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

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

* 1. **SCOPE**

This 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 or ADC Agent). Certified agents are authorized by the Department of Inland Fisheries & Wildlife (the Department) 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 Demonstration of Need

27.06 Eligibility

27.07 Application

27.08 Examination

27.09 Operating Standards

27.10 Term of Certification

27.11 Denial, Suspension or Revocation of Certificate

27.12Re-Instatement Procedures and Provisional Requirements

27.13 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; and

5. **Commercial Pest Management Companies:** a business employing multiple staff members specializing in, but not limited to, the management of common pest species associated with commercial buildings and environments.

**27.05 DEMONSTRATION OF NEED:**

Agent certifications shall be issued by the Commissioner based on Department need, geographic location, and an individual’s ability to perform functions and services that address wildlife-conflict needs for a given area. The need for additional ADC Agents shall be determined by the Commissioner after taking into consideration factors including, but not limited to:

1. Demonstrated experience resolving human-wildlife conflicts, which may include experience trapping, implementing prevention, site modification, or habitat modification techniques;
2. Number and location of other ADC Agents in an area or a region;
3. Human-wildlife conflict levels;
4. Local human population density;
5. Ability to provide unique services or specific resolution types;
6. Preference will be given to applicants who are physically located in the state year-round to ensure consistent and quick responses; and

**27.06 ELIGIBILITY**

1. If the demonstration of need is met, an applicant must meet the following eligibility requirements to become certified as an ADC Agent in one or more classifications:

 A. Disclose any criminal convictions, civil violations, and felonies listed below, 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. Possess a current and valid trapping license that must be maintained throughout the term of the certification. Certain species require additional trapping experience. See; “Specific Eligibility by Classification and Certification” below. **Exception:** those who hold only a classification for bat exclusion or hazing with dogs are exempt from this requirement;
2. Review required instructional and advisory materials; including a video that demonstrates techniques for reducing incidental lynx captures and injuries;
3. Confirm, through signature, that the applicant has completed a review of all required training and policy materials prior to submission of the application;
4. Obtain signed endorsements of both the District Game Warden and Regional Wildlife Biologist confirming completion and approval of Part A and Part B of applications, and sufficient demonstration of effective communication with the applicant during application process; and
5. Once all of the above has been completed, the applicant must pass the required course and examination; (see section 27.09).
6. Specific Eligibility by Classification and Certification

A. ADC Agents who are approved to relocate bears are required to take MDIFW’s Bear Trapper Education Course. Agents who are approved to handle bear conflicts must also seek permission from MDIFW staff prior to implementing live trapping or lethal removal. See MDIFW Administrative Policy Regarding Human & Wildlife Conflicts (J1.6; Section XI); and

B. ADC Agents providing services for resolving bat conflicts must receive additional bat specific training. See MDIFW Administrative Policy Regarding Human & Wildlife Conflicts (J1.6; Section XI);

1. Eligibility for Commercial Pest Management Companies
2. Commercial pest management companies that seek to perform wildlife conflict services must be certified as an ADC Company with MDIFW. The company is responsible for maintaining their certification, adhering to reporting requirements, and abiding by the expectations outlined in this chapter and the MDIFW Administrative Policy Regarding Human & Wildlife Conflicts (J1.6).
3. A company certified to conduct wildlife conflict resolution through MDIFW is required to adequately train a new employee to the MDIFW certification standards prior to independent deployment into the field as an operating agent.
4. If the company or its employees violate operating standards, found to no longer be eligible for certification, submit false information, or have not satisfactorily represented themselves as Agents of the Commissioner they will be subject to disciplinary action, which may include temporary suspension of the company’s certification, or permanently revocation of the company’s certification to perform ADC activities in Maine.
5. Individual employees activities are covered under the Companies’ certification, but are based on employment, if an employee leaves the company or is terminated, they no longer have the ability to operate as an ADC Agent without seeking separate certification from the Department.

**27.07 APPLICATION**

1. The application shall include the following, but is not limited to:

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. Confirmation from the applicant signifying willingness and capacity to humanely dispatch wildlife according to MDIFW Administrative Policy Regarding Human & Wildlife Conflicts (J1.6; Section IX General Operating Standards; and

E. A requirement that applicants obtain signatures on the application form from a Regional Wildlife Biologist and a District Game Warden endorsing the applicant as suitable for approval by the Department as an ADC Agent.

**27.08 EXAMINATION**

1.Once an application has been submitted, reviewed, and endorsed by a Regional Wildlife Biologist and District Game Warden, any person seeking to become a certified ADC Agent must take and pass (with an 80% or greater) the required course and examination. See Section VII. Step-Down Application Procedure outlined in the ADC Policy.

ADC Agents who conduct any bat conflict work, including but not limited to prevention, exclusion or removal, may be required to take additional Department approved course and examination on bat specific conflict resolution.

