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Senator, District 5

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

**LD 1548, "An Act to Prevent the Introduction or Transfer of Invasive Fish Species
in Inland Waters of the State"**

**Joint Standing Committee on Inland Fisheries and Wildlife
April 14, 2025**

Senator Baldacci, Representative Roberts, and members of the Joint Standing Committee on Inland Fisheries and Wildlife:

My name is Senator Russell Black and I am here to introduce LD 1548, "An Act to Prevent the Introduction or Transfer of Invasive Fish Species in Inland Waters of the State."

In recent years, the Legislature and state agencies have taken important steps to combat the dangers posed by invasive species. We've increased funding to educate the public and to help mitigate the damage caused by illegal fish introductions. But there's more we can do to protect our fisheries and strengthen enforcement.

This bill is a key part of that effort. It gives the Maine Warden Service the tools they need to more effectively apprehend and convict those who knowingly and willfully move invasive fish species. By increasing penalties—specifically requiring a 10-year fishing license suspension for those illegally transporting or stocking invasive fish—we're sending a clear message: those who harm Maine's fishing heritage will face serious consequences.

The bill also ensures that anyone convicted of these crimes will be required to reimburse the state for the costs of mitigating the damage caused by their illegal actions. This is about making sure the responsible party—not Maine taxpayers—bears the burden of cleanup.

This legislation also addresses other important issues, like preventing the illegal disposal of live baitfish or smelts into our waters, which poses another risk to our native fish species.

This is a necessary step to ensure the future health of Maine's fish populations and the communities that rely on them. I urge you to support it.

Thank you for your time and consideration, I'm happy to answer any questions.

Sec. 1. §10902. Suspension or revocation of or refusal to issue license or permit

3. Mandatory revocation of fishing license. The commissioner shall suspend a person's fishing license for at least one year and may suspend any other license issued under this Part and held by that person if that person is convicted or adjudicated of:

- A. Introducing fish into a private pond without a permit in violation of section 12511; [PL 2013, c. 358, §2 (AMD).]
- B. Taking or possessing sport fish in violation of bag, weight and size limits in violation of section 12602, as it relates to trout, salmon, togue and black bass, whenever the violation involves twice the general bag and possession limit adopted by rule by the commissioner for that species of fish; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- B-1. [PL 2013, c. 358, §2 (RP).]
- C. Importing live bait fish or smelts, in violation of section 12556; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- D. Buying or selling freshwater sport fish, in violation of section 12609-A; [PL 2013, c. 538, §9 (AMD).]
- E. Taking fish by explosive, poisonous or stupefying substances, in violation of section 12653; or [PL 2013, c. 538, §10 (AMD).]
- F. Fishing or any violation of section 10906 while that person's license is revoked. [PL 2013, c. 538, §11 (NEW).]

Violating provisions of section 12609-A

For Statute of Limitations

There might need to be language in Sections 12510 and 12512:

1.A. Penalty. 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. The Statute of Limitations is 3 years from the discovery of the violation.

In certain cases, the Statute of Limitations clock doesn't start ticking until the crime is *discovered* (Fraud, medical harm). This is called "tolling". It seems like the case for invasives could be similar to the medical malpractice example in the attached document. You wouldn't need to extend the SOL. It could stay at 3 years for Class E crime but tolled until the crime has been detected.

Discovery and "Tolling"

The point at which the clock starts ticking to sue is typically the date of the incident or the discovery of the harm. For example, if you didn't realize a sponge was left inside you after surgery, then you wouldn't have to sue before you knew about the problem. The medical malpractice lawsuit time to sue would be "tolled" or suspended until the discovery of the harm.