

MAINE STATE LEGISLATURE

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L.D. 1332

DATE: 4/6/2000

(Filing No. S-655)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 457, L.D. 1332, Bill, "An Act to Prohibit Hunting Animals in Enclosed Areas"

Amend the bill by striking out the title and substituting the following:

'An Act to Regulate Commercial Large Game Shooting Areas'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 7 MRSA §1331, sub-§2, as enacted by PL 1987, c. 685, §1, is amended to read:

2. License. The Commissioner of Agriculture, Food and Rural Resources may issue a license for the propagation, possession, purchase or sale of domesticated deer and for the sale of meat from domesticated deer. Any holder of such a license may raise domesticated deer at any season of the year for purposes of propagation. Appropriate certification shall must accompany any meat from domestic deer offered for sale. The fee for the license shall-be is \$20 a year. License fees must be deposited in the Animal Industry Fund established in section 1332.

Sec. 2. 7 MRSA §1332 is enacted to read:

§1332. Animal Industry Fund

The Treasurer of State shall establish a separate account known as the Animal Industry Fund. This fund does not lapse but must be carried forward. License fees collected under

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2 section 1331, subsection 2 and license and tagging fees collected
3 under section 1342, subsections 3 and 4 must be deposited in the
4 account. Funds from this account may be used to pay for
5 administrative costs associated with licenses issued under
6 sections 1331 and 1342, tags issued under section 1342 and other
7 costs associated with administration and enforcement of this
8 chapter and chapter 202-A.

9 **Sec. 3. 7 MRSA c. 202-A is enacted to read:**

10 **CHAPTER 202-A**

11 **COMMERCIAL LARGE GAME SHOOTING AREAS**

12 **§1341. Definitions**

13 As used in this chapter, unless the context otherwise
14 indicates, the following terms have the following meanings.

15 **1. Commercial large game shooting area.** "Commercial large
16 game shooting area" means an enclosed area in which domesticated
17 deer or domesticated boar are kept and a fee is charged to pursue
18 and kill or pursue and attempt to kill a domesticated deer or
19 domesticated boar.

20 **2. Domesticated deer.** "Domesticated deer" means fallow
21 deer, family Cervidae, sub-family Cervinae, genus Dama; red deer,
22 family Cervidae, sub-family Cervinae, genus Cervus, species
23 Elaphus; and any other species specified under section 1331,
24 subsection 1-A.

25 **3. Domesticated boar.** "Domesticated boar" means a member
26 of a species of Sus scrofa commonly known as the Eurasian boar or
27 Wild Russian boar. "Domesticated boar" does not include members
28 or varieties of the family Suidae or the species Sus scrofa that
29 are commonly raised for commercial meat production.

30 **4. Large game.** "Large game" means domesticated deer and
31 domesticated boar.

32 **5. Parcel.** "Parcel" means a contiguous tract of land. Land
33 that is separated by a road that contains frontage along a common
34 portion of that road is considered a contiguous tract.

35 **6. Person.** "Person" means an individual, partnership,
36 corporation or other legal entity.

37 **7. Shooting zone.** "Shooting zone" means an area within a
38 parcel that is enclosed to contain one or more species of large
39 game.

2 **§1342. Commercial large game shooting area license**

4 Beginning October 1, 2000, a person may not establish or
6 operate a commercial large game shooting area unless that person
has a valid license issued in accordance with this section.

8 **1. Application.** An applicant for a commercial large game
10 shooting area license must submit an application on a form
12 provided by the commissioner along with the required license fee
14 as provided under subsection 3. An application must be submitted
16 for a specific parcel of land, and the applicant must demonstrate
18 in accordance with subsection 9 that the applicant has operated a
20 commercial large game shooting area on that parcel of land
22 between October 1, 1999 and March 15, 2000. The application must
include the name and address of the person applying for the
license and a map locating the proposed site in relation to known
or easily identifiable terrain features, such as a road junction
or a stream and road junction. The map must be a copy of a 7.5
or 15 minute series topographical map produced by the United
States Geological Survey or a map of equivalent or superior
detail in the location of roads.

24 **2. Land and facility requirements.** To qualify for a
26 license under this section, an applicant must demonstrate that
the shooting area meets the following.

