

MAINE STATE LEGISLATURE

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INLAND FISHERIES AND WILDLIFE

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MAJORITY

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT 'A' to S.P. 395, L.D. 1131, Bill, "An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 1 MRSA §212-A is enacted to read:

§212-A. State heritage fish

The eastern brook trout, Salvelinus fontinalis, is a state heritage fish.

Sec. 2. 12 MRSA §12461 is enacted to read:

§12461. Native brook trout waters

1. Adoption of initial list of native brook trout waters. The commissioner shall adopt by rule a list of native brook trout waters composed of lakes and ponds that contain eastern brook trout and have never been stocked according to any reliable records. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Addition of waters to list. The commissioner may adopt rules to amend the list established in subsection 1 to add a lake or pond if that lake or pond meets criteria established by the commissioner for classifying a lake or pond as native brook trout

COMMITTEE AMENDMENT

H.ors.

COMMITTEE AMENDMENT "A" to S.P. 395, L.D. 1131

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waters. Rules adopted to add a lake or pond to the list established under subsection 1 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Removal of waters from list. The commissioner may by rule remove a lake or pond from the list established in subsection 1. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Stocking native brook trout waters. The commissioner may not stock or issue a permit to stock fish in a lake or pond listed as native brook trout water under this section.

5. Fishing restrictions. A person may not use live fish bait or possess live fish bait on a lake or pond listed as native brook trout water under this section. A person who violates this subsection commits a Class E crime.'

SUMMARY

This amendment replaces the bill and directs the Commissioner of Inland Fisheries and Wildlife to adopt by major substantive rule a list of lakes and ponds identified as native brook trout waters that have never been stocked. It authorizes the commissioner to add bodies of water to the initial list of native brook trout waters by routine technical rule if that body of water meets criteria established by the commissioner. It also provides that the commissioner may remove a lake or pond from the list by major substantive rule. This amendment provides that the commissioner may not stock or issue a permit to stock fish in native brook trout water and makes the use or possession of live bait fish on such a lake or pond a Class E crime. Finally, the amendment recognizes the eastern brook trout as a Maine heritage fish.

**FISCAL NOTE REQUIRED
(See attached)**



Approved: 04/22/05 *MAC*

122nd MAINE LEGISLATURE

LD 1131

LR 1048(02)

An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Correctional and Judicial Impact Statements:

Establishes a new Class E crime.

The collection of additional fines may increase General Fund revenue by minor amounts.