

4.08 Falconry

A. Definitions

1. "Raptor" means a migratory bird of the Order Falconiformes or the Order Strigiformes listed in 50 Code of Federal Regulations Sec. 10.13, including the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*).
2. "Falconry" is caring for and training raptors for pursuit of wild game, and hunting wild game with raptors. Falconry includes the taking of raptors from the wild to use in the sport; and caring for, training, and transporting raptors held for falconry.
3. "Hacking" is the temporary release of a raptor held for falconry to the wild so that it must survive on its own.
4. "Bal-chatri trap" means a cage on which many nooses are tied and which is baited with a bird or mammal and placed in view of a wild raptor.
5. "Bow net trap" means a circular hoop hinged in the middle and covered with netting which is usually attached to the ground so one side can swing freely.
6. "Dho-gazza trap" is a square or rectangular net of various dimensions suspended vertically next to bait.
7. "Swedish goshawk trap" is a humane, predator-safe, stationary box trap.
8. "Harness trap" means a light leather or cloth saddle covered with nooses which is placed on tethered bait.
9. "Hybrid" means offspring of birds listed as two or more distinct species in 50 Code of Federal Regulations Sec. 10.13, or offspring of birds recognized by ornithological authorities as two or more distinct species listed in 50 Code of Federal Regulations Sec. 10.13.
10. "Imprint", for the purposes of falconry, means a bird that is hand-raised in isolation from the sight of other raptors from 2 weeks of age until it is fully feathered. An imprinted bird is considered to be so for its entire lifetime.
11. "Livestock depredation area" means a specific geographic location in which depredation by golden eagles has been recognized. The boundaries and duration of a livestock depredation area are declared by U.S.D.A. Wildlife Services or by a State governor.

12. "Take" means to trap or capture, or attempt to trap or capture a raptor for the purpose of falconry.

B. General provisions to practice falconry in Maine.

1. Practicing falconry where permittees reside.

Any person may practice falconry in Maine after he or she receives a Maine hunting license and a Maine falconry permit. Maine falconry permits will be issued for a 1-year, 2-year or 3-year period. Permits expire on December 31st and may be renewed:

- a. If all conditions of the permit are met, and the permittee continues to meet all eligibility requirements of these rules;
- b. If no violations of the original license have occurred;
- c. If a change in license classification is not requested; and
- d. The permittee submits a request for renewal accompanied by the applicable license fee.

2. Permits to practice falconry.

Residents of Maine must have a valid Maine falconry permit and a Maine hunting license, to take, possess, or transport raptors for falconry, or to hunt with them, except that persons who hold a valid falconry permit from another state that meets federal falconry standards may import and hunt their raptors, without a written permit, provided they possess a valid non-resident Maine hunting license, and do not remain with their falconry birds in the state for more than 30 days. To hunt migratory waterfowl, a falconer must also possess a Federal Migratory Bird Hunting and Conservation Stamp ("Duck Stamp") and a Maine Migratory Waterfowl permit.

- a. Falconers must comply with all regulations governing migratory bird permitting.
- b. If a Maine falconer resides for more than 120 consecutive days in a State or territory or on tribal lands other than Maine, the falconer's facilities must be listed on the falconer's Maine permit.
- c. Raptors that are listed as a federal or Maine endangered or threatened wildlife species, subspecies, or population may not be used in falconry except when that raptor is allowed for falconry use under Maine and federal regulations.

3. Except as provided in Section B.2 of this rule, raptors may only be imported into the State of Maine under a written permit from the Commissioner. Importation permits will not be issued for the possession of species which are specifically prohibited by these regulations.
4. Applying for a falconry permit.

All inquiries regarding falconry licensing, applications, examination scheduling, bands, and facilities inspections should be directed to the Department of Inland Fisheries and Wildlife, Wildlife Division, State House Station 41, Augusta, Maine 04333. In applying for a falconry permit, applicants must include the following:

- a. A completed application form.
 - b. Proof that the applicant has correctly answered 80 percent of the questions on a written examination relating to basic biology, care and handling of raptors, and State and federal laws and regulations relating to falconry and other appropriate subject matter administered by the Department where the applicant maintains his or her legal residence, or proof that an applicant has previously held a falconry permit at the level he or she seeks.
5. The Commissioner may refuse to issue a Falconry Permit after review of the application when:
 - a. He or she determines that the license should not be issued because of past conviction(s) of the fish and wildlife laws as provided in MRSA Title 12, Section 7077;
 - b. The authorization requested could potentially threaten or have significant effect on a wild population of raptors;
 - c. The applicant has failed the written examination;
 - d. The applicant, upon inspection by State or Federal wildlife personnel, has failed to meet or maintain the standards established for raptor housing facilities and equipment; or
 - e. The applicant fails to meet qualifications set forth in standards for license classes set forth in these regulations.
 6. Permittees are subject to all applicable rules and regulations pertaining to hunting seasons and bag limits of wild animals and wild birds, except as otherwise provided by this regulation. Any protected or out of season wildlife accidentally killed by a trained raptor shall not be retained or possessed by the permittee, but the raptor may feed upon the wildlife before leaving the site of the kill. If a prey item is killed by a falconry bird without the permittees'

intent, including an animal taken outside of a regular hunting season, the permittee:

- a. May allow the falconry bird to feed on the animal, but the permittee may not take the animal into his or her possession; and
- b. Must report take of any federally listed threatened or endangered species to the U.S. Fish and Wildlife Service Ecological Services Field Office for the location in which the take occurred and report the take of any state listed threatened or endangered species to the Department within 48 hours.

7. Updating a falconry permit after a move.

- a. A permittee who moves from Maine to a new state and takes his or her falconry birds must inform the Department of the address change within 30 days.
- b. If a permittee from another state moves into Maine and brings his or her falconry birds, he or she must inform the Department within 30 days. To obtain a Maine falconry permit, applicants must follow the permit application procedures in these rules. Applicants may keep falconry birds they hold while they apply for a Maine falconry permit. However, the Department may place restrictions on their possession and use of falconry birds until they meet the Maine residency and falconry requirements.

