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Date: (Filing No. H- )

**INLAND FISHERIES AND WILDLIFE**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 518, L.D. 713, Bill, “An Act To Strengthen Maine's Endangered Species Laws”

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

**'Sec. 1. 12 MRSA §12808, sub-§1**, as amended by PL 2015, c. 423, §1, is further amended to read:

**1. Prohibited acts regarding endangered or threatened species; negligence.** Except as provided in section 12808-A, a person may not negligently:

A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended;

B. Hunt, take, trap, harass or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended;

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended; or

D. Feed or, set bait for ~~or harass~~ any endangered or threatened species. ~~A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph~~ commits a Class E crime for which a fine of \$1,000 must be adjudged, none of which may be suspended.

**Sec. 2. 12 MRSA §12808, sub-§1-A**, as amended by PL 2015, c. 423, §1, is further amended to read:

**COMMITTEE AMENDMENT**

1           **1-A. Prohibited acts regarding endangered or threatened species; intentional.**  
2 Except as provided in section 12808-A, a person may not intentionally:

3           A. Import into the State or export out of the State any endangered or threatened  
4 species. A person who violates this paragraph commits a Class D crime, for which a  
5 fine of \$2,000 must be adjudged, none of which may be suspended;

6           B. Hunt, take, trap, harass or possess any endangered or threatened species within  
7 the State. A person who violates this paragraph commits a Class D crime, for which  
8 a fine of \$2,000 must be adjudged, none of which may be suspended;

9           C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means  
10 whatsoever, any endangered or threatened species or any part of an endangered or  
11 threatened species. A person who violates this paragraph commits a Class D crime,  
12 for which a fine of \$2,000 must be adjudged, none of which may be suspended; or

13           D. Feed or, set bait for ~~or harass~~ any endangered or threatened species. ~~A law~~  
14 ~~enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a~~  
15 ~~warning to a person who violates this paragraph for the first time. A person who~~  
16 ~~violates this paragraph after having previously been given a warning under this~~  
17 ~~paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged,~~  
18 ~~none of which may be suspended.~~

19           **Sec. 3. 12 MRSA §12810, sub-§2**, as enacted by PL 2009, c. 60, §2, is amended  
20 to read:

21           **2. Prohibited acts regarding delisted species.** Except as otherwise authorized by  
22 the commissioner pursuant to this Part, a person may not intentionally:

23           A. Import into the State or export out of the State a delisted species. A person who  
24 violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be  
25 adjudged, none of which may be suspended;

26           B. Hunt, trap, harass or possess a delisted species within the State. A person who  
27 violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be  
28 adjudged, none of which may be suspended; or

29           C. Process, sell, offer for sale, deliver, carry, transport or ship, by any means  
30 whatsoever, a delisted species or any part of a delisted species. A person who violates  
31 this paragraph commits a Class D crime; ~~or, for which a fine of \$2,000 must be~~  
32 adjudged, none of which may be suspended.

33           D. ~~Feed, set bait for or harass a delisted species. A law enforcement officer, as~~  
34 ~~defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person~~  
35 ~~who violates this paragraph for the first time. A person who violates this paragraph~~  
36 ~~after having previously been given a warning under this paragraph commits a Class D~~  
37 ~~crime.~~

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

**SUMMARY**

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This amendment replaces the bill. This amendment:

1. Provides that for conviction of certain Class E crimes of negligence related to endangered or threatened species, the maximum allowable fine of \$1,000 must be adjudged;
2. Removes the requirement that, for a first-time offense of negligently feeding, setting bait for or harassing any endangered or threatened species, a law enforcement officer must issue a warning;
3. Provides that for conviction of certain Class D crimes involving intentional acts related to endangered or threatened species, the maximum allowable fine of \$2,000 must be adjudged;
4. Removes the requirement that, for a first-time offense of intentionally feeding, setting bait for or harassing any endangered or threatened species, a law enforcement officer must issue a warning;
5. Provides that for conviction of certain Class D crimes involving intentional conduct related to a delisted species, the maximum allowable fine of \$2,000 must be adjudged;
6. Removes the requirement that, for a first-time offense of intentionally harassing a delisted species, a law enforcement officer must issue a warning; and
7. Removes the prohibition on intentionally feeding or setting bait for a delisted species.