

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 165

H.P. 147

House of Representatives, January 16, 2007

An Act To Designate the Arctic Charr as a State Heritage Fish

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WATSON of Bath.
Cosponsored by Senator PERRY of Penobscot and
Representatives: FINCH of Fairfield, KOFFMAN of Bar Harbor, WHEELER of Kittery.

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

2 **Sec. 1. 1 MRSA §212-A**, as enacted by PL 2005, c. 180, §1, is repealed and the
3 following enacted in its place:

4 **§212-A. State heritage fish**

5 **1. Eastern Brook Trout.** The eastern brook trout, *Salvelinus fontinalis*, is a state
6 heritage fish.

7 **2. Arctic Charr.** The subspecies of the arctic charr, *Salvelinus alpinus oquassa*, also
8 known as blueback charr, is a state heritage fish.

9 **Sec. 2. 12 MRSA §12461**, as enacted by PL 2005, c. 180, §2, is amended to read:

10 **§12461. State heritage fish waters**

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

16 **2. Addition of waters to list.** The commissioner may adopt rules to amend the list
17 established in subsection 1 to add a lake or pond if that lake or pond meets criteria
18 established by the commissioner for classifying a lake or pond as ~~native brook trout~~ state
19 heritage fish waters. Rules adopted to add a lake or pond to the list established under
20 subsection 1 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

24 **4. Stocking state heritage fish.** The commissioner may not stock or issue a permit
25 to stock fish in a lake or pond listed as ~~native brook trout water~~ state heritage fish waters
26 under this section.

27 **5. Fishing restrictions.** A person may not use live fish bait or possess live fish bait
28 on a lake or pond listed as ~~native brook trout water~~ state heritage fish waters under this
29 section. A person who violates this subsection commits a Class E crime.

30 **SUMMARY**

31 This bill establishes the *Salvelinus alpinus oquassa*, a distinct subspecies of the arctic
32 charr fish and known in Maine as the blueback charr, as a state heritage fish. It also
33 requires the Commissioner of Inland Fisheries and Wildlife to adopt by rule a list of all
34 state heritage fish waters and requirements.