8. Reinstatement of a lapsed falconry permit.

- a. If a falconer's permit has been lapsed for fewer than 5 years, it may be reinstated at the level held previously held if the falconer shows proof of certification at that level.
- b. If a falconer's permit has been lapsed for 5 years or longer, the applicant must correctly answer at least 80 percent of the questions on an examination administered by the Department. If the applicant passes the exam, his or her permit may be reinstated at the level previously held. The applicant's facilities must also pass inspection by the Department before the applicant may possess a falconry bird.

9. Suspension, revocation or denial of falconry permit.

The Department may deny issuance of any falconry permit or, after hearing, may suspend, revoke or deny the renewal of any falconry permit, if the applicant or falconer fails to comply with any requirement of these regulations, ceases to be eligible for a falconry permit hereunder, or has been convicted of a violation of any falconry regulations. For the purpose of this subsection, violation of a general

hunting regulation is not a violation of a falconry regulation. An applicant or falconer whose permit has been suspended, revoked or denied may appeal to the Commissioner.

10. Restoration of revoked permits.

Upon request of the person whose permit has been revoked, the Department may restore the person's falconry permit at the end of the revocation period, subject to review and a determination by the Department that the person is qualified and suitable for a permit in accordance with these rules. The Department may place special conditions on the permit as appropriate.

11. Permit to practice falconry at an appropriate level if an applicant has experience in falconry but is a new resident in the United States.

An applicant may qualify for the falconry permit appropriate for his or her falconry experience gained in another country. To demonstrate knowledge of U.S. falconry laws and regulations, the applicant must correctly answer at least 80 percent of the questions on the supervised examination for falconers administered by the Department under which the applicant wishes to obtain a falconry permit. If the applicant passes the test, the Department will determine which level of falconry permit the applicant is qualified to possess under section C below, taking into account the applicant's documented experience. The applicant's falconry facilities must meet the standards in section D of this rule before the applicant may keep a raptor to use in falconry.

12. Aliens practicing falconry in the United States.

a. An alien to the United States may qualify for a temporary falconry permit appropriate for his or her experience.

(1) The permit may be valid for any period specified by the Department.

(2) To demonstrate knowledge of U.S. falconry laws and regulations, the visitor must correctly answer at least 80 percent of the questions on the supervised examination for falconers administered by the Department. If the alien passes the test, the Department will determine the level of temporary permit for which the person is qualified. The determination should be based on the individual's documentation of his or her experience.

(3) If a permittee holds a temporary falconry permit, the permittee may possess raptors for falconry if he or she has approved falconry facilities.

(4) A holder of a temporary falconry permit may fly raptors held for falconry by a permitted falconer.

(5) A holder of a temporary falconry permit may not take a bird from the wild to use in falconry.

b. For the duration of a permit from the Department, an alien may use any bird for falconry that he or she possesses legally in his or her country of residence for that purpose, provided that the importation of that species to the United States is not prohibited, and provided that he or she has met all importation and permitting requirements of the State of Maine.

(1) An alien must comply with all applicable requirements of these rules.

(2) The alien may transport registered raptors subject to all applicable permit requirements.

(3) Unless the alien has the necessary permit(s) to bring a raptor into Maine and leave it here, he or she must take raptors brought into the state for falconry out of the state when he or she leaves. If a raptor brought into Maine dies or is lost while in this state, the alien must document the loss before leaving the state by reporting the loss to the Department.

(4) When flown free, any bird temporarily brought to this state must have two radio transmitters attached to it that will allow the falconer to locate it.

13. Permission to capture, fly, or release a falconry bird at any location.

Permittees do not need special or written permission for any of these activities on public lands if it is authorized by the appropriate agency. However, permittees must comply with all applicable laws regarding falconry activities, including hunting. A falconry permit does not authorize permittees to capture or release raptors or practice falconry on public or private lands if it is prohibited.

14. Practicing falconry in the vicinity of a State or Federally listed threatened or endangered animal species.

In practicing falconry, permittees must ensure that their activities do not cause the intentional take of state or federally listed threatened or endangered wildlife. To obtain information about threatened or endangered species that may occur on lands where permittees wish to practice falconry, permittees should contact the Department. Permittees can also contact the Department for information on federally-listed species.

C. Classes of permits to practice falconry.

The Maine Department of Inland Fisheries and Wildlife (Department) recognizes Apprentice, General, and Master Falconer levels. The Maine falconry standards are

at least as restrictive as federal standards, and in some cases are more restrictive than the federal laws or regulations governing falconry.

1. Requirements for an Apprentice Falconer.

a. General requirements for an Apprentice Falconer.

(1) An Apprentice Falconer must be at least 16 years of age.

b. Application and training requirements for an Apprentice Falconer.

(1) If the Apprentice Falconer applicant is less than 18 years of age, a parent or legal guardian must sign the application and is legally responsible for the Apprentice Falconer's activities.

(2) The applicant must have a letter from a Maine Master Falconer or a Maine General Falconer with a valid Maine or Maine tribal falconry permit who is at least 18 years old and has at least 2 years experience at the General Falconer level, stating that he or she will assist the applicant, as necessary, and serve as the applicant's sponsor in:

(a) Learning about the husbandry and training of raptors held for falconry;

(b) Learning and about relevant wildlife laws and regulations; and

(c) Deciding what species of raptor is appropriate for the applicant to possess while an Apprentice.

(3) Applications must be accompanied by proof that the applicant possesses a current valid Maine hunting license and proper falconry license fee. The license fee shall not be refunded if an application is denied.

(4) A sponsor from Maine is required for the entire time a Maine Apprentice permit is held, regardless of the age of the Apprentice. The sponsor, or two Maine Master Class Falconers, must attest in writing to the satisfactory completion of apprentice training.

