**APPLICATION FOR LICENSE TO CULTIVATE FISH**

In accordance with the provisions of the Revised Statutes, Title 12, Section 12507, I hereby apply for a license to cultivate and sell commercially grown or imported fish.

Name of Company/Facility __________________________________________________________

Name of Owner/Manager ____________________________________________________________

Mailing Address ___________________________________________________________________

<table>
<thead>
<tr>
<th>Location</th>
<th>(City/Town)</th>
<th>(Zip Code)</th>
<th>(Daytime Phone #)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(City/Town)</td>
<td>(Water Source)</td>
<td>(Discharge Watershed)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Fish Species</th>
<th>Source of Eggs/Fish</th>
<th>Importation Permit # and Date</th>
<th>*Type of Operation</th>
</tr>
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* Type of Operation:

- a. Pond stocking
- b. Sale of eggs
- c. Table market
- d. Rearing trout/salmon for marine aquaculture
- e. Rearing baitfish
- f. Rearing tropical fish for aquarium use
- g. Other - (please be specific) ___________________________________________________________

1. Do you understand that all fish transported from your premises must be tagged with your name and address? _____ (yes or no)

2. Do you understand that no fish or eggs may be stocked into private or public waters of the State, unless the purchaser of the fish has a stocking permit from the Commissioner of Inland Fisheries and Wildlife? (Available from Department). _____ (yes or no)

3. Do you understand that no live fish or eggs may be imported into the State without written permission of the Commissioner? _____ (yes or no)

4. Do you understand that the licensee must keep all invoices of fish sold and purchased and have them available for inspection by the Commissioner or his authorized agent? _____ (yes or no)

Date __________ Signature ____________________________________________

$27.00
APPLICATION INSTRUCTIONS

So that we are able to process your application and issue your operating license as quickly as possible please fill out the application form completely providing all of the following information:

Name of Company/Facility - Official facility name or enter N/A.

Name of Owner/Manager - Individual to contact that is responsible for the license.

Mailing Address/Phone number - Mailing address & phone number needed to contact facility.

Location - City or town the facility is located in, the water source that supplies the facility and the watershed that the facility discharges to.

Fish Species - List all fish species presently being reared at the facility as well as any new species that are desired.

Strain(s) - List all strains or distinct populations of each species being reared. If multiple strains are reared, list each.

Source of eggs/fish - List the source of eggs/fish, whether from domestic source on site or from any outside source/facility.

Importation Permit - If egg/fish were imported please provide the importation permit number and date of permit or enter N/A.

Read and acknowledge the questions which indicate the stipulation that pertains to this license.

Sign and date application.

If you have any questions please feel free to contact this office. Your cooperation in completing this application is appreciated.

§12507. License to cultivate or sell commercially grown and imported fish

1. License required. Except as otherwise authorized pursuant to this Part, a person may not cultivate or sell fish that have been commercially grown within the State or imported from outside the State without a valid license issued under this section. Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed. [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. 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. [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Application. This section does not apply to and 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. [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

4. Fee. The fee for a license to sell commercially grown or imported fish is $27 annually. [ 2005, c. 12, Pt. III, §27 (AMD) .]

5. Requirements. A licensee shall:
   A. Keep a license issued under subsection 2 constantly and publicly posted in the office or place of business of the licensee; [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §254 (RPR); 2003, c. 655, Pt. B, §422 (AFF).]
   B. Be licensed for each wholesale and retail outlet from which a person sells fish; [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §254 (RPR); 2003, c. 655, Pt. B, §422 (AFF).]
   C. Identify in a manner approved by the commissioner the name and address of the source of all fish offered for sale or sold under this section; and [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §254 (RPR); 2003, c. 655, Pt. B, §422 (AFF).]
   D. Keep invoices of fish sold and purchased under this section so that the invoices are available at all times for inspection by the commissioner or the commissioner's duly authorized agent. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §254 (RPR); 2003, c. 655, Pt. B, §422 (AFF).]
§12509. Permit to import live freshwater fish or eggs

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce, import or transport any live fish or gametes into the State or receive or have in that person's possession fish or gametes so introduced, imported or transported without a valid permit issued under this section.

