

# MAINE STATE LEGISLATURE

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DATE: 4-14-00

(Filing No. H-1134)

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
SECOND REGULAR SESSION**

HOUSE 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**

2           The Treasurer of State shall establish a separate account  
4           known as the Animal Industry Fund. This fund does not lapse but  
6           must be carried forward. License fees collected under section  
8           1331, subsection 2 and license and tagging fees collected under  
10          section 1342, subsections 3 and 4 must be deposited in the  
12          account. Funds from this account may be used to pay for  
14          administrative costs associated with licenses issued under  
16          sections 1331 and 1342, tags issued under section 1342 and other  
18          costs associated with administration and enforcement of this  
20          chapter and chapter 202-A.

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

**CHAPTER 202-A**

**COMMERCIAL LARGE GAME SHOOTING AREAS**

**§1341. Definitions**

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

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

34           2. Domesticated bison. "Domesticated bison" means the  
36           genus and species Bison bison.

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

48           4. Domesticated deer. "Domesticated deer" means fallow  
50           deer, family Cervidae, sub-family Cervinae, genus Dama; red deer,  
          family Cervidae, sub-family Cervinae, genus Cervus, species  
          Elaphus; and any other species specified under section 1331,  
          subsection 1-A.

5. Large game. "Large game" means domesticated deer,  
          domesticated boar and domesticated bison.

6. 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.

2           7. Person. "Person" means an individual, partnership,  
4           corporation or other legal entity.

6           8. Shooting zone. "Shooting zone" means an area within a  
8           parcel that is enclosed to contain one or more species of large  
          game.

10           §1342. Commercial large game shooting area license

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

16           The commissioner may issue a license under this chapter only  
18           to a person who operated a commercial large game shooting area  
20           during the period beginning October 1, 1999 and ending March 15,  
          2000 and only for large game offered for harvesting within that  
          area during that time period.

22           1. Application. An applicant for a commercial large game  
24           shooting area license must submit an application on a form  
26           provided by the commissioner along with the required license fee  
28           as provided under subsection 3. An application must be submitted  
30           for a specific parcel of land, and the applicant must demonstrate  
32           in accordance with subsection 9 that the applicant has operated a  
34           commercial large game shooting area on that parcel of land  
36           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.

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

42           A. Each shooting zone in which large game of the deer  
          family are enclosed is a minimum of 50 acres.

44           B. Each shooting zone in which large game other than that  
46           of the deer family are enclosed is a minimum of 200 acres.

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

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

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

10          3. Fees. The annual fee for a commercial large game  
          shooting area is \$1,000, except that the annual fee for a  
12          commercial large game shooting area is \$500 for an operation that  
          is licensed to possess deer under chapter 202 and harvests only  
14          deer raised on that farm. All fees paid for a license issued  
          under this section must be deposited in the Animal Industry Fund  
16          established under section 1332.

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

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

36          6. Restrictions. Large game may not be tethered in a  
38          shooting area and must be free to roam. A person may shoot or  
          attempt to shoot large game within a shooting area only when that  
40          person is in a tree stand or accompanied by the license holder or  
          an employee of the license holder. Shooting is limited to the  
42          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,  
44          section 7001. A person who kills or attempts to kill large game  
          in a commercial large game shooting area may use only the  
46          following weapons:

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

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

4  
5           7. Inspection. The commissioner or a veterinarian or other  
6           person employed by the State may enter at the direction of the  
7           commissioner, at any reasonable time, a commercial large game  
8           shooting area to make examinations of or conduct tests on large  
9           game for the existence of contagious or infectious diseases and  
10           to review records and make observations to determine compliance  
11           with this chapter and rules adopted pursuant to subsection 8.  
12           When the commissioner requires or conducts tests on large game  
13           for the existence of contagious or infectious diseases, the  
14           license holder is responsible for costs associated with the tests.

15           8. Rulemaking. The commissioner shall adopt rules in  
16           accordance with Title 5, chapter 375 to implement the provisions  
17           of this chapter. The initial rules adopted pursuant to this  
18           section are routine technical rules as defined in Title 5,  
19           chapter 375, subchapter II-A. Subsequent amendments to those  
20           rules are major substantive rules as defined in Title 5, chapter  
21           375, subchapter II-A.

