

MAINE STATE LEGISLATURE

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2000

L.D. 1332

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(Filing No. S-656)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" 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

COMMITTEE AMENDMENT

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

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

18 CHAPTER 202-A

20 COMMERCIAL LARGE GAME SHOOTING AREAS

22 §1341. Definitions

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

28 1. Commercial large game shooting area. "Commercial large
30 game shooting area" means an enclosed area in which domesticated
32 deer or domesticated boar are kept and a fee is charged to pursue
34 and kill or pursue and attempt to kill a domesticated deer or
36 domesticated boar.

38 2. Domesticated deer. "Domesticated deer" means fallow
40 deer, family Cervidae, sub-family Cervinae, genus Dama; red deer,
42 family Cervidae, sub-family Cervinae, genus Cervus, species
44 Elaphus; and any other species specified under section 1331,
46 subsection 1-A.

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

4. Large game. "Large game" means domesticated deer and
domesticated boar.

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

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

7. Shooting zone. "Shooting zone" means an area within a
parcel that is enclosed to contain one or more species of large
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. The application must include the
18 name and address of the person applying for the license and
20 include 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.

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

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

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

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

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

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

42 3. Fees. The annual fee for a commercial large game
44 shooting area is \$1,000, except that the annual fee for a
46 commercial large game shooting area is \$500 for an operation that
48 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.

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

14 5. Transfer of license. A person may transfer a license
16 issued in accordance with this section. The license holder must
18 notify the commissioner 30 days prior to a transfer informing the
20 commissioner of the date of the transfer and the name, mailing
22 address and telephone number of the person receiving the
24 transferred license.

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

34 A. Firearms of any type permitted for hunting under Title
36 12, Part 10; and

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

40 7. Inspection. The commissioner or a veterinarian or other
42 person employed by the State may enter at the direction of the
44 commissioner, at any reasonable time, a commercial large game
46 shooting area to make examinations of or conduct tests on large
48 game for the existence of contagious or infectious diseases and
50 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.

9 9. Limit on the number of commercial large game shooting
10 areas. The commissioner may issue a license to operate a
11 commercial large game shooting area only in the following
12 counties of this State:

14 A. Aroostook;

16 B. Franklin;

18 C. Hancock;

20 D. Oxford;

22 E. Penobscot;

24 F. Piscataquis;

26 G. Somerset; and

28 H. Washington.

30 Except as provided in subsection 10, the commissioner may not
31 license more than 1 commercial large game shooting area in each
32 county. Licenses must be issued on a first-to-apply basis as
33 long as the application is complete and the requirements of
34 subsections 1 and 2 are met.

36 10. Licenses issued between August 1, 2000 and September
37 30, 2000. During the period beginning August 1, 2000 and ending
38 September 30, 2000, the commissioner may issue a license only to
39 an applicant who demonstrates that the applicant has operated a
40 commercial large game shooting area defined in section 1341,
41 subsection 1 between October 1, 1999 and March 15, 2000 on the
42 parcel of land specified in the license application. An
43 applicant must demonstrate eligibility for a license under this
44 subsection as follows:

46 A. By submitting a copy of a published advertisement
47 describing the large game shooting experience offered. The
48 copy must include the name of the publication and the date
49 of the issue in which the advertisement appeared;

50

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

6 C. By submitting other acceptable verification as
7 determined by the commissioner.

8 Notwithstanding subsection 9, the commissioner may issue more
9 than one license per county if more than one applicant qualifies
10 under this subsection. When one or more applicants in a county
11 receive licenses under this subsection, the commissioner may not
12 issue additional licenses for that county to applicants that do
13 not qualify under this subsection.

14 **§1343. Transport tags**

15 The owner or operator of a commercial large game shooting
16 area must provide to a person killing a deer or boar a transport
17 tag for each animal killed. A person transporting a domesticated
18 deer or domesticated boar killed at a commercial large game
19 shooting area must have a transport tag secured to the body of
20 the deer or boar that clearly identifies the name and location of
21 the commercial large game shooting area, the species of the
22 animal and the date of death.

23 **§1344. Violation; penalties**

24 1. Operating commercial large game shooting area without
25 license. A person who operates a commercial arge game shooting
26 area without a license issued under section 1342 is guilty of a
27 Class E crime.

28 2. Civil violations. Except for operating a commercial
29 large game shooting area without a license as provided in
30 subsection 1, a person who violates any provision of this chapter
31 or any rule adopted pursuant to this chapter commits a civil
32 violation for which a forfeiture not to exceed \$500 for a first
33 violation and not to exceed \$1,000 for a 2nd violation may be
34 adjudged.

35 3. Revocation of license. The commissioner may revoke a
36 license issued under section 1342 for any violation of this
37 chapter or rule adopted pursuant to this chapter or any violation
38 of chapter 739 or Title 17, chapter 42, subchapter III.

39 **§1345. Applicability of other laws**

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

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

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

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

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

18 ~~He~~ The commissioner shall, so far as possible, control and
20 eradicate the diseases of domestic animals. ~~He~~ The commissioner
22 shall formulate and apply programs for the control and
24 eradication of tuberculosis, brucellosis, forms of transmissible
 spongiform encephalopathy known as chronic wasting disease and
 such other diseases as ~~he--deems~~ the commissioner considers
 necessary or practicable so far as funds are available.

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

28 The commissioner shall, by rule or regulation adopted in a
30 manner consistent with the Maine Administrative Procedure Act,
32 determine which diseases shall must be classified as "reportable
34 diseases" of domestic animals. The form of transmissible
36 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.

