

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

moved at this time and immediately marked with the word "TEST" across the front side of the ballot in black or blue indelible ink. The clerk shall keep a record of the number of ballots used for testing purposes and seal the record with the test ballots in a container labeled "TEST BALLOTS" at the conclusion of the testing. The clerk shall then reseal the package or box of regular ballots and secure the package or box of ballots until election day, when it is delivered to the warden at the polling place.

**Sec. 2. 30-A MRSA §2554, sub-§1-A** is enacted to read:

**1-A. Inspection of ballots in an election.** The municipal clerk may inspect ballots in accordance with section 2528, subsection 6-B.

See title page for effective date.

**CHAPTER 20  
S.P. 88 - L.D. 251**

**An Act To Authorize the  
Bureau of Warden Service to  
Provide Assistance to Other  
Entities**

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

**Sec. 1. 12 MRSA §10353, sub-§6** is enacted to read:

**6. Assistance to other entities and persons.** The Bureau of Warden Service may, with approval of the commissioner, provide assistance to other entities, including county and state agencies, municipalities and private organizations, and persons. The director of the Bureau of Warden Service may charge the entities or individuals for these services. The Bureau of Warden Service shall report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than January 15th of each year concerning the assistance provided to other entities and persons during the previous calendar year. The report must contain information about the types of services provided, the number of services and the fees charged by the director of the Bureau of Warden Service.

See title page for effective date.

**CHAPTER 21  
H.P. 147 - L.D. 165**

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

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

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

**§212-A. State heritage fish**

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

**2. Arctic Charr.** The subspecies of the arctic charr, *Salvelinus alpinus oquassa*, also known as blue-back charr, is a state heritage fish.

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

**§12461. State heritage fish waters**

**1. Adoption of state heritage fish waters.** The commissioner shall adopt by rule for each state heritage fish under Title 1, section 212-A a list of ~~native brook trout~~ state heritage fish waters composed of lakes and ponds that contain eastern brook trout that state heritage fish and have never been stocked according to any reliable records. The list of native brook trout waters authorized for adoption by Resolve 2005, chapter 172 is a list of state heritage fish waters for purposes of this section. 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 a list established in under 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~~ waters a state heritage fish water. Rules adopted to add a lake or pond to the a 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 a list established in under subsection 1. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

**5. Fishing restrictions.** A person may not use live fish as bait or possess live fish to be used as bait on a lake or pond listed as ~~native brook trout~~ a state