

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1016

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H.P. 714

House of Representatives, March 14, 2013

### An Act Regarding the Buying and Selling of Animal Parts

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative DAVIS of Sangerville. (BY REQUEST)

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

2 **Sec. 1. 12 MRSA §10001, sub-§10-A** is enacted to read:

3 **10-A. Commercially.** "Commercially" means, with regard to the buying, selling,  
4 bartering or trading of wildlife parts, for the purpose of resale or profit or receiving any  
5 form of remuneration.

6 **Sec. 2. 12 MRSA §10001, sub-§20-A** is enacted to read:

7 **20-A. Finished wildlife products.** "Finished wildlife products" means tanned  
8 animal hides and finished taxidermy mounts, including full or partial body mounts or  
9 antlers mounted on a plaque.

10 **Sec. 3. 12 MRSA §10001, sub-§42-C** is enacted to read:

11 **42-C. Naturally shed.** "Naturally shed" means naturally dropped from the animal  
12 without any human manipulation.

13 **Sec. 4. 12 MRSA §11217, sub-§2,** as affected by PL 2003, c. 614, §9 and  
14 amended by c. 655, Pt. B, §151 and affected by §422, is repealed and the following  
15 enacted in its place:

16 **2. Exception.** This subsection provides for exceptions to the prohibitions against the  
17 purchase, sale, offer for sale or barter of wild animals and wild birds under this section.

18 **A.** A person who has lawfully killed or trapped and registered a bear may sell,  
19 without a hide dealer's license, only the hide, head, teeth, claws not attached to the  
20 paws and gall bladder of that animal.

21 **B.** A person who has lawfully killed and registered a deer may sell, without a hide  
22 dealer's license, only the hide, head, antlers and feet of that animal.

23 **C.** A person may sell the head, hide, feet and antlers of a domesticated deer and the  
24 meat of a domesticated deer for use as food only in accordance with Title 7, chapter  
25 202.

26 **D.** A person who has lawfully killed and registered a moose may sell, without a hide  
27 dealer's license, only the hide, head, bones, antlers and feet of that animal.

28 **E.** A person may buy or sell, without a hide dealer's license, naturally shed antlers  
29 from deer or moose.

30 **F.** A person may buy or sell, without a taxidermy license or a hide dealer's license,  
31 legally obtained finished wildlife products, excluding federally protected wild  
32 animals and wild birds except in accordance with federal law.

33 **G.** A person may buy, without a hide dealer's license, for that person's personal use  
34 and not for resale, only the teeth, claws not attached to paws, skull or head and hide  
35 of a bear; only the bones, feet and hide of a moose; the skull or head of a deer or  
36 moose, excluding antlers; and all other parts of wild animals and wild birds not

1 prohibited from being bought, sold, offered for sale or bartered under subsections 1  
2 and 3.

3 H. A person who possesses a valid hide dealer's license may lawfully buy, sell, barter  
4 and trade for profit the parts of wild animals under paragraphs A, B and D, lawfully  
5 obtained raw, untanned animal hides and any parts of wild animals and wild birds not  
6 prohibited from being bought, sold, offered for sale or bartered under subsections 1  
7 and 3.

8 Parts bought or sold under this subsection may not be attached to wild animals or wild  
9 birds that are prohibited from being bought, sold, offered for sale or bartered under  
10 subsection 1 and 3. Bear gall bladders and raw, unfinished deer and moose antlers must  
11 be tagged or accompanied with documentation containing the name and address of the  
12 person who lawfully killed the animal.

13 As used in this subsection, "hide dealer's license" means a license issued pursuant to  
14 section 12954.

15 **Sec. 5. 12 MRSA §12954, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
16 affected by c. 614, §9, is amended to read:

17 **1. License required.** Except as provided in subsection ~~6~~ 6-A and section 12955, a  
18 person may not engage in any activity for which a hide dealer's license may be issued  
19 under subsection 2 without a valid hide dealer's license.

20 Each day a person violates this subsection, that person commits a Class E crime for which  
21 a minimum fine of ~~\$50~~ \$1,000 and an amount equal to twice the applicable license fee  
22 must be imposed.

23 **Sec. 6. 12 MRSA §12954, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
24 affected by c. 614, §9, is repealed and the following enacted in its place:

25 **2. Issuance.** The commissioner may issue a hide dealer's license permitting a person  
26 to commercially:

27 A. Buy, sell, barter or trade any lawfully obtained bear gall bladders, raw unfinished  
28 moose antlers or raw unfinished deer antlers;

29 B. Buy, sell, barter or trade any lawfully obtained raw, untanned animal hides or  
30 parts of wild animals and wild birds not prohibited from being bought, sold, offered  
31 for sale or bartered under section 11217, subsections 1 and 3; and

32 C. Aid or assist another in the activities described in paragraphs A and B.

33 Parts of wild animals and wild birds bought, sold, bartered or traded under this section  
34 may not be attached to wild animals or wild birds that are prohibited from being bought,  
35 sold, offered for sale or bartered under section 11217, subsections 1 and 3.

36 **Sec. 7. 12 MRSA §12954, sub-§4-A, ¶A**, as enacted by PL 2003, c. 655, Pt. B,  
37 §348 and affected by §422, is amended to read:

38 A. A licensee shall:

1 (1) Keep a true and complete record, in such form as is required by the  
2 commissioner, ~~of all~~ to include the names and addresses of persons buying or  
3 selling heads, hides and bear gall bladders purchased; and

4 (2) File that record with the commissioner on or before June 30th of each year.

5 **Sec. 8. 12 MRSA §12954, sub-§6**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
6 affected by c. 614, §9, is repealed.

7 **Sec. 9. 12 MRSA §12954, sub-§6-A** is enacted to read:

8 **6-A. Exceptions.** The following are exceptions to the license requirements in this  
9 section.

10 A. A person who has lawfully killed and registered a deer may sell, without a hide  
11 dealer's license, only the hide, head, antlers and feet of that animal.

12 B. A person who has lawfully killed and registered a moose may sell, without a hide  
13 dealer's license, only the hide, head, bones, antlers and feet of that animal.

14 C. A person who has lawfully killed or trapped and registered a bear may sell,  
15 without a hide dealer's license, only the hide, head, teeth, claws not attached to the  
16 paws and gallbladder of that animal.

17 D. A person who has lawfully killed or trapped a fur-bearing animal may sell,  
18 without a hide dealer's license, any part of that animal.

19 E. A person may buy or sell, without a taxidermy license or a hide dealer's license,  
20 legally obtained finished wildlife products, including tanned animal hides and  
21 finished taxidermy mounts.

22 F. A person may buy or sell, without a hide dealer's license, naturally shed antlers  
23 from deer and moose.

24 G. A person may buy, without a hide dealer's license, for that person's own personal  
25 use and not for resale, only the teeth, claws not attached to paws, skull or head and  
26 hide of a bear; only the bones, feet and hide of a moose; the skull or head of a deer or  
27 moose, excluding antlers; and all other parts of wild animals and wild birds not  
28 prohibited from being bought, sold, offered for sale or bartered under section 11217,  
29 subsections 1 and 3.

## 30 SUMMARY

31 This bill adds language to the law on buying and selling wild animals and wild birds  
32 that prohibits the purchase, sale, offer for sale or barter of any physical part of a wild  
33 animal or wild bird, and it adds certain parts that may be purchased or sold, such as  
34 naturally shed deer or moose antlers and finished wildlife products, including but not  
35 limited to tanned animal hides and taxidermy mounts.