

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

OMC  
H. of S.

L.D. 305

Date: 6/16/2017 Majority

(Filing No. S-284)

**INLAND FISHERIES AND WILDLIFE**

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

**STATE OF MAINE**

**SENATE**

**128TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "B" to S.P. 91, L.D. 305, Bill, "An Act To Require Permits for Wildlife in Captivity and Notification of the Escape of Exotic Wildlife in Captivity"

Amend the bill by striking out the title and substituting the following:

**'An Act To Increase the Penalty for Allowing Wildlife in Captivity To Escape in Violation of a Permit Requirement'**

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

**'Sec. 1. 12 MRSA §12151, sub-§2**, as amended by PL 2015, c. 374, §§3 and 4, is further amended to read:

**2. Penalties.** The Except as provided in section 12152, subsection 7, the following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$500 may be adjudged.

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

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

**Sec. 2. 12 MRSA §12152, sub-§7** is enacted to read:

7. Escaped wildlife prohibition; penalty. The following provisions apply to escaped wildlife.

A. A person may not allow wildlife in captivity to escape that person's possession or control in violation of:

(1) Rules adopted pursuant to subsection 5; or

1                    (2) An additional permit condition or requirement assigned pursuant to  
2                    subsection 6.

3                    B. Notwithstanding section 12151, subsection 2, a person who violates paragraph A  
4                    commits:

5                    (1) A Class E crime if the wildlife is permitted in accordance with this section  
6                    and the permit holder does not immediately notify a law enforcement officer that  
7                    the wildlife has escaped;

8                    (2) A Class E crime if the wildlife is not permitted in accordance with this  
9                    section and the person immediately notifies a law enforcement officer that the  
10                  wildlife has escaped; or

11                  (3) A Class D crime if the wildlife is not permitted in accordance with this  
12                  section and the person does not immediately notify a law enforcement officer that  
13                  the wildlife has escaped.'

14    **SUMMARY**

15                    This amendment changes the title and replaces the bill. The bill provides that a permit  
16                    is required to import exotic wildlife or possess wildlife in the State or receive exotic  
17                    wildlife and stipulates the requirements for that permit. The amendment provides that a  
18                    person who allows wildlife in captivity to escape that person's possession or control in  
19                    violation of rules governing keeping wildlife in captivity or an additional permit  
20                    condition or requirement commits a Class E crime if the person does not immediately  
21                    notify a law enforcement officer or if the person notifies a law enforcement officer but  
22                    the wildlife is not permitted. If the wildlife is not permitted and escapes and the person  
23                    does not immediately notify a law enforcement officer, the person commits a Class D  
24                    crime.

25    **FISCAL NOTE REQUIRED**

26    **(See attached)**



# 128th MAINE LEGISLATURE

LD 305

LR 590(04)

**An Act To Require Permits for Wildlife in Captivity and Notification of the Escape of Exotic Wildlife  
in Captivity**

**Fiscal Note for Bill as Amended by Committee Amendment "B" (S-284)**  
**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.

The collection of additional fines may also increase General Fund revenue by minor amounts.