

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 285

H.P. 229

House of Representatives, January 19, 2007

An Act To Designate Additional Wild Trout Waters for Recognition and Protection

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator MITCHELL of Kennebec and
Representatives: BRYANT of Windham, DUCHESNE of Hudson, EBERLE of South
Portland, JACKSON of Allagash, SAVIELLO of Wilton, WATSON of Bath.

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

2 **Sec. 1. 12 MRSA §12462** is enacted to read:

3 **§12462. Secondary brook trout waters**

4 **1. Adoption of secondary list of brook trout waters.** The commissioner shall
5 adopt by rule a list of secondary brook trout waters composed of lakes and ponds that
6 contain eastern brook trout and, as of the effective date of this subsection, have not been
7 stocked in at least 20 years. Rules adopted pursuant to this subsection are major
8 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

9 **2. Addition of waters to list.** The commissioner may adopt rules to amend the list
10 established in subsection 1 to add a lake or pond if that lake or pond meets criteria
11 established by the commissioner for classifying a lake or pond as secondary brook trout
12 waters. Rules adopted to add a lake or pond to the list established under subsection 1 are
13 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

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

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

23

SUMMARY

24 This bill directs the Commissioner of Inland Fisheries and Wildlife to create and
25 maintain a list of secondary brook trout waters that have not been stocked in at least 20
26 years with the same restrictions as the law requires for native brook trout waters.