

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 striking out the title and substituting the following:

'An Act To Increase the Penalty for Allowing Wildlife in Captivity To Escape in Violation of a Permit Requirement'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 12 MRSA §12151, sub-§2, as amended by PL 2015, c. 374, §§3 and 4, is further amended to read:

2. Penalties. ~~The~~Except as provided in section 12152, subsection 7, the following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$500 may be adjudged.

B. A person who violates subsection 1 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.

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

Sec. 2. 12 MRSA §12152, sub-§7 is enacted to read:

7. Escaped wildlife prohibition; penalty. The following provisions apply to escaped wildlife.

A. A person may not allow wildlife in captivity to escape that person's possession or control in violation of:

(1) Rules adopted pursuant to subsection 5; or

(2) An additional permit condition or requirement assigned pursuant to subsection 6.

B. Notwithstanding section 12151, subsection 2, a person who violates paragraph A commits:

(1) A Class E crime if the wildlife is permitted in accordance with this section and the permit holder does not immediately notify a law enforcement officer that the wildlife has escaped;

(2) A Class E crime if the wildlife is not permitted in accordance with this section and the person immediately notifies a law enforcement officer that the wildlife has escaped; or

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(3) A Class D crime if the wildlife is not permitted in accordance with this section and the person does not immediately notify a law enforcement officer that the wildlife has escaped.

SUMMARY

This amendment changes the title and replaces the bill. The bill provides that a permit is required to import exotic wildlife or possess wildlife in the State or receive exotic wildlife and stipulates the requirements for that permit. The amendment provides that a person who allows wildlife in captivity to escape that person's possession or control in violation of rules governing keeping wildlife in captivity or an additional permit condition or requirement commits a Class E crime if the person does not immediately notify a law enforcement officer or if the person notifies a law enforcement officer but the wildlife is not permitted. If the wildlife is not permitted and escapes and the person does not immediately notify a law enforcement officer, the person commits a Class D crime.

FISCAL NOTE REQUIRED

(See attached)