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Date: (Filing No. H-)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1379, L.D. 2055, “An Act to Amend or Correct Certain Inland Fisheries and Wildlife Laws”

Amend the bill in section 1 in subsection 16 in the 10th line (page 1, line 13 in L.D.) by striking out the following: "3-year ineligibility period under subsection 5" and inserting the following: 'eligibility period under subsection 5 that prohibits a transferee that transfers a moose permit pursuant to this subsection from obtaining another moose permit until the 4th calendar year after the issuance of the last permit'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 12 MRSA §12509, as amended by PL 2025, c. 343, §§5 to 7, is further amended to read:

§12509. Permit to import live freshwater fish or eggs gametes

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce, import or transport any live fish or ~~fish-eggs gametes~~ gametes into the State or receive or have in that person's possession fish or ~~fish-eggs gametes~~ gametes 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.

2. Issuance. The commissioner may grant permits to introduce, import or transport any live fish or ~~fish-eggs gametes~~ gametes into the State or to receive or have in possession fish or ~~fish-eggs gametes~~ gametes 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.

COMMITTEE AMENDMENT

1 **3. Application.** Importers shall, when requesting a permit issued pursuant to
2 subsection 2, provide the commissioner with the following information:

3 A. The number and species to be imported;

4 B. The name and address of the source;

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

11 D. Other professionally recognized tests or analyses, including evaluation of fish
12 health, habitat or population management issues that the commissioner may require by
13 rule to ensure that the species will not pose an unreasonable risk to any species of fish
14 or other organism.

15 **4. Rules.** The commissioner may adopt rules allowing the possession and importation
16 of certain species of tropical fish and goldfish without a permit, for aquarium purposes
17 only, if the commissioner determines that the species does not pose an unreasonable risk to
18 any species of fish or other organism after evaluating fish health, habitat and population
19 management issues. Rules adopted pursuant to this subsection are routine technical rules
20 as defined in Title 5, chapter 375, subchapter 2-A.

21 **Sec. 3. 12 MRSA §12510**, as amended by PL 2025, c. 343, §8, is further amended
22 to read:

23 **§12510. Permit to stock inland waters**

24 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
25 may not introduce fish or ~~fish-eggs~~ gametes of any kind into any inland waters without a
26 valid permit issued under this section.

27 **1-A. Penalty.** A person who violates subsection 1 commits a Class E crime, except
28 that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000 or more
29 than \$10,000.

30 **1-B. Restitution.** In the case of a person who violates subsection 1, the court shall:

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

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

36 **2. Issuance.** The commissioner may issue a written permit allowing a person to
37 introduce fish or ~~fish-eggs~~ gametes of any kind into any inland waters by means of live fish
38 or otherwise.

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

41 A. Allows the local government to introduce fish or ~~fish-eggs~~ gametes only into a great
42 pond that:

- 1 (1) Is within the jurisdiction of the local government; and
2 (2) Was previously stocked by the department and in which stocking was
3 suspended prior to January 1, 2019 and has not been resumed by the department
4 due to inadequate public access;

5 B. Allows the introduction of only:

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

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

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

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

14 (2) Includes a parking area; and

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

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

19 **Sec. 4. 12 MRSA §12511**, as amended by PL 2025, c. 343, §9, is further amended
20 to read:

21 **§12511. Permit to introduce fish or ~~fish-eggs~~ gametes into private pond**

22 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
23 may not introduce fish or ~~fish-eggs~~ gametes into a private pond without a valid permit
24 issued under this section.

25 **1-A. Penalty.** A person who violates subsection 1 commits a Class E crime, except
26 that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000 or more
27 than \$10,000.

28 **1-B. Restitution.** In the case of a person who violates subsection 1, the court shall:

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

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

34 **2. Issuance.** The commissioner may issue a written permit to introduce fish or ~~fish~~
35 eggs gametes into a private pond.

36 **Sec. 5. 12 MRSA §12607**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by
37 Pt. D, §7 and c. 614, §9, is amended by amending the section headnote to read:

38 **§12607. Unlawfully introducing department-raised fish or ~~fish-spawn~~ gametes**