28 A. Each shooting zone in which domesticated deer are
30 enclosed is a minimum of 50 acres.

32 B. Each shooting zone in which domesticated boar are
enclosed is a minimum of 200 acres.

34 C. The total area of land enclosed for operation as a
36 commercial large game shooting area does not exceed 400
acres.

38 D. A shooting zone is encompassed by fencing or other
40 barriers sufficient to contain the species of large game
contained in that shooting zone.

42 E. The applicant owns or leases all of the land to be used
44 as a commercial large game shooting area.

46 **3. Fees.** The annual fee for a commercial large game
48 shooting area is \$1,000, except that the annual fee for a
commercial large game shooting area is \$500 for an operation that
is licensed to possess domesticated deer under chapter 202 and
harvests only deer raised on that farm. All fees paid for a

license issued under this section must be deposited in the Animal Industry Fund established under section 1332.

4. Issuance of license. Upon receipt of a complete application and the license fee, the commissioner shall issue a license after determination that the land and facility requirements are met. The commissioner may require inspection of an operation prior to issuing a license to determine compliance with this chapter and rules adopted pursuant to subsection 8. The commissioner may not issue more than one license to a person. Upon issuing a license, the commissioner shall provide the licensee with transport tags to identify an animal killed on the premises of that license holder at a cost of \$25 for each tag. Transport tag fees must be deposited in the Animal Industry Fund.

5. Prohibition on transfer of license; expiration. A person may not transfer a license issued in accordance with this section. A license issued under this section must expire no later than October 31, 2002.

6. Restrictions. A person may not shoot any animals except domesticated deer and domesticated boars in a commercial large game shooting area. Large game may not be tethered in a shooting zone. Large game within the enclosed shooting zone must be free to roam. A person may shoot or attempt to shoot an animal only when that person is in a tree stand or accompanied by the license holder or an employee of the license holder. Shooting is limited to the time period from 1/2 hour before sunrise as defined in Title 12, section 7001 to 1/2 hour after sunset as defined in Title 12, section 7001. A person who kills or attempts to kill an animal in a commercial large game shooting area may use only the following weapons:

A. Firearms of any type permitted for hunting under Title 12, Part 10; and

B. Archery equipment of any type permitted for hunting under Title 12, Part 10.

7. Inspection. The commissioner or a veterinarian or other person employed by the State may enter at the direction of the commissioner, at any reasonable time, a commercial large game shooting area to make examinations of or conduct tests on large game for the existence of contagious or infectious diseases and to review records and make observations to determine compliance with this chapter and rules adopted pursuant to subsection 8. When the commissioner requires or conducts tests on large game for the existence of contagious or infectious diseases, the license holder is responsible for costs associated with the tests.

2 8. Rulemaking. The commissioner shall adopt rules in
3 accordance with Title 5, chapter 375 to implement the provisions
4 of this chapter. The initial rules adopted pursuant to this
5 section are routine technical rules as defined in Title 5,
6 chapter 375, subchapter II-A. Subsequent amendments to those
7 rules are major substantive rules as defined in Title 5, chapter
8 375, subchapter II-A.

10 9. Verification of existing commercial large game shooting
11 areas. The commissioner may issue a license for a commercial
12 large game shooting area only to a person who operated a
13 commercial large game shooting area as defined in section 1341,
14 subsection 1 during the period beginning October 1, 1999 and
15 ending March 15, 2000. An applicant may demonstrate compliance
16 with this requirement:

18 A. By submitting a copy of a published advertisement
19 describing the large game shooting experience offered. The
20 copy must include the name of the publication and the date
21 of the issue in which the advertisement appeared;

22 B. By submitting a dated receipt for services that includes
23 the name and address of the person who paid for a large game
24 shooting experience and supporting financial records; or

25 C. By submitting other acceptable verification as
26 determined by the commissioner.

30 **§1343. Transport tags**

32 The owner or operator of a commercial large game shooting
33 area must provide to a person killing a deer or boar a transport
34 tag for each animal killed. A person transporting a domesticated
35 deer or domesticated boar killed at a commercial large game
36 shooting area must have a transport tag secured to the body of
37 the deer or boar that clearly identifies the name and location of
38 the commercial large game shooting area, the species of the
39 animal and the date of death.

40 **§1344. Violation; penalties**

42 1. Operating commercial large game shooting area without
43 license. A person who operates a commercial large game shooting
44 area without a license issued under section 1342 is guilty of a
45 Class E crime.