(5) If the sponsor terminates the apprenticeship, he or she must submit a letter to the Department stating the reasons for terminating the sponsorship. The Apprentice will be allowed 90 days to find another sponsor within Maine. During this period the Apprentice may not practice falconry. If the Apprentice does not find another sponsor within the 90 day period his or her Falconry permit will be revoked and, if he or she possesses a raptor, the disposition of the raptor will be decided by the Department.

- (6) Before an applicant is issued an Apprentice permit the applicant must correctly answer at least 80 percent of the questions on an examination administered by the Department. The examination will cover care and handling of falconry raptors, federal and state laws and regulations relevant to falconry, and other appropriate subject matter. Contact the Department of Inland Fisheries and Wildlife, Wildlife Division, State House Station 41, Augusta, Maine 04333 for information about permits and taking the test.
 - (7) The applicant's raptor facilities and falconry equipment must pass on-site inspection by Department before the applicant may be granted an apprentice falconry permit.
 - (8) Upon receipt of a properly executed license application, the Commissioner will notify the applicant of its receipt; advise him or her of the date, time and location of the examination; and will arrange for an on-site inspection of facilities. Incomplete applications will be returned to the applicant.
- c. Possession limits for an Apprentice Falconer.
- (1) Regardless of the number of permits the apprentice has, an Apprentice Falconer may possess no more than one raptor for use in falconry, and may not obtain more than one raptor for replacement during any calendar year.
 - (2) An Apprentice Falconer shall possess only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamacicensis*) taken from the wild except he or she may not take or possess a federally or Maine listed threatened or endangered species, subspecies, or population. The Apprentice Falconer must trap the hawk himself or herself as a first year (passage) bird, except that an Apprentice Falconer may take an adult American kestrel from the wild. An Apprentice Falconer may not possess a captive-bred bird.
 - (3) An Apprentice Falconer may not possess a raptor taken from the wild as a nestling.
 - (4) An Apprentice Falconer may not possess a bird that is imprinted on humans.
2. Requirements for a General Falconer.
- a. General requirements for a General Falconer.
 - (1) A General Falconer must be at least 18 years of age.

- (2) A General Falconer may sponsor no more than one permitted apprentice at one time and have at least 2 years experience at the General Falconer level.
- b. Application and training requirements for a General Falconer.
 - (1) An applicant for a General Falconer permit must submit documentation of the applicant's experience maintaining falconry raptors, including a summary of what species the applicant has held as an Apprentice Falconer and how long the applicant possessed each bird.
 - (2) The General Falconer applicant must submit a document from their sponsor or from two Maine Master Class Falconers to the Department stating that the Apprentice has practiced falconry with wild raptor(s) at the Apprentice Falconer level or equivalent for at least 2 years, including maintaining, training, flying, and hunting the raptor(s) for at least 4 months in each year. That practice may include capture and release of falconry raptors.
 - (3) An Apprentice Falconer may not substitute any falconry school program or education to shorten the period of 2 years at the Apprentice level.
 - c. Possession limits for a General Falconer.
 - (1) General Falconers may take and possess any species of Falconiform or Strigiform except a golden eagle, a bald eagle, a white-tailed eagle, a Steller's sea-eagle, or a wild taken peregrine falcon. They may use captive-bred individuals and hybrids of the species they are allowed to possess for use in falconry.
 - (2) Regardless of the number permits possessed, a General Falconer may possess no more than 3 raptors, may not obtain more than two raptors for replacement during each calendar year, and may take no more than two raptors from the wild during each calendar year to use in falconry.
3. Requirements for a Master Falconer.
 - a. General requirements for a Master Falconer.
 - (1) A General Falconer must have practiced falconry with his or her own raptor(s) at the General Falconer level for at least 5 years in order to qualify as a Master Falconer.
 - (2) A Master Falconer may sponsor no more than three permitted apprentices at one time.

b. Possession limits for a Master Falconer

- (1) Master Falconers may take and possess any species of Falconiform or Strigiform except a bald eagle. However, a Master Falconer may possess up to 3 eagles of the following species for use in falconry provided prior approval is obtained from the Department in accordance with paragraphs C.3.b.(4) below: golden eagle, white-tailed eagle, or Steller's sea eagle. Each eagle will count as one of the raptors in the Master Falconer's annual possession limit.

NOTE: Because the golden eagle is currently listed as endangered in Maine, the Department prohibits take of golden eagles for falconry within Maine and regulates possession of other golden eagles by way of importation permits.

- (2) Master Falconers may possess any captive-bred individuals or hybrids of species that the Department allows them to possess for use in falconry.
- (3) Regardless of the number of permits a Master Falconer may have, he or she may possess no more than 5 raptors, including wild caught raptors, captive-bred individuals or hybrids, golden eagles or other eagles, and may take no more than two raptors from the wild during each calendar year to use in falconry. The Falconer must train them in the pursuit of wild game and use them in hunting.
- (4) Before an applicant's request to possess eagles for use in falconry is approved, the applicant must submit to the Department:
 - (a) Documentation showing the Master Falconer's experience in handling large raptors, including information about the species that the applicant has handled and the type and duration of the activity in which the applicant gained the experience; and
 - (b) At least two letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks, goshawks (*Accipiter gentilis*), or great horned owls (*Bubo virginianus*). Each letter must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the applicant's ability to care for eagles and fly them in falconry.