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

42 Any person or persons bringing ~~horses,--cattle,--mules,--asses,~~
44 ~~sheep,--goats,--swine,--cats--and--dogs~~ domesticated animals, wild
46 animals, avian species or fertile eggs of such species,
48 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
50 reptiles offered for entry into the State that do not have health
 status satisfactory to the commissioner, or do not comply with

2 the inland fisheries and game laws or by rules and regulations of
3 the Commissioner of Inland Fisheries and Wildlife, the
4 commissioner may refuse to grant a permit or may issue one
5 subject to quarantine at destination. The commissioner may
6 require the owner to have such ~~horses,--cattle,--mules,--asses,
7 sheep,--goats,--swine,--cats--and--dogs~~ domesticated animals, wild
8 animals, avian species or the fertile eggs of such species,
9 amphibians or reptiles tested or examined by a veterinarian at
10 the owner's expense. The commissioner shall release such ~~horses,
11 eattle,--mules,--asses,--sheep,--goats,--swine,--cats--and--dogs~~
12 domesticated animals, wild animals, avian species or the fertile
13 eggs of such species, amphibians or reptiles from quarantine only
14 after he the commissioner is satisfied that such ~~horses,--cattle,
15 mules,--asses,--sheep,--goats,--swine,--cats--and--dogs~~ domesticated
16 animals, wild animals, avian species or the fertile eggs of such
17 species, amphibians or reptiles are not a menace to other wild or
18 domestic animals, avian species or fertile eggs of such species,
19 amphibians, reptiles or humans of the State.

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

26
27 **Sec. 8. 7 MRSA §1821 is enacted to read:**

28 **§1821. Chronic wasting disease**

29
30 **1. Definitions.** As used in this section, unless the
31 context otherwise indicates, the following terms have the
32 following meanings.

33
34 **A. "Chronic wasting disease" means any form of**
35 **transmissible spongiform encephalopathy.**

36
37 **B. "Susceptible animal" means any animal, whether domestic**
38 **or wild, belonging to a species that is capable or believed**
39 **to be capable of contracting chronic wasting disease.**

40
41 **2. Powers of commissioner.** The commissioner may prohibit
42 the importation of any susceptible animal from a region, state or
43 country where infection by chronic wasting disease has been
44 documented.

45
46 **3. Prevention of chronic wasting disease.** The commissioner
47 shall monitor reports of infection by chronic wasting disease and
48 progress in developing diagnostic tests and vaccinations for the
49 disease. The commissioner shall develop a program to prevent, so
50

2 far as possible, the introduction of chronic wasting disease in
3 the State.

4 **Sec. 9. 7 MRSA §4011, sub-§1, ¶G,** as amended by PL 1999, c.
5 254, §12, is further amended to read:

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

10
11 **Sec. 10. 7 MRSA §4015, sub-§5,** as enacted by PL 1997, c. 456,
12 §9, is amended to read:

13
14 **5. Livestock.** Livestock must be provided with shelter
15 suitable for the health of the animal. Livestock must have
16 access to a constructed or natural shelter that is large enough
17 to accommodate all livestock comfortably at one time. The
18 shelter should be well drained and protect the livestock from
19 direct sun, rain, wind and other inclement weather.
20 Notwithstanding this subsection, shelter for equines must be
21 provided in accordance with subsection 2, paragraph B,
22 subparagraph (1). For purposes of this subsection, "livestock"
23 includes domesticated deer and domesticated boar kept at a
24 commercial large game shooting area as defined in section 1341.

25
26 **Sec. 11. 17 MRSA §1031, sub-§1, ¶G,** as amended by PL 1999, c.
27 254, §20, is further amended to read:

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

32
33 **Sec. 12. 17 MRSA §1037, sub-§5,** as enacted by PL 1997, c. 456,
34 §19, is amended to read:

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

Sec. 13. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

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

Division of Animal Health and Industry

All Other \$25,000

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

Sec. 14. Effective date. This Act takes effect August 1, 2000.'

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

FISCAL NOTE

2000-01

APPROPRIATIONS/ALLOCATIONS

Other Funds \$25,000

REVENUES

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

Dedicating the proceeds from certain domesticated deer 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.

This bill includes an Other Special Revenue funds allocation of \$25,000 in fiscal year 2000-01 for the Division of Animal Health and Industry within the Department of Agriculture, Food and Rural Resources to provide an initial allocation for the

2 Animal Industry Fund. The estimated future annual costs of the
fund are \$25,000 beginning in fiscal year 2001-02.

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

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

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

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

26

28

SUMMARY

30

This amendment is the minority committee report. This
amendment replaces the original bill. It establishes provisions
32 for the Commissioner of Agriculture, Food and Rural Resources to
issue a commercial large game shooting area license to operations
34 that meet certain criteria. It restricts the number of licenses
issued per county and allows commercial large game shooting areas
36 only in 8 counties. It prohibits killing of any animal other
than domesticated deer and boar on a commercial large game
38 shooting area and defines those terms. It clarifies that laws
pertaining to animal welfare and disease control apply to animals
40 kept at a commercial large game shooting area.

42

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

48

50 It also directs the commissioner to monitor reports of
chronic wasting disease and progress in developing diagnostic

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

2 tests and vaccinations for the disease and to develop a program
to prevent the introduction of chronic wasting disease into the
State.

4
6 The amendment also adds an allocation section and a fiscal
note to the bill.