

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 83**

H. P. 74

House of Representatives, January 11, 1979

Referred to the Committee on Fisheries and Wildlife. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. McKean of Limestone.

Cosponsors: Mr. Dexter of Kingfield, Mr. Jacques of Waterville and Mr. MacEachern of Lincoln.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Establishing an Experimental Open Season on Moose.**

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Be it enacted by the People of the State of Maine, as follows:

12 MRSA § 2355-F is enacted to read:

**§ 2355-F. Moose season**

- 1. Open season established.** There shall be a controlled, open firearms season on moose for the year 1979 within the hunting district described in subsection 3.
- 2. Length of season.** The Commissioner of Inland Fisheries and Wildlife shall establish an October season of 6 consecutive days, the beginning and closing dates to be determined by him.
- 3. District.** There shall be one moose hunting district described as follows: All of Units 1, 2 and 5 of the wildlife management units, excluding all of Baxter State Park.
- 4. Hunting permits.** The Commissioner of Inland Fisheries and Wildlife is authorized to issue not more than 700 moose hunting permits for hunting during the 1979 season within the district described in subsection 3. A valid Maine resident hunting license, in addition to a Maine moose hunting permit, is required to hunt moose.

Permits shall be chosen by public chance drawing. Prior to the issuance of any permit, proof of residence shall be provided by any persons chosen. In addition to all other residency requirements, any person chosen for a moose permit shall have physically resided within the State for a period of not less than 3 months prior to October 1, 1979. To be eligible for the official drawing, at which time these permits shall be drawn, it shall be necessary for an applicant to submit a written application, furnished by the Department of Inland Fisheries and Wildlife, and a fee of \$3.50 paid to the department. Moose permit applications shall be obtained from resident license agents. Fees are not refundable. Each hunter selected may then choose one individual who possesses a valid Maine resident hunting license and who otherwise meets all qualifications for a moose permit, except selection, to hunt with him. The 2 hunters, or single hunter, as the case may be, shall receive one moose permit to be carried on the person of the permittee. The permittee may also hunt alone if he chooses, but the selected accompanying hunter shall always be accompanied by the permittee. A space shall be provided on the moose permit to list the name of the accompanying hunter. The name of the permittee shall be legibly written on the permit in ink or indelible pencil. Only one name may appear and no changes of the name during the season is authorized. There shall be no charge for the addition of the name to the permit.

5. Bag limit. The bag limit shall be one moose of either sex per permit holder. In the case of a permittee and a selected accompanying hunter, the permit shall allow only one of them to take one moose.

6. Weapons permitted. Shotguns larger than .410 gauge using rifled slugs only and all other firearms, except handguns and rimfires, are legal for hunting moose.

7. Registration of harvested moose.

A. All moose legally harvested shall be presented for inspection at official registration stations established by the commissioner to allow collecting of biological and hunting data. The entire animal shall be presented, although it may be dismembered for ease of transportation. The head and legs shall be intact at time of registration. A fee of \$35 shall be assessed for registration.

B. Inland fisheries and wildlife wardens, biologists or any other person appointed by the Commissioner of Inland Fisheries and Wildlife, shall register each moose legally presented for registration and shall attach a seal to each moose in the manner as directed and with the materials furnished by the commissioner.

(1) No person shall at any time in any manner move or transport any moose, or part thereof, unless it is open to view and there is securely attached to the head the moose tag portion of the permit bearing the name and address of the person who killed the moose. The moose shall be accompanied by the permittee, or by the permittee and accompanying hunter whose name appears also on the permit if shot by the accompanying hunter, while being moved or transported.

(2) Any person killing a moose under this section shall present it for registration at an official registration station and that moose shall be registered in his name only.

(3) No person shall present a moose for registration or allow registration in his name any moose not legally killed by him.

C. Except as provided in section 2951, no person shall keep a moose at his home, or at any place of storage, except at an official registration station or at the office of an inland fisheries and wildlife warden, for more than 12 hours unless that moose has been legally registered.

D. Prior to presenting a moose for registration, no person may possess or leave in the fields or forest a moose which he has killed which does not have securely attached to its head, and plainly visible, the moose tag portion of his permit bearing his full name and address. Any moose so found, to which the moose tag portion of that permit has not been attached, shall be seized and disposed of as directed by the commissioner.

8. Giving moose away; labels. Notwithstanding subsection 7, paragraph B, subparagraph (1), no person shall have in his possession any part or parts of a moose given to him unless each separate part is plainly labeled with the name and address of the person who registered the moose, the name and address of the person to whom it was given and, if that part is transported by any 3rd party, the name and address of the party transporting the moose affixed thereto. This subsection shall not apply to any moose or parts of moose being transported by a Maine licensed transportation company, including common carriers, in accordance with chapters 301 to 307.

9. Closing of moose season. If, during the open season on moose, it is the opinion of the commissioner that more moose are being killed in the district opened for moose hunting than is in the best interest of conserving the species, he shall terminate the hunting in that district at once. Immediate notices shall be broadcast to the general public by the most expeditious means.

10. Authority of commissioner. The commissioner shall issue applications for moose hunting permits, issue permits and make all rules and regulations pertaining thereto. The commissioner may make all other rules and regulations necessary for the protection of the moose resource.

11. Questionnaire. Each permittee and authorized accompanying hunter shall complete a questionnaire provided by the commissioner, and return it to the commissioner within 10 days after the close of the moose hunting season.

12. Department employees ineligible. No employee of the Department of Inland Fisheries and Wildlife is eligible to obtain a moose hunting permit.

13. Exception to section 2467. Any moose legally taken under this section shall not be in violation of section 2467.

**14. Penalties.** Whoever violates any of the provisions of this section or rules and regulations promulgated thereunder, except violations of subsection 7, paragraph C and subsection 11, shall, notwithstanding Title 17-A, section 4-A, be punished upon conviction by a fine of not less than \$800 nor more than \$1,200 and by imprisonment of not less than 5 nor more than 8 consecutive days for the first offense, and by a fine of not less than \$1,000 nor more than \$1,500 and by imprisonment of less than 10 nor more than 18 consecutive days for each succeeding offense.

Any firearm seized in connection with a violation of this section shall be retained by the State pending disposition of criminal proceedings. Any vehicle used for the illegal transportation of moose which evokes criminal proceedings and conviction on that offense shall be retained by the State and sold at public auction. Proceeds of that sale shall be forwarded to the Department of Inland Fisheries and Wildlife for use in preservation of the moose resource.

In addition, the commissioner may suspend the hunting license of a convicted violator for a period of 5 years. Violations of subsection 7, paragraph C and subsection 11 are punishable under section 3060.

#### STATEMENT OF FACT

This bill establishes a one-year restrictive open hunting season on moose for residents of Maine only. Revenue generated for the Department of Inland Fisheries and Wildlife would approximate \$155,000 for the fiscal year 1979-80. At least \$100,000 or 70% of the total revenue generated, whichever is greater, will be utilized by the department for the management and preservation of the Maine moose herd. This could include the addition of wardens or investigators to be used to aid in arrest and conviction of those persons poaching the Maine moose herd.