

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

m  
R & S.

L.D. 473

DATE: May 7, 1999

(Filing No. S- 249 )

## INLAND FISHERIES AND WILDLIFE

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

### STATE OF MAINE SENATE 119TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 153, L.D. 473, Bill, "An Act to Clarify the Laws Pertaining to the Importation of Fish"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**Sec. 1. 12 MRSA §7201, sub-§1**, as amended by PL 1997, c. 432, §28, is further amended to read:

**1. Issuance.** The commissioner may issue a license to cultivate and sell fish that have been either commercially grown within the State or imported from without the State except that the commissioner may not issue permits governing any aspect of either the commercial aquaculture of Atlantic salmon when intended for use in commercial aquaculture in coastal waters or the Atlantic salmon restoration program.

**Sec. 2. 12 MRSA §7201, sub-§2**, as amended by PL 1993, c. 419, §18, is further amended to read:

**2. Fee.** The fee for a license to sell commercially grown or imported fish is ~~\$21 for 1993, \$23 for 1994, \$24 for 1995 and \$25 for 1996 and every year thereafter~~ annually.

**Sec. 3. 12 MRSA §7202, sub-§1**, as enacted by PL 1979, c. 420, §1, is amended to read:

# COMMITTEE AMENDMENT

## COMMITTEE AMENDMENT "A" to S.P. 153, L.D. 473

1. **Issuance.** The commissioner may grant permits to introduce, import or transport any live ~~freshwater~~ fish or eggs ~~gametes~~ into the State or to receive or have in possession fish or 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 the Atlantic salmon restoration program.

Sec. 4. 12 MRSA §7202, sub-§2, ¶¶B and C, as enacted by PL 1979, c. 420, §1, are amended to read:

B. The name and address of the source; and

C. ~~A statement from a recognized fish pathologist, from a college or university, from a state conservation department or from the United States Fish and Wildlife Service~~ an American Fisheries Society certified fish health inspector, an American Fisheries Society certified fish pathologist or a licensed accredited veterinarian, certifying that the fish or eggs ~~gametes~~ are from sources which ~~that~~ show no evidence of viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, Myxosoma cerebralis or other diseases which ~~that~~ may threaten fish stocks within the State; and

Sec. 5. 12 MRSA §7202, sub-§2, ¶D is enacted to read:

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.

Sec. 6. 12 MRSA §7202, sub-§3 is enacted to read:

3. **Rules.** The commissioner may adopt rules allowing the importation of certain species of tropical fish and goldfish without a permit, for aquarium purposes only, 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. Rules adopted pursuant to this subsection are routine technical rules as defined in the Title 5, chapter 375, subchapter II-A.'

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

2  
4  
**FISCAL NOTE**

6       The Department of Inland Fisheries and Wildlife will incur  
8       some minor additional costs to adopt certain rules pertaining to  
      the importation of fish. These costs can be absorbed within the  
      department's existing budgeted resources.'

10  
12  
**SUMMARY**

14       This amendment replaces the bill. The amendment clarifies  
16       the authority of the Commissioner of Inland Fisheries and  
18       Wildlife to deny importation permits if it is determined that a  
20       species poses an unreasonable risk to any species of fish or  
22       other organism after reviewing fish health, habitat and  
24       population management issues. The amendment further clarifies  
      that the commissioner has no authority to issue permits governing  
      any aspect of the commercial aquaculture of Atlantic salmon. The  
      amendment provides that the commissioner may adopt rules allowing  
      the importation of certain species of tropical fish and goldfish  
      without a permit for aquarium purposes only. The amendment also  
      adds a fiscal note to the bill.