

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
4

5 Legislative Document

NO. 42
6

7 H.P. 39 House of Representatives, 22
8 Reference to the Committee on Fisheries and Wildlife
suggested and ordered printed.

9 EDWIN H. PERT, Clerk
10 Presented by Representative Jacques of Waterville.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SEVEN
16

17 AN ACT Concerning Raising Wild Birds and Wild
18 Animals in Captivity.
19

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

22 Sec. 1. 12 MRSA §7001, sub-§45 is enacted to
23 read:

24 45. Exotic. "Exotic" means of foreign nature or
25 character, not native, introduced from abroad, but
26 not fully naturalized or acclimatized.

27 Sec. 2. 12 MRSA §7235, sub-§4, ¶E, as enacted by
28 PL 1983, c. 22, §1, is amended to read:

29 E. Notwithstanding this subsection, Ringneck
30 pheasants shall be the only pheasants bird re-
31 quired to be marked with a metallic leg band.

1 Sec. 3. 12 MRSA §7235, sub-§5, ¶E is enacted to
2 read:

3 E. Notwithstanding subsection 4, identifying
4 marks or seals are not required for exotic ani-
5 mals.

6 Sec. 4. 12 MRSA §7504, sub-§6, as enacted by PL
7 1979, c. 420, §1, is amended to read:

8 6. Dogs and cats.

9 A. Any game warden may kill any dog outside the
10 enclosure or immediate care of its owner or keep-
11 er when he finds that dog doing any of the fol-
12 lowing:

13 (1) Chasing, killing, wounding or pursuing
14 any moose, caribou, deer or elk at any time;

15 (2) Chasing, killing, wounding or pursuing
16 any other wild animal in closed season; or

17 (3) Worrying, wounding or killing any do-
18 mestic animal, livestock or poultry.

19 B. Any owner of domestic animals, livestock or
20 poultry, any member of his family, or any person
21 to whom is entrusted the custody of any domestic
22 livestock or poultry, may kill any dog killing or
23 attacking any of the domestic animals, livestock
24 or poultry. Any owner of domestic animals, live-
25 stock, poultry or captive raised wild birds or
26 wild animals, any member of his family, or any
27 person to whom is entrusted the custody of any
28 domestic animal, livestock, poultry or captive
29 raised wild birds or wild animals, may kill any
30 dog or cat killing or attacking any of the domes-
31 tic animals, livestock, poultry or captive raised
32 wild birds or wild animals.

33 C. Any person having evidence of any dog chas-
34 ing, killing, wounding or pursuing moose, cari-
35 bou, deer or elk or any other wild animal in
36 closed season may present that evidence to the
37 commissioner or any game warden.

1 (1) The commissioner or game warden shall
2 give notice in writing to the owner or keep-
3 er of the dog, stating the acts committed by
4 the dog.

5 (2) After the owner or keeper of the dog
6 has received written notice that his dog has
7 committed any act prohibited by this subsec-
8 tion or section 7505, subsection 3, anyone
9 may kill the dog when found committing any
10 of those prohibited acts.

11 D. Any person having evidence of any dog chas-
12 ing, killing, wounding or pursuing any moose,
13 caribou, deer or elk, or any other wild animal in
14 closed season, or of any dog kept and used for
15 that purpose, or of any dog worrying, wounding or
16 killing any domestic animal, livestock, poultry,
17 fowl or furbearing animal legally in captivity,
18 when the dog is outside of the enclosure or imme-
19 diate care of his owner or keeper, may present
20 that evidence to the District Court having juris-
21 diction.

22 (1) The court may issue a warrant against
23 the owner of the dog, ordering him to show
24 cause why the dog should not be killed.

25 (2) Upon hearing the evidence in the case,
26 the court may order the dog killed by any
27 game warden.

28 (3) The costs of prosecution shall be paid
29 by the owner or keeper of the dog.

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STATEMENT OF FACT

2 The only reason for requiring banding or marking
3 should be to avoid interfering with law enforcement
4 duties of persons enforcing laws of the Department of
5 Inland Fisheries and Wildlife. Banding or marking of
6 foxes, which exist both in the wilds and are captive
7 raised, indicates to a warden whether the animals
8 have been illegally taken or procured from a licensed
9 breeder.

10 In legislation proposed and passed in 1983, it
11 was thought that that law would eliminate all banding
12 or marking of captive raised wild birds, except cap-
13 tive raised waterfowl which is covered under another
14 provision. In 1986, due to a concern raised between
15 a licensed breeder and a warden, it was discovered
16 that the law exempted only pheasants. This bill in-
17 dicates that the only bird that will require banding
18 will be the ringneck pheasant.

19 With the explosion of lawsuits, for almost any
20 reason, licensed breeders want the same protection
21 for their captive raised wild birds and wild animals
22 as is now provided to owners of domestic animals,
23 livestock and poultry in present fisheries and wild-
24 life laws. Also, with the proliferation of domestic
25 cats and kittens, as well as domestic cats that have
26 gone wild, licensed breeders are having their stock
27 attacked by domestic cats. Since cats are not spe-
28 cifically addressed in the laws, licensed breeders
29 feel that they have no law to protect them when and
30 if the need should arise to protect their stock from
31 stray or wandering domestic cats.

32 The word "exotic" is defined in this bill to cov-
33 er those wild animals mentioned under the breeders
34 license in the Maine Revised Statutes, Title 12, sec-
35 tion 7235, subsection 5.

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