| 1              | L.D. 305                                                                                                                                                                                      |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2              | Date: (Filing No. S- )                                                                                                                                                                        |
| 3              | INLAND FISHERIES AND WILDLIFE                                                                                                                                                                 |
| 4              | Reproduced and distributed under the direction of the Secretary of the Senate.                                                                                                                |
| 5              | STATE OF MAINE                                                                                                                                                                                |
| 6              | SENATE                                                                                                                                                                                        |
| 7              | 128TH LEGISLATURE                                                                                                                                                                             |
| 8              | FIRST REGULAR SESSION                                                                                                                                                                         |
| 9<br>10<br>11  | COMMITTEE AMENDMENT " to S.P. 91, L.D. 305, Bill, "An Act To Require Permits for Wildlife in Captivity and Notification of the Escape of Exotic Wildlife in Captivity"                        |
| 12             | Amend the bill by striking out the title and substituting the following:                                                                                                                      |
| 13<br>14       | 'An Act To Increase the Penalty for Allowing Wildlife in Captivity To Escape in Violation of a Permit Requirement'                                                                            |
| 15<br>16       | Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:                                                                       |
| 17<br>18       | 'Sec. 1. 12 MRSA §12151, sub-§2, as amended by PL 2015, c. 374, §§3 and 4, is further amended to read:                                                                                        |
| 19<br>20       | <b>2. Penalties.</b> The Except as provided in section 12152, subsection 7, the following penalties apply to violations of this section.                                                      |
| 21<br>22       | A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$500 may be adjudged.                                                                      |
| 23<br>24<br>25 | 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. |
| 26<br>27       | C. The department may seize fish or wildlife in accordance with sections 10502 and 10503 from a person who violates subsection 1.                                                             |
| 28             | Sec. 2. 12 MRSA §12152, sub-§7 is enacted to read:                                                                                                                                            |
| 29<br>30       | 7. Escaped wildlife prohibition; penalty. The following provisions apply to escaped wildlife.                                                                                                 |
| 31<br>32       | A. A person may not allow wildlife in captivity to escape that person's possession or control in violation of:                                                                                |
| 33             | (1) Rules adopted pursuant to subsection 5; or                                                                                                                                                |

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| 1 2                                                      | (2) An additional permit condition or requirement assigned pursuant to subsection 6.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| 3 4                                                      | B. Notwithstanding section 12151, subsection 2, a person who violates paragraph A commits:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5<br>6<br>7                                              | (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;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8<br>9<br>10                                             | (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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 11<br>12<br>13                                           | (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.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 14                                                       | SUMMARY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>22<br>23 | 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. |
| 25                                                       | FISCAL NOTE REQUIRED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 26                                                       | (See attached)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |