

# 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)



# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

---

Legislative Document

No. 1635

S.P. 592

In Senate, June 13, 2003

### **An Act Concerning Illegal Introduction of Fish into Maine Waters**

(EMERGENCY)

---

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 BRYANT of Oxford. (GOVERNOR'S BILL)  
Cosponsored by Representative DUNLAP of Old Town and  
Representatives: CLARK of Millinocket, HONEY of Boothbay, JODREY of Bethel, PINEAU of Jay, RICHARDSON of Greenville, TOBIN of Dexter, TRAHAN of Waldoboro, WHEELER of Kittery.

2           **Emergency preamble. Whereas,** Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           **Whereas,** the illegal introduction of fish into Maine waters  
is increasing and the harm to the aquatic environment can be  
devastating to native fish populations; and

8  
10          **Whereas,** enforcement of current regulations pertaining to  
illegal stocking of fish are problematic as the violations are  
rarely observed by others, resulting in very low incidence of  
reports of such illegal activity; and

14          **Whereas,** enhancing the penalties and enacting mandatory  
license suspensions for violations of the current laws related to  
the possession of live fish species in Maine will improve the  
ability of enforcement officers to prevent illegal introductions  
of fish; and

20          **Whereas,** it is imperative that this legislation take effect  
immediately to reduce this devastating harm; and

22  
24          **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

30           **Sec. 1. 12 MRSA §7077, sub-§1-B, ¶A,** as enacted by PL 1993, c.  
32 136, §1, is amended to read:

34           A. Introducing fish into inland waters without a permit in  
violation of section 7371, subsection 3 as it applies to  
36 section 7202, subsection 1; section 7203, subsection 1;  
section 7204, subsection 1; and section 7206;

38           **Sec. 2. 12 MRSA §7077, sub-§1-B, ¶B-1** is enacted to read:

40           B-1. Possessing fish in violation of section 7604-A;

42           **Sec. 3. 12 MRSA §7604-A** is enacted to read:

44           **§7604-A. Illegal possession of live fish**

46           Except as otherwise provided in this Part, any fish legally  
48 taken from inland waters pursuant to this Part, except baitfish  
and smelts, must be immediately released alive into the waters

2 from which it was taken or must be killed at once. Any fish  
3 killed pursuant to this section becomes part of the daily bag  
4 limit.

5 **Sec. 4. 12 MRSA §7901-A, sub-§5, ¶A**, as enacted by PL 2001, c.  
6 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

7 A. Failure to have license or permit as described in  
8 section 7371, subsection 3, as it applies to section 7202,  
9 subsection 1; section 7203, subsection 1; section 7204,  
10 subsection 1; and section 7206 is a Class E crime, except  
11 that, notwithstanding Title 17-A, section 1301, the fine may  
12 not be less than \$1,000 nor more than \$10,000.

13 **Sec. 5. 12 MRSA §7901-A, sub-§10, ¶B** is enacted to read:

14 B. Possession of fish in violation of section 7604-A is a  
15 Class E crime.

16 **Emergency clause.** In view of the emergency cited in the  
17 preamble, this Act takes effect when approved.

## 23 SUMMARY

24 This bill requires that any fish legally taken from inland  
25 waters must either be released alive into the waters from which  
26 it was taken or immediately killed and makes possession of live  
27 fish in violation of this requirement a Class E crime.

28 This bill requires the suspension for at least one year of a  
29 person's fishing license if that person possesses live fish in  
30 violation of laws governing possession of live fish or introduces  
31 fish into inland waters without a permit in violation of the laws  
32 governing the transportation, importation and possession of live  
33 fish or gametes.  
34  
35  
36