   A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1301, the fine may not be less than $1,000 nor more than $10,000.

2. Issuance. The commissioner may grant permits to introduce, import or transport any live fish or gametes into the State or to receive or have in possession fish or 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.

3. Application. Importers shall, when requesting a permit issued pursuant to subsection 2, provide the commissioner with the following information:
   A. The number and species to be imported;
   B. The name and address of the source;
   C. A statement from a fish health inspector certified by the American Fisheries Society, a fish pathologist certified by the American Fisheries Society or a licensed accredited veterinarian, certifying that the fish or gametes are from sources that show no evidence of viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, Myxosomo cerebralis or other diseases that may threaten fish stocks within the State; and
   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.

4. Rules. The commissioner may adopt rules allowing the possession and 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 2-A.

§12510. Permit to stock inland waters

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce fish of any kind into any inland waters without a valid permit issued under this section. A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1301, the fine may not be less than $1,000 or more than $10,000.

2. Issuance. The commissioner may issue a written permit allowing a person to introduce fish of any kind into any inland waters by means of live fish or otherwise.

§12511. Permit to introduce fish or fish spawn into private pond

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce fish or fish spawn into a private pond without a valid permit issued under this section. A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1301, the fine may not be less than $1,000 nor more than $10,000.

2. Issuance. The commissioner may issue a written permit to introduce fish or fish spawn into a private pond.
§12512. Permit to transport live fish for breeding and advertising

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not take and transport within the limits of the State fish taken in the State for breeding or advertising purposes without a valid permit issued under this section. A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1301, the fine may not be less than $1,000 nor more than $10,000.


2. Issuance. The commissioner may issue a permit to a person permitting that person to take and transport within the limits of the State fish taken in the State for breeding or advertising purposes.


§12556. Importing live bait

A person may not import into this State any live fish, including smelts, that are commonly used for bait fishing in inland waters. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

A person who violates this section commits a Class E crime. The court shall also impose a fine of $20 for each fish unlawfully possessed, none of which may be suspended. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

§12610. Unlawful importation or sale of certain fresh or frozen fish

1. Prohibition. A person may not import or offer for sale fresh or frozen any of the following fish:
   A. Salmon; [2003, c. 655, Pt. B, §272 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]
   B. Brook trout; [2003, c. 655, Pt. B, §272 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]
   C. Brown trout; [2003, c. 655, Pt. B, §272 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]
   D. Rainbow trout; [2003, c. 655, Pt. B, §272 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]
   E. Lake trout; or [2003, c. 655, Pt. B, §272 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]
   F. Any member of the family salmonidae whose source is outside of the continental United States, Canada or Alaska or their adjacent waters. [2003, c. 655, Pt. B, §272 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[ 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §272 (RPR); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Penalty. The following penalties apply to violations of this section.
   A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [2003, c. 655, Pt. B, §272 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]
   B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §272 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[ 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §272 (RPR); 2003, c. 655, Pt. B, §422 (AFF) .]
2.03 Commercially Grown or Imported Fish

A. Scope

These rules shall be applicable only to freshwater fish which have been grown commercially within the State or imported from outside the State as provided in Title 12, M.R.S.A., Section 7201 and Section 7205. Nothing in these rules shall in any way restrict or regulate the harvest, transportation or sale of live smelts, minnows and other unprotected fish commonly used for bait purposes.

B. Identification

All live or dead freshwater fish taken from hatcheries, aquaculture operations or private ponds within the State and all live or dead freshwater fish imported from outside the State shall, while being transported, held in storage or offered for sale, be identified with the name and address of the original source in one of the following manners:

1. Each fish shall bear a tag or seal which shall identify the source; or
2. Each package, bag, box or container of fish shall be marked in such a manner as to identify the source; or
3. Each display case or tank containing fish for resale shall be marked with a sign which shall identify the source.

