



127th MAINE LEGISLATURE

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Legislative Document

No. 1369

S.P. 501

In Senate, April 28, 2015

**An Act To Restructure the Permitting Process for Wildlife and
Exotic Species in Captivity**

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, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.

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

2 **Sec. 1. 12 MRSA §12151, sub-§1**, as enacted by PL 2003, c. 655, Pt. B, §200
3 and affected by §422, is amended to read:

4 **1. Prohibition.** A person may not keep wildlife in captivity except as provided
5 under ~~sections~~ section 10105, subsection 10, sections 12102, 12152, ~~12155~~, 12157, 12158
6 and 12704 and Title 7, section 1809 or except if the wild animal was purchased from a
7 dealer or pet shop licensed under Title 7, section 3933.

8 **Sec. 2. 12 MRSA §12152, sub-§1-A** is enacted to read:

9 **1-A. Permit required.** Except as otherwise provided in this Part, a person may not
10 import wildlife into or possess wildlife in the State or receive or possess wildlife imported
11 into the State. The department shall maintain a list of unregulated fish and wildlife
12 species that is available to the public. Each day a person violates this subsection that
13 person commits a Class E crime for which a minimum fine of \$50 and an amount equal to
14 twice the applicable permit fee must be imposed. The commissioner may grant a permit
15 to introduce, import, transport, receive or possess fish or gametes in accordance with the
16 provisions of section 12509.

17 **Sec. 3. 12 MRSA §12152, sub-§3**, as amended by PL 2005, c. 117, §2, is
18 repealed and the following enacted in its place:

19 **3. Issuance.** The commissioner may issue a permit to a person permitting the
20 introduction, importation, possession and use of wildlife in accordance with the
21 provisions of subsection 5.

22 **Sec. 4. 12 MRSA §12152, sub-§§3-A and 3-B** are enacted to read:

23 **3-A. Restrictions.** A permit issued pursuant to this section does not authorize the
24 permittee to:

25 A. Possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or
26 wild turkey-domestic turkey cross nor does it authorize the permittee to possess,
27 propagate or sell any wild animal taken in accordance with section 11601, 11602,
28 12401, 12402 or 12404; or

29 B. Import any species of wild turkey, hybrid wild turkey or wild turkey-domestic
30 turkey cross or the eggs of these species.

31 **3-B. Application fees.** Each applicant for a permit to introduce or import fish or
32 wildlife into or possess fish or wildlife in the State shall submit a written application in
33 the form required by the commissioner. The application must be accompanied by a
34 nonrefundable application fee as follows:

35 A. Propagation, \$27;

36 B. Commerical exhibition or attracting trade, \$250;

37 C. Personal use, \$27;

- 1 D. Rehabilitation, no fee;
- 2 E. Importation and possession of fish or wildlife, \$250;
- 3 F. Professional or vocational husbandry, \$27; and
- 4 G. Therapy or aid to disabled person, \$27.

5 **Sec. 5. 12 MRSA §12152, sub-§4**, as amended by PL 2005, c. 12, Pt. III, §22, is
6 further amended to read:

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

- 8 A. Propagation, \$27 ~~for~~ every 2 calendar years;
- 9 B. Commercial exhibition or attracting trade, \$147 every 2 calendar years ~~from July~~
10 ~~1st to June 30th;~~
- 11 C. Personal use, ~~professional or vocational husbandry, therapy or aid to disabled~~
12 ~~persons,~~ \$27 every 2 calendar years; and
- 13 D. Rehabilitation, renewable every 2 years, no fee;
- 14 E. Importation and possession of fish or wildlife, \$27 every 2 calendar years;
- 15 F. Professional or vocational husbandry, \$27 every 2 calendar years; and
- 16 G. Therapy or aid to disabled persons, \$27 every 2 calendar years.

17 **Sec. 6. 12 MRSA §12152, sub-§5**, as enacted by PL 2003, c. 414, Pt. A, §2 and
18 affected by c. 614, §9, is amended to read:

19 **5. Rules.** The commissioner may adopt rules necessary for the administration of this
20 section, including provisions to ensure that all wildlife possessed under these permits
21 receives humane treatment and proper husbandry and security, and to safeguard the
22 interests of the wildlife and citizens of the State. Rules adopted pursuant to this
23 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
24 Rules adopted may include but are not limited to rules that:

- 25 A. Maintain updated inspection provisions for applicants attempting to acquire a
26 permit to possess or introduce, import and possess fish or wildlife in captivity;
- 27 B. Maintain a fee structure to establish fees for inspection provisions for regulated
28 species;
- 29 C. Provide a process that allows authorized independent contractors to meet with
30 permit applicants to educate applicants on minimum standard facility requirements
31 and to inspect current facilities to recommend approval or denial of a permit; and
- 32 D. Charge a responsible party for the cost incurred to remove or euthanize
33 unpermitted regulated fish or wildlife species.

34 **Sec. 7. 12 MRSA §12155**, as affected by PL 2003, c. 614, §9 and amended by c.
35 655, Pt. B, §204 and affected by §422, is repealed.