D. Facilities and care requirements.

1. Permittees must keep all raptors they hold in humane and healthful conditions.

- a. Whether they are indoors (“mews”) or outdoors (“weathering area”), permittees’ raptor facilities must protect raptors in them from the environment, predators, and domestic animals. Permittees are responsible for the maintenance and security (protection from predators) of raptors they possess under their permits.
- b. Permittees must have indoor and outdoor raptor housing facilities approved by the Department before they may obtain a bird to use in falconry. The Department must, after inspection, certify that the permittee’s facilities and equipment meet the following standards:
 - (1) Indoor and outdoor facilities must provide protection from predators and domestic animals.
 - (a) The facility must have a suitable perch for each raptor, at least one opening for sunlight, and must provide a healthy environment for raptors inside.
 - (b) Permittees may house untethered raptors together if they are compatible with each other. Otherwise, if more than one raptor is to be kept in the mews or weathering area, the raptors shall be tethered or separated by partitions.
 - (c) Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its feathers or contacting other raptors.
 - (d) Each falconry bird must have access to a pan of clean water unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.
 - (2) An indoor facility must be large enough to allow easy access for the care and feeding of raptors kept there and must have an escape proof entry way if free-lofted raptors are kept within. There must be at least one window, protected on the inside by vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. The floor of the mews must permit easy cleaning. Perch/perches must be provided.
 - (a) If raptors that permittees house in the indoor facility are not tethered, all walls that are not solid must be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the head of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.

- (b) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.
 - (3) Permittees may keep a falconry raptor or raptors inside their place of residence if they provide a suitable perch or perches. If permittees house their raptor(s) inside their homes, they do not need to modify windows or other openings of the structure. Raptors kept in a permittee's home must be tethered when they are not being moved into or out of the location in which they are kept.
 - (4) An outdoor facility must be totally enclosed, and may be made of heavy-gauge wire, slats, pipe, wood, or other suitable material.
 - (a) The facility must be covered and have at least a covered perch to protect a raptor held in it from predators and weather.
 - (b) The facility must be large enough to insure that the birds cannot strike the enclosure when flying from the perch.
 - (c) New types of housing facilities and/or husbandry practices may be used if they satisfy the requirements of these rules and are approved by the Department.
 - c. Permittees may keep falconry raptors outside in the open if they are under watch, such as by the permittee or a family member at any location or, for example, by a designated individual in a weathering yard at a falconry meet.
 - d. Permittees must inform the Department within 5 business days if the permittees change the location of their facilities.
 - e. Permittees must submit a signed and dated statement to the Department consenting to inspection of the falconry facilities and raptors by the Department, in the presence of the permittee but without advance notice, at all reasonable times.
2. Falconry facilities on property permittees do not own.
- a. Permittees' falconry facilities may be located on property owned by another person, provided the facilities meet the standards in paragraph D.1 of this section and the facility is approved by the Department.
 - b. If the facilities are not on property that the permittee owns, then the permittee must submit a statement to the Department, signed and dated by the property

owner, in which the property owner consents to the inspection of the falconry facilities and raptors by the Department at all reasonable times when the property owner is present; except that the Department may not enter the facilities or disturb the raptors unless the permittee is also present.

3. Equipment permittees must have and maintain.

Each permittee must have jesses or the materials and equipment to make them, leash and swivel, bath container, appropriate scales or balances for weighing raptor(s) he or she possesses, and perches of suitable falconry design for each raptor as exemplified below:

- a. Jesses - At least a pair of Aylmeri bracelets and jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. Traditional 1- piece jesses may be used on raptors when not being flown. Slitless hunting jesses, or no jesses, are recommended for use on all raptors being flown free.
- b. Leashes and swivels - At least 1 flexible, weather-resistant leash and strong swivel of acceptable falconry design;
- c. Bath Container - At least 1 suitable container; 2 to 6 inches deep and wider than the length of the raptor for drinking and bathing for each raptor unless weather conditions, the perch type used, or some other factor makes access to a bath container unsafe for the raptor;
- d. Outdoor perches - At least one weathering area perch of an acceptable design shall be provided for each raptor; and
- e. Weighing device - A reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of approximately 2 grams must be provided.

4. Facilities a permittee must have for a raptor when they are transporting it, using it for hunting, or are away from the permanent facility where it is housed.

The permittee must be sure that the bird has a suitable perch and is protected from extreme temperatures, wind, and excessive disturbance. A "giant hood" or similar container is acceptable for transporting or housing a raptor when permittees are away from their homes.

5. Temporarily housing a raptor outside of the permittees' permanent facilities when not transporting it or using it for hunting.

A permittee may house a raptor in temporary facilities for no more than 120 consecutive calendar days if the bird has a suitable perch and is protected from

predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

6. Care of falconry raptors by another falconry permittee.

Another falconry permittee may care for a raptor or raptors for permittees at their facilities or at that person's facilities for up to 120 consecutive calendar days. The other person must have a signed and dated statement from the permittee authorizing the temporary possession, plus a copy of FWS form 3-186A that shows that the permittee is the possessor of each of the raptors. The statement must include information about the time period for which he or she will keep the raptor(s), and what he or she is allowed to do with it or them.

- a. Permittees' raptor(s) will remain on their falconry permit, and will not be counted against the possession limit of the person caring for their raptors.
- b. If the person caring for a permittee's raptor(s) holds the appropriate level falconry permit, he or she may fly the permittee's raptor(s) in whatever way permittees authorize, including hunting.
- c. This care of permittees' raptors may be extended by the Department in extenuating circumstances, such as illness, military service, or for a family emergency. The Department will consider such extensions on a case-by-case basis.

7. Care of falconry raptors by someone who does not have a falconry permit.

Another person may care for falconry birds that a permittee possesses at the permittee's facilities for up to 45 consecutive calendar days.

- a. The raptor(s) will remain on the permittee's falconry permit.
- b. The raptors must remain in the permittee's facilities.
- c. This care may be extended by the Department on a case by case basis in extenuating circumstances, such as illness, military service, or for a family emergency.
- d. The person(s) caring for the permittee's raptors may not fly them for any reason.

8. Residence part of the year in Maine.

- a. If permittees live for more than 120 consecutive days in Maine and their primary residence is elsewhere, their falconry facilities in Maine must meet the standards in section D.1, and they must possess a Maine falconry permit.

NOTE: The jurisdiction in which permittees live part-time outside of Maine may require that they obtain its falconry permit. Permittees must contact the appropriate agency that regulates falconry to determine whether they need a permit.

9. Falconry equipment and records may be inspected by the Department in the presence of the permittee during business hours and all other reasonable times.