All fish shall bear identification as described above from the time they leave the original source until they reach their ultimate destination.

C. Certain Permits Required

1. All live freshwater fish imported into the State shall, while in transit, be accompanied by an importation permit from the Commissioner as described in Title 12, M.R.S.A., Section 7202.

1a. Tropical Fish Exception. Pursuant to Title 12 M.R.S.A., §7377, Sub-§5-A, acceptable species of tropical fish that may be imported without an importation permit shall be designated by the Commissioner, a list of which shall be maintained and made available by the Department. The acceptability of any tropical fish to be imported or possessed shall be based on an informed determination by the Commissioner that the species will not unreasonably threaten indigenous aquatic species or habitats if accidentally or intentionally released into the waters of the State.

2. All live freshwater fish taken from hatcheries, aquaculture operations or private ponds within the State or imported from outside the State shall, while in transit, be accompanied by an invoice or other documentation describing the species involved, the number of fish involved and the destination of the fish.

3. All live freshwater fish which are to be introduced into either public or private waters of this State shall, while in transit, be accompanied by the appropriate written permit from the Commissioner as described in Title 12, M.R.S.A., Section 7203 (inland waters) and Section 7204 (private waters)

2.03-A Salmonid Fish Health Inspection Regulations

A. Scope and Intent

The transfer and/or introduction of organisms fall within the jurisdiction of the Department of Marine Resources (12 M.R.S.A., §6071) into coastal waters within the State of Maine and the Department of Inland Fisheries and Wildlife (12 M.R.S.A., §§ 7011, 7035 and 7201, 7202) into public and/or private waters within the State of Maine. These rules are intended to protect wild and farmed salmonid fish populations and shall be applicable to all individuals involved in the culture and movement of live salmonids and gametes.

B. Prohibited Activity

(1) It is unlawful to transfer live salmonid gametes or fish to any fish culture facility in Maine or stock salmonid fish or gametes into the waters of Maine that do not meet the requirements of these rules.

(2) No clinically diseased salmonid fish shall be introduced into the waters of Maine.

C. Definitions

For the purposes of these rules the following terms have the following meanings:

(1) Active Surveillance

“Active surveillance” means laboratory testing which is conducted during
the annual hatchery inspection and during spawning as outlined in Chapter 2.03-A (F).

(2) **Blue Book**


(3) **Broodstock**

"Broodstock" means sexually mature fish (Size group 4).

(4) **Clinical**

"Clinical" means any visual signs of disease by gross external examination.

(5) **Confidence level**

"Confidence level" means the probability of detecting evidence of at least one infected fish within the population of fish tested at the respective prevalence levels of the agent.

(6) **Diseases of Regulatory Concern**

"Diseases of Regulatory Concern" mean infectious agents that have been demonstrated to cause a significant increase in the risk of mortality among salmonid populations in the State of Maine. Diseases of Regulatory Concern are classified by the Commissioner into three (3) disease categories exotic, endemic (limited distribution) and endemic based on an annual review and analysis of epidemiological data. See the following definitions and Chapter 2.03-A (E).

(a) **Exotic**

"Exotic" means those infectious agents that have not been detected in Maine as of the effective date of this rule. Pathogens classified as exotic based on available current information include:

(i) VHSV: Viral Hemorrhagic Septicemia Virus
(ii) IHNV: Infectious Hematopoietic Necrosis Virus
(iii) OMV: Oncorhynchus masou Virus
(iv) CS: Ceratomyxosis (Ceratomyxa shasta)
(v) PKD: Proliferative Kidney Disease (PKX)
(vi) WD: Whirling Disease (Myxobolus cerebralis)
(vii) ISAV: Infectious Salmon Anemia Virus
(viii) OTHER: Any pathogen not detected in Maine as of the effective date of these rules.