46 2. Civil violations. Except for operating a commercial
47 large game shooting area without a license as provided in
48 subsection 1, a person who violates any provision of this chapter
49

2 or any rule adopted pursuant to this chapter commits a civil
3 violation for which a forfeiture not to exceed \$500 for a first
4 violation and not to exceed \$1,000 for a 2nd violation may be
5 adjudged.

6 3. Revocation of license. The commissioner may revoke a
7 license issued under section 1342 for any violation of this
8 chapter or rule adopted pursuant to this chapter or any violation
9 of chapter 739 or Title 17, chapter 42, subchapter III.

10 **§1345. Applicability of other laws**

11 1. Cruelty to animals. This chapter does not exempt a
12 person from the provisions of chapter 739 or Title 17, chapter
13 42, subchapter III.

14 2. Control of disease. The commissioner shall apply and
15 enforce the provisions of chapter 303 and chapter 305 and rules
16 adopted in accordance with those chapters to domesticated deer
17 and domesticated boar as the commissioner determines necessary to
18 control disease.

19 **§1346. Repeal**

20 This chapter is repealed on October 31, 2002.

21 **Sec. 4. 7 MRSA §1751, sub-§2 is amended to read:**

22 2. Domestic animals. "Domestic animals" shall--mean means
23 cattle, horses, mules, asses, goats, sheep, swine, cats, dogs or
24 other domesticated animals,; domesticated deer and domesticated
25 boar as defined in section 1341; and poultry.

26 **Sec. 5. 7 MRSA §1753, 3rd ¶ is amended to read:**

27 He The commissioner shall, so far as possible, control and
28 eradicate the diseases of domestic animals. He The commissioner
29 shall formulate and apply programs for the control and
30 eradication of tuberculosis, brucellosis, forms of transmissible
31 spongiform encephalopathy known as chronic wasting disease and
32 such other diseases as he--deems the commissioner considers
33 necessary or practicable so far as funds are available.

34 **Sec. 6. 7 MRSA §1801, first ¶, as amended by PL 1977, c. 694,**
35 **§122, is further amended to read:**

36 The commissioner shall, by rule or regulation adopted in a
37 manner consistent with the Maine Administrative Procedure Act,
38 determine which diseases shall must be classified as "reportable
39 diseases" of domestic animals. The form of transmissible
40 diseases shall be as follows:

spongiform encephalopathy known as chronic wasting disease is a reportable disease. It shall be is illegal for any owner, agent of any owner, veterinarian or other person having knowledge of their existence or exposure thereto not to properly report the existence of such disease or exposure thereto to the department immediately after knowledge of or exposure to such disease.

Sec. 7. 7 MRSA §1809, first and 2nd ¶¶, as amended by PL 1975, c. 497, §3, are further amended to read:

Any person or persons bringing ~~horses,--cattle,--mules,--asses, sheep,--goats,--swine,--cats--and--dogs~~ domesticated animals, wild animals, avian species or fertile eggs of such species, amphibians or reptiles into the State may be required by the commissioner to obtain a permit previous to the time of entry, said permit to accompany shipment. ~~Such~~ For such animals, avian species or the fertile eggs of such species, amphibians or reptiles offered for entry into the State that do not have health status satisfactory to the commissioner, or do not comply with the inland fisheries and game laws or by rules and regulations of the Commissioner of Inland Fisheries and Wildlife, the commissioner may refuse to grant a permit or may issue one subject to quarantine at destination. The commissioner may require the owner to have such ~~horses,--cattle,--mules,--asses, sheep,--goats,--swine,--cats--and--dogs~~ domesticated animals, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles tested or examined by a veterinarian at the owner's expense. The commissioner shall release such ~~horses, eattle,--mules,--asses,--sheep,--goats,--swine,--cats--and--dogs~~ domesticated animals, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles from quarantine only after ~~he~~ the commissioner is satisfied that such ~~horses,--cattle, mules,--asses,--sheep,--goats,--swine,--cats--and--dogs~~ domesticated animals, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles are not a menace to other wild or domestic animals, avian species or fertile eggs of such species, amphibians, reptiles or humans of the State.

~~Horses,--cattle,--mules,--asses,--sheep,--goats,--swine,--cats--and dogs~~ Domesticated animals, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles brought into the State without a permit, may be condemned by the commissioner or the Commissioner of Inland Fisheries and Wildlife and euthanized without indemnity.

