

MAINE STATE LEGISLATURE

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R. of S.

L.D. 396

Date: 5/4/17 *Minority* (Filing No. H-122)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 287, L.D. 396, Bill, "An Act To Prohibit the Use of Elephants in Traveling Animal Acts"

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

'An Act To Limit the Importation of Elephants'

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

'Sec. 1. 12 MRSA §12152, sub-§2-A is enacted to read:

2-A. Elephant importation and possession. Notwithstanding any other provision of this Part, the commissioner may not issue a permit to a person to import or possess an elephant in this State, unless the commissioner finds that the elephant will be placed in a protective environment in which it will have the opportunity to behave as naturally as possible. A person importing or possessing an elephant in this State may not allow the elephant to participate in any exhibition, public showing, presentation, display, exposition, fair, animal act, amusement show, circus, trade show, petting zoo, carnival, parade, race or similar undertaking in which the elephant is required to perform tricks, give rides or participate as accompaniment for the entertainment, amusement or benefit of an audience.

Sec. 2. Elephant importation; exception through January 1, 2020. Notwithstanding the Maine Revised Statutes, Title 12, section 12152, subsection 2-A, the Commissioner of Inland Fisheries and Wildlife may issue a permit to a person to import an elephant into this State to participate in a traveling circus to raise funds for a charity if that traveling circus lawfully operated in the State with an elephant to raise funds for a charity in 2016 and as long as the elephant is not permitted to remain in the State after January 1, 2020 other than in accordance with Title 12, section 12152, subsection 2-A.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill and is the minority report of the committee. It prohibits the Commissioner of Inland Fisheries and Wildlife from issuing a permit to a person to import or possess an elephant in the State unless the elephant will be placed in a protective environment in which it will have the opportunity to behave as naturally as possible. A person importing or possessing an elephant may not allow the elephant to participate in any exhibition, public showing, presentation, display, exposition, fair, animal act, amusement show, circus, trade show, petting zoo, carnival, parade, race or similar undertaking in which the elephant is required to perform tricks, give rides or participate as accompaniment for the entertainment, amusement or benefit of an audience.

The amendment also provides an exception for elephant importations through January 1, 2020 for a person that imports an elephant to participate in a traveling circus to raise funds for a charity if that traveling circus lawfully operated in the State with an elephant to raise funds for a charity in 2016 and as long as the elephant is not permitted to remain in the State after January 1, 2020 unless it is in a protective environment in which it will have the opportunity to behave as naturally as possible.

FISCAL NOTE REQUIRED

(See attached)



128th MAINE LEGISLATURE

LD 396

LR 1969(02)

An Act To Prohibit the Use of Elephants in Traveling Animal Acts

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-122)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class E crimes.
The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs to the Department of Inland Fisheries and Wildlife as a result of the restrictions on the issuance of elephant importation or elephant possession permits unless certain criteria are met along with the prohibition of elephant entertainment performances are anticipated to be minor and can be absorbed within existing budgeted resources.