(b) **Endemic (limited distribution)**

"Endemic (limited distribution)" means those infectious agents of special concern whose geographic distribution within the State of Maine is not fully known. Pathogens classed as endemic (limited distribution) based on available information include:

(i) IPNV: Infectious Pancreatic Necrosis Virus
(ii) BKD: Bacterial Kidney Disease (Renibacterium salmoninarum)
(iii) BF: Furunculosis (Aeromonas salmonicida)
(iv) BR: Enteric Redmouth (Yersinia ruckeri)

(c) **Endemic**

"Endemic" means those infectious agents currently recognized to occur with predictable regularity in the State of Maine with only minor fluctuation in frequency over time.

(7) **Fish Culture Facility**

"Fish culture facility" means an establishment where salmonids are grown for sale or release into inland waters of the State of Maine.

(8) **Infectious agents and abbreviations**

The name of each infectious pathogen and its accepted abbreviation are:

<table>
<thead>
<tr>
<th>Pathogen</th>
<th>Abbreviation</th>
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<tr>
<td>IPNV</td>
<td>Infectious Pancreatic Necrosis Virus</td>
</tr>
<tr>
<td>IHNV</td>
<td>Infectious Hematopoietic Necrosis Virus</td>
</tr>
<tr>
<td>VHSV</td>
<td>Viral Hemorrhagic Septicemia Virus</td>
</tr>
<tr>
<td>OMV</td>
<td>Oncorhynchus masou Virus</td>
</tr>
<tr>
<td>BF</td>
<td>Furunculosis (Aeromonas salmonicida)</td>
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<tr>
<td>BR</td>
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<tr>
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<td>Infectious Salmon Anemia Virus</td>
</tr>
<tr>
<td>OTHER</td>
<td>Any pathogen not detected in Maine as of the effective date of these rules.</td>
</tr>
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</table>

(9) **Inspection**

"Inspection" means an on-site, statistically-based sampling of all lots of fish on the facility and resulting laboratory tests and inspection
reports conducted by an inspector in accordance with the testing requirements and procedures set forth in these rules.

(10) **Inspector**
“Inspector” means an accredited, licensed veterinarian, a certified fish health inspector or persons recognized by federal or state agencies with responsibility for fish health or transfer in the state from which the fish or gametes originate upon approval of the Commissioner. No owner or employee with direct supervisory authority over a facility may serve as an inspector for their fish culture facility.

(a) “Accredited licensed veterinarian” means a veterinarian holding a current veterinary license who has also fulfilled the accreditation requirements of United States Department of Agriculture Animal and Plant Health Inspection Service (USDA/APHIS).

(b) “Certified fish health inspector” means an individual certified by the American Fisheries Society/Fish Health Section (AFS/FHS) as a Fish Health Inspector or Fish Pathologist.

(11) **Lot**
“Lot” means the following:

(a) A lot for size groups 1, 2, and 3 (non-brood facilities) is defined as fish of the same species and age that originated from the same spawning stock and share a common water supply.

(b) A lot for size group 4 is defined as fish of the same species that originated from the same spawning stock and share a common water supply, but several age groups (e.g., 3, 4, and 5 year old brood fish) may be combined to form a representative composite lot for sampling.

(12) **Marine Fish Health Zones**
(Reserved for use by Department of Marine Resources.)

(13) **New England Salmonid Health Guidelines**

(14) **Owner**
“Owner” means any person, partnership, company or corporation with a proprietary interest in the fish culture facility being inspected.

(15) **Passive Surveillance**
“Passive surveillance” means the collection of disease data from historical records or diagnostic sampling done during a disease outbreak or a disease investigation.

(16) **Prevalence**
“Prevalence” means the number of detectable cases of disease (or disease agents) present in a population.

(17) **Production Stock**
“Production stock” means salmonid fish of size groups 1, 2, and 3.

