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Legislative Document

No. 88

H.P. 54

House of Representatives, January 13, 2021

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

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Received by the Clerk of the House on January 11, 2021. Referred to the Committee on
Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint
Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative ORDWAY of Standish.

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

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

3 **58-A. Species of special concern.** "Species of special concern" means a species of
4 fish or wildlife that is not an endangered species or a threatened species but is particularly
5 vulnerable and could easily become an endangered species or a threatened species or
6 extirpated due to restricted distribution, low or declining numbers, specialized habitat needs
7 or limits or other factors.

8 **Sec. 2. 12 MRSA §12152, sub-§1-B**, as enacted by PL 2017, c. 205, §15, is
9 amended to read:

10 **1-B. Exemption.** Notwithstanding subsection 1-A, a reptile, amphibian or
11 invertebrate that is native to the State and not listed by the department as threatened; or
12 endangered or as a species of special concern may be captured from the wild in the State
13 and possessed without a permit. Possession limits for each species are as follows:

14 A. Amphibians, up to 5 specimens of each species;

15 B. Reptiles, up to 2 specimens of each species; and

16 C. Invertebrates, no specimen limits.

17 Animals captured under this subsection must be kept in a manner that does not permit
18 contact between those animals and any other animal that is not naturally present in the wild
19 in this State. If an animal captured under this subsection is released back into the wild, the
20 animal must be released in or near the same location where the animal was captured.
21 Importation into the State of a reptile, amphibian or invertebrate exempted under this
22 subsection is prohibited without a permit. Exhibition, propagation or export or sale for
23 commercial purposes is prohibited without a permit. A person may not export, sell or
24 otherwise use for commercial purposes any animal captured under this subsection unless
25 the person holds an applicable permit for that use.

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

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

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

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

SUMMARY

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This bill reduces to one the number of public hearings required to make a change to the endangered species list or the threatened species list and defines "species of special concern" to mean a species that may become endangered, threatened or extirpated.