

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 1295 - L.D. 1818

An Act To Clarify and Enhance Certain Maine Wildlife Laws

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the provisions of this Act need to become effective before 90 days after the adjournment of the First Regular Session of the 129th Legislature in order for changes to laws governing the hunting of moose to take effect and to provide time to educate hunters on these new provisions prior to the first hunt occurring in September 2019; and

Whereas, chronic wasting disease has been detected in a captive deer farm in the Province of Quebec, not far from the Maine border, and it is yet to be determined if this disease has reached wild deer populations and, due to the devastating impact this disease has on wild deer and moose populations and the potential significant negative impact this disease would have on Maine's economy, hunting traditions and people's livelihoods, clear authority to allow the Commissioner of Inland Fisheries and Wildlife to act decisively to protect Maine's moose and deer populations from chronic wasting disease is immediately necessary; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §10001, sub-§3, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

3. Antlerless moose. "Antlerless moose" means a moose without antlers ~~or a moose with antlers that are shorter than its ears.~~

Sec. 2. 12 MRSA §10105, sub-§14, ¶A, as amended by PL 2013, c. 280, §2, is further amended to read:

A. Prohibit or limit the feeding of deer, bear, moose and wild turkey at any location if there is documented evidence of chronic wasting disease, as defined in Title 7, section 1821, subsection 1, in the State or within 50 miles of the border of the State or if the commissioner has reason to believe that the type or location of feed may create a public safety hazard or may have a detrimental effect on deer, bear, moose and wild turkey; and

Sec. 3. 12 MRSA §10105, sub-§14, ¶B, as amended by PL 2013, c. 280, §2, is repealed.

Sec. 4. 12 MRSA §11851, sub-§§1 and 2, as amended by PL 2015, c. 301, §26, are further amended to read:

1. Unlawfully hunting or trapping wild birds. A person may not hunt or trap a wild bird, other than the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling, except as provided in this Part.

2. Unlawful possession of wild birds. A person may not possess, alive or dead, a wild bird, other than the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling, except as provided in this Part.

Sec. 5. 12 MRSA §11854, as amended by PL 2013, c. 280, §10, is further amended to read:

§11854. Nest or eggs of wild birds

A person may not take, possess or needlessly destroy the nest or eggs of a wild bird, except the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling. A person who violates this section commits a Class E crime.

Sec. 6. 12 MRSA §12152, sub-§3-D, ¶E, as enacted by PL 2017, c. 205, §18, is amended to read:

E. A wildlife rehabilitation permit, which allows the holder to possess debilitated or orphaned wildlife and rehabilitate that wildlife and release it into the wild as soon as the wildlife is rehabilitated or euthanize that wildlife in accordance with humane euthanization procedures if rehabilitation and release are not possible. A wildlife rehabilitation permit is available at no cost and expires ~~2-years from~~ on December 31st of the 2nd complete year after the date of issuance;

Sec. 7. 12 MRSA §12404, sub-§3, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §242 and affected by §422, is further amended to read:

3. Birds. A person may not take or kill wild birds, with the exception of English or European house sparrows, European starlings, rock pigeons, also known as rock doves, and wild turkeys under sections 12401 and 12402.

A person who violates this subsection commits a Class E crime.

Sec. 8. 12 MRSA §12706, sub-§1, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

C. Beauchamp Sanctuary: The following described territory situated in Rockport and Camden, in the County of Knox: Beginning at the mouth of Goose River in Rockport; ~~thence in a northerly direction along number 1 highway to the mouth of the Megunticook River in Camden~~ where Pascal Avenue crosses Goose River; thence in an easterly direction along Pascal Avenue; thence southerly along Main Street; thence in an easterly direction along Central Street; thence in a northerly direction along Union Street; thence in a northwesterly direction along School Street in Camden; thence in a northeasterly direction along U.S. Route 1 to where it crosses the Megunticook River; thence in a southerly direction along the south shore of the river and along the coast around Metealf Point and Beauchamp Point and thence in a northerly northwesterly direction along the coast back to the said mouth of the Goose River;

Sec. 9. 12 MRSA §12707, sub-§2, ¶H, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

H. ~~The use of firearms on~~ Subsection 1-A applies to Megunticook Lake and Vicinity Sanctuary is prohibited only from the first day of April of each year to the 30th day of September following. From October 1st until March 31st of each year, hunting wild animals and wild birds is permitted.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.