

MAINE STATE LEGISLATURE

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R. 21 6

L.D. 667

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DATE: May 19, 1999

(Filing No. S-313)

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INLAND FISHERIES AND WILDLIFE

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Reported by:

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

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COMMITTEE AMENDMENT "A " to S.P. 245, L.D. 667, Bill, "An Act to Allow the Commissioner of Inland Fisheries and Wildlife to Determine the Number of Moose Permits to Be Awarded"

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Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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Whereas, the moose herd has grown substantially in the past decade; and

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Whereas, certain areas of the State are in need of moose population control; and

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Whereas, an additional 1,000 moose hunting permits should be issued for the 1999 season to further manage the size of the herd; and

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Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

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Sec. 1. 12 MRSA §7001, sub-§1-E is enacted to read:

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1-E. Antlerless moose. "Antlerless moose" means a moose without antlers or moose with antlers that are shorter in size than their ears.

Sec. 2. 12 MRSA §7463-A, sub-§2-A, as corrected by RR 1997, c. 1, §11, is amended to read:

2-A. **Number of permits.** The commissioner may issue moose hunting permits according to the following schedule:

- A. In 1994, no more than 1,200 permits;
- B. In 1995, no more than 1,400 permits;
- C. In 1996 and 1997, no more than 1,500 permits; and
- D. In 1998 ~~and in each year thereafter~~, no more than 2,000 permits; and
- E. In 1999 and 2000, no more than 3,000 permits, including the 1,000 permits for the bonus chance drawing pursuant to subsection 7-A.

This subsection is repealed October 16, 2000.

Sec. 3. 12 MRSA §7463-A, sub-§2-B is enacted to read:

2-B. **Moose management.** To effectively manage the moose herd in the State, the commissioner may by rule establish the following:

- A. The number of moose permits to be issued every year, including a percentage for antlerless moose;
- B. The length of the moose hunting season; and
- C. The timing of the moose hunting season.

The commissioner shall adopt rules for paragraphs B and C governing moose hunts occurring after 1999 and rules for paragraph A governing moose hunts occurring after 2000. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over wildlife matters by February 1st of each year on proposed actions under this subsection.

Sec. 4. 12 MRSA §7463-A, sub-§3, as amended by PL 1997, c. 432, §45, is repealed.

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2 **Sec. 5. 12 MRSA §7463-A, sub-§4**, as amended by PL 1995, c. 443, §1, is further amended to read:

4 **4. Hunting permits.** In accordance with the provisions of subsections 1-A and, 2-A and 2-B, 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 possesses:

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

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

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

20 **Sec. 6. 12 MRSA §7463-A, sub-§7-A** is enacted to read:

22 **7-A. Bonus chance drawing.** In 1999 and 2000, a bonus chance drawing must be held after the regular public chance drawing for an additional 1000 moose permits. Applicants for the public chance drawing who are not selected for permits at that drawing are automatically entered into the bonus chance drawing. The additional 1,000 moose permits must be allocated so that 500 permits are specifically for antlerless moose. Ten percent of these additional permits must be allocated to nonresidents.

26 Within 30 days of being notified, any person selected for an antlerless permit through the bonus chance drawing may decline the opportunity to purchase a moose permit without affecting that person's eligibility to apply for another permit in subsequent years.

28 This subsection is repealed October 15, 2000.

30 **Sec. 7. 12 MRSA §7463-A, sub-§10**, as repealed and replaced by PL 1987, c. 696, §11, is amended to read:

32 **10. Registration of harvested moose.** All moose legally harvested shall must be presented for inspection at an official

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moose registration station established by the commissioner. The entire animal, including all edible meat, except the viscera shall, lower legs, rib cage, head and hide, must be presented, but the animal may be dismembered for ease of transportation. The following conditions apply to moose registration.

A. An agent designated by the commissioner shall must be in charge of each moose registration station.

B. Moose registration agents shall register each moose legally presented for registration and shall attach a seal to each moose in the manner directed by and with materials furnished by the commissioner.

C. Any person killing a moose under this section shall present it for registration at an official moose registration station and the moose shall must be registered in the name of the person who killed the moose. No A person may not present a moose for registration or allow a moose which that that person did not lawfully kill to be registered in that person's name.

D. Evidence of gender must remain attached to at least one part of the dressed animal. A canine tooth or the lower jaw also must be presented at the time of registration if the head is not brought to the registration station.

E. Any parts that are not presented for registration may not be placed where they are visible to a person traveling on a public or private way.

Sec. 8. Report. By February 1, 2000, the Commissioner of Inland Fisheries and Wildlife shall report to the Joint Standing Committee on Inland Fisheries and Wildlife on moose management guidelines and other considerations for the moose hunting season. This report must include the proposed number of permits to be issued, including a percentage for antlerless moose and the proposed length and timing of the moose hunting season. The Joint Standing Committee on Inland Fisheries and Wildlife may submit a bill to implement changes the committee considers necessary as a result of this report.

Sec. 9. Allocation of additional moose hunting permits for 1999 moose hunt. The number of additional permits to be issued in 1999 for each moose hunting zone from the bonus chance drawing authorized in this Act are as follows.

Zone	Antlerless	Any moose
Northeastern	250	50
Southwestern	250	50

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	Southeastern		150
2	Northwestern		25
	Central		150
4	Southern		75
	Total	500	500

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8 **Sec. 10. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

10 **1999-00** **2000-01**

12 **INLAND FISHERIES AND WILDLIFE,**
14 **DEPARTMENT OF**

16 **Savings Fund Program**

18	All Other	\$56,100	\$56,100
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20 Appropriates funds to be used only to avoid future license fee increases.

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24 **Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, except that section of this Act that repeals the Maine Revised Statutes, Title 12, section 7463-A, subsection 3 takes effect October 15, 1999.'

30 Further amend the bill by inserting at the end before the summary the following:

34 **FISCAL NOTE**

36 **1999-00** **2000-01**

38 **APPROPRIATIONS/ALLOCATIONS**

40	General Fund	\$56,100	\$56,100
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42 **REVENUES**

44	General Fund	\$56,100	\$56,100
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48 Authorizing the issuance of additional moose permits will increase annual General Fund revenue collected by the Department of Inland Fisheries and Wildlife by \$56,100 beginning in fiscal

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2 year 1999-00. The bill includes additional General Fund
3 appropriations of \$56,100 in each of the fiscal years 1999-00 and
4 2000-01 to meet the constitutional requirement that
5 appropriations to the department are at least equal to the
6 undedicated revenues collected by the department.'

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SUMMARY

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11 This amendment replaces the bill. It makes an additional
12 1,000 moose permits available for 1999 and 2000. These permits
13 will be drawn at a bonus chance lottery held after the regularly
14 scheduled lottery. Anyone who has applied for a moose permit in
15 1999 and 2000 who is not selected in the regular drawing will
16 automatically be entered into the bonus chance lottery. Half of
17 the permits issued as a result of this bonus lottery will be for
18 antlerless moose, those without antlers or moose with antlers
19 shorter than their ears. The 1999 zone allocations for the
20 additional permits are included in this amendment.

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21 This amendment also gives the Commissioner of Inland
22 Fisheries and Wildlife authority to set the length and timing of
23 the moose season beginning in the year 2000 and the number of
24 permits for moose hunts taking place in 2001 and later. The
25 commissioner shall report each year on the commissioner's
26 proposed actions concerning management of the moose herd to the
27 Joint Standing Committee on Inland Fisheries and Wildlife.

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29 This amendment adds an emergency preamble, an emergency
30 clause and a fiscal note to the bill.