

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 303

H.P. 246

House of Representatives, January 28, 2003

An Act To Increase Protection for Endangered and Threatened Species

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McKEE of Wayne.
Cosponsored by Senator GAGNON of Kennebec and
Representatives: ADAMS of Portland, EDER of Portland, MOORE of the Passamaquoddy
Tribe, PINEAU of Jay, PINGREE of North Haven, Senator: CATHCART of Penobscot.

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

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

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

10 **Sec. 2. 12 MRSA §7756, sub-§1,** as amended by PL 1999, c. 316,
§1, is further amended to read:

12 **1. Misuse of endangered or threatened species.** A person is
14 guilty, except as provided in subsection 2, of misuse of an
endangered or threatened species if that person does any or
16 assists with any of the following:

18 A. Imports into the State or exports out of the State any
endangered or threatened species;

20 B. Hunts, takes, traps or possesses any endangered or
22 threatened species within the State;

24 C. Possesses, processes, sells, offers for sale, delivers,
carries, transports or ships, by any means whatsoever, any
26 endangered or threatened species or any part of an
endangered or threatened species; or

28 D. ~~Deliberately--feeds~~ Feeds, sets bait for or harasses any
30 endangered or threatened species, except as allowed under
subsection 2, paragraph A. ~~A warning must be issued for the~~
32 ~~first violation.--The 2nd violation is punishable as a Class~~
~~E-crime.~~

34 **Sec. 3. 12 MRSA §7901-A, sub-§11-A** is enacted to read:

36 **11-A. Criminal violations of chapter 713.** Violations of
38 chapter 713, subchapter 5 are Class D crimes for which the court
shall impose a sentence as follows:

40 A. For a first offense, incarceration for not less than 3
42 days and a fine of not less than \$1,000, none of which may
be suspended; and

44 B. For a 2nd and each succeeding offense, incarceration for
46 not less than 10 days for each offense and a fine of not
less than \$1,000, none of which may be suspended;

48 **Sec. 4. 12 MRSA §8883, sub-§1, ¶1,** as amended by PL 1997, c.
50 648, §5, is further amended to read:

2 I. A map locating the harvest site in relation to known or
easily identifiable terrain features, such as a road
4 junction or a stream and road junction. The map also must
6 show the location of any site within the harvesting area
8 that is known to the landowner or the Department of Inland
10 Fisheries and Wildlife, at the time notification under this
12 section is provided, to serve or to have served or
14 historically as habitat for a species listed as endangered
16 or threatened in section 7753, subsection 3. If no such
18 sites are known, the landowner or the Department of Inland
20 Fisheries and Wildlife shall indicate on the map that no
22 such sites are known to exist within the harvesting area.
24 Compliance with this paragraph may not be construed to be a
26 defense to any action for a violation of chapter 713,
28 subchapter 5. The map must be a copy of a 7.5 or 15 minute
30 series topographical map produced by the United States
32 Geological Survey or a map of equivalent or superior detail
34 in the location of roads; and

SUMMARY

24 This bill makes violations of the laws protecting endangered
and threatened species a Class D crime. It amends the law
26 regarding endangered and threatened species to facilitate
enforcement of those laws. It also requires landowners to
28 include on the map provided to the Department of Conservation
prior to commencing harvesting activities the location of any
30 site in the harvesting area known to the landowner or the
Department of Inland Fisheries and Wildlife to serve or
32 historically serve as habitat for a species listed in the Maine
Revised Statutes as endangered or threatened.