

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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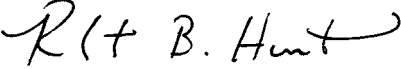
H.P. 60

House of Representatives, January 8, 2025

### **An Act to Amend and Simplify Certain Wildlife Laws**

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Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.  
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered  
printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative CLUCHEY of Bowdoinham.

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

2 **Sec. 1. 12 MRSA §10851, sub-§1, ¶D**, as amended by PL 2023, c. 239, §11, is  
3 further amended to read:

4 D. For a resident 70 years of age or older. For a person who holds a valid senior  
5 lifetime license under this section at any time during the calendar year that person turns  
6 70 years of age, that lifetime license includes all hunting permits and licenses  
7 authorized in this Part and may renew at no cost a guide license under section 12853.  
8 A license holder under this paragraph who qualifies to hunt during the ~~special~~ expanded  
9 archery season on deer under section 11153 and who meets the eligibility requirements  
10 of section 11106 must have included in that person's license one antlerless deer permit  
11 and one either-sex permit. A person who is 70 years of age or older may purchase a  
12 senior lifetime license that entitles the holder to all the privileges described in this  
13 paragraph for a one-time \$8 fee.

14 **Sec. 2. 12 MRSA §10853, sub-§3**, as repealed and replaced by PL 2019, c. 638,  
15 §1, is amended to read:

16 **3. Paraplegics.** A resident paraplegic or a nonresident paraplegic who is a resident  
17 of another state may obtain upon application, at no cost, all hunting, trapping and fishing  
18 licenses, including permits, stamps and other permission needed to hunt, trap and fish. A  
19 license holder under this subsection who qualifies to hunt during the ~~special~~ expanded  
20 archery season on deer under section 11153 and who meets the eligibility requirements of  
21 section 11106 must have included in that person's license one antlerless deer permit and  
22 one either-sex permit. The commissioner shall issue all fishing, trapping and hunting  
23 licenses and permits applied for under this subsection if the commissioner determines the  
24 applicant meets the requirements of this subsection and is not otherwise ineligible to hold  
25 that permit or license. For the purposes of this subsection, "paraplegic" means a person who  
26 has lost, or who has permanently lost the use of, both lower extremities.

27 A license issued to a resident paraplegic under this subsection remains valid for the life of  
28 the license holder if the license holder continues to be a resident as that term is defined  
29 under section 10001, subsection 53 and the license is not revoked or suspended. A  
30 nonresident paraplegic may apply for and be qualified to be issued the complimentary  
31 licenses and permits referred to in this subsection as long as the state where the person  
32 resides provides a reciprocal privilege for resident paraplegics of this State.

33 **Sec. 3. 12 MRSA §10853, sub-§4**, as repealed and replaced by PL 2017, c. 475,  
34 Pt. A, §19, is amended to read:

35 **4. Disabled veteran.** A resident disabled veteran or a nonresident disabled veteran  
36 who is a resident of another state may obtain upon application, at no cost, all hunting,  
37 trapping and fishing licenses, including permits, stamps and other permission needed to  
38 hunt, trap and fish, and, upon meeting the qualifications as established in section 12853,  
39 subsection 4, a guide license. A license holder under this subsection who qualifies to hunt  
40 during the ~~special~~ expanded archery season on deer under section 11153 and who meets  
41 the eligibility requirements of section 11106 must have included in that person's license  
42 one antlerless deer permit and one either-sex permit. The commissioner shall issue all  
43 fishing, trapping and hunting licenses and permits requested under this subsection if the  
44 commissioner determines the applicant meets the requirements of this subsection and is not

1 otherwise ineligible to hold that permit or license. For the purposes of this subsection,  
2 "disabled veteran" means a person who:

3 B. Was honorably discharged from the Armed Forces of the United States or the  
4 National Guard; and

5 C. Has a service-connected disability evaluated at 50% or more.

6 Each application must be accompanied by satisfactory evidence that the applicant meets  
7 the requirements of this subsection. An applicant for a license or permit under this section  
8 is subject to the provisions of this Part, including, but not limited to, a lottery or drawing  
9 system for issuing a particular license or permit. A permit or license issued under this  
10 subsection remains valid for the life of the permit or license holder, as long as the permit  
11 or license holder continues to remain a resident of this State or another state and the permit  
12 or license issued under this subsection is not revoked or suspended. For a nonresident to  
13 be eligible under this subsection, that nonresident's state must have a reciprocal agreement  
14 with this State.

