

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1195

S.P. 406

In Senate, February 11, 1999

**An Act to Create Accountability in the Management of Trout and Salmon in Maine.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KIEFFER of Aroostook.  
Cosponsored by Representative DUNLAP of Old Town and  
Senators: CAREY of Kennebec, CASSIDY of Washington, KILKELLY of Lincoln,  
Representatives: BELANGER of Caribou, JOY of Crystal, KNEELAND of Easton, TRUE of  
Fryeburg, WHEELER of Bridgewater.

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

4 **Sec. 1. 12 MRSA §7035, sub-§19** is enacted to read:

6 19. Management of brook trout and landlocked salmon.  
7 Notwithstanding any other provision of chapters 701 to 721, any  
8 rule that includes a proposal to establish or amend the time,  
9 place or manner in which a person may fish for brook trout or  
10 landlocked salmon on inland waters is a major substantive rule as  
11 defined in Title 5, chapter 375, subchapter II-A. At the time  
12 such a rule is provisionally adopted, the department must include  
13 in its submission to the Legislature under Title 5, section 8072,  
14 subsection 2 documentation of at least 2 years of prior research  
15 by a qualified fisheries biologist on each body of water for  
16 which a change is proposed. That research must demonstrate the  
17 need for the proposed change and must include a plan for  
18 continuing that research for 5 additional years if the proposed  
19 rule is finally adopted.

20 **SUMMARY**

22  
23 This bill makes any rule that affects the management of  
24 brook trout or landlocked salmon a major substantive rule under  
25 the Maine Administrative Procedure Act. The bill also requires  
26 the Department of Inland Fisheries and Wildlife to include in its  
27 submission to the Legislature documentation on at least 2 years  
28 of prior research by qualified fisheries biologists demonstrating  
29 the need for the proposed change.  
30