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

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

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

§ 12462. Secondary brook trout waters

1. Adoption of secondary list of brook trout waters. The commissioner shall adopt by rule a list of secondary brook trout waters composed of lakes and ponds that contain eastern brook trout and, as of the effective date of this subsection, have not been stocked in at least 20 years. 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 secondary brook trout 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 secondary brook trout waters. The commissioner may not stock or issue a permit to stock fish in a lake or pond listed as secondary 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 secondary brook trout water under this section. A person who violates this subsection commits a Class E crime.

SUMMARY

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