

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

Amend the bill by inserting after the enacting clause and before section 1 the following:

‘**Sec. 1. 12 MRSA §10503, sub-§6**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

6. Judgment against claimant. If the court finds the claimant entitled to no part of the articles seized, the court shall render judgment against that claimant for the libelant for costs, including costs incurred to remove or euthanize the fish or wildlife possessed without a permit, to be taxed as in civil cases before the court, and issue execution thereon, and declare the articles forfeited to the State;’

Amend the bill by inserting after section 1 the following:

‘**Sec. 2. 12 MRSA §12151, sub-§2, ¶A**, as enacted by PL 2003, c. 655, Pt. B, §200 and affected by §422, is amended to read:

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 ~~nor more than~~ \$500 may be adjudged.

Sec. 3. 12 MRSA §12151, sub-§2, ¶C is enacted to read:

C. The department may seize fish or wildlife in accordance with sections 10502 and 10503 from a person who violates subsection 1.’

Amend the bill in section 4 by striking out all of the first line (page 1, line 22 in L.D.) and inserting the following:

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

Amend the bill in section 4 in subsection 3-B in paragraph B in the first line (page 1, line 36 in L.D.) by striking out the following: "commerical" and inserting the following: 'commercial'

Amend the bill in section 4 in subsection 3-B by striking out all of paragraphs E to G (page 2, lines 2 to 4 in L.D.) and inserting the following:

‘E. Importation, \$250;

F. Possession, \$250;

G. Professional or vocational husbandry, \$27; and

H. Therapy or aid to disabled persons, \$27.’

Amend the bill in section 4 by inserting after subsection 3-B the following:

‘**3-C. Issuance for unpermitted wildlife.** The commissioner may issue a permit under this section to a person who possesses wildlife without a permit for which a permit is required if the possession would have been allowed had the person applied for a permit before importing or possessing

the wildlife. A person issued a permit under this subsection must pay a fee of \$500 in addition to the applicable application fee and permit fee. A person issued a permit under this subsection may not be charged with a penalty under section 12151.'

Amend the bill in section 5 in subsection 4 by striking out all of paragraphs D to G (page 2, lines 13 to 16 in L.D.) and inserting the following:

'D. Rehabilitation, renewable every 2 calendar years, no fee;

E. Importation, \$27;

F. Possession, \$27 every 2 calendar years;

G. Professional or vocational husbandry, \$27 every 2 calendar years; and

H. Therapy or aid to disabled persons, \$27 every 2 calendar years.'

Amend the bill by inserting after section 5 the following:

'Sec. 6. 12 MRSA §12152, sub-§4-A is enacted to read:

4-A. Renewal. A permit holder who wishes to renew a permit issued under this section must renew the permit prior to its expiration date. The department may assess a late fee of \$25, in addition to the required permit fee, to a person who does not renew a permit prior to its expiration date.'

Amend the bill in section 6 in subsection 5 by inserting after paragraph D the following:

'The commissioner shall adopt rules that limit the number of animals that may be imported or possessed under a permit issued under this section before an additional permit is required.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment increases the penalty for keeping wildlife in captivity in violation of law to not less than \$500. This amendment clarifies that the Department of Inland Fisheries and Wildlife may seize fish or wildlife unlawfully kept in captivity for which a permit is required and may recover costs incurred to remove or euthanize seized wildlife. This amendment provides that the department may charge a \$25 late fee to a person who does not renew a permit to keep wildlife in captivity before the permit expires. This amendment provides that a person may be issued a permit for an additional fee of \$500 to keep wildlife in captivity after the person has already kept that wildlife in captivity. This amendment creates separate application and permit fees for importation and possession of wildlife in captivity; the bill creates one permit and fee schedule for both importation and possession. This amendment provides that the Commissioner of Inland Fisheries and Wildlife must adopt rules limiting the number of animals that may be imported or possessed under a permit before an additional permit is required.

FISCAL NOTE REQUIRED
(See attached)