

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 305

S.P. 91

In Senate, January 31, 2017

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

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative HANINGTON of Lincoln and
Senators: COLLINS of York, DAVIS of Piscataquis, DOW of Lincoln, Representatives:
COREY of Windham, GERRISH of Lebanon, LONGSTAFF of Waterville, MAREAN of
Hollis, NADEAU of Winslow.

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

2 **Sec. 1. 12 MRSA §12152, sub-§1-A**, as enacted by PL 2015, c. 374, §5, is
3 amended to read:

4 **1-A. Permit required; definition.** Except as otherwise provided in this Part, a
5 person may not import exotic wildlife into or possess wildlife in the State or receive ~~or~~
6 ~~possess exotic wildlife imported into the State without a permit issued under this section.~~
7 ~~The department shall maintain a list of unregulated fish and wildlife species that is~~
8 ~~available to the public.~~ Each day a person violates this subsection that person commits a
9 Class E crime for which a minimum fine of \$50 and an amount equal to twice the
10 applicable permit fee must be imposed. The commissioner may grant a permit to
11 introduce, import, transport, receive or possess fish or gametes in accordance with the
12 provisions of section 12509. For the purposes of this section, "exotic wildlife" means any
13 fish or wildlife that is not native to the State.

14 **Sec. 2. 12 MRSA §12152, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2 and
15 affected by c. 614, §9, is amended to read:

16 **2. Application.** Except as otherwise provided in this Part, this section applies to the
17 possession of any wildlife ~~regulated by the State that is~~ held in captivity and to the
18 importation of exotic wildlife ~~from an area outside the State, including:~~

19 ~~A. All species listed under state law as threatened or endangered;~~

20 ~~B. All species other than those listed in paragraph A not included on a list of~~
21 ~~unregulated, nonnative species that is maintained by the commissioner to facilitate~~
22 ~~the issuance of importation permits; and~~

23 ~~C. Species identified in rules adopted by the commissioner.~~

24 **Sec. 3. 12 MRSA §12152, sub-§5**, as amended by PL 2015, c. 374, §10, is
25 further amended to read:

26 **5. Rules.** The commissioner ~~may~~ shall adopt rules necessary for the administration
27 of this section, including provisions specifying criteria for issuing a permit under this
28 section to ensure that all wildlife possessed under these permits receives humane
29 treatment and proper husbandry and security, and to safeguard the interests of the wildlife
30 and citizens of the State. Rules adopted pursuant to this subsection are routine technical
31 rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted may include but
32 are not limited to rules that:

33 A. Maintain updated inspection provisions for applicants attempting to acquire a
34 permit to possess ~~or introduce, import and possess~~ fish or wildlife in captivity or
35 import exotic wildlife;

36 B. Maintain a fee structure to establish fees for inspection provisions for regulated
37 species;

- 1 C. Provide a process that allows authorized independent contractors to meet with
2 permit applicants to educate applicants on minimum standard facility requirements
3 and to inspect current facilities to recommend approval or denial of a permit; ~~and~~
4 D. Charge a responsible party for the cost incurred to remove or euthanize
5 unpermitted ~~regulated~~ fish or wildlife species; ~~and~~
6 E. Require exotic wildlife permitted under this section to carry or be embedded with
7 a device capable of remotely providing global positioning coordinates or other
8 mapping or location information.

9 **Sec. 4. 12 MRSA §12152, sub-§7** is enacted to read:

10 **7. Notification requirements.** When exotic wildlife permitted under this section
11 escapes or is otherwise not within the control of the person who possesses the permit for
12 that wildlife, the permit holder must provide notice of the escape to the Bureau of Warden
13 Service and all landowners within the range of travel of that wildlife measured from the
14 location where the wildlife was last under the control of the permit holder. The
15 commissioner shall determine the range of travel for all exotic wildlife permitted under
16 this section.

17 **SUMMARY**

18 This bill provides that a permit is required to import exotic wildlife into or possess
19 wildlife in the State or receive exotic wildlife. The Commissioner of Inland Fisheries and
20 Wildlife is required to adopt rules that specify the criteria for issuing such a permit. The
21 bill allows the commissioner to adopt rules to require permitted exotic wildlife to carry or
22 be embedded with a tracking device. The bill requires the holder of a permit for exotic
23 wildlife to provide notice to the Department of Inland Fisheries and Wildlife, Bureau of
24 Warden Service and all landowners within the range of travel of the wildlife in the event
25 of an escape of the wildlife.