(18) **Size Group**
“Size Group” means:

- **Size Group 1:** Fish less than or equal to 4 cm in length, commonly referred to as fry.
- **Size Group 2:** Fish from 4 to 6 cm in length, commonly referred to as fingerlings.
- **Size Group 3:** Non-brood fishes greater than 6 cm in length, commonly referred to as yearlings/adults, which are not being held as brood stock.
- **Size Group 4:** Sexually mature fish used as brood stock.

(19) **Qualified Source/Hatchery**
“Qualified source/hatchery” means an established source/hatchery that has had 3 consecutive annual inspections in which pathogens as described in Chapter 2.03-A (E) have not been detected; or a new hatchery that has had 3 successive negative annual inspections over a continuous 2 year period.

(20) **Quarantine**
“Quarantine” means:
- No movement of live fish off or to the site;
- No visitors to site except necessary fish health personnel;
- A biosecurity program approved by the Commissioner must be instituted at the site; and
- Disposition of deceased and quarantined fish must be approved by the Commissioner.

(21) **Reproductive Fluids**
“Reproductive fluids” means testicular and ovarian fluids.

(22) **Restriction**
"Restriction" means:
No movement of live fish off or to the site;
Disinfection protocols and biosecurity must be instituted at the site.

(23) **Salmonid Fish**

“Salmonid Fish” means fish of the family Salmonidae.

(24) **Spawning Broodstock**

“Spawning broodstock” means a lot of sexually mature salmonid fish whose gametes will be incubated at fish culture facilities within Maine.

(25) **Transfer Permits and Reports**

(A) **Annual Fish Health Inspection Report**

“Annual Fish Health Inspection Report” means the letter from the Inspector acknowledging that all lots of fish have been inspected according to procedures outlined in Chapter 2.03-A (F). The Fish Health inspection report shall include an itemized account of results.

(B) **Fish Health Inspection Report**

“Fish Health Inspection Report” means a letter from the Inspector acknowledging that a specific lot or lots of fish have been inspected according to procedures outlined in Chapter 2.03-A (F). The Fish Health inspection report shall include an itemized account of results.

(C) **Annual Fish Culture Facility Health Report**

“Annual Fish Culture Facility Health Report” means a letter from the Commissioner stating the health status of any Fish Culture Facility that requires an annual Fish Health Inspection Report. The Fish Culture Facility Health Report shall be based upon the findings of Annual Fish Health Inspection Reports, the guidelines provided in Annex V of the New England Salmonid Health Guidelines and any other fish health inspection reports.

(D) **Importation Permit**

“Importation Permit” means the permit issued by the Commissioner that authorizes the recipient to import salmonids to designated geographical area(s) in the inland waters of Maine during a specified time period.

(E) **Pond Stocking Permit**

“Pond Stocking Permit” means the permit issued by the Commissioner that authorizes the recipient to transfer and/or release live salmonids into inland waters of Maine.

D. **Compliance Reporting Requirements, Reporting and Permits**

(1) Any person wishing to import, possess, or sell live salmonids or gametes for the purposes of stocking into inland waters of Maine shall provide a fish health inspection report stating that such salmonid fish or gametes have been inspected for all diseases of regulatory concern before a permit to engage in such activity is issued.

(b) Live salmonid fish or gametes taken from the wild shall be subject to isolation as defined in Annex V and Annex VI of the New England Salmonid Health Guidelines pending the completion of inspection procedures outlined in Chapter 2.03-A (F) and the issuance of a fish health inspection report.

(2) Any salmonid fish facility raising fish to be introduced into the inland waters of Maine must submit the most current annual fish health inspection report on approved forms to the Department of Inland Fisheries & Wildlife prior to the sale and/or movement of such fish from the facility.

(3) Any person applying for a permit to import live salmonids or gametes into the State of Maine shall demonstrate that the fish or gametes being imported are free from evidence of all diseases of regulatory concern, from a source which meets or exceeds the standards established in these rules and that the source and facility have been free from evidence of all diseases of regulatory concern for three years immediately preceding the permit application or a new hatchery that has had 3 successive negative annual inspections over a continuous 2 year period. The Commissioner may prescribe additional fish health testing requirements for importation of salmonids or gametes into the State of Maine. A copy of the current approved importation permit shall accompany the fish or gametes during transfer.

