

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1968

H.P. 1370

House of Representatives, March 23, 1999

An Act Concerning Recreational and Commercial Trapping.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SNOWE-MELLO of Poland.
Cosponsored by Representatives: BAGLEY of Machias, BULL of Freeport, DESMOND of
Mapleton, STEVENS of Orono.

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

2
4 **Sec. 1. 12 MRSA §7001, sub-§1-E** is enacted to read:

6 1-E. Body-gripping trap. "Body-gripping trap" means a
8 device designed to capture and hold a fur-bearing animal by
10 gripping the body or a body part and includes, but is not limited
12 to, steel-jaw leg-hold traps, padded leg-hold traps, conibear
14 traps and snares, but does not include a mousetraps, rat traps or
16 padded foot snares.

18 **Sec. 2. 12 MRSA §7001, sub-§3,** as enacted by PL 1979, c. 420,
20 §1, is amended to read:

22 **3. Closed season.** "Closed season" means the time during
24 which it is unlawful to hunt, ~~or trap~~ or possess any wild animal
26 or wild bird or to fish for or possess any fish.

28 **Sec. 3. 12 MRSA §7001, sub-§4-A** is enacted to read:

30 4-A. Confinement trap. "Confinement trap" means a device
32 designed to capture and confine a fur-bearing animal without
34 gripping a part of the animal's body and includes, but is not
36 limited to, box traps, cage traps and nets.

38 **Sec. 4. 12 MRSA §7001, sub-§13,** as amended by PL 1987, c. 742,
40 §2, is further amended to read:

42 **13. Guide.** "Guide" means any person who receives any form
44 of remuneration for ~~his~~ that person's services in accompanying or
46 assisting any person in the fields, forests or on the waters or
48 ice within the jurisdiction of the State while hunting, fishing,
50 ~~trapping,~~ boating, snowmobiling or camping at a primitive camping
52 area.

54 **Sec. 5. 12 MRSA §7031,** as amended by PL 1989, c. 493, §3, is
56 further amended to read:

58 **§7031. Appointment**

60 The commissioner ~~shall--be~~ is appointed by the Governor,
62 subject to review by the joint standing committee of the
64 Legislature having jurisdiction over fisheries and wildlife
66 matters and to confirmation by the Legislature. The commissioner
68 ~~shall--serve--during~~ serves at the pleasure of the Governor. Any
70 candidate for the office of commissioner ~~shall~~ must have a record
72 of demonstrated support for, and an understanding of, the basics
74 of modern wildlife and fisheries management and ~~shall~~ must have
76 experience in hunting, ~~or~~ fishing ~~or trapping.~~

78 **Sec. 6. 12 MRSA §7034, sub-§10,** as enacted by PL 1983, c. 774,
80 is amended to read:

2 **10. Water level danger zones.** The commissioner may
4 establish, in accordance with section 7035, subsection 1, water
6 level danger zones. These zones shall must consist of those
8 areas of rivers and streams below water impoundment which that
10 are subject to rapidly changing water levels. The commissioner
may ~~premulgate~~ adopt rules to protect those using those areas for
hunting, fishing, ~~trapping~~ and boating purposes. The
commissioner may not regulate the flow of water under this
section.

12 **Sec. 7. 12 MRSA §7036, sub-§5,** as enacted by PL 1983, c. 588,
14 §4, is repealed.

16 **Sec. 8. 12 MRSA §7071, sub-§4,** as amended by PL 1995, c. 667,
Pt. A, §9, is further amended to read:

18 **4. Member of the United States Armed Forces permanently**
20 **stationed in the State.** The following persons are eligible for
any ~~trapping~~, fishing, hunting or combination fishing and hunting
license or permit at the resident fee and have the same
22 privileges as residents of this State in regard to ~~trapping~~,
hunting and fishing:

24 A. A person serving in the Armed Forces of the United
26 States who is permanently stationed at a military or naval
post, station or base in the State; and

28 B. The spouse and children of that person, if the spouse
30 and children permanently reside with that person.

32 A member of the Armed Forces stationed in the State who desires a
34 ~~trapping~~, hunting, fishing or combination license or permit shall
present certification from the commander of the member's post,
station or base, or from the commander's designated agent, that
36 the person mentioned in the certificate is permanently stationed
at that post, station or base.

