



## **118th MAINE LEGISLATURE**

## **FIRST REGULAR SESSION-1997**

Legislative Document

No. 1426

S.P. 452

In Senate, March 11, 1997

An Act to Amend the Deer and Moose Hunting Laws.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BUTLAND of Cumberland. Cosponsored by Senator KIEFFER of Aroostook, Representative: JONES of Pittsfield.

2	Be it enacted by the People of the State of Maine as follows:
2 4	Sec. 1. 12 MRSA  37406, sub- 20,  A, as amended by PL 1983, c. 797,  10, is further amended to read:
б	A. Notwithstanding the provisions of subsection 8:
8	(1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;
10 12	(2) A person who has a valid Maine permit to carry a concealed weapon may have in or on a motor vehicle or
14	trailer a loaded pistol or revolver covered by such permit; and
16 18	(3) Paraplegics and single or double amputees of the legs <u>and people suffering from disabling heart or</u> <u>respiratory problems</u> may hunt from motor vehicles which
20	<u>that</u> are not in motion.
22	Sec. 2. 12 MRSA §7457, sub-§1, ¶H, as amended by PL 1993, c. 574, §21, is further amended to read:
24	H. The commissioner may regulate the taking of antlerless deer within any area of the State, as necessary, to maintain
26	deer populations in balance with available habitat if the following conditions are met.
28	(1) The demarcation of each area must follow
30	recognizable physical boundaries such as rivers, roads and railroad rights-of-way.
32	(2) The determination must be made and published prior
34	to August 1st of each year.
36	(3) The application fee for a permit to take an antlerless deer may not exceed \$1. The application
38	must include a detachable portion on which the applicant shall write the applicant's name and address
40	and to which the applicant shall affix a stamp of adequate postage. The department shall return this
42	portion of the application to the applicant in acknowledgement of the department's receipt of the
44	application.
46	(4) The commissioner may adopt rules necessary for the administration, implementation, enforcement and
48	interpretation of this subsection, except that there may not be an antlerless deer permit system unless
50	otherwise specified in this paragraph.

(5) An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public and must include a provision that ensures a permit is issued to applicants who are physically disabled and to applicants who are licensed junior hunters.

Sec. 3. 12 MRSA §7463-A, sub-§4, as amended by PL 1995, c. 443, §1, is further amended to read:

4. Hunting permits. In accordance with the provisions of subsections 1-A and 2-A, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each moose hunting zone. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. A person whose application is selected may purchase a moose hunting permit upon presentation of proof that the person is 15 years of age or older at the time of the drawing and possesses:

A. A valid Maine hunting license, if the person is a resident of the State; or

B. A valid Maine big game hunting license, if the person is a nonresident or alien.

The fee for a moose hunting permit is \$25 for 1993, \$27 for 1994, 30 \$28 for 1995 and \$29 for 1996 and every year thereafter for residents and \$200 for 1993, \$202 for 1994, \$300 for 1995 and 32 every year thereafter for nonresidents and aliens. While hunting moose, each nonresident or alien hunter, both permittee and 34 subpermittee, must be in possession of a valid Maine nonresident or alien big game hunting license, whichever is applicable.

Sec. 4. 12 MRSA §7463-A, sub-§7, as enacted by PL 1981, c. 38 118, §2, is amended to read:

7. Selection procedure. Permittees shall-be are selected by a public chance drawing. Alternates shall-be are chosen and may receive permits in the event that selected hunters do not purchase permits. The commissioner shall set aside 5 permits in each area open to moose hunting for applicants who are 70 years of age of older. Permittees from that pool are selected from among all applicants who are 70 years of age or older.

48 Sec. 5.MRSA §7792, sub-§4, as amended by PL 1993, c. 349, §28, is further amended to read:

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4. Horsepower. Rules governing the horsepower of motors used to propel watercraft on all internal waters of this State. 2 In promulgating adopting these rules, the commissioner shall take 4 into consideration the area of the internal waters, the use to which the internal waters are put, the depth of the water and the б amount of water-borne traffic upon the waters and determine whether or not the rule is necessary to insure the safety 8 of persons and property. The adoption of rules under this subsection is governed by the Maine Administrative Procedure Act, 10 Title 5, Part 18, except that such rules may be only adopted as a result of a petition from the municipal officers of the 12 municipality or municipalities in which the waters exist or from 25 citizens of the municipalities in which the waters exist, by county commissioners of the county in which the waters exist if 14they are located in unorganized territory or 25 citizens of the 16 unorganized territory in which the waters exist, requesting the issuance of such a rule for a particular body of internal water 18 and stating the proposed horsepower limitation. Notwithstanding any other provision of this subsection, a physically disabled 20 person may use an electric motor of 2 horsepower or less on any body of water where the use of a motor is otherwise prohibited; 22

## SUMMARY

26 This bill allows people suffering from disabling heart or respiratory problems to hunt from motor vehicles that are not in 28 motion. The bill also ensures that antlerless deer permits are issued to applicants who are physically disabled or who hold a 30 The bill requires that a person be at junior hunting license. least 15 years of age to be eligible to participate in the moose 32 lottery and that at least 5 moose permits in each area open to moose hunting are reserved for applicants who are 70 years of age 34 The bill also ensures that a person with a physical or older. disability is allowed to use a motor of 2 horsepower or less on a 36 water body that otherwise is closed to the use of motors.

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