(4) Any person offering live salmonids or gametes for sale or transferring live salmonids or gametes to a source in Maine shall provide a current fish health inspection report to any customer or recipient of the fish. A copy of the current approved importation or stocking permit shall accompany the fish or gametes during transfer.

(5) Live salmonid fish or gametes transferred for purposes of immediate
harvest for human consumption, diagnostic inspection or related laboratory research shall not be subject to the provisions of these rules. Salmonids harvested for the purposes of human consumption shall be harvested, handled, processed and transported using measures to minimize the introduction of infectious disease into Maine waters. The Fish Health Technical Committee will serve as a technical resource in developing guidelines for biosecurity measures associated with harvesting, transport and processing.

### E. Testing requirements for Diseases of Regulatory Concern

<table>
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<tr>
<th>Inspection Testing Requirement</th>
<th>Size Group 4</th>
<th>Size Group 1</th>
<th>Size Groups 2 &amp; 3</th>
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<td>VHSV, IHNV</td>
<td>VHSV, ISAV</td>
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<td>IPNV</td>
<td>IFNV, BKD</td>
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<tr>
<td>Reportable</td>
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<td>BF, BR</td>
<td>Other</td>
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<th>OMV, CS, PKD</th>
<th>OMV, CS, PKD</th>
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<td>BF, BR, Other</td>
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<td>assay (ELISA)</td>
<td>OMV, CS, PKD</td>
<td>OMV, CS, PKD</td>
<td>OMV, CS, PKD</td>
</tr>
</tbody>
</table>

### F. Inspection Procedure:

1. A fish culture facility inspection of all production lots shall be completed at least annually.
2. Fish health inspections shall be conducted at a time or times of the year conducive for the detection of pathogens with regard to the age and size of fish and environmental conditions.
3. A visual exam of all tanks/raceways to assess general health status shall be conducted during the annual inspection.
4. Testing procedures for infectious agents shall be conducted according to requirements and methodologies approved by the Commissioner. Testing requirements for salmonids in the respective size groups shall be conducted according to Chapter 2.03-A (E). For viral pathogens, the inspector shall test at the 95% confidence level, 5% prevalence per lot. For bacterial pathogens, the inspector shall test at 95% confidence level, 10% prevalence per lot. In order to detect evidence of the agent of Whirling Disease, the inspector shall sample sixty fish per facility or per water supply, if the facility has more than one water supply. Samples examined for evidence of Whirling Disease shall be of the most susceptible species and ages of fish available. For example, select brook or rainbow trout over brown trout or coho salmon. Select fish at least 5 months old if possible, as referenced in the Blue Book under Parasitology, Section VI, Whirling Disease, part F, procedures for detecting subclinical infections. If bacterial pathogens are negative for 3 consecutive annual inspections, then sampling levels may drop to 20% prevalence for as long as sampling continues to test negative.
5. Spawning Broodstock shall be tested within 30 days immediately before or after spawning for diseases of regulatory concern according to Chapter 2.03-A (E).
   a. Reproductive fluids shall be sampled at the 100% level or lethal sampling at the 10% prevalence up to a maximum of 30 fish and reproductive fluids at the 2% prevalence level. Reproductive fluids can be collected by trained facility personnel under the direction of the inspector using a chain of custody protocol in accordance with Chapter 2.03-A (F)(4).
   b. Complete laboratory diagnostic testing (virology, bacteriology and parasitology) done on broodstock mortalities during a given year can be included if the lethal sampling option is chosen.
6. **Sample size**
   a. For viral and bacterial pathogens the number of samples to be collected from a given lot shall be based upon stratified random sampling which provides 95 percent confidence of detecting a pathogen with an assumed minimum prevalence of detectable infection of two to twenty percent depending upon conditions outlined as follows:

