

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE**

IN SUPPORT OF L.D. 2055

“An Act to Amend or Correct Certain Inland Fisheries and Wildlife Laws”

SPONSORED BY: Representative ROBERTS of South Berwick.

Good afternoon, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I am Christl Theriault, Assistant to the Commissioner of the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in support of L.D. 2055 An Act to Amend or Correct Certain Inland Fisheries and Wildlife Laws.

Section 1 of the bill clarifies that a veteran transferee of a moose permit is subject to the 3-year ineligibility period to obtain another permit. To provide some background, in the 1st regular session of the 132nd, Public Law Chapter 289 passed and it was titled “An Act to Promote the Welfare of Disabled Veterans Through the Transfer of Moose Permits”. There was a slight error made when it was amended from the original bill language. This error allows the recipient of the moose permit to apply for another moose permit the following year after utilizing the gifted moose permit rather than having to wait for the 3-year ineligibility period as other moose permit winners do.

This was never the intent when this bill was discussed so we are requesting that the 3-year wait period be maintained for the disabled veteran who is the recipient of a moose permit that has been “gifted” i.e. transferred from another hunter. The intent was to allow the person transferring their moose permit to be allowed to apply for another moose permit the following year rather than having to wait 3 years to reapply. This law went into effect January 1, 2026, so we are seeking a specific effective date that would amend the law prior to the 2026 moose hunting season.

Section 2 of the bill reorganizes the statutes governing the use of lead jigs and lead sinkers to make it easier to understand and clarifies some verbiage to meet the intent of last year’s law change. As a reminder, in our department’s omnibus bill last session, we consolidated some of the repetitive language in this area of law that was no longer needed, created a definition of “lead jig” that mostly mirrored New Hampshire’s definition and modified the definition of a “lead sinker”. Last fall our staff noted a couple of minor errors which we kindly ask to be corrected within this bill.

First, within §12663-B. sub-§4 ¶A we ask that the word “unpainted” be struck because the sale or offer for sale of a lead jig that does not meet the weight or length restrictions is prohibited whether it is painted or not. This was supposed to be changed in last year’s law.

Second, within the §12664 sub-§2 that guides a person’s use of lead sinkers and lead jigs, there is no explanation for the gap in time between September 24, 2025, (when PLC. 132 went into effect) until September 1, 2026, when the new prohibition goes into effect. Once September 1, 2026, passes this edit makes it clear that a person may not use a lead sinker or a lead jig (whether unpainted or not) that doesn’t meet the weight and length requirements.

Additionally, if the Committee is agreeable, we would ask to amend the bill to address an omission made last session within Public Law Chapter 343 (LD 1548) An Act to Prevent the Introduction or Transfer of Invasive Fish Species in Inland Waters of the State. This proposed amendment would revert back to the term "gametes" within many references to possession, transport, stocking or prohibitions of fish and fish eggs. The term "gametes" is the scientific and biological general term for both fish eggs and milt and that term was removed in a law change last session in an attempt to use more easily understood terminology. The term "gametes" was replaced with fish eggs but this inadvertently omitted fish milt which is just as important to regulate as fish eggs. Replacing fish eggs with gametes will be all inclusive.

Thank you for your consideration, I'm happy to answer any questions you may have.

2026 Proposed Amendment to LD 2055

This proposal will add the term “milt” within many references to possession, transport, stocking or prohibitions related to fish and fish eggs. The term “gametes” is the scientific and biological general term for both fish eggs and milt and it was removed in a law change last session. The term gametes was replaced with fish eggs to utilize a more commonly recognized word but this inadvertently omitted fish milt which is just as important to regulate as fish eggs.

§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~~ into the State or receive or have in that person's possession fish or ~~fish eggs~~ ~~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. [PL 2025, c. 343, §5 (AMD).]

2. Issuance. The commissioner may grant permits to introduce, import or transport any live fish or ~~fish eggs~~ ~~gametes~~ into the State or to receive or have in possession fish or ~~fish eggs~~ ~~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. [PL 2025, c. 343, §6 (AMD).]

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

A. The number and species to be imported; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The name and address of the source; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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 ~~fish eggs~~ ~~gametes~~ are from sources that show no evidence of viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, Myxosoma cerebralis or other diseases that may threaten fish stocks within the State; and [PL 2025, c. 343, §7 (AMD).]

D. Other professionally recognized tests or analyses, including evaluation of fish health, habitat or population management issues that the commissioner may require by rule to ensure that the

species will not pose an unreasonable risk to any species of fish or other organism. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).] [PL 2025, c. 343, §7 (AMD).]

§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~~ gametes of any kind into any inland waters without a valid permit issued under this section. [PL 2025, c. 343, §8 (AMD).]

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. [PL 2025, c. 343, §8 (NEW).]

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 [PL 2025, c. 343, §8 (NEW).]

B. Direct that person to provide the commissioner, upon making full payment as ordered by the court under paragraph A, proof of that payment. [PL 2025, c. 343, §8 (NEW).] [PL 2025, c. 343, §8 (NEW).]

2. Issuance. The commissioner may issue a written permit allowing a person to introduce fish or ~~fish eggs~~ gametes of any kind into any inland waters by means of live fish or otherwise. [PL 2025, c. 343, §8 (AMD).]

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~~ gametes 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; [PL 2025, c. 343, §8 (AMD).]

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~~ gametes 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 [PL 2025, c. 343, §8 (AMD).]

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. [PL 2019, c. 263, §1 (NEW).]

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

[PL 2025, c. 343, §8 (AMD).] SECTION HISTORY PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2019, c. 113, Pt. C, §21 (AMD). PL 2019, c. 263, §1 (AMD). PL 2025, c. 343, §8 (AMD).

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

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce fish or ~~fish eggs~~ gametes into a private pond without a valid permit issued under this section. [PL 2025, c. 343, §9 (AMD).]

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. [PL 2025, c. 343, §9 (NEW).]

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 [PL 2025, c. 343, §9 (NEW).]

B. Direct that person to provide the commissioner, upon making full payment as ordered by the court under paragraph A, proof of that payment. [PL 2025, c. 343, §9 (NEW).] [PL 2025, c. 343, §9 (NEW).]

2. Issuance. The commissioner may issue a written permit to introduce fish or ~~fish eggs~~ gametes into a private pond. [PL 2025, c. 343, §9 (AMD).] SECTION HISTORY PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B257 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2019, c. 113, Pt. C, §22 (AMD). PL 2025, c. 343, §9 (AMD).

§12607. Unlawfully introducing department-raised fish or fish spawn

1. Prohibition. A person may not introduce fish or ~~fish eggs~~ gametes raised by the department into a private pond, unless the department permits the introduction for

fishing events held in conjunction with educational or special programs sanctioned by the department. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. **Penalty.** A person who violates this section commits a Class E crime. The court shall also impose a fine of \$20 for each fish unlawfully possessed, none of which may be suspended.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).] SECTION HISTORY
PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).