

129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 713

H.P. 518

House of Representatives, February 11, 2019

An Act To Strengthen Maine's Endangered Species Laws

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

Clerk

R(+ B. Hunt

Presented by Representative NADEAU of Winslow.

Cosponsored by Representatives: COREY of Windham, DUNPHY of Old Town, LYFORD of Eddington, MARTIN of Eagle Lake, MARTIN of Sinclair, McCREA of Fort Fairfield, REED of Carmel, STEARNS of Guilford.

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

- 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 D crime;
 - B. Hunt, take, trap or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class E D crime;
 - 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 $\pm \underline{D}$ crime; or
 - D. Feed, 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 may 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 $E \underline{D}$ crime.
 - **Sec. 2. 12 MRSA §12808, sub-§1-A,** as amended by PL 2015, c. 423, §1, is further amended to read:
 - **1-A.** Prohibited acts regarding endangered or threatened species; intentional. Except as provided in section 12808-A, a person may not intentionally:
 - 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 \underline{D} \underline{C} crime;
 - B. Hunt, take, trap or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class \underline{D} \underline{C} crime;
 - 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 Θ C crime; or
 - D. Feed, 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 D C crime.
- Sec. 3. 12 MRSA §12810, sub-§2, as enacted by PL 2009, c. 60, §2, is amended to read:

- **2. Prohibited acts regarding delisted species.** Except as otherwise authorized by the commissioner pursuant to this Part, a person may not intentionally:
 - A. Import into the State or export out of the State a delisted species. A person who violates this paragraph commits a Class Θ C crime;
 - B. Hunt, trap or possess a delisted species within the State. A person who violates this paragraph commits a Class \underbrace{DC} crime;
 - C. Process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, a delisted species or any part of a delisted species. A person who violates this paragraph commits a Class Θ C crime; or
 - D. Feed, set bait for or harass a delisted species. A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must may 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 D C crime.

15 SUMMARY

This bill gives a law enforcement officer discretion in issuing a warning to a first-time violator of the State's laws prohibiting negligently feeding, baiting or harassing an endangered or threatened species or feeding, baiting or harassing a delisted species. It removes the requirement that a law enforcement officer must issue a warning to a first-time violator of the law prohibiting intentionally feeding, baiting or harassing an endangered or threatened species.

It increases from Class E crimes to Class D crimes negligently importing, exporting, hunting, taking, trapping, possessing, processing, selling, offering for sale, delivering, carrying, transporting, shipping, feeding, baiting or harassing endangered or threatened species. It also increases from Class D crimes to Class C crimes intentionally engaging in any of those acts with endangered, threatened and delisted species.