15 **Sec. 4. 12 MRSA §10853, sub-§8**, as amended by PL 2023, c. 646, Pt. A, §15, is  
16 further amended to read:

17 **8. Members of federally recognized Indian nation, band or tribe.** The  
18 commissioner shall issue a hunting, trapping and fishing license, including an archery  
19 hunting license under this chapter, and including all permits, stamps and other permission  
20 needed to hunt, trap and fish, to a person who is an enrolled member of the Passamaquoddy  
21 Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation  
22 that is valid for the life of that person without any charge or fee pursuant to section 11109,  
23 if the person presents certification from the appropriate reservation chief or governor or the  
24 Mi'kmaq Nation Tribal Council stating that the person described is an enrolled member of  
25 a federally recognized Indian nation, band or tribe listed in this subsection. Holders of  
26 these licenses are subject to this Part, including, but not limited to, a lottery or drawing  
27 system for issuing a particular license or permit. Members of a federally recognized Indian  
28 nation, band or tribe listed in this subsection are exempt from the trapper education program  
29 required for a license under section 12201, the bear trapping education course required by  
30 section 12260-A, subsection 4 and the archery hunter education course under section  
31 11106. A license holder under this subsection who qualifies to hunt during the ~~special~~  
32 expanded archery season on deer under section 11153 and who meets the eligibility  
33 requirements of section 11106 must have included in that person's license one antlerless  
34 deer permit and one either-sex permit.

35 **Sec. 5. 12 MRSA §11109, sub-§3, ¶A**, as amended by PL 2023, c. 431, §2 and  
36 affected by §23, is further amended to read:

37 A. A resident junior hunting license, for a person under 16 years of age, is \$8 and  
38 permits hunting of all legal species, subject to the permit requirements in subchapter 3.  
39 Notwithstanding the permit fees established in subchapter 3, a resident junior hunting  
40 license includes all permits, stamps and other permissions needed to hunt at no  
41 additional cost. A license holder under this paragraph who qualifies to hunt during the  
42 ~~special~~ expanded archery season on deer under section 11153 and who meets the  
43 eligibility requirements of section 11106 must have included in that person's license  
44 one antlerless deer permit and one either-sex permit. A resident junior hunting license  
45 does not exempt the holder of the license from lottery-related application requirements

1 under this Part. A resident under 16 years of age who hunts without a resident junior  
2 hunting license commits a civil violation.

3 **Sec. 6. 12 MRSA §11109, sub-§3, ¶F**, as amended by PL 2023, c. 431, §3 and  
4 affected by §23, is further amended to read:

5 F. A nonresident junior hunting license, for a person under 16 years of age, is \$35 and  
6 permits hunting of all legal species, subject to the permit requirements in subchapter 3.  
7 Notwithstanding the permit fees established in subchapter 3, a nonresident junior  
8 hunting license includes all permits, stamps and other permissions needed to hunt at no  
9 additional cost. A license holder under this paragraph who qualifies to hunt during the  
10 ~~special expanded archery~~ season on deer under section 11153 and who meets the  
11 eligibility requirements of section 11106 must have included in that person's license  
12 one antlerless deer permit and one either-sex permit. A nonresident junior hunting  
13 license does not exempt the holder of the license from lottery-related application  
14 requirements under this Part. A nonresident under 16 years of age who hunts without  
15 a nonresident junior hunting license commits a civil violation.

16 **Sec. 7. 12 MRSA §11109-A, sub-§3, ¶C**, as amended by PL 2023, c. 49, §1 and  
17 affected by §3, is further amended to read:

18 C. Three antlerless deer and one deer of either sex during the ~~special expanded~~ archery  
19 season in accordance with ~~section 11402, subsection 4~~ rules adopted pursuant to  
20 section 11401.

21 **Sec. 8. 12 MRSA §11153**, as amended by PL 2015, c. 281, Pt. C, §5, is further  
22 amended by amending the section headnote to read:

23 **§11153. ~~Special season~~ Expanded archery season deer permits; fees**

24 **Sec. 9. 12 MRSA §11153, sub-§1**, as amended by PL 2015, c. 281, Pt. C, §5, is  
25 further amended to read:

26 **1. ~~Special season~~ Expanded archery season deer hunting permits; authority to**  
27 **~~issue for special season; fees~~.** The commissioner may implement a permit system to  
28 regulate hunter participation in a ~~special season~~ the expanded archery season established  
29 by the commissioner pursuant to ~~section 11402, subsection 4, paragraph B~~ 11401,  
30 subsection 2, paragraph B and the number, sex and age of deer harvested. A person may  
31 hunt or possess a deer of either sex during a ~~special season~~ the expanded archery season on  
32 deer if that person has a valid permit issued by the commissioner. If permits are issued, the  
33 fee for an either-sex permit is \$32 and the fee for an antlerless deer permit is \$12.

34 **Sec. 10. 12 MRSA §11153, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
35 affected by c. 614, §9, is amended to read:

36 **2. Prohibition.** Except as otherwise authorized pursuant to this Part, a person may  
37 not hunt deer during a ~~special season~~ the expanded archery season established under this  
38 section unless that person has a valid permit issued pursuant to this section.

