

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(New Draft of H.P. 42, L.D. 45)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1207

H.P. 905 House of Representatives, April 10, 1987
Reported by Representative DUFFY from the Committee on
Fisheries and Wildlife and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative JACQUES of
Waterville. Cosponsored by Representative MCGOWAN of Canaan.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 **AN ACT Concerning Penalties for Caribou and**
2 **Big Game Violations.**
3

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

6 **Sec. 1. 12 MRSA §7901, sub-§2, as repealed and**
7 **replaced by PL 1985, c. 177, §1, is amended to read:**

8 **2. Class D crimes.** A violation of section 7406,
9 subsection 1 as it applies to deer; of section 7406,
10 subsection 5; of section 7406, subsection 10, when
11 the wild animal or bird was taken in violation of
12 section 7406, subsection 5; of section 7458, subsec-
13 tion 1, 2 or 3; or of section 7464, subsection 1, 2
14 or 8, is a Class D crime, provided that the convict-

1 ed person shall be imprisoned for not less than 3
2 days for the first offense and for not less than 10
3 days for each succeeding offense, this imprisonment
4 not to be suspended, and shall be fined not less than
5 \$500 \$1,000, this fine not to be suspended.

6 Sec. 2. 12 MRSa §7901, sub-§§2-A and 3-A are en-
7 acted to read:

8 2-A. Bear. A violation of section 7406, subsec-
9 tion 1, as it applies to bear, or section 7452, sub-
10 sections 3, 4 or 9 is a Class D crime. A convicted
11 person shall be imprisoned for not more than 180 days
12 and shall be fined not less than \$1,000. This fine
13 is not to be suspended.

14 3-A. Caribou. Any person found guilty of vio-
15 lating section 7456-B shall be assessed a fine of not
16 less than \$2,000 or more than \$10,000 and given a
17 jail sentence of not less than 30 days or more than 6
18 months, which penalties may not be suspended.

19 Sec. 3. 12 MRSa §7901, sub-§4, as amended by PL
20 1983, c. 440, §15, is repealed.

21 Sec. 4. 12 MRSa §7901, sub-§4-A, as enacted by
22 PL 1985, c. 177, §2, is amended to read:

23 4-A. Dogs chasing or attacking deer. A viola-
24 tion of section 7505, subsection 3, paragraph B A or
25 B, is a civil violation for which a forfeiture of not
26 less than \$200 \$500 nor more than \$500 \$1,000 may be
27 adjudged, this forfeiture not to be suspended.

28 Sec. 5. 12 MRSa §7901, sub-§8, as repealed and
29 replaced by PL 1985, c. 737, Pt. A, §33, is amended
30 to read:

31 8. Wild turkey. A violation of section 7456,
32 subsections ~~3, 4, 5 and 6~~, as they apply to turkeys,
33 7469, subsection 1, 2 or 9 is a Class E crime. A con-
34 vinced person shall be fined not less than \$200 \$500
35 and this fine is not to be suspended. In addition, a
36 convicted person shall be fined \$200 \$500 for each
37 turkey illegally possessed or killed and this fine is
38 not to be suspended.

1

STATEMENT OF FACT

2 The purpose of this new draft is to penalize persons
3 who hunt or possess caribou and to increase the
4 penalties for big game hunting violations. Section 1
5 increases the penalties for big game hunting viola-
6 tions from \$500 to \$1,000. Section 2 increases the
7 penalties for bear hunting violations to \$1,000 and
8 sets out the penalties for hunting or possessing car-
9 ibou at a fine of not less than \$2,000 or more than
10 \$10,000 and given a jail sentence of not less than 30
11 days or more than 6 months.

12 Section 3 repeals the provisions for dogs chasing
13 deer and section 4 inserts this prohibition into the
14 following subsection. Section 4 also increases the
15 penalties for dogs chasing or attacking deer. Sec-
16 tion 5 increases the penalties for wild turkey hunt-
17 ing violations and specifically references the wild
18 turkey provisions in the law.

19 The penalties for big game hunting violations
20 have not been increased in 10 years and the Depart-
21 ment of Inland Fisheries and Wildlife feels they no
22 longer serve as a deterrent. The large fines for
23 possessing or hunting caribou are enacted to ensure
24 that the Caribou Restoration Project can proceed
25 without human interference.

26

2381040287