E. Taking, possessing, and transporting raptors for falconry.

1. Raptor species that permittees may take from the wild for use in falconry.

- a. Permittees may not intentionally capture a raptor species that their classification as a falconer does not allow the permittee to possess for falconry. If permittees capture a bird they are not allowed to possess, they must release it immediately.

NOTE: On some lands there may be restrictions on the take or use of these species requiring permittees to have a permit or permits to capture a bird.

2. How and when permittees may take raptors from the wild to use in falconry.

- a. Permittees may take no more than two raptors from the wild to use in falconry during each calendar year.
- b. If a permittee transfers a bird he or she took from the wild to another permittee in the same year in which it was captured, the bird will count as one of the raptors the permittee who captured the bird is allowed to take from the wild that year; it will not count as a capture by the recipient, though it will always be considered a wild bird.
- c. A General or Master Falconer may remove nestlings from a nest or aerie in accordance with all applicable laws and restrictions.
- d. Permittees may not take raptors at any time or in any manner that violates any law.
- e. Permittees are responsible for reporting the taking of a raptor from the wild, which they must report by entering the required information in the electronic database at <http://permits.fws.gov/186A> and by submitting a paper form 3-186A to the Department. Permittees must do this at their first opportunity, but no later than 10 days after the capture of the bird.

- (1) If a permittee is present at the capture site, even if another person captures the bird, the permittee is considered the person who removes the

bird from the wild. He or she is responsible for reporting the taking of the bird from the wild as outlined in E.2.e. This would occur, for example, if another person climbs a tree or rappels down a cliff and takes a nestling for the permittee and gives it to the permittee at the tree or cliff.

- (2) If a permittee is not at the immediate location where a bird is taken from the wild, the person who removes the bird from the wild must be a General or Master Falconer, and must report the taking of the bird from the wild as outlined in E.2.e. If that person then transfers the bird to another permittee, both permittees must report the transfer as outlined in E.2.e. The bird will count as one of the two raptors the person who took it from the wild is allowed to capture in any year. The bird will not count as a bird the receiving permittee took from the wild. The person who takes the bird from the wild must report the take even if he or she promptly transfers the bird to another permittee.
 - (3) If a permittee has a long-term or permanent physical impairment that prevents him or her from attending the capture of a species to use for falconry, a General or Master Falconer may capture a bird for the permittee. The impaired permittee is responsible for reporting the taking of the bird from the wild as outlined in E.2.e., and the bird will count against the take of wild raptors that the impaired permittee is allowed in any year.
- f. A permittee must promptly release any bird he or she captures unintentionally.
 - g. Permittees may use only humane, predator-proof traps of a design and material which will not harm the raptor being trapped; such as the bal-chatri, harness, bow net, Dho-gazza, and Swedish goshawk trap.
 - h. Any raptor, as defined by these regulations, taken under a depredation permit may be used for falconry only by a Master falconer.
3. Other provisions on taking raptors from the wild for falconry.
- a. Apprentice Falconers may take only a kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamacicensis*) from the wild except he or she may not take or possess a federally or Maine listed threatened or endangered species, sub-species, or population. The Apprentice Falconer must trap the hawk themselves as a first year (passage) raptor within the period from September 1 to February 28, except that they may take an adult American kestrel from the wild within that period.
 - b. General or Master Falconers may only take raptors less than 1 year of age from the wild at any time during the year subject to the following provisions:

- (1) Raptors, other than the American kestrel, fledged during the prior calendar year may not be taken after February 28; and
 - (2) American kestrels may be taken from the wild at any age during the year except that American kestrels fledged during or before the prior calendar year may not be taken between May 1 and July 31.
- c. Because the golden eagle is currently listed as endangered in Maine, the Department prohibits take of golden eagles for falconry within Maine and regulates possession of other golden eagles by way of importation permits.
 - d. A permittee may recapture a lost falconry bird at any time. Recapture of a lost falconry bird is not considered to be taking a bird from the wild.
 - e. Permittees may recapture a raptor wearing falconry equipment or a captive-bred bird at any time - even if they are not allowed to possess the species. The bird will not count against the permittee's possession limit, nor will its take from the wild count against their limit. Permittees must report their recapture of the bird to the Department no more than 5 working days after the recapture. Permittees must return a recaptured falconry bird to the person who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined as determined by the Department.
 - f. A permittee may take any raptor that he or she is authorized to possess from the wild if the bird is banded with a Federal Bird Banding Laboratory aluminum band, except that they may not take a banded peregrine falcon from the wild.
 - (1) If a captured raptor (including a peregrine falcon) is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird, the permittee must report the bird's capture to the Department no more than 5 working days after the capture. Permittees must return a recaptured falconry bird to the person who lost it. If that person cannot possess the bird, or does not wish to possess it, the permittee may keep it provided that all other requirements in this rule are met. Otherwise, the Department will determine disposition of a bird whose legal possession cannot be determined. While permittees keep a bird for return to the person who lost it, the bird will not count against their possession limit or their limit on take of raptors from the wild if the permittees have reported possessing the bird to the Department.
 - (2) If a permittee captures a peregrine falcon that has a research band (such as a colored band with alphanumeric codes) or a research marking attached to it, the permittee must immediately release the bird, except that if the falcon has a transmitter attached to it, permittees are authorized to possess the bird up to 30 days if they wish to contact the researcher to

determine if he or she wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or his or her designee can make the change or allow the permittee to do so before they release the bird. If the researcher does not wish to keep the transmitter on the falcon, the permittee may keep the bird if they captured it in circumstances in which capture of wild peregrines is allowed.

- (3) If a captured raptor has any other band, research marking, or transmitter attached to it, the permittee must promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263.

- (a) A permittee may contact the researcher and determine if he or she wishes to replace a transmitter attached to a bird captured by a permittee. If so, permittees are authorized to possess the bird up to 30 days until the researcher or his or her designee does so, or until the permittee can replace it themselves. Disposition of the bird will be as determined by the Department in consultation with the researcher.

