



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1236

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H.P. 859

House of Representatives, March 30, 2017

### An Act To Improve Maine's Heritage Fish List

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative BLACK of Wilton.  
Cosponsored by Senator SAVIELLO of Franklin and  
Representatives: DUNPHY of Old Town, HILLIARD of Belgrade, LYFORD of Eddington,  
MARTIN of Sinclair, SKOLFIELD of Weld, Senator: DILL of Penobscot.

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

2 **Sec. 1. 12 MRSA §12461, sub-§1**, as repealed and replaced by PL 2013, c. 538,  
3 §35, is amended to read:

4 **1. Adoption of state heritage fish waters.** The commissioner shall adopt by rule a  
5 list of state heritage fish waters composed of lakes and ponds that contain state heritage  
6 fish, as defined in Title 1, section 212-A. This list must include waters identified as  
7 eastern brook trout waters and arctic charr waters that have never been stocked according  
8 to any reliable records authorized for adoption by Resolve 2005, chapter 172, as  
9 amended, and waters identified as eastern brook trout waters and arctic charr waters that  
10 according to reliable records have not been stocked for at least 25 years. The list of state  
11 heritage fish waters may be amended by rule in accordance with the provisions of  
12 subsections 2 and 3 ~~based on criteria established by the commissioner~~ and in accordance  
13 with the provisions of Title 5, chapter 375. Rules adopted pursuant to this subsection are  
14 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

15 **Sec. 2. 12 MRSA §12461, sub-§§2 and 3**, as amended by PL 2013, c. 538, §36,  
16 are further amended to read:

17 **2. Addition of waters to list.** The commissioner may adopt rules to amend the list  
18 established under subsection 1 to add a lake or pond if that lake or pond ~~meets criteria~~  
19 ~~established by the commissioner for classifying a lake or pond as a state heritage fish~~  
20 ~~water is identified as an eastern brook trout water or arctic charr water that according to~~  
21 ~~reliable records has never been stocked or as an eastern brook trout water or arctic charr~~  
22 ~~water that according to reliable records has not been stocked for at least 25 years.~~ Rules  
23 adopted to add a lake or pond to the list established under subsection 1 are routine  
24 technical rules as defined in Title 5, chapter 375, subchapter 2-A. A public hearing on  
25 the rules must be held prior to adoption of the rules and conducted in accordance with the  
26 provisions of Title 5, chapter 375.

27 **3. Removal of waters from list.** The commissioner may by rule remove a lake or  
28 pond from the list established under subsection 1 ~~based on criteria established by the~~  
29 ~~commissioner.~~ Rules adopted pursuant to this subsection are routine technical rules as  
30 defined in Title 5, chapter 375, subchapter 2-A. A public hearing on the rules must be  
31 held prior to adoption of the rules and conducted in accordance with the provisions of  
32 Title 5, chapter 375.

33 **SUMMARY**

34 This bill limits the Commissioner of Inland Fisheries and Wildlife to adding to the  
35 list of state heritage fish waters only those lakes and ponds identified as eastern brook  
36 trout waters and arctic charr waters that according to reliable records have not been  
37 stocked for at least 25 years or have never been stocked.