22           9. Verification of existing commercial large game shooting  
23           areas. Prior to issuing a license, the commissioner must verify  
24           that the applicant operated a commercial large game shooting area  
25           during the period beginning October 1, 1999 and ending March 15,  
26           2000. An applicant may demonstrate compliance with this  
27           requirement:

28           A. By submitting a copy of a published advertisement  
29           describing the large game shooting experience offered. The  
30           copy must include the name of the publication and the date  
31           of the issue in which the advertisement appeared;

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

35           C. By submitting other acceptable verification as  
36           determined by the commissioner, including such information  
37           required by the commissioner to establish the type of large  
38           game harvested or offered for harvesting in that shooting  
39           area between October 1, 1999 and March 15, 2000.

40           **§1343. Transport tags**

41           The owner or operator of a commercial large game shooting  
42           area must provide a transport tag for each large game animal  
43           killed in that area. A person transporting large game killed at  
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2 a commercial large game shooting area must have a transport tag  
3 secured to the body of the animal that clearly identifies the  
4 name and location of the commercial large game shooting area, the  
5 species of the animal and the date of the death.

6 **§1344. Violation; penalties**

8 1. Operating commercial large game shooting area without  
9 license. A person who operates a commercial large game shooting  
10 area without a license issued under section 1342 is guilty of a  
11 Class E crime.

12 2. Civil violations. Except for operating a commercial  
13 large game shooting area without a license as provided in  
14 subsection 1, a person who violates any provision of this chapter  
15 or any rule adopted pursuant to this chapter commits a civil  
16 violation for which a forfeiture not to exceed \$500 for a first  
17 violation and not to exceed \$1,000 for a 2nd violation may be  
18 adjudged.

19 3. Revocation of license. The commissioner may revoke a  
20 license issued under section 1342 for any violation of this  
21 chapter or rule adopted pursuant to this chapter or any violation  
22 of chapter 739 or Title 17, chapter 42, subchapter III.

23 **§1345. Applicability of other laws**

24 1. Cruelty to animals. This chapter does not exempt a  
25 person from the provisions of chapter 739 or Title 17, chapter  
26 42, subchapter III.

27 2. Control of disease. The commissioner shall apply and  
28 enforce the provisions of chapter 303 and chapter 305 and rules  
29 adopted in accordance with those chapters with regard to large  
30 game as the commissioner determines necessary to control disease.

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

32 2. Domestic animals. "Domestic animals" shall--mean means  
33 cattle, horses, mules, asses, goats, sheep, swine, cats, dogs or  
34 other domesticated animals,; large game as defined in section  
35 1341, subsection 5; and poultry.

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

37 He The commissioner shall, so far as possible, control and  
38 eradicate the diseases of domestic animals. He The commissioner  
39 shall formulate and apply programs for the control and  
40 eradication of tuberculosis, brucellosis, forms of transmissible  
41 spongiform encephalopathy known as chronic wasting disease and  
42

2 such other diseases as he--deems the commissioner considers  
necessary or practicable so far as funds are available.

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

6  
8 The commissioner shall, by rule or regulation adopted in a  
manner consistent with the Maine Administrative Procedure Act,  
10 determine which diseases shall must be classified as "reportable  
12 spongiform encephalopathy known as chronic wasting disease is a  
14 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  
16 immediately after knowledge of or exposure to such disease.

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

20  
22 Any person or persons bringing ~~horses, cattle, mules, asses,~~  
~~sheep, goats, swine, cats and dogs~~ domesticated animals, wild  
24 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,  
26 said permit to accompany shipment. ~~Such~~ For such animals, avian  
species or the fertile eggs of such species, amphibians or  
28 reptiles offered for entry into the State that do not have health  
status satisfactory to the commissioner, or do not comply with  
30 the inland fisheries and game laws or by rules and regulations of  
the Commissioner of Inland Fisheries and Wildlife, the  
32 commissioner may refuse to grant a permit or may issue one  
subject to quarantine at destination. The commissioner may  
34 require the owner to have such ~~horses, cattle, mules, asses,~~  
~~sheep, goats, swine, cats and dogs~~ domesticated animals, wild  
36 animals, avian species or the fertile eggs of such species,  
amphibians or reptiles tested or examined by a veterinarian at  
38 the owner's expense. The commissioner shall release such ~~horses,~~  
~~cattle, mules, asses, sheep, goats, swine, cats and dogs~~  
40 domesticated animals, wild animals, avian species or the fertile  
eggs of such species, amphibians or reptiles from quarantine only  
42 after he the commissioner is satisfied that such ~~horses, cattle,~~  
~~mules, asses, sheep, goats, swine, cats and dogs~~ domesticated  
44 animals, wild animals, avian species or the fertile eggs of such  
species, amphibians or reptiles are not a menace to other wild or  
46 domestic animals, avian species or fertile eggs of such species,  
amphibians, reptiles or humans of the State.

