

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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**Legislative Document**

**No. 1548**

S.P. 632

In Senate, April 10, 2025

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

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Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BLACK of Franklin.

Cosponsored by Representatives: MASON of Lisbon, THORNE of Carmel, WOOD of Greene.

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

2       **Sec. 1. 12 MRSA §10902, sub-§8**, as amended by PL 2013, c. 538, §§9 to 11, is  
3 further amended by amending the first blocked paragraph to read:

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

10       **Sec. 2. 12 MRSA §12509, sub-§1**, as amended by PL 2019, c. 113, Pt. C, §20, is  
11 further amended to read:

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

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

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

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

29       **Sec. 4. 12 MRSA §12509, sub-§3, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2  
30 and affected by c. 614, §9, is amended to read:

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

37       **Sec. 5. 12 MRSA §12510**, as amended by PL 2019, c. 113, Pt. C, §21 and c. 263,  
38 §1, is further amended to read:

39       **§12510. Permit to stock inland waters**

40       **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person  
41 may not introduce fish or fish eggs of any kind into any inland waters without a valid permit  
42 issued under this section. ~~A person who violates this subsection commits a Class E crime,~~

1 except that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000  
2 or more than \$10,000.

3 **1-A. Penalty.** A person who violates subsection 1 commits a Class E crime, except  
4 that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000 or more  
5 than \$10,000.

6 **1-B. Restitution.** In the case of a person who violates subsection 1, the court shall:

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

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

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

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

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

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

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

23 B. Allows the introduction of only:

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

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

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

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

32 (2) Includes a parking area; and

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

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

37 **Sec. 6. 12 MRSA §12511**, as amended by PL 2019, c. 113, Pt. C, §22, is further  
38 amended to read:

39 **§12511. Permit to introduce fish or fish spawn eggs into private pond**

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

6       **1-A. Penalty.** A person who violates subsection 1 commits a Class E crime, except  
7 that, notwithstanding Title 17-A, section 1704, the fine may not be less than \$1,000 or more  
8 than \$10,000.

9       **1-B. Restitution.** In the case of a person who violates subsection 1, the court shall:

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

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

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

17       **Sec. 7. 12 MRSA §12512**, as amended by PL 2019, c. 113, Pt. C, §23, is further  
18 amended to read:

19       **§12512. Permit to transport live fish ~~for breeding and advertising~~**

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

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

29       **Sec. 8. 12 MRSA §12557** is enacted to read:

30       **§12557. Disposal of live baitfish or smelts**

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

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

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

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

## SUMMARY

This bill increases the suspension and revocation of a fishing license from 5 years to 10 years for the following 3 offenses: failing to acquire a permit to import live freshwater fish or eggs except for live baitfish or smelts, to stock inland waters and to import live fish taken within the State. It reduces the mandatory suspension of a fishing license for the violation of illegal possession of live fish from 5 years to one year.

It adds mandatory restitution for failing to acquire a permit to stock inland waters and failing to acquire a permit to introduce fish or fish eggs into a private pond, and the court must order an offender to pay the Department of Inland Fisheries and Wildlife 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 a violation and direct the offender to provide the Commissioner of Inland Fisheries and Wildlife proof of that payment.

Current law requires a permit to transport live fish for breeding and advertising. The bill eliminates the specific activities of breeding and advertising so the permit is required more generally for transport of live fish except for live baitfish and smelts taken within the State.

The bill creates a prohibition for disposal of live baitfish or smelts into inland waters, which is a civil violation. It also changes references to gametes and fish spawn to fish eggs.