

**01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**Chapter 223: RULES FOR THE OPERATION OF COMMERCIAL LARGE GAME SHOOTING AREAS IN MAINE**

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**1. STATUTORY AUTHORITY**

The statutory authority for these rules is found in 7 M.R.S., Chapter 202-A, §1342(8).

**2. PURPOSE**

These rules are intended to clarify statutory requirements for the operation of commercial large game shooting areas, and to minimize risk of disease, and escape among the domesticated large game.

**3. DEFINITIONS**

In addition to terms defined in 7 M.R.S. §§ 1342(8) and 1342(A)(2), and in Chapter 203 (*Chronic Wasting Disease Surveillance Program Rules*), and Chapter 204 (*Farmed Cervid Licensing Rule*), the terms below shall have the following meanings.

- A. **Interior Fence:** Fencing inside of the perimeter fence that divides the shooting zone into two or more subzones.
- B. **LGSA:** An abbreviation for a licensed commercial large game shooting area in Maine.
- C. **Official Identification:** The identification of cervids with a minimum of two state and federally approved identifiers. The identification must enable the trace-back of cervids to herd of origin.
  - 1. Identification shall include at least one of the following: permanent tattoo, microchip, or official state ear tag.
  - 2. Identification may include one of the following: herd ear tag, leg tag, collar tag, or other identification approved by the Department.
- D. **Perimeter Fence:** Primary fencing that encompasses the shooting zone and defines its area.
- E. **Secondary Fence:** A supplementary barrier attached to the inside posts of a perimeter fence encompassing a shooting zone or subzone containing domesticated boar.
- F. **Raised On That Farm:** Domesticated large game that were born to animals already existing on that LGSA, or that were acquired from other sources before those animals reached 12 months of age.

- G. **Sub-Zone:** An area within a shooting zone that is partitioned by fencing for the purpose of managing domesticated large game or managing hunting activities. Sub-Zones must exceed 15 acres in total area.

#### 4. AUTHORIZED SPECIES

- A. LGSA licenses may authorize the harvest of any one or more of the following: domesticated cervids (elk, red deer, elk/red deer hybrids, fallow deer, and sika deer), domesticated boar, and bison.

#### 5. LICENSE APPLICATION FOR AN LGSA AFTER APRIL 1, 2009

- A. Persons seeking an LGSA license for a facility as authorized by P.L. 2009, Chapter 249 must apply in writing on an application form provided by the Commissioner.
- B. Applications for LGSA licenses pursuant to P.L. 2009, Chapter 249 must be submitted no later than July 1, 2010. The Department will not act on any application until after the submission deadline passes.
- C. After the submission deadline, as provided in section 5.B. above, the applications will be evaluated according to the following criteria.
1. Geographic location in relation to Piscataquis County and the counties in which other licensed LGSAs are currently operating. Preference will be given first to applicants located in Piscataquis County, as required by P.L. 2009 Chapter 249, followed by applicants for facilities in counties where licensed LGSAs are not currently located. Consideration will also be given to whether the proposed LGSA parcel is located in one of Maine's rural northern counties (Aroostook, Franklin, Hancock, Oxford, Penobscot, Piscataquis, Somerset, Washington);
  2. Whether the applicant already holds a license to possess farmed cervids in Maine;
  3. Whether documentation is provided showing that the parcel in question is owned or is under valid long-term (minimum of 20 years) lease held by the applicant;
  4. Whether documentation is provided showing that the parcel in question is of sufficient size to meet the minimum land requirements for a commercial large game shooting area (i.e., 50 acres for cervids; 200 acres for bison or domesticated boar), in addition to land needed to perform other management activities on the proposed LGSA;
  5. Whether verification exists, based on a site visit, that the parcel has the physical characteristics to enable appropriate fencing to be constructed and maintained so as to minimize the risk of escape by captive large game; and,
  6. Whether documentation has been provided showing that the parcel in question meets all municipal and/or state zoning requirements pertaining to habitat alteration and firearms discharge.

