

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

—
S.P. 501 - L.D. 1369

**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 §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 libellant 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;

Sec. 2. 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~~ section 10105, subsection 10, sections 12102, 12152, ~~42155~~, 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. 3. 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. 4. 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.

Sec. 5. 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Sec. 6. 12 MRSA §12152, sub-§3, as amended by PL 2005, c. 117, §2, is repealed and the following enacted in its place: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. 7. 12 MRSA §12152, sub-§§3-A, 3-B and 3-C 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. Commercial exhibition or attracting trade, \$250;

C. Personal use, \$27;

D. Rehabilitation, no fee;

E. Importation, \$250;

F. Possession, \$250;

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

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

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.

Sec. 8. 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 ~~for~~ 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 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.

Sec. 9. 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.

Sec. 10. 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. 11. 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. 12. 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. 13. 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.