

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 99

S. P. 62

In Senate, January 17, 1979

Referred to the Committee on Fisheries and Wildlife. Sent down for concurrence and ordered printed.

Presented by Senator Silverman of Washington.

MAY M. ROSS, Secretary of the Senate.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Establish a Hunting Season for Moose.

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 each calendar year on moose in all counties of the State, except as otherwise determined under subsection 3.

2. **Length of season.** The season shall consist of the Thursday and Friday immediately preceding the first day of the open season on deer established under section 2353.

3. **Prohibition of hunting in certain counties.** The commissioner is authorized to prohibit or limit hunting of moose in any county or district in which he deems the moose population will be threatened without that prohibition or limitation, or in which adverse weather conditions make hunting inadvisable.

4. **Hunting permits.** The Commissioner of Inland Fisheries and Wildlife is authorized to issue moose hunting permits to Maine residents only for hunting moose. A valid big game hunting license, in addition to a Maine moose permit, is required to hunt moose.

The commissioner shall provide the necessary application for this permit and applications shall be obtainable from licensing agents. The fee for a moose hunting permit shall be \$10 and shall not be refunded.

Each hunter selected may then choose one individual possessing a valid Maine hunting license 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 subpermittee shall always be accompanied by the permittee. There shall be no charge for this 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 subpermittee, the permit will allow 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 rim fires, shall be considered legal for hunting moose.

7. Registration of harvested moose.

A. All moose legally harvested shall be presented for inspection at official registration stations to be 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. A fee of \$10 shall be assessed for registration.

B. Inland fisheries and wildlife wardens and biologists 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 subpermittee if shot by the subpermittee, 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.

(3) No person shall present a moose for registration or allow to be registered in his name any moose which he himself did not lawfully kill.

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, it shall be unlawful for any

person to possess or to 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 and 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 part shall be 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 337.

9. Closing of moose season. If, during the open season on moose, it shall be the opinion of the commissioner that more moose are being killed in the district indicated than is in the best interest of conserving the species, he shall have the authority to terminate that season at once.

10. Authority of commissioner. The commissioner is authorized, in accordance with the Maine Administrative Procedure Act, Title 5, section 8051 et seq., to make all rules which he deems necessary for the administration of this chapter and the protection of the moose resource.

11. Precedence of this section. Any moose legally taken under this section shall not be in violation of section 2467.

12. Penalties. Notwithstanding the provisions of Title 17-A, section 4-A, whoever violates any of the provisions of this section or rules and regulations promulgated hereunder, except violations of subsection 7, paragraph C, shall be punished, upon conviction, by a fine of not less than \$500 nor more than \$1,000 and by imprisonment of not less than 3 nor more than 5 consecutive days for the first offense, and by a fine of not less than \$500 nor more than \$1,000 and by imprisonment of not less than 10 nor more than 15 consecutive days for each succeeding offense. No punishment under this section shall be suspended. Any firearms seized in connection with a violation of this section shall be retained by the State pending disposition of criminal proceedings and sold at public auction by the State upon conviction. In addition, the commissioner may suspend the hunting license of a convicted violator for a period of 3 years. Violations of subsection 7, paragraph C, shall be punishable under section 3060.

STATEMENT OF FACT

This bill establishes a 2-day open season on moose throughout the State on the Thursday and Friday preceding the open season on deer. The bill provides that

permits for moose hunting will be issued only to Maine residents and establishes a fee of \$10 for a permit.

The bill also provides for a special permit system to permit 2 persons to hunt moose on the authority of one permit. Finally, the bill limits the permitted kill on moose to one moose of either sex.