**09-137 DEPARTMENT OF INLAND FISHERIES & WILDLIFE**

**Chapter 27: ANIMAL DAMAGE CONTROL AGENT CERTIFICATE**

* 1. **SCOPE**

This rule chapter applies to the application, examination and certification process as well as the training, operating standards, and activities conducted by Animal Damage Control Agents [ADC]. Certified agents are authorized by the Department of Inland Fisheries & Wildlife to act as an agent of the Commissioner while engaging in the take or relocation of any wildlife as authorized in 12 M.R.S. §10105 subsection 1.

* 1. **TABLE OF CONTENTS**

27.03 Definitions

27.04 Classifications of ADC Certifications

27.05 Eligibility

27.06 Application

27.07 Examination

27.08 Operating Standards

27.09 Term of Certification

27.10 Denial, Suspension or Revocation of Certificate

27.11 Transition and Grandfathering Provisions

* 1. **DEFINITIONS**

1. **Animal Damage Control:** Authorized taking or relocation of wildlife to mitigate human-wildlife conflict.

2. **Animal Damage Control Agent:** A person certified by the Department who acts as an agent of the Commissioner and works to mitigate human – wildlife conflict and is authorized under 12 M.R.S. §10105 to take or relocate wildlife as necessary when responding to complaints of animal damage.

* 1. **CLASSIFICATIONS OF ADC CERTIFICATIONS**

ADC Agents may be certified under one or more of the following classifications:

1. **Class 1** (Home and Garden): a person who has met the qualifications to perform ADC work to mitigate nuisance wildlife issues related to home and garden species listed within the department policy;

2. **Class 2** (All Other)**:** A person who has met the qualifications to perform ADC work to mitigate issues related to all other species that are not contained in another certification.

3. **Bats**: a person who has met the qualifications to perform ADC work to mitigate human-bat conflicts; and

4. **Hazing with dogs:** a person who has met the qualifications to perform ADC work to mitigate issues related to nuisance wildlife whose behavior can be modified by the use of dogs.

* 1. **ELIGIBILITY**

1. An applicant must meet the following eligibility requirements to become certified as an ADC agent in one or more classifications:

A. Completion of the application including but not limited to a description of any relevant experience applicable to the classifications the person wishes to become certified in;

B. The application must be signed stating that the applicant has completed review of all required training and policy materials prior to submission of the application;

C. Must pass the written examination; (see section 27.07)

D. Has a current and valid trapping license with the exception of those only classified for bat exclusion or hazing with dogs;

E. Disclose any criminal convictions and civil violations, and submit to a background check. Any of the following convictions or adjudications may disqualify the applicant from certification upon review by the department.

(1) Class A, B, C or D convictions within the previous 3 years (except the disqualification period for convictions may be longer where provided for by law);

(2) Any conviction or adjudication for a violation of any provision of 12 M.R.S. Part 13 within the previous 5 years.

* 1. **APPLICATION**

1. The application shall include:

A. A requirement that any criminal convictions and/or civil violation adjudications be disclosed;

B. Training and policy materials provided within the application packet to be reviewed prior to submitting application;

C. A requirement that any experience relevant to ADC work be listed;

D. A requirement that ADC applicants obtain signatures on the application form from a regional wildlife biologist and a game warden endorsing the applicant as suitable for approval by the Department as an ADC agent.

* 1. **EXAMINATION**

1. **Written**: Applicants must satisfactorily complete a written exam in each classification for which they apply. A passing score on the written exam must be 80% or higher in each section of the exam. Testing accommodations shall be provided upon request in compliance with A.D.A. standards. Applicants who have previously held an ADC agent certificate and are applying for a new certificate will be required to take a written exam if they have not successfully passed an exam within the past 3 years.

* 1. **OPERATING STANDARDS**

1. Agents must abide by all applicable State and Federal laws.

2. Failure to comply with department ADC Policy may result in revocation or suspension of the agent certificate.

* 1. **TERM OF CERTIFICATION**

1. An ADC certification authorizes a person to perform the work of an ADC agent of the Commissioner from the date of issuance through June 30th of the 2nd complete year following the year of issuance.

* 1. **DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATION**

1. The department may deny an application for certification if eligibility and application requirements are not met (see section 27.05 and 26.06).

2. The department may revoke or suspend a certification if:

1. There are violations of the operating standards (see section 27.08);

B. The agent is found to be no longer eligible for certification (section 27.05);

C. The agent submitted false information or failed to disclose information required by the application;

D. The agent is found to be incompetent, negligent or neglectful in the conduct of ADC activities, including, but not limited to, entering into a contractual agreement with a client to provide services and then failing, without just cause, to provide the services as agreed;

E. Failure to meet the qualifications for the certification, including but not limited to, failing to pass reexamination;

3. The department will notify the agent of any denial, revocation or suspension in writing, which shall inform the agent of the reasons for the department’s decision.

4. Any person whose application for certification has been denied, or whose certification has been suspended or revoked, may request an appeal hearing before the department. The request for a hearing under this paragraph must be submitted to the department, in writing within 30 days of receipt of the notice of denial, revocation or suspension of the ADC certificate. Appeal hearings will be held in accordance with the adjudicatory proceeding provisions of the *Maine Administrative Procedure Act*. The issues on appeal will be whether there are sufficient grounds for the denial, revocation or suspension and whether the issuance or reinstatement of a certificate would be in the best interests of justice.

**27.11 Transition and Grandfathering Provisions**

* + - 1. Any person who is certified as an ADC agent as of July 1, 2019, may continue to perform ADC services and upon recertification is exempt from the examination requirements but must still meet the background and training requirements for that recertification and any future recertification. If a person who is certified as an ADC agent as of July 1, 2019, fails to recertify, within 3 years past the expiration date of their certificate, may be required to comply with all certification requirements including background check, training and examination.

STATUTORY AUTHORITY:

12 MRS §§ 10104, 10105

EFFECTIVE DATE:

February 5, 2019 – filing 2019-028