

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 632 - L.D. 1548

**An Act to Prevent the Introduction or Transfer of Invasive Fish Species in
Inland Waters of the State**

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

Sec. 1. 12 MRSA §10902, sub-§8, ¶E, as amended by PL 2013, c. 538, §10, is further amended to read:

E. Taking fish by explosive, poisonous or stupefying substances, in violation of section 12653; ~~or~~

Sec. 2. 12 MRSA §10902, sub-§8, ¶F, as enacted by PL 2013, c. 538, §11, is amended to read:

F. Fishing or any violation of section 10906 while that person's license is revoked; or

Sec. 3. 12 MRSA §10902, sub-§8, ¶G is enacted to read:

G. Illegally possessing live fish, in violation of section 12611.

Sec. 4. 12 MRSA §10902, sub-§8, as amended by PL 2013, c. 538, §§9 to 11, is further amended by amending the first blocked paragraph to read:

The commissioner shall suspend a person's fishing license for ~~5~~ 10 years and may suspend any other license issued under this Part and held by that person if the person is convicted or adjudicated of ~~illegally importing, transporting or possessing live freshwater fish or fish gametes of an offense under sections 12509, 12510, and 12512 and 12611~~, except that this mandatory revocation does not apply to offenses under section 12509 involving live bait fish or smelts.

Sec. 5. 12 MRSA §12509, sub-§1, as amended by PL 2019, c. 113, Pt. C, §20, is further amended to read:

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce, import or transport any live fish or ~~gametes~~ fish eggs into the State or receive or have in that person's possession fish or ~~gametes~~ fish eggs so introduced, imported or transported without a valid permit issued under this section.

A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000 nor more than \$10,000.

Sec. 6. 12 MRSA §12509, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Issuance. The commissioner may grant permits to introduce, import or transport any live fish or ~~gametes~~ fish eggs into the State or to receive or have in possession fish or ~~gametes~~ fish eggs so introduced, imported or transported if the commissioner determines that the species does not pose an unreasonable risk to any species of fish or other organism after evaluating fish health, habitat and population management issues. The commissioner may not adopt rules or issue permits governing any aspect of either the commercial aquaculture of Atlantic salmon when intended for use in commercial aquaculture in coastal waters, or in land-based aquaculture facilities, or the Atlantic salmon restoration program.

Sec. 7. 12 MRSA §12509, sub-§3, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

C. A statement from a fish health inspector certified by the American Fisheries Society, a fish pathologist certified by the American Fisheries Society or a licensed accredited veterinarian, certifying that the fish or ~~gametes~~ fish eggs are from sources that show no evidence of viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, Myxosomo cerebralis or other diseases that may threaten fish stocks within the State; and

Sec. 8. 12 MRSA §12510, as amended by PL 2019, c. 113, Pt. C, §21 and c. 263, §1, is further amended to read:

§12510. Permit to stock inland waters

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce fish or fish eggs of any kind into any inland waters without a valid permit issued under this section. ~~A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000 or more than \$10,000.~~

1-A. Penalty. A person who violates subsection 1 commits a Class E crime, except that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000 or more than \$10,000.

1-B. Restitution. In the case of a person who violates subsection 1, the court shall:

A. Order that person to pay the department an amount equal to the cost of labor, equipment, chemicals and all other related expenses directly associated with mitigating or reclaiming waters affected as a result of the violation; and

B. Direct that person to provide the commissioner, upon making full payment as ordered by the court under paragraph A, proof of that payment.

2. Issuance. The commissioner may issue a written permit allowing a person to introduce fish or fish eggs of any kind into any inland waters by means of live fish or otherwise.

3. Limited permit. The commissioner may issue a written limited permit to a local government under this subsection. A limited permit:

A. Allows the local government to introduce fish or fish eggs only into a great pond that:

(1) Is within the jurisdiction of the local government; and

(2) Was previously stocked by the department and in which stocking was suspended prior to January 1, 2019 and has not been resumed by the department due to inadequate public access;

B. Allows the introduction of only:

(1) The same species of fish that was stocked at the time the department suspended stocking; and

(2) Fish or fish eggs obtained by the local government at its own expense from an in-state commercial facility that meets testing and health guidelines approved by the department; and

C. May be issued only if the local government identifies public access to the great pond that:

(1) Is at least suitable for the hand carrying of boats to the water;

(2) Includes a parking area; and

(3) Has been marked with signage adequate to ensure public awareness of the public access.

For purposes of this subsection, "local government" means a municipality or, in the unorganized territory, a county.

Sec. 9. 12 MRSA §12511, as amended by PL 2019, c. 113, Pt. C, §22, is further amended to read:

§12511. Permit to introduce fish or fish spawn eggs into private pond

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce fish or fish spawn eggs into a private pond without a valid permit issued under this section. ~~A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000 nor more than \$10,000.~~

1-A. Penalty. A person who violates subsection 1 commits a Class E crime, except that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000 or more than \$10,000.

1-B. Restitution. In the case of a person who violates subsection 1, the court shall:

A. Order that person to pay the department an amount equal to the cost of labor, equipment, chemicals and all other related expenses directly associated with mitigating or reclaiming waters affected as a result of the violation; and

B. Direct that person to provide the commissioner, upon making full payment as ordered by the court under paragraph A, proof of that payment.

2. Issuance. The commissioner may issue a written permit to introduce fish or fish ~~spawn~~ eggs into a private pond.

Sec. 10. 12 MRSA §12512, as amended by PL 2019, c. 113, Pt. C, §23, is further amended to read:

§12512. Permit to transport live fish ~~for breeding and advertising~~

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not ~~take and~~ transport within the limits of the State live fish taken in the State ~~for breeding or advertising purposes, other than baitfish, Atlantic salmon used in commercial aquaculture and smelts,~~ without a valid permit issued under this section. A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000 nor more than \$10,000.

2. Issuance. The commissioner may issue a permit to a person permitting that person to ~~take and~~ transport within the limits of the State fish taken in the State ~~for breeding or advertising purposes.~~

Sec. 11. 12 MRSA §12557 is enacted to read:

§12557. Disposal of live baitfish or smelts

1. Prohibition. A person may not dispose of any live baitfish or smelts into inland waters of the State.

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.