

(g) (1) "Species" includes any subspecies of fish and any other group of fish of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

(2) "SPECIES" DOES NOT INCLUDE FISH WHICH ARE BRED OR RAISED IN AUTHORIZED AQUACULTURE OPERATIONS IN NONTIDAL PONDS, LAKES, OR IMPOUNDMENTS.

4-2A-08.

(a) Except as provided in subsection (b) of this section, the provisions of this subtitle do not prohibit:

(1) Importation into the State of fish which may be lawfully imported into the United States or lawfully taken and removed from another state; [or]

(2) Entry into this State or the possession, transportation, exportation, processing, sale, offer for sale, or shipment of any fish which is designated an endangered or threatened species in this State but not in the state where originally taken, if the person engaging in the activity demonstrates by substantial evidence that the fish was lawfully taken and lawfully removed from the state of origin; OR

(3) ENTRY INTO THIS STATE OR THE POSSESSION, TRANSPORTATION, EXPORTATION, PROCESSING, SALE, OFFER FOR SALE, OR SHIPMENT OF FISH WHICH ARE LAWFULLY PURCHASED FOR, OR WHICH ARE PRODUCTS OF, AUTHORIZED AQUACULTURE OPERATIONS IN NONTIDAL PONDS, LAKES, OR IMPOUNDMENTS, PROVIDED THE FISH ARE IDENTIFIED AS SUCH IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 4-11A-02 OF THIS TITLE.

(b) (1) (I) THIS PARAGRAPH DOES NOT APPLY TO STRIPED BASS OR ROCKFISH, INCLUDING HYBRIDS, WHICH ARE LAWFULLY PURCHASED FOR, OR WHICH ARE PRODUCTS OF AUTHORIZED AQUACULTURE OPERATIONS IN NONTIDAL PONDS, LAKES, OR IMPOUNDMENTS, PROVIDED THE FISH ARE IDENTIFIED AS SUCH IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 4-11A-02 OF THIS TITLE.

(II) If the species of fish known as striped bass or rockfish, including hybrids thereof, is listed as threatened or endangered pursuant to the provisions of this subtitle, all prohibitions of this subtitle shall apply to any striped bass or hybrid located within the State whether or not the fish may have been taken lawfully in another state, except as authorized in this subsection.

(2) A person may possess striped bass or hybrids from another state while transporting them through this State for sale in another state if the person can demonstrate by substantial evidence that the fish were lawfully taken and removed from the state of origin.