- (b) Temporary possession of such a bird will not count against the permittee's possession limit for falconry raptors.

- g. A permittee must leave at least one young in any nest or aerie from which he or she takes a nestling, and no eggs may be removed from any nest.

4. Take of a species or subspecies that was removed from the Federal List of Endangered and Threatened Wildlife to use in falconry.

Falconry use of any species, subspecies, or population that was listed as Endangered or Threatened by federal or state jurisdictions must comply with provisions of a management plan published for that species by the U. S. Fish and Wildlife Service and/or the Department.

5. Raptors injured due to falconer trapping efforts.

Permittees have two options for dealing with a bird injured by their trapping efforts. In either case, permittees are responsible for the costs of care and rehabilitation of the bird.

- a. A permittee may put the bird on his or her falconry permit. The permittee must report take of the bird by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to Department at their first opportunity to do so, but no more than 10 days after capture of the bird. The permittee must then have the bird treated by a

veterinarian or a permitted wildlife rehabilitator. The bird will count against the permittee's possession limit.

- b. The permittee may give the bird directly to a veterinarian, or a permitted wildlife rehabilitator, or an appropriate wildlife agency employee. If the permittee does so, it will count against their allowed take and the number of raptors that they may possess during the 12 month licensing period in which the raptor was taken.
6. Acquisition, transfer, loss, or rebanding of a raptor.
 - a. If a permittee acquires a raptor; transfers, rebands, or microchips a raptor; if a raptor a permittee possesses is stolen; if a permittee loses a raptor to the wild and does not recover it within 30 days; or if a bird a permittee possesses for falconry dies; the permittee must report the change within 10 days by entering the required information in the electronic database at <http://permits.fws.gov/186A> and by submitting a paper form 3-186A to the Department.
 - b. If a raptor that a permittee possesses is stolen, he or she must report the theft to the Department and to the Maine Warden Service Divisional Headquarters within 10 days of the theft of the bird.
 - c. Permittees must keep copies of all electronic database submissions documenting take, transfer, loss, rebanding or microchipping of each falconry raptor until 5 years after they have transferred or lost the bird, or it has died.
 7. Acquiring a bird for falconry from a permitted rehabilitator. A General or Master Falconer may acquire a raptor of any age of a species that they are permitted to possess directly from a rehabilitator upon approval by the Department.
 - a. If permittees acquire a bird from a rehabilitator, they must report the acquisition within 10 days by entering the required information in the electronic database at <http://permits.fws.gov/186A> and by submitting a paper form 3-186A to the Department.
 - b. If permittees acquire a bird from a rehabilitator, it will count as one of the raptors that they are allowed to take from the wild that year.
 8. Flying a hybrid raptor or a raptor non-indigenous to Maine in falconry.

When flown free, a hybrid raptor or a raptor non-indigenous to Maine, at least two functioning radio transmitters must be attached to the raptor to help the falconer to locate the bird.
 9. Releasing a falconry bird to the wild.

Permittees must follow all applicable laws and regulations before releasing falconry birds to the wild.

- a. If the raptor a permittee wishes to release is not native to the State or territory, or is a hybrid of any kind, the permittee may not permanently release the bird to the wild. He or she may transfer it to another falconry permittee.
- b. If the species a permittee wishes to release is native to the State or territory and is captive-bred, the permittee may not release the bird to the wild without permission from the Department. Before releasing the species pursuant to the Department's approval, he or she must hack the bird (allow it to adjust) to the wild at an appropriate time of year and an appropriate location. The permittee must remove the bird's falconry band (if it has one) and equipment, and report release of the bird by entering the required information in the electronic database at <http://permits.fws.gov/186A> and by submitting a paper form 3-186A to the Department.
- c. If the species a permittee wishes to release is native to the State and was taken from the wild, the permittee may release the bird, but only at an appropriate time of year and location. He or she must remove its falconry band and equipment, and report release of the bird by entering the required information in the electronic database at <http://permits.fws.gov/186A> and by submitting a paper form 3-186A to the Department.

10. Restrictions on transfers of falconry raptors from other falconers.

Permittees may transfer no more than 3 raptors within a calendar year and may not exceed their possession limits.

11. Non-resident falconers may take wild raptors in Maine for falconry purposes in accordance with these regulations provided that they first:

- a. Obtain a non-resident annual Maine hunting license;
- b. Apply to the Department for a Maine falconry permit and provide a copy of a valid falconry permit from their home jurisdiction; and
- c. Obtain a Maine falconry permit from the Department. However, non-residents are exempted from Maine testing and facility inspections.

12. Banding or tagging raptors used in falconry.

- a. A permittee who takes a goshawk, Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) from the wild or who acquires one from another falconer or a rehabilitator, must band the raptor with a permanent, nonreusable, numbered Fish and Wildlife

Service leg band supplied by the Department if the raptor is not already banded. The permittee may purchase and implant an ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip in addition to the leg band. The permittee must report the band number when reporting acquisition of the bird. Within 10 days from the day on which the permittee takes the raptor from the wild, he or she must report the taking of the bird by entering the required information (including band number) in the electronic database at <http://permits.fws.gov/186A> and by submitting a paper form 3-186A to the Department. A permittee may request an appropriate band from the Department in advance of any effort to capture a raptor. The Department should be contacted for information on obtaining and disposing of bands.

