

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

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

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NO. 1851

H.P. 1354 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.

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1	E. Notwithstanding this subsection, Ringneck
2	pheasants <u>and wild turkeys</u> shall be the only
3	pheasants <u>birds</u> required to be marked with a me-
4	tallic leg band.
5	<pre>Sec. 3. 12 MRSA §7235, sub-§5, ¶E is enacted to</pre>
6	read:
7 8 9	E. Notwithstanding subsection 4, identifying marks or seals are not required for exotic ani- mals.
10 11	Sec. 4. 12 MRSA §7505, sub-§4 is enacted to 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	<pre>Sec. 5. 12 MRSA §7901, sub-§4-B is enacted to</pre>
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.

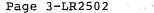
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STATEMENT OF FACT

Banding or marking of birds or animals, which exboth in the wild and are captive-raised, indiist cates to a warden whether the animals have been illegally taken or procured from a licensed breeder. It thought that legislation proposed and passed in was would eliminate all banding or marking of 1983 captive-raised wild birds, except captive-raised waterfowl which is covered under another provision. The law exempts only pheasants. This new draft in-cludes wild turkeys as a species to be marked with a metallic leg band prior to being removed from the premises of a licensed breeder. The word "exotic" also is defined.

The new draft also makes owners or keepers of domestic cats caught killing or molesting captive birds or animals owned by licensed breeders guilty of failure to restrain a nuisance cat. Section 5 of the new draft establishes a penalty for the violation and assigns liability for damages and court costs to the cat owner.

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