Sec. 8. 7 MRSA §1821 is enacted to read:

§1821. Chronic wasting disease

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Chronic wasting disease" means any form of transmissible spongiform encephalopathy.

B. "Susceptible animal" means any animal, whether domestic or wild, belonging to a species that is capable or believed to be capable of contracting chronic wasting disease.

2. Powers of commissioner. The commissioner may prohibit the importation of any susceptible animal from a region, state or country where infection by chronic wasting disease has been documented.

3. Prevention of chronic wasting disease. The commissioner shall monitor reports of infection by chronic wasting disease and progress in developing diagnostic tests and vaccinations for the disease. The commissioner shall develop a program to prevent, so far as possible, the introduction of chronic wasting disease in the State.

Sec. 9. 7 MRSA §4011, sub-§1, ¶G, as amended by PL 1999, c. 254, §12, is further amended to read:

G. Hunts or sells for the purpose of hunting any animal ~~that--is--not--covered--by--the--provisions--of,~~ except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 10; or

Sec. 10. 7 MRSA §4011, sub-§1, ¶H, as enacted by PL 1999, c. 254, §13, is amended to read:

H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition; or

Sec. 11. 7 MRSA §4011, sub-§1, ¶I is enacted to read:

I. Beginning October 31, 2002, keeps or uses any live animal for a target or to be shot at for amusement or recreation or as a test of marksmanship, except as permitted pursuant to Title 12, Part 10.

Sec. 12. 7 MRSA §4015, sub-§5, as enacted by PL 1997, c. 456, §9, is amended to read:

2 **5. Livestock.** Livestock must be provided with shelter
3 suitable for the health of the animal. Livestock must have
4 access to a constructed or natural shelter that is large enough
5 to accommodate all livestock comfortably at one time. The
6 shelter should be well drained and protect the livestock from
7 direct sun, rain, wind and other inclement weather.
8 Notwithstanding this subsection, shelter for equines must be
9 provided in accordance with subsection 2, paragraph B,
10 subparagraph (1). For purposes of this subsection, "livestock"
11 includes domesticated deer and domesticated boar kept at a
12 commercial large game shooting area as defined in section 1341.

13 **Sec. 13. 17 MRSA §1031, sub-§1, ¶G,** as amended by PL 1999, c.
14 254, §20, is further amended to read:

15 G. Hunts or sells for the purpose of hunting any animal
16 ~~that--is--not--covered--by--the--provisions--of,~~ except as
17 permitted pursuant to Title 7, chapter 202-A and Title 12,
18 Part 10; or

19 **Sec. 14. 17 MRSA §1031, sub-§1, ¶H,** as enacted by PL 1999, c.
20 254, §21, is amended to read:

21 H. Injects, inserts or causes ingestion of any substance
22 used solely to enhance the performance of an animal by
23 altering the animal's metabolism to that animal's detriment,
24 including but not limited to excessive levels of sodium
25 bicarbonate in equines used for competition; or

26 **Sec. 15. 17 MRSA §1031, sub-§1, ¶I** is enacted to read:

27 I. Beginning October 31, 2002, keeps or uses any live
28 animal for a target or to be shot at for amusement or
29 recreation or as a test of marksmanship, except as permitted
30 pursuant to Title 12, Part 10.

31 **Sec. 16. 17 MRSA §1037, sub-§5,** as enacted by PL 1997, c. 456,
32 §19, is amended to read:

33 **5. Livestock.** Livestock must be provided with shelter
34 suitable for the health of the animal. Livestock must have
35 access to a constructed or natural shelter that is large enough
36 to accommodate all livestock comfortably at one time. The
37 shelter should be well drained and protect the livestock from
38 direct sun, rain, wind and other inclement weather.
39 Notwithstanding this subsection, shelter for equines must be
40 provided in accordance with subsection 2, paragraph B,
41 subparagraph (1). For purposes of this subsection, "livestock"
42 includes domesticated deer and domesticated boar kept at a
43 commercial large game shooting area as defined in Title 7,
44 section 1341.

2 **Sec. 17. 17 MRSA §1038** is enacted to read:

4 **§1038. Confined animal hunting**

6 Beginning October 31, 2002, a person is guilty of operating
7 a confined animal hunting operation if the person sells or offers
8 to sell an opportunity to kill or to attempt to kill an animal
9 that is owned, controlled, confined or artificially enclosed for
10 the purpose of facilitating the opportunity to kill the animal.