- b. A raptor bred in captivity must be banded with a seamless metal band (see 50 Code of Federal Regulations Sec. 21.30) and may also have an implanted ISO-compliant (134.2 kHz) microchip. If a permittee must remove a seamless band, or if it is lost, the permittee must report the removal or loss within 10 days and request a replacement U.S. Fish and Wildlife Service nonreusable band from the Department. The permittee must submit the required information electronically immediately upon rebanding the raptor at <http://permits.fws.gov/186A> and by submitting a paper form 3-186A to the Department. The permittee must replace a seamless band that is removed or lost. A permittee may implant an ISO-compliant (134.2 kHz) microchip in a falconry raptor in addition to the seamless band.
- c. If the band must be removed or is lost from a raptor in the permittee's possession, the permittee must report the loss of the band within 5 days, and request a U.S. Fish and Wildlife Service non-reusable band from the Department. The permittee must submit the required information within 10 days of rebanding the raptor at <http://permits.fws.gov/186A> and by submitting a paper form 3-186A to the Department.
- d. Permittees must not alter, deface, or counterfeit a band. Permittees may remove the rear tab on a band on a raptor taken from the wild, and permittees may smooth any imperfect surface so long as the integrity of the band or the numbering on it is not affected.
- e. If a permittee documents proof that the band is causing health or injury problems for a raptor he or she possesses, the Department may provide an exemption to the requirement for that raptor. In that case, permittees must keep a copy of the exemption paperwork with them when transporting or flying the raptor. If the permittees' bird is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the permittee must replace the band with an ISO-compliant microchip that the U.S. Fish and Wildlife Service will supply to the Department. A microchip will not be provided for a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless the permittee has demonstrated that a band has caused an injury or a health problem for the bird.

- f. No permittee may band a raptor removed from the wild with a seamless numbered band.

13. Carrying permit(s) when conducting falconry activities.

Permittees must have their permit(s) or legible copies of them in their immediate possession at all times when they are not at the location of their falconry facilities and the permittees are trapping, transporting, working with, or flying their falconry raptor(s).

14. Selling or trading raptors under a falconry permit.

- a. Permittees may sell or barter, or offer to sell or barter captive-bred raptors marked with seamless bands to other permittees who are authorized to possess them.
- b. Permittees may not purchase, sell, trade, or barter wild raptors. They may only transfer them, and those other permittees are authorized to possess the raptors sold or bartered to them in accordance with this rule.

15. Transfer of wild-caught raptors captured for falconry to another type of permit.

Under some circumstances permittees may transfer a wild raptor to another permit type if the recipient of the bird (which could be the permittee) possesses the necessary permits for the other activity.

- a. Permittees may transfer a wild-caught falconry bird to a raptor propagation permit after the bird has been used in falconry for at least 2 years (1 year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel). When permittees transfer the bird, they must provide a copy of the 3-186A form documenting acquisition of the bird by the propagator to the federal migratory bird permit office that administers the propagation permit.
- b. Permittees may transfer a wild-caught bird to another permit type in less than 2 years (1 year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel) if the bird has been injured and a veterinarian has determined that the bird can no longer be flown for falconry.
 - (1) Within 10 days of transferring the bird the permittee must provide a copy of the 3-186A form (<http://permits.fws.gov/186A>) documenting acquisition of the bird to the federal migratory bird permit office that administers the other permit type.
 - (2) When a permittee transfers the bird, he or she must also provide a copy of the certification from the veterinarian that the bird is not useable in

falconry to the federal migratory bird permits office that administers the other permit type.

16. Transfer of captive-bred falconry raptors to another type of permit.

Permittees may transfer captive-bred falconry raptors if the holder of the other permit type is authorized to possess the bird(s). Within 10 days permittees must report the transfer by entering the required information in the electronic database at <http://permits.fws.gov/186A> and by submitting a standard paper form 3-186A to the Department.

17. Disposition of carcasses of falconry birds that die.

- a. A permittee must send the entire body of a golden eagle that was held for falconry, including all feathers, talons, and other parts, to the National Eagle Repository.
- b. Permittees may donate the body or feathers of any other species of falconry raptor to any person or institution exempt under the law or who is authorized by permit to acquire and possess such parts or feathers.
- c. If the bird was banded or microchipped prior to its death, the permittee may keep the body of any falconry raptor except that of a golden eagle. A permittee may keep the body so that the feathers are available for imping, or may have the body mounted by a taxidermist. The permittee may use the mount in giving conservation education programs, but must have a Maine Scientific Collection Permit to do so. If the bird was banded, permittees must leave the band on the body. If the bird has an implanted microchip, the permittee must leave the microchip in place.
- d. If the permittee does not wish to donate the bird body or feathers or keep it themselves, he or she must burn, bury, or otherwise destroy it or them within 10 days of the death of the bird or after final examination by a veterinarian to determine cause of death. Carcasses of euthanized raptors could pose a risk of secondary poisoning of eagles and other scavengers. Permittees must take appropriate precautions to avoid such poisonings.
- e. If the permittee does not donate the bird body or feathers or have the body mounted by a taxidermist, he or she may possess the flight feathers for as long as they have a valid falconry permit. However, permittees may not buy, sell, or barter the feathers. Permittees must keep the paperwork documenting their acquisition of the bird.

18. Transfer of falconry raptors if a permittee dies.

A surviving spouse, executor, administrator, or other legal representative of a deceased falconry permittee may transfer any bird held by the permittee to another authorized permittee within 90 days of the death of the falconry permittee. After 90 days, disposition of a bird held under the permit shall be as determined by the Department.

19. "Possession" and short-term handling of a falconry raptor.

The U.S. Fish and Wildlife Service and the Department do not consider short-term handling, such as letting any other person hold or practice flying a raptor that permittees possess under their permit, to be possession for the purposes of this section if permittees are present and the person is under their supervision. (Note: This provision is taken from 50 Code of Federal Regulations Sec 21.29 (a) and included here because it directly affects falconers.)

20. Transporting a falconry raptor or raptors through Maine.

Permittees having a valid falconry permit may possess and transport for falconry purposes a lawfully possessed raptor through Maine. However, a tribal territory within Maine may further regulate such transport.

F. Additional information and restrictions on the practice of falconry.

1. Raptors removed from the wild for falconry are always considered "wild" raptors. No matter how long such a bird is held in captivity or whether it is transferred to another permittee or permit type, it is always considered "wild". However, it is considered to be taken from the wild only by the person who originally captured it. It is not considered to be taken from the wild by any subsequent permittee to whom it is legally transferred.

2. "Hacking" of falconry raptors.