   Minimum sample sizes for populations varying from 50 to infinity are as follows:

<table>
<thead>
<tr>
<th>Assumed Prevalence</th>
<th>Minimum Sample Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>2%</td>
<td>5%</td>
</tr>
<tr>
<td>5%</td>
<td>10%</td>
</tr>
<tr>
<td>10%</td>
<td>20%</td>
</tr>
</tbody>
</table>

Assumed Prevalence: 2% 5% 10% 20%
Population or lot size  Size of sample

<table>
<thead>
<tr>
<th></th>
<th>50</th>
<th>50</th>
<th>35</th>
<th>20</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>75</td>
<td>45</td>
<td>23</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>250</td>
<td>110</td>
<td>50</td>
<td>25</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>500</td>
<td>130</td>
<td>55</td>
<td>26</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>1,000</td>
<td>140</td>
<td>55</td>
<td>27</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>1,500</td>
<td>140</td>
<td>55</td>
<td>27</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>2,000</td>
<td>145</td>
<td>60</td>
<td>27</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>10,000</td>
<td>145</td>
<td>60</td>
<td>27</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>100,000</td>
<td>150</td>
<td>60</td>
<td>30</td>
<td>15</td>
<td></td>
</tr>
</tbody>
</table>

and any larger

The above sample sizes are the minimum number of fish to be tested and in situations where pathogens are suspected, larger samples shall be taken at the discretion of the fish health inspector. The method of collecting sub samples from rearing units to obtain a representative sample is left to the discretion of the inspector. (b) Inspections shall be performed and samples collected by the inspector or a person working under his/her supervision. The inspector is responsible for all work performed. (c) Pathogens as described in Chapter 2.03-A (E) detected by passive surveillance between annual fish health inspections must be reported by the owner of the fish culture facility to the Commissioner at the time of inspection. (d) Upon completion of the annual inspection of the fish culture facility, an inspection report will be issued to the owner/operator and the Commissioner. Upon receipt of the inspection report, the Department will review the report and may issue a permit if the report meets the standards outlined in these rules. (e) Lots of fish and/or gametes received from qualified sources/hatcheries will not invalidate that fish culture facility’s annual inspection status. (f) Lots of fish and/or gametes received from sources other than qualified sources/hatcheries that do not comply with Chapter 2.03-A (D)(1) will invalidate the receiving fish culture facility’s annual inspection status.

G. **Fish Health Technical Committee**

A Fish Health Technical Committee shall be established jointly by the Commissioners of the Departments of Inland Fisheries and Wildlife and the Department of Marine Resources to provide advice to maintain optimum health among Maine’s aquatic resources and to safeguard wild and cultured organisms from the introduction of infectious organisms.

(1) **Composition and Selection**

The composition and selection of the Fish Health Technical Committee shall reflect the interdisciplinary expertise required to address aquatic animal health issues. All members of the Fish Health Technical Committee shall be qualified fish health inspectors or qualified professionals in the fish health field.

(a) There shall be three members representing the public resource agencies Department of Inland Fisheries and Wildlife, Department of Marine Resources and Department of Agriculture, Food and Rural Resources.

(b) There shall be one member representing the United States Fish and Wildlife Service.

(c) There shall be one member representing the National Marine Fisheries Service.

(d) There shall be one member representing the U.S. Department of Agriculture, Animal Plant Inspection Service.

(e) There shall be two members at large of which at least one shall be from academia.

(f) There shall be two members with experience in commercial finfish culture.

(g) The chair person shall be elected by a majority vote of the Fish Health Technical Committee.

(2) **Responsibilities**

(a) Responsibilities of the Fish Health Technical Committee shall be to provide technical advice to the Commissioners in the following areas:

(i) Procedures for disease surveillance and health monitoring among salmonid resources.

(ii) Diagnostic protocols and standards.

