

# MAINE STATE LEGISLATURE

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DATE: 4-11-97

(Filing No. H-193)

MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 501, L.D. 692, Bill, "An Act Concerning the Importation of Marine Organisms That May Be Dangerous to Indigenous Marine Life or Its Environment"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 12 MRSA §6071, as amended by PL 1995, c. 406, §§4 and 5, is further amended to read:

§6071. Importing of certain marine organisms

1. Live importing for introduction into coastal waters. Except for Atlantic salmon imported by the Atlantic Salmon Authority under Part 12, it is unlawful to introduce or import for introduction, possess for purposes of introduction or introduce into any coastal waters any a live marine organism or to possess any of these introduced or imported organisms without a permit issued by the commissioner pursuant to subsection 2.

2. Permits and regulations on importing for introduction. The commissioner may grant permits a permit to possess, import and import for introduction, possess for purposes of introduction or introduce an organism to the coastal waters a live marine organism if these actions the introduction, importation or possession will not endanger the indigenous marine life or its environment. Prior to granting a permit to introduce a nonindigenous organism, which that has not been previously introduced under a permit, the commissioner shall hold a hearing. The commissioner may adopt or amend regulations rules governing the importing and introduction of organisms to the coastal waters and the issuing of permits, to the extent required to prevent the introduction of bacteria, fungus, virus or any other infectious

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or contagious disease or parasite, predator or other organism that may be dangerous to indigenous marine life or its environment.

2-A. Restricting importation of organism. The commissioner may adopt rules under which the commissioner may restrict the importation of a marine organism from a particular location when the commissioner determines that an organism from that location is or may be diseased or infected in any manner. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

3. Organism and products embargoed and condemned. The commissioner or the commissioner's agent may indefinitely embargo, condemn or order to be destroyed any a marine organisms organism or marine organism product either indigenous or imported and-introduced-to-coastal-waters-in-violation-of-this-section whenever-it-is-determined-that-the-product-is-of-unsound-quality, contains-any-filthy,-decomposed-or-putrid-substance,-may-be peiseneus-or-deleterious-to-health,-or-is-otherwise-unsafe.-The commissioner--shall--cooperate--with--these--state--and--federal agencies--having--similar--responsibility--in--the--protection--of public-health-and-in-enforcing-the-order-to-embargo,-condemn-or destroy, if:

A. The organism or product is introduced to coastal waters in violation of this section and the commissioner determines that the organism or product is of unsound quality, contains any filthy, decomposed or putrid substance, may be poisonous or deleterious to health or is otherwise unsafe;

B. The organism or product is intended for introduction to coastal waters and the commissioner determines the organism or product is diseased or otherwise in a condition that if introduced to coastal waters could endanger indigenous marine life or its environment; or

C. Handling of the organism or product could result in the introduction of that organism or product to the coastal waters and the commissioner determines the organism or product is diseased or otherwise in a condition that if introduced to coastal waters could endanger indigenous marine life or its environment.

The commissioner shall cooperate with those state and federal agencies having similar responsibility in the protection of public health and in enforcing the order to embargo, condemn or destroy.

If any marine organisms or marine organism product is embargoed, condemned or ordered destroyed, the commissioner or the commissioner's agent shall, as soon as practical, notify the owner in writing of the amount and kind of marine organisms or marine organism product embargoed, condemned or destroyed.

**4. Salmon imports prohibited.** Except as provided in this subsection and section 9906, it is unlawful to import for introduction into any waters of the State any Atlantic salmon, live or as eggs, that originate in any Icelandic or European territorial waters or any other species of salmon, exclusive of rainbow trout, originating west of the North America continental divide. The commissioner may grant an exemption from the provisions of this subsection for a term not to exceed 2 years, renewable upon application, for legitimate aquacultural projects.'

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

This bill may increase prosecutions for Class D crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.78 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload, administrative costs and indigent defense costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.

The Department of Marine Resources will incur some minor additional costs to adopt certain rules pertaining to the importation of marine organisms and to enforce those rules. These costs can be absorbed within the department's existing budgeted resources.'

**SUMMARY**

This amendment provides the Commissioner of Marine Resources authority to embargo, condemn or order destroyed any marine organism or marine organism product that, if introduced to the coastal waters, could endanger indigenous marine life or the

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2 marine environment. It also provides the Commissioner of Marine  
Resources authority to restrict the importation of a marine  
4 organism from a particular location when the commissioner  
determines that a marine organism from that location is or may be  
diseased or infected in any manner.

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