

MAINE STATE LEGISLATURE

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(New Draft of H.P. 39, L.D. 42)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1851

H.P. 1354 House of Representatives, June 12, 1987
Reported by the Majority from the Committee on Fisheries
and Wildlife and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored by Representative JACQUES of
Waterville.

STATE OF MAINE

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

AN ACT Concerning Raising Wild Birds and Wild
Animals in Captivity.

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

Sec. 1. 12 MRSA §7001, sub-§7-A is enacted to
read:

7-A. Exotic. "Exotic" means of foreign nature
or character, not native, introduced from abroad, but
not fully naturalized or acclimatized.

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

1 E. Notwithstanding this subsection, Ringneck
2 pheasants and wild turkeys shall be the only
3 pheasants birds required to be marked with a me-
4 tallic leg band.

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

7 E. Notwithstanding subsection 4, identifying
8 marks or seals are not required for exotic ani-
9 mals.

10 Sec. 4. 12 MRSA §7505, sub-§4 is enacted to
11 read:

12 4. Failure to restrain a nuisance cat. The own-
13 er or keeper of a domestic cat is guilty of failure
14 to restrain or control a nuisance cat if the cat is
15 found killing or molesting any wild bird or wild ani-
16 mal enclosed in pens and owned by persons licensed
17 under section 7235.

18 Sec. 5. 12 MRSA §7901, sub-§4-B is enacted to
19 read:

20 4-B. Domestic cats. The owner or keeper of a
21 domestic cat found in violation of section 7505, sub-
22 section 4, commits a civil violation for which a for-
23 feiture of not less than \$50 nor more than \$100 shall
24 be adjudged. The owner or keeper also shall be lia-
25 ble for court costs and any damages caused by the
26 cat.

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STATEMENT OF FACT

2 Banding or marking of birds or animals, which ex-
3 ist both in the wild and are captive-raised, indi-
4 cates to a warden whether the animals have been ille-
5 gally taken or procured from a licensed breeder. It
6 was thought that legislation proposed and passed in
7 1983 would eliminate all banding or marking of
8 captive-raised wild birds, except captive-raised wa-
9 terfowl which is covered under another provision.
10 The law exempts only pheasants. This new draft in-
11 cludes wild turkeys as a species to be marked with a
12 metallic leg band prior to being removed from the
13 premises of a licensed breeder. The word "exotic" al-
14 so is defined.

15 The new draft also makes owners or keepers of do-
16 mestic cats caught killing or molesting captive birds
17 or animals owned by licensed breeders guilty of fail-
18 ure to restrain a nuisance cat. Section 5 of the new
19 draft establishes a penalty for the violation and as-
20 signs liability for damages and court costs to the
21 cat owner.

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