

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

**Sec. 2. Effective date.** This Act takes effect January 1, 2000.

Effective January 1, 2000.

## CHAPTER 315

S.P. 153 - L.D. 473

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

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

**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:

**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 Title 5, chapter 375, subchapter II-A.

See title page for effective date.

## CHAPTER 316

S.P. 708 - L.D. 2017

### An Act to Allow the Taking of Endangered or Threatened Species Under the Authority of the Department of Inland Fisheries and Wildlife

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

**Sec. 1. 12 MRSA §7756**, as amended by PL 1987, c. 175, §2, is further amended to read:

**§7756. Prohibited acts**