§ 11-1901. Breeding of domestic game birds.

1. The department may, in its discretion, issue to an owner or lessee of wholly enclosed lands, or an entire island, a domestic game bird breeder's license permitting him to possess and propagate such species of domestic game birds as, in its opinion, he has facilities for propagating on the licensed premises. The license shall expire on March 31 every fifth year. The department shall prescribe and furnish forms for application for such license. Applicants shall pay to the department, and the department shall be entitled to receive, fees according to the type of license so issued as follows:

a. Class A license, two hundred dollars. This license shall allow the holder thereof to purchase, possess, propagate, transport and sell domestic game birds, dead or alive, and their eggs.

b. Class B license, forty dollars. This license shall allow the holder thereof to purchase, possess and propagate domestic game birds for his own use. Birds may be killed for food or released to the wild for restocking. No live birds or their eggs or carcasses may be sold, exchanged or given away.

2. The department may revoke the license of any licensee convicted of a violation of this section, and no license shall be issued to him for the ensuing two years. The licensee, unless he shall waive such right, shall have an opportunity to be heard. Notice of hearing shall be given by mailing the same in writing to the licensee at the address contained in his license. Attendance of witnesses may be compelled by subpoena. Revocation shall be deemed an administrative act reviewable by the supreme court as such.

3. Only domestic game birds legally propagated or acquired shall be possessed under these licenses.

4. On the licensed premises the licensee may kill domestic game birds at any time in any manner except by shooting. Nothing in this section shall be construed to prohibit the shooting of domestic game birds

liberated on the licensed premises if such shooting is done during the open season for such species or pursuant to a license under section 11-1903.

5. Each such domestic duck, goose, brant and swan shall be marked in accordance with requirements set forth in rules and regulations established by the department of the interior pursuant to 50 C.F.R. 21 as may be amended from time to time. Such information shall be provided by department press release and any other means that the department determines to be appropriate and effective, including posting on the department's public website. Birds so marked, which have escaped, may be recaptured by the licensee. Escaped birds may be recaptured only on the premises of the licensee.

6. The holder of a domestic game bird breeder's license shall keep records and make reports as required by and upon forms furnished by the department. The reports shall be subscribed by the licensee, and shall contain an affirmation that the statements therein are made subject to the penalties of perjury. The records shall be continuous and current and shall be kept on the licensed premises, and the licensee shall allow any representative of the department to enter upon the premises to inspect his operations and records. Records must be retained for a period of three years.

7. On the licensed premises the licensee may take any unprotected wild bird, or any predatory wildlife except, protected birds, disturbing domestic game. Such birds or wildlife may be taken at any time and in any manner, except that no trap of the leg-gripping type, having teeth in the jaws or having a greater spread of jaws than six inches, shall be used for such purpose, nor shall a trap be set so that any wildlife when caught shall be suspended. Carcasses of such birds or wildlife shall be immediately buried or cremated, except that carcasses of unprotected wildlife, and of protected wildlife other than birds if taken during their respective open seasons, may be possessed, transported, bought and sold to the extent permitted by section 11-0917.

8. Domestic game bird carcasses and parts shall be identified as

required by section 11-1721 of this article.