7. In the event that an LGSA license issued pursuant to Chapter 202-A lapses, is revoked by the Department or is surrendered by the licensee, the Department may publish notice of the availability of any license which may be issued in its place pursuant to these rules, and may publish notice of the deadline for the submission of an application for any such license. The Department may withhold action on any application so received until the published deadline for the submission of applications has passed.
  8. The preference given to license applicants who propose to locate an LGSA in Piscataquis County during an initial license to be issued pursuant to this section will not apply to any future licenses issued pursuant to a vacancy created by the lapse, revocation, or surrender of an LGSA license.
- D. Within 30 days of receipt of an application, an agent of the commissioner will inspect the proposed parcel in the presence of the applicant. The purpose of the inspection shall be to verify that the applicant satisfies the criteria outlined in sections 5.C.1.-7. above, in addition to any other statutory requirements for the licensure of a new LGSA. At the end of the inspection, the inspector will inform the applicant in writing of any deficiencies or necessary modifications that may be required to satisfy application and/or licensing requirements.
  - E. An inspection showing that the application satisfies all the criteria for licensure does not guarantee issuance of a license to operate a LGSA. Final licensing decisions for available LGSA licenses will be made by the Commissioner, after evaluating all applicants in accordance with the criteria outlined in sections 5.C.1.-7. above.
  - F. Applicants selected for licensure as an LGSA will first be sent a "Letter of intent to license as a Commercial Large Game Shooting Area" by the Commissioner. The letter of intent will specify all required fencing and facility construction that must be completed before the LGSA license can be issued. Actual issuance of the license is contingent upon successful compliance with these construction requirements.
  - G. All applicable licensing fees must be submitted to the Department at the time of the submission of the license application. ***Application fees will be refunded for applicants who are not selected for licensure as an LGSA.***

## 6. LGSA LICENSE RENEWALS

- A. A license to operate a commercial large game shooting area in Maine shall be valid for one year, beginning September 1 and ending August 31. LGSA licenses shall specify which species can legally be offered by the licensee for harvest during the coming year.
- B. License renewal applications must be submitted on forms provided by the Department and must include a report indicating the number, by species and transport tag number, of all large game killed by clients during the past licensing year.
- C. Facilities for which a LGSA license renewal application is submitted must pass a facility site inspection. The on-site inspection must verify that fencing, facilities, feeding practices, and other management activities remain in compliance with licensing

requirements. Deficiencies will be documented in writing, and will require resolution before a license is renewed.

- D. All applicable licensing fees must be submitted to the Department by September 30 each year. Failure to submit all applicable licensing fees by the September 30 deadline will be considered operation of a Large Game Shooting Area without a license. An LGSA license will be considered lapsed if the licensee fails to submit all applicable licensing fees for a period of one year.

## **7. EXPANSION OF LGSA LICENSES**

- A. LGSA license holders must submit a request to the Commissioner for authorization to offer large game that was not authorized under their current license. The request must be in writing and it must specifically identify the additional genus or species that the license holder is proposing to offer for shooting.
- B. The Department will conduct an inspection of the LGSA facility within 30 days of the request submitted under section 7.A. above, to determine whether the existing fencing and other physical facilities are adequate to contain the additional species of large game.
- C. Facilities found to be in compliance with all existing fencing and physical facility requirements for the proposed added species will be granted authorization for the expansion of their license in writing by the Commissioner within 30 days of the inspection. The written authorization shall operate as an amendment to the LGSA license.

## **8. PROVISIONAL LICENSE**

- A. If deficiencies are found by the Department during the initial license inspection, or during an annual inspection for license renewal, or during an inspection pursuant to a license expansion request, the Department may, at its discretion, issue a provisional license conditioned upon the timely correction of the deficiencies.
- B. A provisional license issued by the Department pursuant to this rule shall be of such duration, as determined by the Department, to be reasonable and necessary for the correction of the deficiencies as noted by the Department in writing.
- C. Failure to correct deficiencies by the end of the time period specified on the provisional license shall be grounds for the Department to deny an initial license, license renewal, or a license expansion request.

