

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 116

H.P. 82

House of Representatives, January 13, 2021

**An Act To Allow the Commissioner of Inland Fisheries and Wildlife
To Authorize the Hunting of Antlerless Deer without a Permit in
Certain Areas**

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Received by the Clerk of the House on January 11, 2021. Referred to the Committee on
Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint
Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LANDRY of Farmington.

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

2 **Sec. 1. 12 MRSA §10902, sub-§6, ¶F**, as amended by PL 2013, c. 538, §5, is
3 further amended to read:

4 F. Buying or selling deer, exceeding the bag limit on deer or hunting deer after having
5 killed one, in violation of section 11217 or 11501 or unlawfully hunting or possessing
6 an antlerless deer in a wildlife management district ~~for which no antlerless deer permits~~
7 ~~have been issued~~ in which the taking of antlerless deer is not allowed in violation of
8 section 11152, subsection 1-A;

9 **Sec. 2. 12 MRSA §11152**, as amended by PL 2019, c. 324, §2, is further amended
10 to read:

11 **§11152. Antlerless deer; regulation and authority to issue permits**

12 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
13 may not hunt antlerless deer as authorized in this section unless that person has a valid
14 permit issued under this section or is hunting in an area that is designated by rule as open
15 to the hunting of antlerless deer or either-sex deer without an antlerless deer permit.

16 A. Each day a person violates this subsection that person commits a Class E crime for
17 which a minimum fine of \$50 and an amount equal to twice the applicable license fee
18 must be imposed.

19 **1-A. Antlerless deer in wildlife management districts with no permits issued.**
20 Except as otherwise provided in this Part, a person may not hunt or possess an antlerless
21 deer in a wildlife management district or a portion of a wildlife management district ~~that~~
22 ~~does not have permits issued~~ in which the taking of antlerless deer is not allowed. A person
23 may possess in one of those districts an antlerless deer that has been lawfully registered in
24 another district where ~~permits have been issued~~ antlerless deer may be legally taken.

25 A person that violates this subsection commits a Class D crime for which a minimum fine
26 of \$1,000 must be imposed, and the court shall impose a sentencing alternative involving
27 a term of imprisonment of at least 3 days, none of which may be suspended.

28 **2. Authority to regulate taking of antlerless deer.** The commissioner may regulate
29 the taking of antlerless deer by rule within an area of the State as necessary to maintain
30 deer populations in balance with available habitat if the demarcation of each area follows
31 recognizable physical boundaries such as rivers, roads and railroad rights-of-way. This
32 subsection does not apply to a person with a special antlerless deer permit under subsection
33 7.

34 ~~**2-A. Authority to regulate taking of antlerless deer in certain areas within wildlife**~~
35 ~~**management districts where no permits are issued.**~~ The commissioner may by rule issue
36 ~~permits in a designated geographical area within a wildlife management district where no~~
37 ~~antlerless deer permits are issued to maintain balanced deer populations. A designated~~
38 ~~geographical area under this subsection may consist of an entire town or other area but~~
39 ~~must have a demarcation of the area that follows recognizable physical boundaries such as~~
40 ~~rivers, roads and railroad rights-of-way.~~

41 **3. Rulemaking.** The commissioner may adopt rules necessary for the administration,
42 implementation, enforcement and interpretation of this section, except that the
43 commissioner is not authorized to establish an antlerless deer permit system lottery unless

1 otherwise specified in this section. The commissioner may appoint clerks or agents under
2 section 10801 to process applications for permits issued under this section. A clerk or agent
3 appointed by the commissioner to process applications shall charge a fee of \$2 for each
4 application processed by that clerk or agent under this section. Rules adopted by the
5 commissioner that provide for permits to be issued to nonresident hunters must provide
6 that:

7 B. No more than 15% of the antlerless deer permits issued in any one district or in any
8 one zone may be issued to nonresident hunters.

9 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
10 chapter 375, subchapter 2-A.

11 **4. Landowner consideration.** An antlerless deer permit ~~system~~ lottery adopted by
12 the commissioner pursuant to this section may include a provision giving special
13 consideration to landowners who keep their lands open to hunting by the public. As part
14 of the special consideration to those landowners, the commissioner shall provide at least
15 25% of the available antlerless deer permits in a wildlife management district to eligible
16 landowners that apply for an antlerless deer permit in that district. Any 2 or more areas of
17 land owned by the same person that are open for hunting and that would be contiguous
18 except for being divided by one or more roads are considered contiguous for the purposes
19 of determining landowner eligibility for special consideration under this subsection.

20 **5. Hunter permit transfers.** A resident may take an antlerless deer if another resident
21 who holds a valid antlerless deer permit transfers the permit to that resident by identifying
22 the name and address of the transferee on the permit as well as any other information
23 reasonably requested by the commissioner and then returns the permit to the department
24 prior to the start of the firearm season on deer. A nonresident may take an antlerless deer
25 if another nonresident who holds a valid antlerless deer permit transfers the permit to that
26 nonresident by identifying the name and address of the transferee on the permit as well as
27 any other information reasonably requested by the commissioner and then returns the
28 permit to the department prior to the start of the firearm season on deer. The commissioner
29 shall record a transfer under this subsection and return the permit to the transferee. A valid
30 permit must be in the possession of the transferee in order for the transferee to take an
31 antlerless deer.

32 **5-A. Permit transfer to junior hunter.** Notwithstanding subsection 5, a junior hunter
33 may take an antlerless deer if another person who holds a valid antlerless deer permit
34 transfers that permit to that junior hunter by identifying the name and address of the
35 transferee on the permit as well as any other information reasonably requested by the
36 commissioner and then returns the permit to the department at least 48 hours prior to the
37 junior hunter's hunting antlerless deer. Upon transfer of the antlerless deer permit to a
38 junior hunter, the transferor may not hunt an antlerless deer pursuant to the transferred
39 permit but remains eligible, unless otherwise prohibited, to take a deer other than an
40 antlerless deer in accordance with this Part.

41 The commissioner shall record a transfer under this subsection and return the permit to the
42 transferee. A valid permit must be in the possession of the transferee in order for the
43 transferee to take an antlerless deer.

44 **7. Special antlerless deer permit.** The commissioner shall issue a special antlerless
45 deer permit to an eligible person who has lost all or part of one or more lower limbs, not

1 including a partial foot amputation, or is suffering from the permanent loss of use of both
2 lower limbs. The commissioner shall issue a permit upon application and after the
3 applicant verifies that person's ambulatory disability with a letter signed by a physician
4 confirming the person's condition. A person who is issued a special antlerless deer permit
5 under this subsection may take an antlerless deer in any part of the State open to the taking
6 of antlerless deer pursuant to subsection 3.

7 **8. Junior hunter consideration.** An antlerless deer permit ~~system~~ lottery adopted by
8 the commissioner pursuant to this section may include a provision giving special
9 consideration to persons with a valid junior hunting license. As part of the special
10 consideration to junior hunters, the commissioner shall provide at least 25% of the available
11 antlerless deer permits in a wildlife management district to persons with a valid junior
12 hunting license who apply for an antlerless deer permit in that district.

13 SUMMARY

14 This bill authorizes the Commissioner of Inland Fisheries and Wildlife to allow hunters
15 to take antlerless deer without an antlerless deer permit in certain areas of the State.