

**TESTIMONY OF THE  
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE  
BEFORE THE JOINT STANDING COMMITTEE ON INLAND  
FISHERIES AND WILDLIFE  
IN SUPPORT OF  
L.D. 1579**

**“An Act To Allow Municipalities To Stock Ponds in Their Areas with Fish”**

**SPONSORED BY: Representative MASON of Lisbon.**

**CO-SPONSORED BY:** Senator TIMBERLAKE of Androscoggin and  
Representatives: DRINKWATER of Milford, FAY of Raymond, HAGGAN of  
Hampden, LANDRY of Farmington, NADEAU of Winslow, ORDWAY of Standish,  
STEARNS of Guilford, STETKIS of Canaan.

**DATE OF HEARING: APRIL 24, 2019**

Good morning Senator Dill, Representative Nadeau and members of the Inland Fisheries and Wildlife Committee. I am Francis Brautigam, Director of Fisheries at the Department of Inland Fisheries and Wildlife (MDIFW), speaking on behalf of the Department, in support of the concept conveyed by **L.D. 1579**, but offering an alternative approach that meets the intent of the bill with fewer unintended consequences.

This bill allows municipalities to stock fish in waters of a municipality, and as written provides municipalities broad latitude to stock any species of fish in state waters. This latitude creates uncertainty regarding safeguards to address unintended consequences pertaining to the Department’s water access program, potential adverse impacts to native fish (including heritage waters), importation of fish, disease and biosecurity concerns, and whether existing Department procedures, policies, guidelines, and statutory requirements are in effect to provide needed protections and accountability when municipalities want to stock fish. The bill’s broad language does not nuance these areas of concern, and as written currently contradicts Department stocking policy.

The Department’s current stocking-access policy (Appendix) directs Department resources where the general fishing public can readily access public waters and benefit from these investments. Department investments in stocking, fishery and habitat assessment, and management (including promulgation of fishing rules and habitat improvement) create incentives for local communities to partner with the Department to create permanent, equitable public access to state waters.

The Department currently regulates all stocking in both public and private ponds to ensure they are consistent with Department procedures, guidelines, policy, rules, and statute. These efforts protect our native fisheries (including listed Atlantic salmon and heritage fish), ensure stockings do not compromise fishery management programs, reduce pathogen and disease risks, and reduce the spread of invasive fish, as well as creating incentives to develop public access solutions to state waters. Furthermore, all new Department stockings are based on a technical proposal developed by regional biologists and reviewed by all regional staff, as well as posted for public comment. The bill's language would support stocking proposals for any municipal state water and any fish species desired, and presumably the development of these comprehensive technical proposals and their subsequent review would be borne by the Department.

The bill is not clear whether the Department will be required to provide fish to municipalities. The Department does not sell catchable fish for private stocking, but there are currently three commercial instate hatcheries that offer brook trout, rainbow trout, and brown trout for sale to the public that comply with North East Fish Health Testing Guidelines.

The impedes for this bill appears to be waters previously stocked by the Department, where stocking programs were suspended due to changes in public access opportunities. Allowing municipalities or other entities to stock public waters that do not have equitable access eliminates incentives provided by the Department to cultivate public access projects. Although the loss of these incentives is a concern, overall concerns with the bill would be reduced by further limiting the scope of the bill as follows:

- Limit stocking proposals to only those waters previously stocked by the Department where stocking programs were suspended due to inequitable public access.
- municipal stocking requests and decisions to issue a stocking permit would be managed by the Department and would be subject to the same Department procedures, policies, rules, and laws that apply to agency and private stocking.
- municipalities would be required to purchase their trout from instate commercial facilities that meets North East Fish Health Testing Guidelines for trout and salmon.
- limit municipal stocking to only those species of fish that were stocked at the time the Department suspended stocking.

I would welcome the opportunity to work with the bill's sponsor and this committee, and would be glad to answer any questions at this time or during the work session.

## Applicable Department Stocking-Access Policy

*The Department stocks public waters to benefit the general fishing public, not just those who own shore frontage on the waters of the State. Therefore, the Department will not stock waters that lack reasonable and equitable public access. The Department has identified numerous factors considered in determining if reasonable and equitable public access exists.*

- *Size and type of watercraft in common use,*
- *Type of available access for those that reside on the lake shore (public access should be at least similar to, but no less than that available to shoreline residents),*
- *Availability of safe and adequate parking,*
- *Size of the water,*
- *Juxtaposition to human population centers,*
- *Current and future potential use,*
- *Kind of fishing opportunities in common use (present & potential),*
- *Seasonal fishery management focus,*
- *Existing shoreline development,*
- *Availability of existing access for use by the general public (considering use fees, hours of operation, residency/affiliation requirements, and other potential limitations/restrictions).*

*As public waters belong to the people of Maine, there shall be no private stocking of any public water:*

- *which drains directly or indirectly into a state or private fish cultural station water supply,*
- *where fish with diseases or parasites would pose a potential problem to wild populations,*
- ***where there is dissimilar private and public access to the water for fishing, or***
- *where private stocking would interfere with this Department's fisheries management programs.*