

§12152. Permit to possess wildlife in captivity**(CONFLICT)****1. Permit required.**

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §201 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

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 for which a permit under this section is not required 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.

[PL 2017, c. 205, §14 (AMD).]

1-B. Exemption. Notwithstanding subsection 1-A, a reptile, amphibian or invertebrate that is native to the State and not listed by the department as threatened, endangered or of special concern may be captured from the wild in the State and possessed without a permit. Possession limits for each species are as follows:

- A. Amphibians, up to 5 specimens of each species; [PL 2017, c. 205, §15 (NEW).]
- B. Reptiles, up to 2 specimens of each species; and [PL 2017, c. 205, §15 (NEW).]
- C. Invertebrates, no specimen limits. [PL 2017, c. 205, §15 (NEW).]

Animals captured under this subsection must be kept in a manner that does not permit contact between those animals and any other animal that is not naturally present in the wild in this State. If an animal captured under this subsection is released back into the wild, the animal must be released in or near the same location where the animal was captured. Importation into the State of a reptile, amphibian or invertebrate exempted under this subsection is prohibited without a permit. Exhibition, propagation or export or sale for commercial purposes is prohibited without a permit. A person may not export, sell or otherwise use for commercial purposes any animal captured under this subsection unless the person holds an applicable permit for that use.

[PL 2017, c. 205, §15 (NEW).]

2. Affected species. Except as otherwise provided in this Part, this section applies to the possession of any wildlife regulated by the State that is held in captivity and to the importation of wildlife from an area outside the State, including:

- A. All species listed under state law as threatened or endangered; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- B. All species other than those listed in paragraph A not included on a list of unregulated, nonnative species that is maintained by the commissioner to facilitate the issuance of importation permits; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- C. Species identified in rules adopted by the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The commissioner may adopt rules that classify wildlife into categories as described in subsection 3-D for purposes of determining applicable fees under this section. The rules must, at a minimum, include the list of unrestricted, nonnative species as provided in paragraph B, a category of wildlife that is endangered or threatened or presents a risk to humans, a category of wildlife that requires special housing or care and a category of prohibited species for which a permit is not issued under any circumstances.

[PL 2017, c. 205, §16 (AMD).]

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.

A. [PL 2015, c. 494, Pt. A, §8 (RP).]

B. [PL 2015, c. 494, Pt. A, §8 (RP).]

C. [PL 2015, c. 494, Pt. A, §8 (RP).]

D. [PL 2015, c. 494, Pt. A, §8 (RP).]

[PL 2015, c. 494, Pt. A, §8 (RPR).]

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 12401, 12402 or 12404; or [PL 2019, c. 639, §7 (AMD).]

B. Import any species of wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross or the eggs of these species. [PL 2015, c. 374, §7 (NEW).]

[PL 2019, c. 639, §7 (AMD).]

3-B. Application fees.

[PL 2017, c. 205, §17 (RP).]

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. The commissioner may issue a notice of corrective action to a person issued a permit under this subsection informing the person of the requirement to fully comply with application and permit conditions and that failure to comply may result in denial of future permits.

[PL 2019, c. 652, §1 (AMD).]

3-D. Permit types; application fees; permit fees. An applicant for a permit under this section shall submit a written application on a form specified by the commissioner. The application must be accompanied by the applicable nonrefundable application fee. The following permits may be issued by the commissioner:

A. A category 1 restricted species importation permit, which allows the holder to import wildlife that is endangered or threatened or presents a risk to humans into the State. The following fees apply to a permit under this paragraph:

(1) Application fee, \$250; and

(2) Permit fee, \$27; [PL 2017, c. 205, §18 (NEW).]

B. A category 1 restricted species exhibition permit, which allows the holder to exhibit wildlife for commercial purposes that is endangered or threatened or presents a risk to humans or that requires special housing or care. A category 1 restricted species exhibition permit does not allow the holder to exhibit wolf hybrids, as defined in Title 7, section 3907, subsection 30. A category 1 restricted species exhibition permit expires 2 years from the date of issuance. The following fees apply to a permit under this paragraph:

(1) Application fee, \$250; and

(2) Permit fee, \$150; [PL 2017, c. 205, §18 (NEW).]

