

MAINE STATE LEGISLATURE

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L.D. 1580

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Date: 6/6/17

(Filing No. H-425)

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INLAND FISHERIES AND WILDLIFE

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Reproduced and distributed under the direction of the Clerk of the House.

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

128TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 1087, L.D. 1580, Bill, "An Act To Clarify and Enhance Maine's Wildlife Laws"

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

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'Sec. 1. 7 MRSA §1809, sub-§1, as amended by PL 2007, c. 128, §1, is further amended to read:

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1. Permit required. The commissioner may require a person who imports animals or avian hatching eggs into the State to obtain a permit before the time of entry. When a permit is required, the permit or permit number must accompany the shipment. The commissioner may refuse to grant a permit or may issue one subject to quarantine at destination if the animals or avian hatching eggs do not meet importation requirements or do not comply with the inland fisheries and wildlife laws and rules adopted by the Commissioner of Inland Fisheries and Wildlife under Title 12, chapter 915, subchapter 15 or Title 12, section 12102 or 12704. The commissioner may require the owner to have those animals or avian hatching eggs tested or examined by a veterinarian at the owner's expense. The commissioner may release those animals or avian hatching eggs from quarantine only after the commissioner is satisfied that they are not a disease threat to other animals or humans.

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When an animal or avian hatching egg is brought into the State without a required permit, the commissioner or the Commissioner of Inland Fisheries and Wildlife may condemn the animal and order it euthanized without indemnity or condemn the avian hatching egg and order it destroyed without indemnity. For purposes of this section, "avian hatching egg" means an egg of a bird species that is fertile and handled, transported and stored in a manner that maintains its viability. "Avian hatching egg" does not include fertile eggs marketed for human consumption.'

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Amend the bill by inserting after section 4 the following:

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'Sec. 5. 12 MRSA §11109-A, sub-§4, ¶F, as enacted by PL 2007, c. 163, §1 and affected by §3, is amended to read:

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COMMITTEE AMENDMENT

1 F. A license under chapter 927; or
 2 **Sec. 6. 12 MRSA §11109-A, sub-§4, ¶G**, as enacted by PL 2007, c. 163, §1 and
 3 affected by §3, is repealed.'

4 Amend the bill by inserting after section 6 the following:

5 '**Sec. 7. 12 MRSA §12055, sub-§2, ¶A**, as enacted by PL 2003, c. 414, Pt. A, §2
 6 and affected by c. 614, §9, is amended to read:

7 A. The licensee may hold, at the time and place stated in the license, a field trial for
 8 sporting dogs for the purpose of demonstrating the skill of the dogs in finding,
 9 tracking, flushing, pointing or retrieving dead or wounded wild birds.

10 **Sec. 8. 12 MRSA §12101, sub-§1-C** is enacted to read:

11 **1-C. Prohibition; remote-control hunting.** An owner or operator of a commercial
 12 shooting area may not use a website, or a service or business via any other means, that
 13 permits a person to hunt or attempt to hunt a wild animal or wild bird that is located in
 14 this State through the use of a computer-controlled gun, shooting apparatus or any other
 15 remote-control device when the person using the website, service or business is
 16 physically removed from the immediate vicinity of the wild animal or wild bird. A person
 17 who violates this subsection commits a Class E crime.

18 **Sec. 9. 12 MRSA §12103**, as enacted by PL 2005, c. 81, §3, is repealed.

19 **Sec. 10. 12 MRSA §12151, sub-§1**, as amended by PL 2015, c. 374, §2, is
 20 further amended to read:

21 **1. Prohibition.** A person may not keep wildlife in captivity except as provided
 22 under section 10105, subsection 10, sections 12102, 12152, ~~and 12157, 12158 and 12704~~
 23 and Title 7, section 1809 or except if the wild animal was purchased from a dealer or pet
 24 shop licensed under Title 7, section 3933.

25 **Sec. 11. 12 MRSA §12152, sub-§1-A**, as enacted by PL 2015, c. 374, §5, is
 26 amended to read:

27 **1-A. Permit required.** Except as otherwise provided in this Part, a person may not
 28 import wildlife into or possess wildlife in the State or receive or possess wildlife imported
 29 into the State. The department shall maintain a list of unregulated fish and wildlife
 30 species for which a permit under this section is not required that is available to the public.
 31 Each day a person violates this subsection that person commits a Class E crime for which
 32 a minimum fine of \$50 and an amount equal to twice the applicable permit fee must be
 33 imposed. The commissioner may grant a permit to introduce, import, transport, receive
 34 or possess fish or gametes in accordance with the provisions of section 12509.'

35 Amend the bill in section 7 in subsection 1-B by striking out all of the blocked
 36 paragraph (page 2, lines 8 to 12 in L.D.) and inserting the following:

37 'Animals captured under this subsection must be kept in a manner that does not permit
 38 contact between those animals and any other animal that is not naturally present in the
 39 wild in this State. If an animal captured under this subsection is released back into the
 40 wild, the animal must be released in or near the same location where the animal was
 41 captured. Importation into the State of a reptile, amphibian or invertebrate exempted

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under this subsection is prohibited without a permit. Exhibition, propagation or export or sale for commercial purposes is prohibited without a permit. A person may not export, sell or otherwise use for commercial purposes any animal captured under this subsection unless the person holds an applicable permit for that use.'

