

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

chapter 375, subchapter II-A. Time and temperature signs erected prior to September 29, 1995 need not comply with those rules, policies or guidelines.

See title page for effective date.

CHAPTER 269

H.P. 1268 - L.D. 1726

An Act to Clarify Laws Pertaining to the Permit Process for Wildlife Possession

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

Sec. 1. 12 MRSA §7077, sub-§1-A, ¶G, as enacted by PL 1993, c. 136, §1, is repealed.

Sec. 2. 12 MRSA §7231, as amended by PL 1999, c. 403, §11, is repealed.

Sec. 3. 12 MRSA §7232, as amended by PL 1981, c. 12, §4, is repealed.

Sec. 4. 12 MRSA §7233, as amended by PL 1981, c. 12, §5, is repealed.

Sec. 5. 12 MRSA §7234, as amended by PL 1981, c. 12, §6, is repealed.

Sec. 6. 12 MRSA §7235-A, as amended by PL 1995, c. 455, §17, is repealed.

Sec. 7. 12 MRSA §7235-B, as enacted by PL 1999, c. 403, §12, is repealed.

Sec. 8. 12 MRSA §§7235-C and 7235-D are enacted to read:

§7235-C. Permit to possess wildlife in captivity

1. 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 other species not included on a list of unregulated, nonnative species that is maintained by the commissioner to facilitate the issuance of importation permits; and

C. Other species identified in rules adopted by the commissioner.

2. Issuance. The commissioner may issue a permit to a person permitting the possession and use of wildlife with the following exceptions.

A. A propagation, rearing and sale permit does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section 7501, 7502 or 7504.

B. A commercial exhibition permit does not authorize the permittee to import any species of wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross or the eggs of these species.

C. A general possession permit does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section 7501, 7502 or 7504.

D. A rehabilitation permit does not authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section 7501, 7502 or 7504.

3. Fees. Permit fees are as follows:

A. Propagation, \$25 for 2 calendar years;

B. Commercial exhibition or attracting trade, \$145 every 2 years from July 1st to June 30th;

C. Personal use, professional or vocational husbandry, therapy or aid to disabled persons, \$25 every 2 calendar years; and

D. Rehabilitation, renewable every 2 years, no fee.

4. Rules. The commissioner may adopt rules necessary for the administration of this section, including provisions to ensure that all wildlife possessed under these permits receives humane treatment and proper husbandry and security, and to safeguard the interests of the wildlife and citizens of the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

5. Permit administration. In addition to the provisions adopted under subsection 4, the commissioner may assign permit conditions or requirements designed to mitigate potential impacts or risks that may arise from the possession of specific wildlife

species or to ensure the humane treatment or proper husbandry for specific species.

§7235-D. Prohibited acts

1. Keeping wildlife in captivity. A person is guilty of keeping wildlife in captivity if that person keeps any wild animal in captivity for any purpose, with the exception of the provisions under sections 7035, subsection 3; sections 7235-C; 7237; 7239; 7240; 7241; 7242; section 7771, subsection 2; or Title 7, section 1809 or if the wild animal was purchased from a dealer or pet shop licensed under Title 7, section 3933.

Sec. 9. 12 MRSA §7238, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 10. 12 MRSA §7377, sub-§7, as corrected by RR 1993, c.1, §36, is amended to read:

7. Breeding or rearing wild birds. Notwithstanding section 7371 as it applies to section ~~7235-A~~ 7235-C, section 7371 does not apply to migratory game birds, partridge, grouse or pheasant owned by the department.

Sec. 11. 12 MRSA §7406, sub-§§22 and 23 are enacted to read:

22. Hunting on a state game farm. A person is guilty of hunting on a state game farm if that person hunts on a state game farm at any time.

23. Hunting in a licensed wildlife exhibit. A person is guilty of hunting in a licensed wildlife exhibit if that person hunts in a licensed wildlife exhibit at any time.

Sec. 12. 12 MRSA §§7456-A and 7456-B, as enacted by PL 1979, c. 543, §43, are repealed.

Sec. 13. 12 MRSA §7464, sub-§2, as amended by PL 1981, c. 118, §3, is further amended to read:

2. Illegal possession of moose. A person is guilty of possessing moose if ~~he~~ that person possesses any moose, except in accordance with sections ~~7238, 7463-A or 7503.~~

Sec. 14. 12 MRSA §7731, as amended by PL 1981, c. 644, §31, is repealed.

Sec. 15. 12 MRSA §7732, as amended by PL 1993, c. 438, §37, is repealed.

Sec. 16. 12 MRSA §§7733 and 7734, as enacted by PL 1979, c. 420, §1, are repealed.

Sec. 17. 12 MRSA §7736, as amended by PL 1993, c. 680, Pt. B, §1, is repealed.

Sec. 18. 12 MRSA §7861, sub-§3, as amended by PL 1993, c. 438, §42, is further amended to read:

3. Rock dove permits. Notwithstanding section 7456, the commissioner may issue permits to persons licensed under section ~~7235-A~~ 7235-C to take rock doves from the wild by the use of box traps or nets for the purpose of training sporting dogs pursuant to this section and section 7863.

Sec. 19. 12 MRSA §7863, sub-§5, ¶A, as amended by PL 1993, c. 438, §43, is further amended to read:

A. Notwithstanding this section, the commissioner may issue a permit to any person authorizing the use of firearms during the training of sporting dogs to shoot and kill wild birds propagated or legally acquired by the permittee and possessed in accordance with section ~~7235-A~~ 7235-C.

Sec. 20. 12 MRSA §7901, sub-§3-A, as enacted by PL 1987, c. 89, §2, is repealed.

Sec. 21. 12 MRSA §7947, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 22. Revisor's review; cross-references. The Revisor of Statutes shall review the Maine Revised Statutes and include in the errors and inconsistencies bill submitted to the Second Regular Session of the 120th Legislature pursuant to Title 1, section 94 any sections necessary to correct and update any cross-references in the statutes to provisions of law repealed in this Act.

See title page for effective date.

CHAPTER 270

H.P. 270 - L.D. 348

**An Act to Clarify the Laws
Pertaining to Licensing
Requirements for Landowners**

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

Sec. 1. 12 MRSA §7377, sub-§1, as amended by PL 1991, c. 443, §20, is further amended to read:

1. Hunting. Notwithstanding section 7371 as it applies to subchapter II, any resident over 10 years of age and any member of the resident's immediate family over 10 years of age, as long as the hunter's license to hunt is not under suspension or revocation,