C. A category 2 restricted species importation permit, which allows the holder to import wildlife that requires special housing or care. The following fees apply to a permit under this paragraph:

- (1) Application fee, \$100; and
- (2) Permit fee, \$27; [PL 2017, c. 205, §18 (NEW).]

D. A category 2 restricted species possession permit, which allows the holder to possess wildlife that requires special housing or care. A category 2 restricted species possession permit expires 2 years from the date of issuance. The following fees apply to a permit under this paragraph:

- (1) Application fee, \$27; and
- (2) Permit fee, \$27; [PL 2017, c. 205, §18 (NEW).]

E. **(CONFLICT: Text as amended by PL 2019, c. 355, §6)** 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 on December 31st of the 2nd complete year after the date of issuance; [PL 2019, c. 355, §6 (AMD).]

E. **(CONFLICT: Text as amended by PL 2019, c. 501, §9)** 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 the date of issuance; [PL 2019, c. 501, §9 (AMD).]

F. A research permit, which allows the holder to import and possess wildlife that is endangered or threatened or presents a risk to humans or that requires special housing or care to conduct scientific research or to use for educational purposes. A research permit is available at no cost and expires 2 years from the date of issuance; and [PL 2017, c. 205, §18 (NEW).]

G. An educational and scientific collection permit, which allows the holder to hunt, trap, possess, band and transport wildlife from within the State for educational or scientific purposes. An educational and scientific permit is not required to hunt, trap, possess, band or transport an invertebrate that is not listed by the department as endangered, threatened or of special concern. An educational and scientific collection permit is available at no cost and expires one year from the date of issuance. [PL 2017, c. 205, §18 (NEW).]

[PL 2019, c. 355, §6 (AMD); PL 2019, c. 501, §9 (AMD).]

4. Permit fees.

[PL 2017, c. 205, §19 (RP).]

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. [PL 2015, c. 374, §9 (NEW).]

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; [PL 2015, c. 374, §10 (NEW).]

B. Maintain a fee structure to establish fees for inspection provisions for regulated species; [PL 2015, c. 374, §10 (NEW).]

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 [PL 2015, c. 374, §10 (NEW).]

D. Charge a responsible party for the cost incurred to remove or euthanize unpermitted regulated fish or wildlife species. [PL 2015, c. 374, §10 (NEW).]

[PL 2015, c. 374, §10 (AMD).]

6. Additional permit requirements. In addition to the provisions adopted under subsection 3, the commissioner may assign permit conditions or requirements designed to mitigate potential impacts or risks that may arise from the possession of specific wildlife species or to ensure the humane treatment or proper husbandry for specific species.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Escaped wildlife prohibition; penalty. The following provisions apply to escaped wildlife.

A. A person may not allow wildlife in captivity to escape that person's possession or control in violation of:

(1) Rules adopted pursuant to subsection 5; or

(2) An additional permit condition or requirement assigned pursuant to subsection 6. [PL 2017, c. 285, §2 (NEW).]

B. Notwithstanding section 12151, subsection 2, a person who violates paragraph A commits:

(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;

(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

(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. [PL 2017, c. 285, §2 (NEW).]

[PL 2017, c. 285, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B201 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III22 (AMD). PL 2005, c. 117, §2 (AMD). PL 2015, c. 301, §27 (AMD). PL 2015, c. 374, §§5-10 (AMD). PL 2015, c. 494, Pt. A, §8 (AMD). PL 2017, c. 205, §§14-19 (AMD). PL 2017, c. 285, §2 (AMD). PL 2019, c. 355, §6 (AMD). PL 2019, c. 501, §9 (AMD). PL 2019, c. 639, §7 (AMD). PL 2019, c. 652, §1 (AMD).

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