## **9. LICENSE FEE**

- A. 7 M.R.S., Chapter 202-A, §1342 specifies license fees for LGSAs as follows: “The annual fee for a commercial large game shooting area is \$1,000, except that the annual fee for a commercial large game shooting area is \$500 for an operation that is licensed to possess domesticated cervids under chapter 202 and harvests only domesticated cervids raised on that farm.”

- B. For the purpose of determining when the lower (\$500) fee applies, the term “raised on that farm” shall be as defined in section 3.F above.

## 10. TRANSPORT TAGS AND TAGGING FEES

- A. The Department shall issue individually numbered transport tags for the purpose of identifying large game killed on licensed premises, as provided for in 7 M.R.S., Chapter 202-A, §1343. The transport tag must be placed in the hock of each individual large game animal killed by clients before leaving the LGSA facility. Transport tags, or a facsimile containing the identification number, must accompany all parts of a large game animal (e.g., parts taken to a taxidermist, butcher shop, personal residences) to facilitate disease monitoring.
- B. Commercial Large Game Shooting Area operators must remit a fee of \$25 for each transport tag issued to clients. This fee, representing the sum of all transport tags issued during the previous licensing year, is to be paid to the Department at the time an LGSA license is renewed.

## 11. TAGGING OF LIVE CERVIDS

- A. In accordance with the *Chronic Wasting Disease Surveillance Program Rules* (01-001 CMR Chapter 203), any live domesticated cervid brought onto a commercial large game shooting area must be accompanied by official identification enabling trace-back to the source herd.
- B. Upon request, the Department may supply ear tags to meet live deer tagging requirements at no cost to the operator.
- C. Cervids that were born and raised on the premises of a licensed LGSA licensee are exempt from live deer tagging requirements, as are domesticated bison and domesticated boar regardless of source.

## 12. RECORD KEEPING

- A. Written records documenting purchases, sales, live shipments, escaped cervids, and deaths (including harvests) must be kept for all large game confined within commercial large game shooting areas. Records for individual animals must be kept for a minimum of 5 years. Information contained in the records must include, at a minimum, individual animal identification, transportation (harvest) tag numbers, species, sex, and age, where known. The records must be made available to state and federal regulatory officials upon request at all reasonable times.
- B. LGSAs must keep a file containing the name and contact information of all clients who harvested large game, along with associated transportation tag numbers. The file must be retained for a minimum of 5 years for each harvest event, and must be made available to state and federal regulatory officials upon request at all reasonable times.

### 13. HANDLING FACILITIES

- A. LGSAs must be equipped with a handling facility if they stock cervids from other cervid farms which are not equipped to handle and tag deer.
- B. Handling facilities must be adequate to allow cervids to be handled humanely and safely for the purpose of affixing ear tags prior to release into a shooting zone.
- C. Each access lane and catch pen must be designed and constructed of materials adequate for the safe containment of cervids for inspection, identification, and testing. No nails, barbed wire, or other potential hazards may protrude from any facility, lane or pen.
- D. Handling facilities must be functional before an initial LGSA license, or license renewal, or a license expansion can be issued.

