

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

After discovery of a violation of this chapter or the rules adopted under this chapter, the commissioner may take any additional action against the registered, licensed or official establishment that the commissioner determines appropriate, including instituting a proceeding under section 2514, subsection 6 and causing a civil or criminal proceeding to be brought against the registered, licensed or official establishment.

See title page for effective date.

CHAPTER 65
H.P. 54 - L.D. 88

**An Act To Amend Maine's
Wildlife Laws Regarding
Species of Special Concern**

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

Sec. 1. 12 MRSA §10001, sub-§58-A is enacted to read:

58-A. Species of special concern. "Species of special concern" means a species of fish or wildlife that is not an endangered species or a threatened species but meets criteria for being of special concern as established by the commissioner by rule under section 10105, subsection 19.

Sec. 2. 12 MRSA §10105, sub-§19 is enacted to read:

19. Species of special concern. The commissioner by rule shall establish criteria for determining when a species of fish or wildlife that is not an endangered species or a threatened species is of special concern. The rules may include different criteria for categories of species of special concern, including a category for species that are rare. The rules must list the species that meet the criteria established in rule. The commissioner shall use the list in administering section 12152 and may also use the list in administering any other laws or programs or when providing advisory recommendations to other entities or agencies on fish and wildlife matters in accordance with applicable laws or rules.

Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §12152, sub-§1-B, as enacted by PL 2017, c. 205, §15, is amended to read:

1-B. Exemption. Notwithstanding subsection 1-A, a reptile, amphibian or invertebrate that is native to the State and not listed by the department as threatened, or endangered or as a species of special concern

may be captured from the wild in the State and possessed without a permit. Possession limits for each species are as follows:

- A. Amphibians, up to 5 specimens of each species;
- B. Reptiles, up to 2 specimens of each species; and
- C. Invertebrates, no specimen limits.

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

Sec. 4. 12 MRSA §12152, sub-§3-D, ¶G, as enacted by PL 2017, c. 205, §18, is amended to read:

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, or threatened or as a species of special concern. An educational and scientific collection permit is available at no cost and expires one year from the date of issuance.

Sec. 5. 12 MRSA §12803, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4. Process for recommendation; notice and hearings. Prior to recommending an addition, deletion or other change to the endangered and threatened species listed in subsection 3, the commissioner shall provide for public notice and at least one public hearings hearing on that proposed recommendation in accordance with the provisions of Title 5, chapter 375, subchapter 2.

See title page for effective date.