(iii) Criteria for biosecurity, quarantine, animal destruction and
facility clean up.
(iv) Control of a disease outbreak.
(v) Following annual review and analysis of epidemiological data provide recommendations to the Commissioners regarding the classification and testing requirements for Diseases of Regulatory Concern.

(b) The Fish Health Technical Committee shall also:
(i) Annually review and make recommendations on disease surveillance and the health status of salmonid resources.
(ii) Actively pursue the development of research programs for addressing the salmonid health issues facing the State’s resources.
(iii) Serve as a technical resource for fish facility managers to improve management and husbandry practices.
(iv) Develop recommendations for rules to address inspection requirements for non-salmonid fish species.

H. Consequences/Action Plan

(1) Exotic Diseases

(a) When any exotic disease of regulatory concern is confirmed at any salmonid fish culture facility in Maine as a result of active or passive surveillance, the owner of the facility shall notify the Commissioner in writing and by telephone within 24 hours of the confirmation. In addition, within 24 hours all fish on the site must be immediately restricted. The report to the Commissioner must include, as a minimum:
(i) Species of fish affected;
(ii) Size group and age of fish;
(iii) Pathogen and whether it is clinical or non clinical;
(iv) Prevalence;
(v) Actions being taken to contain or eradicate the pathogen; and
(vi) Proposed actions to restore the facility to a qualified source/hatchery.

(b) The Commissioner shall review the relevant facts and may consult with the Fish Health Technical Committee, relevant State and federal agencies, other professionals, and make a decision concerning the restricted fish. Consideration will be given to certain risk factors including but not limited to:
(i) Risk to the aquaculture industry;
(ii) Risk to wild stocks;
(iii) Feasibility of eradication by stock destruction;
(iv) Time frame and degree of pathogen spread i.e., local vs. regional;
(v) Final intended disposition of infected stocks; and
(vi) Public health ramifications.

(c) Following completion of risk assessment, the Commissioner may order one or more of the following remedial actions.
(i) Harvest and sale of processed fish;
(ii) Destruction of the stock and proper disposal to minimize release of pathogen(s);
(iii) Stocking of the fish if such action possesses no or minimal risk to wild populations;
(iv) Re-test stock for pathogen;
(v) Treatment of fish and re-test;
(vi) Quarantine and continued quarantine of fish for purpose of study or salvage of gametes; or
(vii) Other actions determined to be appropriate by the Commissioner upon consultation with the Fish Health Technical committee.

(2) Endemic Diseases (Limited Distribution)

(a) When any Endemic Disease (Limited Distribution) of regulatory concern is confirmed at any salmonid fish culture facility in Maine as a result of active or passive surveillance, the owner of the facility shall notify the Commissioner within 14 days after confirmation of the disease and prior to movement or transfer. The report to the Commissioner must include, as a minimum:
(i) Species of fish affected;
(ii) Size group and age of fish;
(iii) Pathogen and whether it is clinical or non clinical;
(iv) Prevalence;
(v) Actions being taken to contain or eradicate the pathogen; and
(vi) Proposed actions to restore the facility to a qualified source/hatchery.

(b) The Commissioner shall review the report, Annex IV of the New England
Salmonid Health Guidelines and may consult with the Fish Health Technical Committee, relevant State and Federal agencies, other professionals, and make a decision concerning movement or transfer of the fish.

(3) **Endemic Diseases**

(a) When any Endemic Disease of regulatory concern is confirmed at any salmonid fish culture facility in Maine as a result of active or passive surveillance, the owner of the facility shall notify the Commissioner 14 days prior to movement or transfer. The report to the Commissioner must include, as a minimum:

(i) Species of fish affected;
(ii) Size group and age of fish;
(iii) Pathogen and whether it is clinical or non clinical;
(iv) Prevalence;
(v) Actions being taken to contain or eradicate the pathogen; and
(vi) Proposed actions to restore the facility to a qualified source/hatchery.