48  
50 ~~Horses, cattle, mules, asses, sheep, goats, swine, cats and~~  
~~dogs~~ Domesticated animals, wild animals, avian species or the



2 fertile eggs of such species, amphibians or reptiles brought into  
the State without a permit, may be condemned by the commissioner  
4 or the Commissioner of Inland Fisheries and Wildlife and  
ethanized without indemnity.

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

8 **§1821. Chronic wasting disease**

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

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

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

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

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

32 **Sec. 9. 7 MRSA §4011, sub-§1, ¶G,** as amended by PL 1999, c.  
34 254, §12, is further amended to read:

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

40 **Sec. 10. 7 MRSA §4015, sub-§5,** as enacted by PL 1997, c. 456,  
42 §9, is amended to read:

44 **5. Livestock.** Livestock must be provided with shelter  
suitable for the health of the animal. Livestock must have  
46 access to a constructed or natural shelter that is large enough  
to accommodate all livestock comfortably at one time. The  
48 shelter should be well drained and protect the livestock from  
direct sun, rain, wind and other inclement weather.  
50 Notwithstanding this subsection, shelter for equines must be

2 provided in accordance with subsection 2, paragraph B,  
3 subparagraph (1). For purposes of this subsection, "livestock"  
4 includes large game as defined in section 1341, subsection 5 kept  
5 at a licensed commercial large game shooting area as defined in  
6 section 1341, subsection 1.

7 **Sec. 11. 17 MRSA §1031, sub-§1, ¶G,** as amended by PL 1999, c.  
8 254, §20, is further amended to read:

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

13 **Sec. 12. 17 MRSA §1037, sub-§5,** as enacted by PL 1997, c. 456,  
14 §19, is amended to read:

15 **5. Livestock.** Livestock must be provided with shelter  
16 suitable for the health of the animal. Livestock must have  
17 access to a constructed or natural shelter that is large enough  
18 to accommodate all livestock comfortably at one time. The  
19 shelter should be well drained and protect the livestock from  
20 direct sun, rain, wind and other inclement weather.  
21 Notwithstanding this subsection, shelter for equines must be  
22 provided in accordance with subsection 2, paragraph B,  
23 subparagraph (1). For purposes of this subsection, "livestock"  
24 includes large game as defined in Title 7, section 1341,  
25 subsection 5 kept at a licensed commercial large game shooting  
26 area as defined in Title 7, section 1341, subsection 1.

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

29 **2000-01**

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

32 **Division of Animal Health and Industry**

33 All Other \$25,000

34  
35 Allocates funds to provide  
36 for administrative costs and  
37 rulemaking costs from the  
38 newly established Animal  
39 Industry Fund.'

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**FISCAL NOTE**

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Dedicating the proceeds from certain 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.

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

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

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

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

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

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**SUMMARY**

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This amendment replaces the bill. The amendment incorporates the provisions of the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry except that it:

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1. Removes the 2-year sunset;

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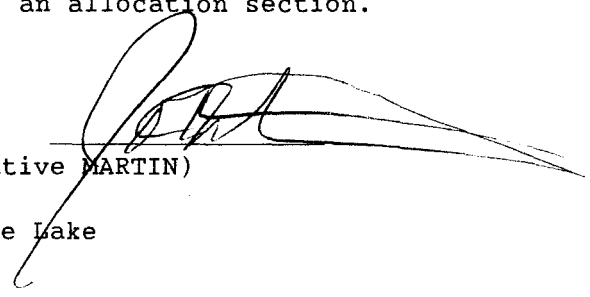
HOUSE AMENDMENT "A" to S.P. 457, L.D. 1332

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2. Limits the type of large game that may be killed in a shooting area to bison, boar or deer;

3. Allows the large game commercial shooting area license to be transferred; and

4. Adds an allocation section.

SPONSORED BY:   
(Representative MARTIN)

TOWN: Eagle Lake

# HOUSE AMENDMENT