39 **Sec. 11. 12 MRSA §11401, sub-§1, ¶A**, as amended by PL 2009, c. 134, §1, is  
40 further amended to read:

41 A. Except as otherwise provided in this subsection and sections 10952, 11152, 11153,  
42 11403 and 11404 or by rule adopted by the commissioner pursuant to ~~section 11402,~~

1 ~~subsection 4~~ subsection 2, there is an open season for deer in each calendar year in all  
2 counties of the State between September 15th and December 20th annually. In a year  
3 that the regular season extends beyond November 30th, the regular season must start  
4 no later than the 4th Monday preceding Thanksgiving.

5 **Sec. 12. 12 MRSA §11401, sub-§2** is enacted to read:

6 **2. Rule.** The commissioner by rule may:

7 A. Open any of the areas closed to deer hunting listed in rule, as long as the legislative  
8 body of each affected town approves the opening. For purposes of this subsection,  
9 "affected town" means a town, township or municipality that contains within its borders  
10 any area proposed to be opened pursuant to this paragraph;

11 B. Create special hunting seasons or expanded archery seasons for the taking of deer  
12 in any part of the State to maintain deer populations in balance with available habitat,  
13 subject to the provisions of this paragraph.

14 (1) The demarcation of each area must follow recognizable physical boundaries,  
15 such as rivers, roads and railroad rights-of-way.

16 (2) The commissioner may establish limits on the number of deer taken or  
17 possessed by persons during a special season or expanded archery season. Limits  
18 established by the commissioner under this subparagraph are exceptions to the  
19 limits imposed under section 11501.

20 (3) The commissioner may specify types of weapons and hunting methods to be  
21 used during a special season or expanded archery season.

22 (4) The commissioner may specify fees for permits issued during a special season,  
23 as long as they do not exceed the fees established in section 11153; and

24 C. Establish a 2-day youth deer hunting period, to be held on the Friday and Saturday  
25 preceding the Saturday designated as an open day for residents of the State pursuant to  
26 section 11401.

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

29 **Sec. 13. 12 MRSA §11402**, as amended by PL 2023, c. 593, §2, is repealed.

30 **Sec. 14. 12 MRSA §12804**, as amended by PL 2015, c. 301, §40, is further amended  
31 to read:

32 **§12804. Conservation of threatened and endangered species**

33 **1. Conservation of ~~nongame~~ threatened and endangered species.** The  
34 commissioner may establish such programs as are necessary to bring any endangered or  
35 threatened species to the point where it is no longer endangered or threatened, including:

36 A. Acquisition of land or aquatic habitat or interests in land or aquatic habitat;

37 B. Propagation;

38 C. Live trapping;

39 D. Transplantation. Prior to the transplantation, introduction or reintroduction of an  
40 endangered or threatened species in the State, the commissioner shall, in conjunction

1 with the Department of Marine Resources, when appropriate, develop a recovery plan  
2 for that species, conduct a public hearing on that recovery plan pursuant to Title 5, Part  
3 18 and submit that plan to the joint standing committee of the Legislature having  
4 jurisdiction over inland fisheries and wildlife matters. The introduction or  
5 reintroduction of that species must be conducted in accordance with the recovery plan  
6 developed under this paragraph and may not begin sooner than 90 days after all  
7 conditions of this paragraph have been met; and

8 E. In the extraordinary case where population pressures ~~within a given group~~  
9 ~~ecosystem can not~~ for a given species cannot be otherwise relieved, regulated taking.

10 **2. Habitat.** For species designated as endangered or threatened under this subchapter  
11 the commissioner may by rule identify areas currently or historically providing physical or  
12 biological features essential to the conservation of the species and that may require special  
13 management considerations. Rules adopted pursuant to this subsection are routine  
14 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

15 **3. Protection guidelines.** The commissioner may by rule develop guidelines for the  
16 protection of species designated as endangered or threatened under this subchapter. Rules  
17 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter  
18 375, subchapter 2-A.

19 **5. Confidential information.** Specific information concerning the location of a  
20 threatened or endangered species or species of special concern is confidential and not a  
21 public record under Title 1, chapter 13 if, in the judgment of the commissioner, disclosure  
22 of that information would threaten the continued existence of the threatened or endangered  
23 species or species of special concern. If the commissioner determines that information is  
24 confidential under this subsection, the commissioner may not disclose the information  
25 except to the landowner whose property is the location of the threatened or endangered  
26 species or species of special concern.

## 27 SUMMARY

28 This bill repeals certain provisions of law related to special regulations regarding deer  
29 hunting season that are now redundant due to that language being placed in Department of  
30 Inland Fisheries and Wildlife rule. This bill also reorganizes certain laws regarding  
31 rulemaking related to open and closed seasons for deer hunting and clarifies the distinctions  
32 between the expanded archery season and a special hunting season and corrects cross-  
33 references.

34 It also creates a Freedom of Access Act public records exemption by making location  
35 data regarding species of special concern confidential in statute, just as location data  
36 regarding threatened and endangered species are.