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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Sec. 1. 1 MRSA §212-A, as enacted by PL 2005, c. 180, §1, is repealed and the following enacted in its place: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 blueback 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 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 native brook trout waters a state heritage fish water. 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 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.

Effective September 20, 2007