**27.09 OPERATING STANDARDS**

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

2. Failure to comply with Department Administrative Policy Regarding Human & Wildlife Conflicts (J1.6) may result in revocation or suspension of the agent certificate;

1. Demonstrate the ability to appropriately represent the Department to the Commissioner’s satisfaction as an Agent of the Commissioner;
2. Demonstrate the ability to effectively communicate to the Commissioner’s satisfaction with the public, other ADC agents, wildlife rehabilitators, and Department staff;
3. Agents must abide by advice and directives provided by District Game Wardens and Department Biologists and convey Departmental messages to the public in a manner that is consistent with Department policies, mission, and values;
4. Agents must follow accepted standard humane wildlife handling and dispatch procedures and acceptable disposal methods outlined in the See MDIFW Administrative Policy Regarding Human & Wildlife Conflicts (J1.6; Section IX General Operating Standards); including prevention via exclusion as proactive measures to stop re-occurring conflict;
5. Agents must demonstrate the utmost respect for the animals and human customers. Wildlife should never be placed in stressful situations (i.e., hauled around in catch pole, etc.,) or portrayed in household settings (i.e., playing with pets, snuggling with humans, etc.);
6. Human-wildlife conflict resolution involves strategies that are outside of the regulated hunting or trapping seasons and methods. Agents must provide services with discretion and in a manner that best represents the Department’s policies, mission, and values;
7. Agents may not move any rabies vector species (RVS) further than the specified distance according to MDIFW Administrative Policy Regarding Human & Wildlife Conflicts (J1.6; Section IX General Operating Procedures), unless specifically authorized as a condition of their certification;
8. Transportation of sick or injured wildlife (including RVS) for wildlife rehabilitation must be done according to MDIFW Administrative Policy Regarding Human & Wildlife Conflicts (J1.6; Section IX General Operating Procedures), and must be done through direct coordination and discretion of a permitted wildlife rehabilitator or as directed by Department staff; and
9. Species that are State or Federally Listed as Threatened, Endangered, or a Species of Special Concern cannot be possessed without appropriate permits. Any incidental capture of such species must be reported to a Regional Wildlife Biologist or District Game Warden immediately.

**27.10 TERM OF CERTIFICATION**

1. For a first-time applicant, a conditional certification will be issued for a six-month probational period if the applicant satisfies provisions under Sections 27.07, 27.08 and 27.9, which will occur at some point during the peak conflict season (April-October).
2. If the applicant successfully completes their six-month probation, they will continue onto through a full term of certification as described below.

2. 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.

3. Renewal of ADC certifications. A renewal requires re-submission of Part B Application to ensure agent information is current. MDIFW can require a Part A (Background Check) re-submission upon request. Renewals are conditional upon the following:

1. Maintain compliance with basic eligibility requirements;
2. Timely submission of activity reports;
3. Demonstrated compliance with Department Policy, operating standards and eligibility standards outlined in this Chapter; and
4. Demonstrated record of conflict resolution activity for the public or Department.

**27.11 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 27.06 and 26.07);

2. The Department may temporarily suspend for a determined length of time or permanently revoke a certification if it determines that:

1. There are violations of the operating standards (see section 27.09);

B. The Agent is found to be no longer eligible for certification (section 27.06);

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

D. The Agent has had negative interactions with the public in a manner that is inconsistent with operating standards, this Chapter, Department Policy, or has not satisfactorily represented themself as an Agent of the Commissioner or

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; and

4. Any person whose application for certification has been denied, or whose certification has been suspended or revoked, may request reconsideration from the Department. The request for reconsideration 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. Reconsideration will provide an opportunity for the person to explain to the Department why his or her application for certification should be approved, or why the denial or revocation of his or her certification should be reinstated. Reconsideration under this paragraph is not an adjudicatory hearing pursuant to the Maine Administrative Procedures Act, 5 M.R.S. §§ 9051-9064.

**27.12 RE-INSTATEMENT PROCEDURES AND PROVISIONAL REQUIREMENTS**

1. Any person whose certification has been revoked for failure to meet conditions in this Chapter and procedures outlined in MDIFW Administrative Policy Regarding Human & Wildlife Conflicts (J1.6), or whose certification has been suspended and the person failed to comply with conditions of suspension, may be permanently prohibited from receiving certification by the Department as an Animal Damage Control Agent;

2. Any person whose application for certification has been denied can re-apply for certification no sooner than two (2) calendar years from the date of notice of denial;

 3. Any person who was certified as an ADC agent but failed to recertify within three years past the

 expiration date of their certificate may be required to comply with all certification requirements including

 the background check, training and examination;

4. Any person seeking re-instatement through application must meet eligibility requirements and must be able to comply with operational standards in this Chapter and abide by MDIFW Administrative Policy Regarding Human & Wildlife Conflicts (J1.6). If the application is deemed acceptable to the Department, the agent may be issued a provisional certification with the inclusion of restrictions and/or specific conditions which may include, but are not limited to, the following considerations:

 A. The Agent’s current abilities;

 B. Addressing conditions of denial or suspension;

 C. Limiting work with certain species or permissible actions;

 D. Limiting work in specific geographic areas; and

 E. Addressing other agent deficiencies.

5. Any person who is issued a provisional certification through the re-instatement process that violates conditions of their provisional status, operating standards, or Departmental Policy may be permanently prohibited from receiving certification by the Department as an ADC Agent.

**27.13 Transition and Grandfathering Provisions**

 1. Any person who is certified as an ADC agent as of July 1, 2025, 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.

STATUTORY AUTHORITY:

 12 MRS §§ 10104, 10105

EFFECTIVE DATE:

 February 5, 2019 – filing 2019-028

APAO ACCESSIBILITY CHECK:

 July 21, 2025

AMENDED:

 July 26, 2025 – filing 2025-150