Hacking (temporary release to the wild) is an approved method for falconers to condition raptors for falconry. Only General and Master Falconers may hack a falconry raptor or raptors.

- a. The Department allows a permittee to hack a bird he or she possesses for falconry.
- b. Any bird a permittee is hacking counts against his or her possession limit, and must be a species he or she is authorized to possess.
- c. Any hybrid or raptor non-indigenous to Maine that a permittee hacks must have two functioning radio transmitters attached to it during hacking.

- d. A permittee may not hack a falconry bird near a nesting area of a state or federally threatened or endangered bird species or in any other location where the raptor is likely to harm a state or federally listed threatened or endangered animal species and that might be disturbed or taken by their falconry bird. Before hacking a falconry bird, the permittee must contact the Department.

3. Use of other falconry training or conditioning techniques.

Permittees may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons, or kites in training or conditioning falconry raptors. They also may fly falconry birds at bird species not protected under the Migratory Bird Treaty Act or at legally possessed pen-raised animals.

4. Use of raptors held under a falconry permit in captive propagation.

Permittees may use raptors they possess for falconry in captive propagation if they or the person overseeing the propagation has the necessary permit(s). Permittees do not need to transfer a bird from their falconry permit if they use it for fewer than 8 months in a year in captive propagation, but must transfer the bird from their falconry permit if it is permanently used for propagation. The bird must then be banded as required by law.

5. Use of falconry raptors in conservation education programs.

A General or Master Falconer may use a bird that he or she possesses in conservation education programs presented in public venues.

- a. A permittee does not need a federal education permit to conduct conservation education activities using a falconry raptor held under a state permit.
- b. A permittee may present conservation programs as an Apprentice Falconer if a General or Master Falconer is present when the permittee does so.
- c. The permittee must use the bird primarily for falconry.
- d. A permittee may charge a fee for presentation of a conservation education program. The fee may not exceed the amount required to recoup the permittee's costs.
- e. In conservation education programs, permittees must provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics must be addressed in every presentation. Permittees may not give presentations that do not address falconry and conservation education.

- f. Permittees are responsible for all liability associated with conservation education activities they undertake.

6. Other educational uses of falconry raptors.

Permittees may allow photography, filming, or other such uses of falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds, though they may not be paid for doing so.

- a. Permittees may not use falconry raptors to make movies, commercials, or in other commercial ventures that are not related to falconry. Filming, photography, or illustration of falconry birds to demonstrate or advertise falconry equipment is acceptable.
- b. Permittees may not use falconry raptors for commercial entertainment; for advertisements; as a representation of any business, company, corporation, or other organization; or for promotion or endorsement of any products, merchandise, goods, services, meetings, or fairs, with the following exceptions:
 - (1) Permittees may use a falconry raptor to promote or endorse a nonprofit falconry organization or association.
 - (2) Permittees may use a falconry raptor to promote or endorse products or endeavors related to falconry, including, but not limited to items such as hoods, telemetry equipment, giant hoods, perches, materials for raptor facilities, falconry training and education materials, and scientific research and publication.

7. Assisting in rehabilitation of raptors to prepare them for release.

A General or Master Falconer may assist a permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild. Permittees may keep a bird they are helping to rehabilitate in their facilities.

- a. The rehabilitator must provide the permittee with a letter or form that identifies the bird and explains that the permittee is assisting in its rehabilitation.
- b. Subject to federal regulations, permittees do not need to meet the rehabilitator facility standards. Permittees need only meet the facility standards in this rule.
- c. Permittees do not have to add any raptor they possess for this purpose to their falconry permit; it will remain under the permit of the rehabilitator.

- d. Permittees must return any such bird that cannot be permanently released to the wild to the rehabilitator for placement within the 180-day timeframe in which the rehabilitator is authorized to possess the bird, unless the permittee is authorized by an appropriate agency to retain the bird for longer than 180 days.
 - e. Upon coordination with the rehabilitator, permittees must release all releasable raptors to the wild or return them to the rehabilitator for release within the 180-day timeframe in which the rehabilitator is authorized to possess the birds, unless the permittee is authorized by an appropriate agency to retain and condition a bird for longer than 180 days, or unless the rehabilitator transfers the bird to the permittee to hold under their falconry permit.
8. Using a falconry bird in abatement activities.
- a. A Master Falconer may conduct abatement activities with a bird or birds he or she possesses for falconry, if the permittee has a Special Purpose Abatement permit. A General Falconer may conduct abatement activities only as a subpermittee of the holder of the abatement permit.
 - b. Permittees may receive payment for providing abatement services if they have a Special Purpose Abatement permit.
9. Feathers that a falconry bird or birds molts.
- a. For imping (replacing a damaged feather with a molted feather), permittees may possess flight feathers for each species of raptor they possess or previously held for as long as they have a valid falconry permit. Permittees may receive feathers for imping from other permitted falconers, wildlife rehabilitators, or propagators in the United States, and they may give feathers to them. Permittees may not buy, sell, or barter such feathers.
 - b. Permittees may donate feathers from a falconry bird, except golden eagle feathers, to any person or institution with a valid permit to have them, or to anyone exempt from the permit requirement under the law.
 - c. Except for primary or secondary flight feathers or retrices from a golden eagle, permittees are not required to gather feathers that are molted or otherwise lost by a falconry bird. Permittees may leave the feathers where they fall, store them for imping, or destroy them. However, permittees must collect molted flight feathers and retrices from a golden eagle. If permittees choose not to keep them for imping, they must send the feathers to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022. The telephone number at the Repository is

303-287-2110. In addition, the Department request that permittees send all feathers (including body feathers) that they collect from any falconry golden eagle and that they do not need for imping, to the National Eagle Repository.

- d. If a permittee's permit expires or is revoked, he or she must donate the feathers of any species of falconry raptor except a golden eagle to any person or any institution exempt from the permit requirement under the law or who is authorized by permit to acquire and possess the feathers. If the permittee does not donate the feathers, he or she must burn, bury, or otherwise destroy them.