

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 303

DATE: 4-9-03

(Filing No. H-105)

INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 246, L.D. 303, Bill, "An Act To Increase Protection for Endangered and Threatened Species"

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

Sec. 1. 12 MRSA §7756, first ¶, as enacted by PL 1999, c. 316, §1, is amended to read:

For the purposes of this section, "to take, take and taking" means the intentional-or-negligent act or omission that results in the death of any endangered or threatened species.

Sec. 2. 12 MRSA §7756, sub-§1, as amended by PL 1999, c. 316, §1, is repealed and the following enacted in its place:

1. Prohibited acts regarding endangered or threatened species; negligence. Except as provided in subsection 2, a person may not negligently:

A. Import into the State or export out of the State any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class E crime;

B. Hunt, take, trap or possess any endangered or threatened species within the State. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class E crime;

COMMITTEE AMENDMENT

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2 C. Possess, process, sell, offer for sale, deliver, carry,
4 transport or ship, by any means whatsoever, any endangered
6 or threatened species or any part of an endangered or
8 threatened species. Notwithstanding section 7901-A, a
10 person who violates this paragraph commits a Class E crime;
12 or

14 D. Except as allowed under subsection 2, paragraph A:

16 (1) Feed, set bait for or harass any endangered or
18 threatened species. Notwithstanding section 7901-A, a
20 law enforcement officer, as defined in Title 25,
22 section 2801-A, subsection 5, must issue a warning to a
24 person who violates this subparagraph for the first
26 time.

28 (2) Feed, set bait for or harass any endangered or
30 threatened species. Notwithstanding section 7901-A, a
32 person who violates this subparagraph after having
34 previously been given a warning under subsection 1
36 commits a Class E crime.

Sec. 3. 12 MRSA §7756, sub-§1-A is enacted to read:

38 1-A. Prohibited acts regarding endangered or threatened
40 species; intentional. Except as provided in subsection 2, a
42 person may not intentionally:

44 A. Import into the State or export out of the State any
46 endangered or threatened species. Notwithstanding section
48 7901-A, a person who violates this paragraph commits a Class
50 D crime;

52 B. Hunt, take, trap or possess any endangered or threatened
54 species within the State. Notwithstanding section 7901-A, a
56 person who violates this paragraph commits a Class D crime;

58 C. Possess, process, sells, offer for sale, deliver, carry,
60 transport or ship, by any means whatsoever, any endangered
62 or threatened species. Notwithstanding section 7901-A, a
64 person who violates this paragraph commits a Class D crime;
66 or

68 D. Except as allowed under subsection 2, paragraph A:

70 (1) Feed, set bait for or harass any endangered or
72 threatened species. Notwithstanding section 7901-A, a
74 law enforcement officer, as defined in Title 25,
76 section 2801-A, subsection 5, must issue a warning to a

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COMMITTEE AMENDMENT "A" to H.P. 246, L.D. 303

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person who violates this subparagraph for the first time.

(2) Feed, set bait for or harass any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this subparagraph after having previously been given a warning under subsection 1 commits a Class D crime.

Sec. 4. 12 MRSA §7756, sub-§2, as amended by PL 1999, c. 316, §1, is amended by amending the first paragraph to read:

2. Exceptions. Notwithstanding subsection 1 and 1-A, the commissioner may:'

SUMMARY

This amendment replaces the bill and makes an intentional violation of the Maine Revised Statutes, Title 12, section 7756, subsection 1-A a Class D crime and a negligent violation of Title 12, section 7756, subsection 1 a Class E crime. These sections concern prohibited acts regarding endangered or threatened species.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 303

An Act To Increase Protection For Endangered and Threatened Species



LR 0405(02)

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class D and Class E crimes