

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1726

H.P. 1268

House of Representatives, March 21, 2001

**An Act to Clarify Laws Pertaining to the Permit Process for Wildlife Possession.**

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Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.  
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUNLAP of Old Town.  
Cosponsored by Senator CARPENTER of York and  
Representatives: CHICK of Lebanon, HONEY of Boothbay, USHER of Westbrook.

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

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4       Sec. 1. 12 MRSA §7231, as amended by PL 1999, c. 403, §11, is repealed.

6       Sec. 2. 12 MRSA §7232, as amended by PL 1981, c. 12, §4, is repealed.

8       Sec. 3. 12 MRSA §7233, as amended by PL 1981, c. 12, §5, is repealed.

10       Sec. 4. 12 MRSA §7234, as amended by PL 1981, c. 12, §6, is repealed.

12       Sec. 5. 12 MRSA §7235-A, as amended by PL 1995, c. 455, §17, is repealed.

14       Sec. 6. 12 MRSA §7235-B, as enacted by PL 1999, c. 403, §12, is repealed.

16       Sec. 7. 12 MRSA §§7235-C and 7235-D are enacted to read:

18       §7235-C. Permit to possess wildlife

20       1. Affected species. This section applies to all species of wildlife that are regulated by the department, including:

22       A. All species listed under state law as threatened or endangered;

24       B. All other species not included on a list of unregulated, nonnative species that is maintained by the commissioner to facilitate the issuance of importation permits; and

26       C. Other species identified in rules adopted by the commissioner.

28       2. Issuance. The commissioner may issue a permit to a person permitting the possession and use of wildlife with the following exceptions.

30       A. A propagation, rearing and sale permit does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section 7501, 7502 or 7504.

32       B. A commercial exhibition permit does not authorize the permittee to import any species of wild turkey, hybrid wild

2 turkey or wild turkey-domestic turkey cross or the eggs of  
3 these species.

4 C. A general possession permit does not authorize the  
5 permittee to possess, propagate or sell deer, bear, moose,  
6 wild turkey, hybrid turkey or wild turkey-domestic turkey  
7 cross nor does it authorize the permittee to possess,  
8 propagate or sell any wild animal taken in accordance with  
9 section 7501, 7502 or 7504.

10 D. A rehabilitation permit does not authorize the permittee  
11 to possess, propagate or sell any wild animal taken in  
12 accordance with section 7501, 7502 or 7504.

13 **3. Fees.** Permit fees are as follows:

14 A. Propagation, \$25 for 2 years;

15 B. Commercial exhibition or attracting trade, \$73 annually;

16 C. Personal use, professional or avocational husbandry,  
17 therapy or aid to disabled persons, \$10 annually; and

18 D. Rehabilitation, no fee.

19 **4. Rules.** The commissioner may adopt rules necessary for  
20 the administration of this section, including provisions to  
21 ensure that all wildlife possessed under these permits receives  
22 humane treatment and proper husbandry and security, and to  
23 safeguard the interests of the wildlife and citizens of the  
24 State. Rules adopted pursuant to this subsection are routine  
25 technical rules as defined in Title 5, chapter 375, subchapter  
26 II-A.

27 **5. Permit administration.** In addition to the provisions  
28 adopted under subsection 4, the commissioner may assign permit  
29 conditions or requirements designed to mitigate potential impacts  
30 or risks that may arise from the possession of specific wildlife  
31 species or to ensure the humane treatment or proper husbandry for  
32 specific species.

33 **§7235-D. Prohibited acts**

34 **1. Keeping wildlife in captivity.** A person is guilty of  
35 keeping wildlife in captivity if that person keeps any wild  
36 animal in captivity for any purpose, with the exception of the  
37 provisions under sections 7035, subsection 3; sections 7235-C;  
38 7237; 7239; 7240; 7241; 7242; section 7771, subsection 2; or  
39 Title 7, section 1809 or if the wild animal was purchased from a  
40 dealer or pet shop licensed under Title 7, section 3933.

2           **Sec. 8. 12 MRSA §7238**, as enacted by PL 1979, c. 420, §1, is  
repealed.

4           **Sec. 9. 12 MRSA §7377, sub-§7**, as corrected by RR 1993, c.1,  
6 §36, is amended to read:

8           **7. Breeding or rearing wild birds.** Notwithstanding section  
10 7371 as it applies to section 7235-A ~~7235-C~~, section 7371 does  
not apply to migratory game birds, partridge, grouse or pheasant  
owned by the department.

12           **Sec. 10. 12 MRSA §7406, sub-§§22 and 23** are enacted to read:

14           **22. Hunting on a state game farm.** A person is guilty of  
16 hunting on a state game farm if that person hunts on a state game  
farm at any time.

18           **23. Hunting in a licensed wildlife exhibit.** A person is  
20 guilty of hunting in a licensed wildlife exhibit if that person  
hunts in a licensed wildlife exhibit at any time.

22           **Sec. 11. 12 MRSA §§7456-A and 7456-B**, as enacted by PL 1979,  
24 c. 543, §43, are repealed.

26           **Sec. 12. 12 MRSA §7731**, as amended by PL 1981, c. 644, §31,  
is repealed.

28           **Sec. 13. 12 MRSA §7732**, as amended by PL 1993, c. 438, §37,  
30 is repealed.

32           **Sec. 14. 12 MRSA §§7733 and 7734**, as enacted by PL 1979, c.  
420, §1, are repealed.

34           **Sec. 15. 12 MRSA §7736**, as amended by PL 1993, c. 680, Pt. B,  
36 §1, is repealed.

38           **Sec. 16. Revisor's review; cross-references.** The Revisor of  
40 Statutes shall review the Maine Revised Statutes and include in  
the errors and inconsistencies bill submitted to the Second  
42 Regular Session of the 120th Legislature pursuant to Title 1,  
section 94 any sections necessary to correct and update any  
cross-references in the statutes to provisions of law repealed in  
44 this Act.

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**SUMMARY**

This bill amends the section of the Maine Revised Statutes,  
50 Title 12 that deals with possessing, breeding, exhibiting,

2 purchasing, selling, importing and transporting wildlife.  
3 Currently, all of the possession authorities are within separate  
4 sections of the law. This bill repeals 14 sections of Title 12  
5 and places them into one section with the issuance, fees,  
6 rule-making authority and permit administration being addressed.  
7 The bill also authorizes the Department of Inland Fisheries and  
8 Wildlife to adopt rules for each specific permit.