### 14. CONFINEMENT

- A. Shooting zones must be enclosed by fencing or other barriers sufficient to contain the species of large game contained in that shooting zone, regardless of whether individual large game are currently offered for harvest.
- B. The following standards for fencing and confinement of large game apply to all new large game shooting areas licensed after April 1, 2009, to any currently licensed large game shooting area that elects to expand the species of large game offered for harvest after April 1, 2009, and to any currently licensed large game shooting area that elects to modify or expand the fencing within shooting zones and sub-zones.
- C. **Domesticated Cervids**
  - 1. Perimeter fencing must be a minimum of 8 feet in height from the ground surface. Fencing material must be continuous around the perimeter, except at gates and other access points. Materials must be woven wire or chain-link, with hole spacing no more than 2 inches by 6 inches up to a minimum height of 24 inches above ground, and no more than 6 inches by 6 inches for the remainder of the height. Fence bottoms must be no more than 2 inches above grade in all locations, and should preferably be buried below the surface. Fencing may be attached to posts, or to existing trees at a distance that maintains clearances and rigidity of the structure.
  - 2. Perimeter gates and other access points must be of solid materials capable of withstanding contact with large game contained therein. Gate height must be a minimum of 8 feet, and clearances around the sides and bottom must not exceed 2 inches. All perimeter gates must be capable of being locked.
  - 3. An access lane of sufficient width to accommodate motorized equipment must be maintained around the perimeter fencing of each shooting area. The access lane may be placed immediately inside or outside the fence, and it must be kept free of trees and heavy brush.

4. Perimeter fences must be kept in good repair at all times. Fence integrity must be restored promptly wherever they are damaged by fallen trees or large game, so as to prevent escape from captivity. Gaps that are in excess of two inches between the ground and the bottom of a perimeter fence must be filled in with woody debris, soil or rock.

**D. Domesticated Boar**

1. Standards for the perimeter fence include those described for domesticated cervids in section 14.C.1., above. In addition, all perimeter and interior fencing within shooting zones or sub-zones containing boar must be buried at least 12 inches into the ground, with the buried portion on the inside of the posts.
2. An access lane of sufficient width to accommodate motorized equipment must be maintained around the perimeter fencing of each shooting area. The access lane may be placed immediately inside or outside the fence, and it must be kept free of trees and heavy brush.
3. Perimeter fences must be kept in good repair at all times. Fence integrity must be restored promptly wherever they are damaged by fallen trees or large game, so as to prevent escape from captivity. All fences containing boar must remain buried at all times.
4. Interior fences surrounding sub-zones containing domesticated boar must be at least 6 feet in height. Standards for hole spacing are the same as standards described for the perimeter fencing for cervids in section 14.C.1., above.
5. Domesticated boar less than 6 months of age must not be contained in any part of a shooting zone at any time, unless that area is encompassed by a primary and a secondary fence.
6. The secondary or double fence for perimeter and any interior fencing containing domesticated boar less than 6 months of age must be either of woven wire or chain-link construction with a minimum of 2 inches by 2 inches spacing up to a height of 36 inches of the ground surface. Secondary fences are to be secured to the posts of primary fences on the inside.
7. Standards for gates and other access points in shooting zones and sub-zones containing domesticated boar must be constructed as described for domestic cervids, in section 14.C.2 above, and must include the following modification:
  - a. The area beneath the gate, when in closed position must be equipped with a continuous, impervious, non-movable material at least 6 inches wide, sufficient to create barrier to digging beneath the fence that spans the entire distance between the gate posts. Materials for this barrier can be constructed of concrete, or wood. If constructed of wood, the barrier must be at least 4 inches thick to withstand traffic, and it must be anchored into the ground to prevent movement by boar.

