

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 473

S.P. 153

In Senate, January 14, 1999

An Act to Clarify the Laws Pertaining to the Importation of Fish.

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln.
Cosponsored by Representative DUNLAP of Old Town and
Representatives: BRYANT of Dixfield, CHICK of Lebanon, CLARK of Millinocket,
PERKINS of Penobscot.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 12 MRSA §7202, sub-§1, as enacted by PL 1979, c. 420,**
5 **§1, is amended to read:**

6 **1. Issuance.** The commissioner may grant permits to
7 introduce, import or transport any live freshwater fish or eggs
8 gametes into the State or to receive or have in possession fish
9 or eggs gametes so introduced, imported or transported if the
10 commissioner determines that the species does not pose a
11 significant risk to the health, habitat or genetic integrity of
12 any native species of fish or other organisms.

13 **Sec. 2. 12 MRSA §7202, sub-§2, ¶¶B and C, as enacted by PL**
14 **1979, c. 420, §1, are amended to read:**

15 **B.** The name and address of the source; and

16
17 **C.** A statement from a recognized fish pathologist, from a
18 college or university, from a state conservation department
19 or from the United States Fish and Wildlife Service,
20 certifying that the fish or eggs gametes are from sources
21 which that show no evidence of viral hemorrhagic septicemia,
22 infectious pancreatic necrosis, infectious hematopoietic
23 necrosis, Myxosoma cerebralis or other diseases which that
24 may threaten fish stocks within the State; and

25 **Sec. 3. 12 MRSA §7202, sub-§2, ¶D is enacted to read:**

26 **D.** Any other tests or analyses that the commissioner may
27 require by rule to protect the health of fish or other
28 organisms.

29 **Sec. 4. 12 MRSA §7202, sub-§3 is enacted to read:**

30 **3. Rules.** The commissioner may adopt rules allowing the
31 importation of certain species of tropical fish and goldfish
32 without a permit, for aquarium purposes only, if the commissioner
33 determines that the species does not pose a significant risk to
34 the health, habitat or genetic integrity of any native species of
35 fish or other aquatic organism.

36
37 **Sec. 5. 12 MRSA §7377, sub-§5-A, as enacted by PL 1995, c.**
38 **455, §25, is repealed.**

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41 **SUMMARY**

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44 **This bill will clarify the authority of the Commissioner of**
45 **Inland Fisheries and Wildlife to deny an importation permit if it**

2 is determined that the species poses a significant risk to the health, habitat or genetic integrity of any native species of fish or other organisms.