

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Restructure the Permitting Process for Wildlife and Exotic Species in Captivity**

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

**Sec. 1. 12 MRSA §12151, sub-§1**, as enacted by PL 2003, c. 655, Pt. B, §200 and affected by §422, is amended to read:

**1. Prohibition.** A person may not keep wildlife in captivity except as provided under sections 10105, subsection 10, sections 12102, 12152, ~~12155~~, 12157, 12158 and 12704 and Title 7, section 1809 or except if the wild animal was purchased from a dealer or pet shop licensed under Title 7, section 3933.

**Sec. 2. 12 MRSA §12152, sub-§1-A** is enacted to read:

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

**Sec. 3. 12 MRSA §12152, sub-§3**, as amended by PL 2005, c. 117, §2, is repealed and the following enacted in its place:

**3. Issuance.** The commissioner may issue a permit to a person permitting the introduction, importation, possession and use of wildlife in accordance with the provisions of subsection 5.

**Sec. 4. 12 MRSA §12152, sub-§§3-A and 3-B** are enacted to read:

**3-A. Restrictions.** A permit issued pursuant to this section does not authorize the permittee to:

A. 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 11601, 11602, 12401, 12402 or 12404; or

B. Import any species of wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross or the eggs of these species.

**3-B. Application fees.** Each applicant for a permit to introduce or import fish or wildlife into or possess fish or wildlife in the State shall submit a written application in the form required by the commissioner. The application must be accompanied by a nonrefundable application fee as follows:

A. Propagation, \$27;

- B. Commerical exhibition or attracting trade, \$250;
- C. Personal use, \$27;
- D. Rehabilitation, no fee;
- E. Importation and possession of fish or wildlife, \$250;
- F. Professional or vocational husbandry, \$27; and
- G. Therapy or aid to disabled person, \$27.

**Sec. 5. 12 MRSA §12152, sub-§4**, as amended by PL 2005, c. 12, Pt. III, §22, is further amended to read:

**4. Permit fees.** Permit fees and terms are as follows:

- A. Propagation, \$27 ~~forevery~~ every 2 calendar years;
- B. Commercial exhibition or attracting trade, \$147 every 2 calendar years ~~from July 1st to June 30th~~;
- C. Personal use, ~~professional or vocational husbandry, therapy or aid to disabled persons~~, \$27 every 2 calendar years; ~~and~~
- D. Rehabilitation, renewable every 2 years, no fee;
- E. Importation and possession of fish or wildlife, \$27 every 2 calendar years;
- F. Professional or vocational husbandry, \$27 every 2 calendar years; and
- G. Therapy or aid to disabled persons, \$27 every 2 calendar years.

**Sec. 6. 12 MRSA §12152, sub-§5**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**5. 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 2-A. Rules adopted may include but are not limited to rules that:

- A. Maintain updated inspection provisions for applicants attempting to acquire a permit to possess or introduce, import and possess fish or wildlife in captivity;
- B. Maintain a fee structure to establish fees for inspection provisions for regulated species;
- C. Provide a process that allows authorized independent contractors to meet with permit applicants to educate applicants on minimum standard facility requirements and to inspect current facilities to recommend approval or denial of a permit; and

D. Charge a responsible party for the cost incurred to remove or euthanize unpermitted regulated fish or wildlife species.

**Sec. 7. 12 MRSA §12155**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §204 and affected by §422, is repealed.

**Sec. 8. 12 MRSA §12704**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**§ 12704. Permit to hunt, trap, possess, band and transport wild animals and wild birds for educational or scientific purposes**

The commissioner may issue a permit to any person, permitting that person to hunt, trap, possess, band and transport wild animals and wild birds for educational or scientific purposes.

**Sec. 9. 12 MRSA §12705**, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 655, Pt. B, §292 and affected by §422, is amended to read:

**§ 12705. Rule violations; educational or scientific collection permits**

The following penalties apply to violations of rules regulating educational or scientific collection permits.

**1. Civil violation.** Notwithstanding section 10650, a person who violates a rule regulating educational or scientific collection permits commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**2. Criminal violation.** A person who violates a rule regulating educational or scientific collection permits after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**SUMMARY**

This bill repeals the section of law that provides for an importation permit for wildlife and exotic species and amends the section of law regarding permits for the possession of wildlife in captivity to include importation. It provides for an application fee and amends the permit fees. This bill also requires the Commissioner of Inland Fisheries and Wildlife to grant permits to introduce, import, transport, receive or possess fish or gametes and to maintain a list of unregulated fish and wildlife species that is available to the public. The Department of Inland Fisheries and Wildlife is also required to amend its rules to maintain updated inspection provisions for applicants attempting to acquire a permit to possess or introduce, import and possess fish or wildlife in captivity, to maintain a fee structure to establish fees for inspection provisions for regulated species, to provide a process that allows authorized independent contractors to meet with permit applicants to educate applicants on minimum standard facility requirements and to inspect current facilities to recommend approval or denial of a permit and to charge a responsible party for the cost incurred to remove or euthanize unpermitted regulated fish or wildlife species. The bill also adds educational purposes to the purposes for which the commissioner may issue permits to hunt, trap,

possess, band and transport wild animals and wild birds; current law provides that such permits may be issued for scientific purposes.