

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 2 and inserting the following:

‘**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 heritage fish water under this section. A person who violates this subsection commits a Class E crime.’

## **SUMMARY**

This amendment provides that each fish listed as a state heritage fish has a list of state heritage fish waters specific to that fish. It also clarifies that a person may not use in or possess on a state heritage fish water live fish as bait.

**FISCAL NOTE REQUIRED**  
(See attached)