

MAINE STATE LEGISLATURE

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MINORITY

L.D. 1369

Date: 6/16/15

(Filing No. S-283)

INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 501, L.D. 1369, Bill, "An Act To Restructure the Permitting Process for Wildlife and Exotic Species in Captivity"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 12 MRSA §10503, sub-§6, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

6. Judgment against claimant. If the court finds the claimant entitled to no part of the articles seized, the court shall render judgment against that claimant for the libelant for costs, including costs incurred to remove or euthanize the fish or wildlife possessed without a permit, to be taxed as in civil cases before the court, and issue execution thereon, and declare the articles forfeited to the State.'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 12 MRSA §12151, sub-§2, ¶A, as enacted by PL 2003, c. 655, Pt. B, §200 and affected by §422, is amended to read:

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 ~~nor more than~~ \$500 may be adjudged.

Sec. 3. 12 MRSA §12151, sub-§2, ¶C is enacted to read:

C. The department may seize fish or wildlife in accordance with sections 10502 and 10503 from a person who violates subsection 1.'

Amend the bill in section 4 by striking out all of the first line (page 1, line 22 in L.D.) and inserting the following:

'Sec. 4. 12 MRSA §12152, sub-§§3-A, 3-B and 3-C are enacted to read:'

Amend the bill in section 4 in subsection 3-B in paragraph B in the first line (page 1, line 36 in L.D.) by striking out the following: "commerical" and inserting the following: 'commercial'

COMMITTEE AMENDMENT

1 Amend the bill in section 4 in subsection 3-B by striking out all of paragraphs E to G
2 (page 2, lines 2 to 4 in L.D.) and inserting the following:

- 3 E. Importation, \$250;
- 4 F. Possession, \$250;
- 5 G. Professional or vocational husbandry, \$27; and
- 6 H. Therapy or aid to disabled persons, \$27.'

7 Amend the bill in section 4 by inserting after subsection 3-B the following:

8 **3-C. Issuance for unpermitted wildlife.** The commissioner may issue a permit
9 under this section to a person who possesses wildlife without a permit for which a permit
10 is required if the possession would have been allowed had the person applied for a permit
11 before importing or possessing the wildlife. A person issued a permit under this
12 subsection must pay a fee of \$500 in addition to the applicable application fee and permit
13 fee. A person issued a permit under this subsection may not be charged with a penalty
14 under section 12151.'

15 Amend the bill in section 5 in subsection 4 by striking out all of paragraphs D to G
16 (page 2, lines 13 to 16 in L.D.) and inserting the following:

- 17 'D. Rehabilitation, renewable every 2 calendar years, no fee;
- 18 E. Importation, \$27;
- 19 F. Possession, \$27 every 2 calendar years;
- 20 G. Professional or vocational husbandry, \$27 every 2 calendar years; and
- 21 H. Therapy or aid to disabled persons, \$27 every 2 calendar years.'

22 Amend the bill by inserting after section 5 the following:

23 **'Sec. 6. 12 MRSA §12152, sub-§4-A** is enacted to read:

24 **4-A. Renewal.** A permit holder who wishes to renew a permit issued under this
25 section must renew the permit prior to its expiration date. The department may assess a
26 late fee of \$25, in addition to the required permit fee, to a person who does not renew a
27 permit prior to its expiration date.'

28 Amend the bill in section 6 in subsection 5 by inserting after paragraph D the
29 following:

30 'The commissioner shall adopt rules that limit the number of animals that may be
31 imported or possessed under a permit issued under this section before an additional
32 permit is required.'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
34 section number to read consecutively.

35 **SUMMARY**

36 This amendment increases the penalty for keeping wildlife in captivity in violation of
37 law to not less than \$500. This amendment clarifies that the Department of Inland

ROFS

COMMITTEE AMENDMENT " B " to S.P. 501, L.D. 1369

1 Fisheries and Wildlife may seize fish or wildlife unlawfully kept in captivity for which a
2 permit is required and may recover costs incurred to remove or euthanize seized wildlife.
3 This amendment provides that the department may charge a \$25 late fee to a person who
4 does not renew a permit to keep wildlife in captivity before the permit expires. This
5 amendment provides that a person may be issued a permit for an additional fee of \$500 to
6 keep wildlife in captivity after the person has already kept that wildlife in captivity. This
7 amendment creates separate application and permit fees for importation and possession of
8 wildlife in captivity; the bill creates one permit and fee schedule for both importation and
9 possession. This amendment provides that the Commissioner of Inland Fisheries and
10 Wildlife must adopt rules limiting the number of animals that may be imported or
11 possessed under a permit before an additional permit is required.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 1369

LR 583(03)

An Act To Restructure the Permitting Process for Wildlife and Exotic Species in Captivity

Fiscal Note for Bill as Amended by Committee Amendment 'B' (S-283)

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

Increases the number of civil violations and Class E crimes.
The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs and revenue to the Department of Inland Fisheries and Wildlife from issuing permits to introduce, import or possess fish or wildlife and adopting certain rules are expected to be minor.