12 **1. Penalty.** Operating a confined animal hunting operation
13 is a Class D crime.

14 **2. Exemption.** This section does not apply to the hunting
15 of birds at a licensed commercial shooting area in accordance
16 with Title 12, sections 7104 and 7105.

18 **Sec. 18. Allocation.** The following funds are allocated from
19 Other Special Revenue funds to carry out the purposes of this Act.

22 **2000-01**

24 **AGRICULTURE, FOOD AND RURAL RESOURCES,**
25 **DEPARTMENT OF**

26 **Division of Animal Health and Industry**

28 All Other \$25,000

30 Allocates funds to provide for
31 administrative costs and rule-making costs
32 from the newly established Animal Industry
33 Fund.

34 Further amend the bill by inserting at the end before the
35 summary the following:

38 **FISCAL NOTE**

40 **2000-01**

42 **APPROPRIATIONS/ALLOCATIONS**

44 Other Funds \$25,000

46 **REVENUES**

COMMITTEE AMENDMENT "A" to S.P. 457, L.D. 1332

2	General Fund	(\$1,120)
4	Other Funds	25,000

6 Dedicating the proceeds from certain domesticated deer
8 licenses will reduce annual General Fund revenue collected by the
Department of Agriculture, Food and Rural Resources by \$1,120
beginning in fiscal year 2000-01.

10 This bill includes an Other Special Revenue funds allocation
12 of \$25,000 in fiscal year 2000-01 for the Division of Animal
Health and Industry within the Department of Agriculture, Food
14 and Rural Resources to provide an initial allocation for the
Animal Industry Fund. The estimated future annual costs of the
16 fund are \$25,000 beginning in fiscal year 2001-02.

18 Beginning in fiscal year 2000-01, the dedication of the
proceeds from certain domesticated deer licenses and the
20 establishment of a license for commercial large game shooting
areas will provide an estimated \$25,000 in annual dedicated
22 revenue for the Animal Industry Fund.

24 The Department of Agriculture, Food and Rural Resources will
incur some minor additional costs to conduct certain monitoring
26 efforts and to develop a prevention program. These costs can be
absorbed within the department's existing budgeted resources.

28 This bill may increase prosecutions for Class D and Class E
30 crimes. If a jail sentence is imposed, the additional costs to
the counties are estimated to be \$83.36 per day per prisoner.
32 The number of prosecutions that may result in a jail sentence and
the resulting costs to the county jail system are expected to be
34 insignificant.

36 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system
38 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
40 General Fund revenue by minor amounts.'

42
SUMMARY

44 This amendment is the majority committee report. This
46 amendment replaces the original bill. It establishes provisions
for the Commissioner of Agriculture, Food and Rural Resources to
48 issue a commercial large game shooting area license to existing
operations that meet certain criteria and to regulate those
50 operations. It clarifies that laws pertaining to animal welfare

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 457, L.D. 1332

2 and disease control apply to animals kept at a commercial large
game shooting area. The licenses expire no later than October
31, 2002, and at that time selling or offering to sell the
4 opportunity to kill an animal that is owned or confined is
prohibited. It clarifies that laws pertaining to animal welfare
6 and disease control apply to animals kept at a commercial large
game shooting area.

8

10 The amendment also identifies chronic wasting disease as a
reportable disease. The commissioner currently determines by
rule which diseases are "reportable." Any person who has
12 knowledge of the existence of or exposure to a reportable disease
is required to report this to the Department of Agriculture, Food
14 and Rural Resources.

16 It also directs the commissioner to monitor reports of
chronic wasting disease and progress in developing diagnostic
18 tests and vaccinations for the disease and to develop a program
to prevent the introduction of chronic wasting disease into the
20 State.

22 The amendment makes the operation of a commercial shooting
area a Class D crime beginning October 31, 2002. In addition,
24 the amendment makes it a violation of civil and criminal cruelty
to animals statutes for anyone to keep or use animals to be shot
26 at for amusement or recreation, except as permitted in statutes
administered and enforced by the Department of Inland Fisheries
28 and Wildlife.

30 The amendment also adds an allocation section and a fiscal
note to the bill.