause to be stocked any body of water located in the
18 State with any nonnative species unless the commis-
19 sioner, after the hearing provided for in this sub-
20 chapter, first makes the finding required by this
21 subchapter.

22 §7783. Hearings and findings

23 1. Hearing. At least 90 days prior to any
24 stocking regulated by this subchapter, the commis-
25 sioner shall conduct a hearing at a convenient loca-
26 tion situated not more than 20 miles from the site of
27 the proposed stocking, and shall give at least 20
28 days' prior written notice of the hearing to the mu-
29 nicipal officers of any municipality in which the
30 body of water is located and to the Department of En-
31 vironmental Protection. The commissioner shall pub-
32 lish a notice of the hearing at least 20 days prior
33 to the hearing in a newspaper of general circulation
34 in any county in which the body of water into which
35 the species are to be directly introduced is located.
36 The commissioner shall also give notice of the hear-
37 ing to any campowners', sportsmen's, environmental or
38 other organization having a specific interest in the
39 body of water. At the hearing, the commissioner
40 shall hear evidence relating to the probable effects
41 of the stocking upon:

- 1 A. Predominant or common existing species of the
2 body of water;
- 3 B. Water quality of the body of water;
- 4 C. Recreational and other existing uses of the
5 body of water; and
- 6 D. Existing recreational and commercial fisher-
7 ies.

8 2. Findings. Within 30 days after the date of
9 completion of the hearing, the commissioner shall is-
10 sue his findings as to the probable effects set out
11 in subsection 1. The commissioner shall not permit
12 the stocking unless he finds that the proposed stock-
13 ing will not:

- 14 A. Adversely affect the predominant or common
15 existing species of the body of water;
- 16 B. Have an adverse impact upon the water quality
17 of the body of water;
- 18 C. Unreasonably restrict or impede recreational
19 and other existing uses of the body of water; or
- 20 D. Adversely affect existing recreational or
21 commercial fisheries.

22 §7784. Administrative procedure

23 The commissioner may promulgate, in accordance
24 with the Maine Administrative Procedure Act, Title 5,
25 chapter 375, such reasonable procedural rules as he
26 deems appropriate.

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STATEMENT OF FACT

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This bill requires the State to provide a hearing and adequate prior notice of the proposed introduction of new species of fish into bodies of water. It provides prior notice to the public and interested parties.

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