



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1580

H.P. 1087

House of Representatives, May 4, 2017

An Act To Clarify and Enhance Maine's Wildlife Laws

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered
printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative WOOD of Greene.

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

2 **Sec. 1. 12 MRSA §10053, sub-§9**, as amended by PL 2009, c. 340, §4, is further
3 amended to read:

4 **9. Rules.** The development of rules governing the effective management of the
5 inland fisheries and wildlife resources of the State; ~~and~~

6 **Sec. 2. 12 MRSA §10053, sub-§10**, as enacted by PL 2009, c. 340, §5, is
7 amended to read:

8 **10. Land acquisition.** The acquisition and development of land for the protection,
9 preservation and enhancement of inland fisheries and wildlife resources; and

10 **Sec. 3. 12 MRSA §10053, sub-§11** is enacted to read:

11 **11. Resource planning.** The coordination with other resource management staff to
12 develop both short-term and long-term plans for the preservation, protection,
13 enhancement and use of inland fisheries and wildlife resources. The bureau shall
14 undertake activities as directed by the commissioner.

15 **Sec. 4. 12 MRSA §10055**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected
16 by Pt. D, §7 and c. 614, §9, is repealed.

17 **Sec. 5. 12 MRSA §11152, sub-§1-A**, as amended by PL 2011, c. 253, §18, is
18 further amended to read:

19 **1-A. Antlerless deer in wildlife management districts with no permits issued.**
20 Except as otherwise provided in this Part, a person may not hunt or possess an antlerless
21 deer in a wildlife management district or a portion of a wildlife management district that
22 does not have permits issued. A person may possess in one of those districts an antlerless
23 deer that has been lawfully registered in another district where permits have been issued.

24 A person that violates this subsection commits a Class D crime for which a minimum fine
25 of \$1,000 must be imposed, and the court shall impose a sentencing alternative involving
26 a term of imprisonment of at least 3 days, none of which may be suspended.

27 **Sec. 6. 12 MRSA §11152, sub-§2-A** is enacted to read:

28 **2-A. Authority to regulate taking of antlerless deer in certain areas within**
29 **wildlife management districts where no permits are issued.** The commissioner may
30 by rule issue permits in a designated geographical area within a wildlife management
31 district where no antlerless deer permits are issued to maintain balanced deer populations.
32 A designated geographical area under this subsection may consist of an entire town or
33 other area but must have a demarcation of the area that follows recognizable physical
34 boundaries such as rivers, roads and railroad rights-of-way.

35 **Sec. 7. 12 MRSA §12152, sub-§1-B** is enacted to read:

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

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

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

7 C. Invertebrates, no specimen limits.

8 If an animal captured under this subsection is released back into the wild, the animal must
9 be released in or near the same location where the animal was captured. Importation into
10 the State of a reptile, amphibian or invertebrate exempted under this subsection is
11 prohibited without a permit. Exhibition, propagation or export or sale for commercial
12 purposes is prohibited without a permit.

13 **Sec. 8. 12 MRSA §12152, sub-§3,** as repealed and replaced by PL 2015, c. 494,
14 Pt. A, §8, is amended to read:

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

18 E. A one-year game bird propagation permit authorizes the permittee to possess
19 pheasants, quail, Chukar partridge or Hungarian partridge for the purpose of
20 propagating, breeding or rearing for consumption, sale or release.

21 F. A 3-day hold game bird propagation permit authorizes the permittee to possess
22 pheasants, quail, Chukar partridge or Hungarian partridge for the purpose of
23 consumption, sale or release. A permit issued under this paragraph remains valid for
24 one year and allows the permittee to have multiple 3-day holds for newly possessed
25 birds.

26 G. A rehabilitation permit authorizes the permittee to possess debilitated or orphaned
27 wildlife for the purpose of restoration to full health and release to the wild or humane
28 euthanasia. It may also authorize the importation into the State of native wildlife
29 species for the purposes of rehabilitation.

30 H. An importation permit authorizes the permittee to import wildlife into the State.

31 I. An exhibitor permit authorizes the permittee to keep wildlife, except wolf hybrids
32 as defined in Title 7, section 3907, subsection 30, in captivity for commercial
33 exhibition or attracting trade.

34 J. A possession permit authorizes the permittee to possess restricted species for
35 purposes of serious professional or avocational husbandry, personal use, research or
36 education.