**E. Domesticated Bison**

1. The standards for the confinement of domesticated bison within the shooting zone or sub-zones include those described for domesticated cervids, in section 14.C.1. above, except as follows:
  - a. As an alternative, domesticated bison may be confined within high voltage/low impedance electrical fencing. In this case, fence height must be at least 6 feet above ground level. Electric fences must consist of at least 5 strands of high tensile 12 gauge wire, and each strand must be equipped with materials sufficient to maintain necessary rigidity. Wire may be attached to suitable posts or to available trees, using proper insulators. Electric fences must be maintained in good condition and be kept free from debris at all times. Fences must remain charged sufficiently to deter breach by bison within any subzone containing these animals.
2. An access lane of sufficient width to accommodate motorized equipment must be maintained around the perimeter fencing of each shooting area. The access lane may be placed immediately inside or outside the fence, and it must be kept free of trees and heavy brush.
3. Perimeter fences must be kept in good repair at all times. Fence integrity must be restored promptly wherever they are damaged by fallen trees or large game, so as to prevent escape from captivity. Gaps that are in excess of two inches between the ground and the bottom of a non-electric perimeter fence must be filled in with woody debris, soil or rock.
4. Electric fencing alone is not suitable for containing domesticated cervids or domesticated boar, and LGSA licensees may not stock cervids and boar within shooting zones or sub-zones fenced solely with high tensile electric fencing.

**15. HERD MANAGEMENT**

Large game confined on the premises of Commercial Large Game Shooting Areas must have free access to the following:

- A. Clean water, either free-flowing or placed.
- B. Adequate feed to maintain weight and condition at any stage of production.
- C. Adequate shelter, which may be either natural or constructed. Natural shelter consists of trees or brush that affords protection from direct sun, wind, rain, and other inclement weather that is large enough to accommodate all large game at one time. Constructed shelter contains a roof, and must afford the same protection from inclement weather as natural shelter. No nails or other potential hazards may be exposed.
- D. Large game must be grouped in a way that will allow individuals of each species to receive an adequate amount of food, water, and shelter at all times.

- E. Carcasses resulting from natural and accidental mortality on the premises of Commercial Large Game Shooting Areas shall be managed in accordance with the Rules for the Disposal of Animal Carcasses (01-001 CMR Chapter 211).
- F. Large game animals must be given access to competent veterinary care, when needed.

#### **16. RECOVERY OR DISPOSITION OF ESCAPED DOMESTICATED LARGE GAME**

- A. LGSA license holders must report any escaped domesticated large game to the Department within 24 hours of discovery. The license holder shall be responsible for monitoring the movement of the escaped large game and for recovery of the escaped large game, as authorized by the Department.
- B. If escaped individuals are cervids that have been at large for longer than 72 hours, but have been returned to the owner's premises alive, these individuals must be identified and tested for CWD when they ultimately die.
- C. The Department may euthanize any captured domesticated large game that is relinquished to the Department by its owner, if known, for the purpose of diagnostic testing for disease. The Department may, in accordance with 7 M.R.S. §1802, condemn any domesticated large game individual that is suspected of being infected with or exposed to CWD, brucellosis, tuberculosis, or other disease of domesticated animals or wild game, for purpose of diagnostic testing.
- D. In the event that capture of the escaped large game individual is not practical, the Department will consult with the owner, if known, to determine whether the owner will relinquish the escaped individual to the Department. If the owner agrees to relinquish the escaped individual, or if the owner does not agree to relinquish it, and the Department condemns the escaped domesticated large game animal in accordance with 7 M.R.S. §1802, the Department with cooperation with representatives of the Maine Department of Inland Fisheries and Wildlife, may destroy the escaped individual, and samples may be taken for the purpose of diagnostic testing.
- E. LGSA license holders shall pay for reasonable and appropriate costs associated with the capture, euthanasia, or destruction of domesticated large game that escape from their commercial large game shooting areas.

#### **17. ADVERTISING AVAILABILITY OF DOMESTICATED LARGE GAME**

- A. LGSA licensees may offer for hunting only those species and species groups of domesticated large game for which they are licensed during any given licensing year (September 1 to August 31 annually).
  - B. A copy of the current commercial large game shooting area license must be posted in plain view on the premises where clients, Department personnel, and the public may view the license during regular business hours. This copy must show which species of large game the licensee is permitted to offer for shooting at that point in time.
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STATUTORY AUTHORITY: 7 M.R.S.A. §1342(8)

EFFECTIVE DATE:

May 25, 2010 – filing 2010-202

CORRECTIONS:

February, 2014 – agency names, formatting