Amend the bill by striking out all of sections 8 and 9 and inserting the following:

'Sec. 8. 12 MRSA §12152, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

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

- A. All species listed under state law as threatened or endangered;
- B. All species other than those listed in paragraph A not included on a list of unregulated, nonnative species that is maintained by the commissioner to facilitate the issuance of importation permits; and
- C. Species identified in rules adopted by the commissioner.

The commissioner may adopt rules that classify wildlife into categories as described in subsection 3-D for purposes of determining applicable fees under this section. The rules must, at a minimum, include the list of unrestricted, nonnative species as provided in paragraph B, a category of wildlife that is endangered or threatened or presents a risk to humans, a category of wildlife that requires special housing or care and a category of prohibited species for which a permit is not issued under any circumstances.

Sec. 9. 12 MRSA §12152, sub-§3-B, as enacted by PL 2015, c. 374, §7, is repealed.

Sec. 10. 12 MRSA §12152, sub-§3-D is enacted to read:

3-D. Permit types; application fees; permit fees. An applicant for a permit under this section shall submit a written application on a form specified by the commissioner. The application must be accompanied by the applicable nonrefundable application fee. The following permits may be issued by the commissioner:

A. A category 1 restricted species importation permit, which allows the holder to import wildlife that is endangered or threatened or presents a risk to humans into the State. The following fees apply to a permit under this paragraph:

- (1) Application fee, \$250; and
- (2) Permit fee, \$27;

B. A category 1 restricted species exhibition permit, which allows the holder to exhibit wildlife for commercial purposes that is endangered or threatened or presents a risk to humans or that requires special housing or care. A category 1 restricted species exhibition permit does not allow the holder to exhibit wolf hybrids, as defined in Title 7, section 3907, subsection 30. A category 1 restricted species exhibition permit expires 2 years from the date of issuance. The following fees apply to a permit under this paragraph:

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(1) Application fee, \$250; and

(2) Permit fee, \$150;

C. A category 2 restricted species importation permit, which allows the holder to import wildlife that requires special housing or care. The following fees apply to a permit under this paragraph:

(1) Application fee, \$100; and

(2) Permit fee, \$27;

D. A category 2 restricted species possession permit, which allows the holder to possess wildlife that requires special housing or care. A category 2 restricted species possession permit expires 2 years from the date of issuance. The following fees apply to a permit under this paragraph:

(1) Application fee, \$27; and

(2) Permit fee, \$27;

E. A wildlife rehabilitation permit, which allows the holder to possess debilitated or orphaned wildlife and rehabilitate that wildlife and release it into the wild as soon as the wildlife is rehabilitated or euthanize that wildlife in accordance with humane euthanization procedures if rehabilitation and release are not possible. A wildlife rehabilitation permit is available at no cost and expires 2 years from the date of issuance;

F. A research permit, which allows the holder to import and possess wildlife that is endangered or threatened or presents a risk to humans or that requires special housing or care to conduct scientific research or to use for educational purposes. A research permit is available at no cost and expires 2 years from the date of issuance; and

G. An educational and scientific collection permit, which allows the holder to hunt, trap, possess, band and transport wildlife from within the State for educational or scientific purposes. An educational and scientific permit is not required to hunt, trap, possess, band or transport an invertebrate that is not listed by the department as endangered, threatened or of special concern. An educational and scientific collection permit is available at no cost and expires one year from the date of issuance.'

Amend the bill by striking out all of section 10 and inserting the following:

'**Sec. 10. 12 MRSA §12152, sub-§4**, as amended by PL 2015, c. 374, §8, is repealed.'

Amend the bill by striking out all of sections 12 and 13 and inserting the following:

'**Sec. 12. 12 MRSA §12158**, as amended by PL 2003, c. 655, Pt. B, §206 and affected by §422 and amended by PL 2011, c. 657, Pt. W, §5, is repealed.

Sec. 13. 12 MRSA §12159, sub-§2, as amended by PL 2011, c. 253, §23, is further amended to read:

COMMITTEE AMENDMENT "A" to H.P. 1087, L.D. 1580

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type of wildlife kept and the purposes for which it is kept. The amendment repeals the requirement that a person hold an importation permit for pheasants. This amendment establishes fees for commercial amphibian permits and commercial nonmarine invertebrate permits of \$27 each and provides that those permits expire one year from the date of issuance.

FISCAL NOTE REQUIRED

(See attached)



128th MAINE LEGISLATURE

LD 1580

LR 692(02)

An Act To Clarify and Enhance Maine's Wildlife Laws

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

A (H 425)

Fiscal Note

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

Correctional and Judicial Impact Statements

Establishes new Class D 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 from modifications to wildlife laws are anticipated to be minor and can be absorbed within existing budgeted resources. Modifications to the application and permit fee structure for regulated wildlife possession are expected to result in a minor General Fund revenue increase.