37 **Sec. 9. 12 MRSA §12152, sub-§3-B,** as enacted by PL 2015, c. 374, §7, is
38 amended to read:

1 **3-B. Application fees.** Each applicant for a permit to introduce or import fish or
2 wildlife into or possess fish or wildlife in the State shall submit a written application in
3 the form required by the commissioner. The application must be accompanied by a
4 nonrefundable application fee as follows:

- 5 A. ~~Propagation~~ One-year game bird propagation permit, \$27;
6 A-1. Three-day hold game bird propagation permit, \$27;
7 B. ~~Commercial exhibition or attracting trade~~ Exhibitor permit, \$250;
8 C. ~~Personal use~~, \$27;
9 D. Rehabilitation permit, no fee;
10 E. Importation permit, \$250; and
11 F. Possession permit, \$250;
12 G. ~~Professional or vocational husbandry~~, \$27; and
13 H. ~~Therapy or aid to disabled persons~~, \$27.

14 **Sec. 10. 12 MRSA §12152, sub-§4**, as amended by PL 2015, c. 374, §8, is
15 further amended to read:

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

- 17 A. ~~Propagation~~ One-year game bird propagation permit, \$27 every 2 calendar years;
18 A-1. Three-day hold game bird propagation permit, \$27;
19 B. ~~Commercial exhibition or attracting trade~~ Exhibitor permit, \$147 every 2 calendar
20 years;
21 C. ~~Personal use~~, \$27 every 2 calendar years;
22 D. Rehabilitation permit, renewable every 2 calendar years, no fee;
23 E. Importation permit, \$27; and
24 F. Possession permit, \$27 every 2 calendar years;
25 G. ~~Professional or vocational husbandry~~, \$27 every 2 calendar years; and
26 H. ~~Therapy or aid to disabled persons~~, \$27 every 2 calendar years.

27 **Sec. 11. 12 MRSA §12156**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected
28 by Pt. D, §7 and c. 614, §9, is amended to read:

29 **§12156. Release of wildlife into wild**

30 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
31 may not release into the wild captive, raised or imported ~~wild birds or wild animals~~
32 wildlife unless that person has a valid permit issued under this section. Each day a person
33 violates this subsection that person commits a Class E crime for which a minimum fine of
34 \$50 and an amount equal to twice the applicable license fee must be imposed.

1 **2. Issuance.** The commissioner may issue a written permit to any person permitting
2 that person to release into the wild captive, raised or imported ~~wild birds and wild~~
3 ~~animals~~ wildlife.

4 **3. Wild turkey restrictions.** Only the commissioner or agents of the commissioner
5 may sell, give away or release into the wild any live wild turkey, hybrid wild turkey, wild
6 turkey-domestic turkey cross or fertile egg of these species.

7 **Sec. 12. 12 MRSA §12158, sub-§4,** as affected by PL 2003, c. 614, §9 and
8 repealed and replaced by c. 655, Pt. B, §206 and affected by §422, is repealed.

9 **Sec. 13. 12 MRSA §12704,** as amended by PL 2015, c. 374, §12, is further
10 amended to read:

11 **§12704. Permit to hunt, trap, possess, band and transport wildlife for educational**
12 **or scientific purposes**

13 The commissioner may issue a permit to any person, permitting that person to hunt,
14 trap, possess, band and transport ~~wild animals and wild birds~~ wildlife for educational or
15 scientific purposes. A permit is not required to hunt, trap, possess, band and transport an
16 invertebrate that is not listed by the department as endangered, threatened or of special
17 concern.

18 **SUMMARY**

19 This bill:

20 1. Moves the planning functions of the Department of Inland Fisheries and Wildlife
21 from the Division of Planning, which no longer exists, to the Bureau of Resource
22 Management;

23 2. Allows a person to capture and possess reptiles, amphibians and invertebrates
24 native to this State and not listed by the department as threatened, endangered or of
25 special concern without a permit, within certain possession limits;

26 3. Clarifies the purpose for each type of captive wildlife permit issued by the
27 department and the issuance of 3-day hold game bird propagation permits and one-year
28 game bird propagation permits and establishes fees for those permits;

29 4. Clarifies that the provision of law regarding release of wildlife into the wild
30 applies to birds, mammals, reptiles, amphibians and invertebrates;

31 5. Eliminates the requirement to band imported pheasants; and

32 6. Gives the Commissioner of Inland Fisheries and Wildlife the authority to open a
33 town or a designated geographical area to the taking of antlerless deer within a wildlife
34 management district that does not allow the taking of antlerless deer.