

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1818

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H.P. 1295

House of Representatives, June 3, 2019

### An Act To Clarify and Enhance Certain Maine Wildlife Laws

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Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.  
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered  
printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative THERIAULT of China.

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

2 **Sec. 1. 12 MRSA §10001, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
3 affected by c. 614, §9, is amended to read:

4 **3. Antlerless moose.** "Antlerless moose" means a moose without antlers ~~or a moose~~  
5 ~~with antlers that are shorter than its ears.~~

6 **Sec. 2. 12 MRSA §10105, sub-§14, ¶A**, as amended by PL 2013, c. 280, §2, is  
7 further amended to read:

8 A. Prohibit or otherwise limit the feeding of deer, bear, moose and wild turkey at any  
9 location if there is documented evidence of chronic wasting disease, as defined in  
10 Title 7, section 1821, subsection 1, in the State or a jurisdiction that is contiguous to  
11 the State or if the commissioner has reason to believe that the type or location of feed  
12 may create a public safety hazard or may have a detrimental effect on deer, bear,  
13 moose and wild turkey; and

14 **Sec. 3. 12 MRSA §10105, sub-§14, ¶B**, as amended by PL 2013, c. 280, §2, is  
15 repealed.

16 **Sec. 4. 12 MRSA §11851, sub-§§1 and 2**, as amended by PL 2015, c. 301, §26,  
17 are further amended to read:

18 **1. Unlawfully hunting or trapping wild birds.** A person may not hunt or trap a  
19 wild bird, other than the English or European house sparrow, the rock pigeon, also known  
20 as the rock dove, and the European starling, except as provided in this Part.

21 **2. Unlawful possession of wild birds.** A person may not possess, alive or dead, a  
22 wild bird, other than the English or European house sparrow, the rock pigeon, also known  
23 as the rock dove, and the European starling, except as provided in this Part.

24 **Sec. 5. 12 MRSA §11854**, as amended by PL 2013, c. 280, §10, is further  
25 amended to read:

26 **§11854. Nest or eggs of wild birds**

27 A person may not take, possess or needlessly destroy the nest or eggs of a wild bird,  
28 except the English or European house sparrow, the rock pigeon, also known as the rock  
29 dove, and the European starling. A person who violates this section commits a Class E  
30 crime.

31 **Sec. 6. 12 MRSA §12152, sub-§3-D, ¶E**, as enacted by PL 2017, c. 205, §18, is  
32 amended to read:

33 E. A wildlife rehabilitation permit, which allows the holder to possess debilitated or  
34 orphaned wildlife and rehabilitate that wildlife and release it into the wild as soon as  
35 the wildlife is rehabilitated or euthanize that wildlife in accordance with humane  
36 euthanization procedures if rehabilitation and release are not possible. A wildlife

1 rehabilitation permit is available at no cost and expires ~~2 years from~~ on December  
2 31st of the 2nd complete year after the date of issuance;

3 **Sec. 7. 12 MRSA §12404, sub-§3**, as affected by PL 2003, c. 614, §9 and  
4 amended by c. 655, Pt. B, §242 and affected by §422, is further amended to read:

5 **3. Birds.** A person may not take or kill wild birds, with the exception of English or  
6 European house sparrows, European starlings, rock pigeons, also known as rock doves,  
7 and wild turkeys under sections 12401 and 12402.

8 A person who violates this subsection commits a Class E crime.

9 **Sec. 8. 12 MRSA §12706, sub-§1, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2  
10 and affected by c. 614, §9, is amended to read:

11 C. Beauchamp Sanctuary: The following described territory situated in Rockport and  
12 Camden, in the County of Knox: Beginning at the mouth of Goose River in Rockport;  
13 thence in a northerly direction along number 1 highway to the mouth of the  
14 Megunticook River in Camden where Pascal Avenue crosses Goose River; thence in  
15 an easterly direction along Pascal Avenue; thence southerly along Main Street; thence  
16 in an easterly direction along Central Street; thence in a northerly direction along  
17 Union Street; thence in a northwesterly direction along School Street in Camden;  
18 thence in a northeasterly direction along U.S. Route 1 to where it crosses the  
19 Megunticook River; thence in a southerly direction along the south shore of the river  
20 and along the coast around Metcalf Point and Beauchamp Point and thence in a  
21 northerly northwesterly direction along the coast back to the said mouth of the Goose  
22 River;

23 **Sec. 9. 12 MRSA §12707, sub-§2, ¶H**, as enacted by PL 2003, c. 414, Pt. A, §2  
24 and affected by c. 614, §9, is amended to read:

25 H. The use of firearms on Subsection 1-A applies to Megunticook Lake and Vicinity  
26 Sanctuary is prohibited only from the first day of April of each year to the 30th day of  
27 September following. From October 1st until March 31st of each year, hunting wild  
28 animals and wild birds is permitted.

## 29 SUMMARY

30 This bill amends the definition of "antlerless moose" to exclude moose with very  
31 small antlers.

32 Current law allows the Commissioner of Inland Fisheries and Wildlife to prohibit the  
33 feeding of deer, bear, moose and wild turkey if there is documented evidence of chronic  
34 wasting disease in the State. This bill allows the commissioner to also limit the feeding.  
35 It also allows the commissioner to prohibit or limit the feeding if there is documented  
36 evidence of chronic wasting disease in a jurisdiction contiguous to the State or a reason to  
37 believe that the type or location of feed may create a public safety hazard or may have a  
38 detrimental effect on the wildlife.

1           The bill also provides consistency in the laws regulating the hunting or trapping of  
2 wild birds.

3           The bill changes the expiration date for a wildlife rehabilitation permit to December  
4 31st of the 2nd complete year after the date of issuance.

5           The bill updates the description of the boundary of the Beauchamp Sanctuary.

6           The bill clarifies that hunting is prohibited in the Megunticook Lake and Vicinity  
7 Sanctuary from April 1st to September 30th of each year.