

# MAINE STATE LEGISLATURE

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Date: 5/16/19

L.D. 713  
(Filing No. H- 275)

**INLAND FISHERIES AND WILDLIFE**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 518, L.D. 713, Bill, "An Act To Strengthen Maine's Endangered Species Laws"

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 12 MRSA §12808, sub-§1**, as amended by PL 2015, c. 423, §1, is further amended to read:

**1. Prohibited acts regarding endangered or threatened species; negligence.** Except as provided in section 12808-A, a person may not negligently:

A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended;

B. Hunt, take, trap, harass or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended;

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended; or

D. Feed or, set bait for or ~~harass~~ any endangered or threatened species. ~~A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class E crime~~ for which a fine of \$1,000 must be adjudged, none of which may be suspended.

**Sec. 2. 12 MRSA §12808, sub-§1-A**, as amended by PL 2015, c. 423, §1, is further amended to read:

**COMMITTEE AMENDMENT**

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**1-A. Prohibited acts regarding endangered or threatened species; intentional.**  
Except as provided in section 12808-A, a person may not intentionally:

A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended;

B. Hunt, take, trap, harass or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended;

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended; or

D. Feed or, set bait for ~~or harass~~ any endangered or threatened species. ~~A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph~~ commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended.

**Sec. 3. 12 MRSA §12810, sub-§2**, as enacted by PL 2009, c. 60, §2, is amended to read:

**2. Prohibited acts regarding delisted species.** Except as otherwise authorized by the commissioner pursuant to this Part, a person may not intentionally:

A. Import into the State or export out of the State a delisted species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended;

B. Hunt, trap, harass or possess a delisted species within the State. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended; or

C. Process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, a delisted species or any part of a delisted species. A person who violates this paragraph commits a Class D crime, ~~or, for which a fine of \$2,000 must be adjudged, none of which may be suspended.~~

D. ~~Feed, set bait for or harass a delisted species. A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class D crime.~~

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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**SUMMARY**

This amendment replaces the bill. This amendment:

1. Provides that for conviction of certain Class E crimes of negligence related to endangered or threatened species, the maximum allowable fine of \$1,000 must be adjudged;
2. Removes the requirement that, for a first-time offense of negligently feeding, setting bait for or harassing any endangered or threatened species, a law enforcement officer must issue a warning;
3. Provides that for conviction of certain Class D crimes involving intentional acts related to endangered or threatened species, the maximum allowable fine of \$2,000 must be adjudged;
4. Removes the requirement that, for a first-time offense of intentionally feeding, setting bait for or harassing any endangered or threatened species, a law enforcement officer must issue a warning;
5. Provides that for conviction of certain Class D crimes involving intentional conduct related to a delisted species, the maximum allowable fine of \$2,000 must be adjudged;
6. Removes the requirement that, for a first-time offense of intentionally harassing a delisted species, a law enforcement officer must issue a warning; and
7. Removes the prohibition on intentionally feeding or setting bait for a delisted species.

**FISCAL NOTE REQUIRED**  
(See attached)



Approved: 05/03/19 *MRC*

# 129th MAINE LEGISLATURE

LD 713

LR 731(02)

## An Act To Strengthen Maine's Endangered Species Laws

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-275)  
Committee: Inland Fisheries and Wildlife  
Fiscal Note Required: Yes

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### Fiscal Note

Minor revenue increase - General Fund  
Minor revenue increase - Other Special Revenue Funds  
Minor cost increase - General Fund

### Correctional and Judicial Impact Statements

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.

### Fiscal Detail and Notes

Any additional costs to the Department of Inland Fisheries and Wildlife as a result of changes to the amounts of fines issued and penalties charged for violations are anticipated to be minor and can be absorbed within existing budgeted resources.