

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1225

S.P. 423

In Senate, March 26, 2013

### An Act To Strengthen Maine's Wildlife Laws

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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.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BURNS of Washington.  
Cosponsored by Representatives: MARKS of Pittston, SHORT of Pittsfield.

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

2 **Sec. 1. 12 MRSA §10001, sub-§39**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
3 affected by c. 614, §9, is amended to read:

4 **39. Migratory game bird.** "Migratory game bird" means any of the following birds:

5 A. Anatidae, or waterfowl, including brant, wild ducks, geese and swans;

6 B. Columbidae, or pigeons, including doves and wild pigeons, but not including rock  
7 doves;

8 C. Gruidae, or cranes, including little brown, and sandhill ~~and whooping~~ cranes;

9 D. Limicolae, or shorebirds, including ~~avocets, curlews, dowitchers, godwits, knots,~~  
10 ~~oyster catchers, phalaropes, plovers, sandpipers, Wilson's snipe, stilts, surf birds,~~  
11 ~~turnstones, willet, and American~~ woodcock ~~and yellowlegs;~~ and

12 E. Rallidae, or rails, including coots, gallinules and sora or other rails.

13 **Sec. 2. 12 MRSA §10105, sub-§14**, as enacted by PL 2011, c. 668, §1, is  
14 amended to read:

15 **14. Regulating the feeding of deer, bear, moose and wild turkey.** The  
16 commissioner may by rule:

17 A. Prohibit the feeding of deer, bear, moose and wild turkey at any location if there  
18 is documented evidence of chronic wasting disease, as defined in Title 7, section  
19 1821, subsection 1, in the State; ~~and~~

20 B. Prohibit or otherwise limit the feeding of deer, bear, moose and wild turkey if the  
21 department has reason to believe that the type or location of feed is creating a public  
22 safety hazard or having a detrimental effect on the deer-, bear, moose and wild  
23 turkey; and

24 C. Prohibit or otherwise limit the placement of garbage or other known attractants  
25 for deer, bear, moose and wild turkey if the department has reason to believe the  
26 placement creates a public safety hazard.

27 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
28 chapter 375, subchapter 2-A.

29 **Sec. 3. 12 MRSA §11851**, as affected by PL 2003, c. 614, §9 and amended by c.  
30 655, Pt. B, §184 and affected by §422, is further amended to read:

31 **§11851. Hunting wild birds**

32 **1. Unlawfully hunting wild birds.** A person may not hunt a wild bird, other than  
33 the English or European house sparrow, the rock dove and the European starling, except  
34 as provided in this Part.

1           **2. Unlawful possession of wild birds.** A person may not possess, alive or dead, a  
2 wild bird, other than the English or European house sparrow, the rock dove and the  
3 European starling, except as provided in this Part.

4           **3. Penalty.** A person who violates this section commits a Class E crime.

5           **Sec. 4. 12 MRSA §11852**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected  
6 by c. 614, §9, is amended to read:

7           **§11852. Reopening season**

8           Whenever a section of the State is closed to hunting by proclamation of the Governor  
9 during the open season on birds, the commissioner, after the proclamation has been  
10 annulled, with the consent of the Governor, may extend the open season for bird hunting  
11 in that section of the State for a period not to exceed the number of days lost as permitted  
12 by regulations of the federal Migratory Bird Treaty Act, 16 United States Code, Sections  
13 703 to 712.

14           **Sec. 5. 12 MRSA §11854**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected  
15 by c. 614, §9, is amended to read:

16           **§11854. Nest or eggs of wild birds**

17           A person may not take, possess or needlessly destroy the nest or eggs of a wild bird,  
18 except the English or European house sparrow, the rock dove and the European starling.  
19 A person who violates this section commits a Class E crime.

20           **Sec. 6. 12 MRSA §11857** is enacted to read:

21           **§11857. Unlawful possession of ruffed grouse**

22           **1. Daily bag limit.** A person may not take more than the daily bag limit of ruffed  
23 grouse during any open season on ruffed grouse as established by the commissioner.

24           **2. Possession limit.** A person may not possess more than the possession limit of  
25 ruffed grouse taken during any open season on ruffed grouse as established by the  
26 commissioner.

27           **3. Duty to label ruffed grouse.** A person shall label any ruffed grouse that the  
28 person has taken, before the next calendar day begins, with the name of the person who  
29 harvested the ruffed grouse and the date it was taken if that person is within or travelling  
30 through the unorganized territory.

31           **4. Penalty.** A person who violates this section commits a Class E crime for which a  
32 fine of not less than \$100 plus \$25 for each ruffed grouse taken in violation may be  
33 adjudged.

34           **Sec. 7. Wildlife Importation and Possession Task Force established.** The  
35 Commissioner of Inland Fisheries and Wildlife shall establish a task force to consider the  
36 effect of the importation and possession of wildlife and the issues of possession and

1 exhibition of wildlife in the State. The task force must include a representative of the  
2 Department of Agriculture, Conservation and Forestry, a representative of the  
3 Department of Inland Fisheries and Wildlife, Bureau of Warden Service and 3 members  
4 of the public invited by the commissioner. The duties of the task force include  
5 developing recommendations for a list of restricted, unrestricted and banned species;  
6 amendments to current permit structures and fees; and the establishment of appropriate  
7 penalties for noncompliance with requirements. The commissioner shall submit a report  
8 by January 14, 2014 that includes the findings and recommendations of the task force,  
9 including suggested legislation, for presentation to the Second Regular Session of the  
10 126th Legislature. The Joint Standing Committee on Inland Fisheries and Wildlife is  
11 authorized to introduce a bill related to the subject matter of the report to the Second  
12 Regular Session of the 126th Legislature upon receipt of the report.

13 **SUMMARY**

14 This bill makes changes to Maine's wildlife laws for the purpose of strengthening  
15 wildlife populations. It adds rock doves to the list of wild birds that may be hunted, and it  
16 adds bear, moose and wild turkey to the list of wild animals a person is prohibited to feed.  
17 The bill adds language to clarify that the Commissioner of Inland Fisheries and Wildlife's  
18 extension of the open season for bird hunting in certain sections of the State that had been  
19 closed by proclamation must conform to federal guidelines for migratory game bird  
20 species. It adds a provision regarding unlawful possession of ruffed grouse. The bill also  
21 directs the Commissioner of Inland Fisheries and Wildlife to establish a task force to  
22 consider the effect of the importation and possession of wildlife and the issues of  
23 possession and exhibition of wildlife in the State.