38 **Sec. 9. 12 MRSA §7076, sub-§1,** as repealed and replaced by PL
40 1995, c. 462, Pt. A, §33, is amended to read:

42 **1. Residents over 70 years of age.** A complimentary license
44 to hunt, ~~trap~~ or fish, including an archery license under section
7102-A, a pheasant hunting permit under section 7106-B and a
46 muzzle-loading hunting license under section 7107-A, must be
issued to any resident of Maine who is 70 years of age or older
upon application to the commissioner. These complimentary
48 licenses, upon issuance, remain valid for the remainder of the
life of the license holder, provided the license holder continues
50 to satisfy the residency requirements set out in section 7001,
subsection 32 and provided the license is not revoked or
52 suspended. Residents who apply for these complimentary licenses

2 at any time during the calendar year of their 70th birthday must
3 be issued a license upon application, regardless of the actual
4 date during that calendar year in which they attain age 70. A
5 guide license may be renewed without charge for any resident of
6 Maine who is 70 years of age or older upon application to the
7 commissioner. The application must be accompanied by a birth
8 certificate or other certified evidence of the applicant's date
9 of birth and residency. When the holder of a license issued
10 under this subsection no longer satisfies the residency
11 requirements set out in section 7001, subsection 32, the license
12 is no longer valid and further use of the license for purposes of
13 hunting, ~~or fishing or trapping~~ constitutes a license violation
14 under section 7371, subsection 3.

15 **Sec. 10. 12 MRSA §7077, sub-§1-A, ¶F,** as enacted by PL 1993,
16 c. 136, §1, is amended to read:

17 F. Hunting ~~or--trapping~~ bear after having killed one,
18 exceeding the bag limit on bear or buying or selling bear in
19 violation of section 7452, subsection 3, 4 or 9;

22 **Sec. 11. 12 MRSA §7077-A, sub-§5,** as enacted by PL 1995, c.
23 346, §11, is repealed.

24 **Sec. 12. 12 MRSA §7110, sub-§1,** as repealed and replaced by PL
25 1989, c. 878, Pt. A, §34, is amended to read:

26 1. **Permit required.** A permit is required to hunt for bear
27 from the first Monday preceding September 1st to the day
28 preceding the open firearm season on deer. ~~This section does not~~
29 ~~apply to trapping for bear.~~

32 **Sec. 13. 12 MRSA c. 707, sub-c. III,** as amended, is repealed.

34 **Sec. 14. 12 MRSA §7377, sub-§2,** as amended by PL 1985, c. 78
35 and c. 506, Pt. A, §15, is repealed.

38 **Sec. 15. 12 MRSA §7431,** as enacted by PL 1979, c. 420, §1, is
39 repealed.

40 **Sec. 16. 12 MRSA §7432,** as amended by PL 1997, c. 283, §§1 to
41 3, is repealed.

44 **Sec. 17. 12 MRSA §§7433 to 7435** are enacted to read:

46 **§7433. Prohibition on trapping; trading furs**

48 **1. Prohibition.** A person may not:

50 **A. Trap a fur-bearing animal, except for a mouse or a rat**
and as provided in subsection 2 or section 7434;

- 2 B. Use a body-gripping trap, except as provided in
 subsection 2 or section 7434;
- 4
- 6 C. Buy, sell, barter or otherwise exchange for profit the
 pelt of a fur-bearing animal that was trapped in the State;
 or
- 8
- 10 D. Offer for sale, barter or exchange for profit the pelt
 of a fur-bearing animal that was trapped in the State.

12 2. Permitted traps. A person may use a confinement trap or
 a padded foot snare to trap a fur-bearing animal on property
14 owned by that person if the animal is a nuisance. The person
 must release, relocate or dispose of the animal in accordance
16 with rules adopted by the commissioner. Rules adopted pursuant
 to this subsection are routine technical rules as defined in
18 Title 5, chapter 375, subchapter II-A.

20 §7434. Approval to trap

22 1. Permit application. A person may apply in writing to
 the commissioner for a permit to use a padded leg-hold trap on
24 property owned by that person for the purpose of capturing and
 holding a fur-bearing animal that has become a nuisance. The
26 person must state the nature of the problem that the padded
 leg-hold trap is intended to solve and the efforts the person has
28 made to solve the problem without the use of a body-gripping trap.

30 2. Limitations. A person may not receive a permit under
 this section if the person:

32

34 A. Did not attempt to capture the animal by trapping it
 with a confinement trap or a padded foot snare; or

36 B. Commits 2 or more violations under this subchapter.

38 3. Approval. If the commissioner determines the person has
 used all reasonable nonlethal techniques for solving the problem,
40 the commissioner may issue that person a permit to use a padded
 leg-hold trap. The permit may not authorize use of the trap for
42 more than 30 days.

44 4. Rules. The commissioner shall adopt rules for the use
 of padded leg-hold traps and for the release, relocation or
46 disposal of animals captured pursuant to this section. Rules
 adopted pursuant to this subsection are routine technical rules
48 as defined in Title 5, chapter 375, subchapter II-A.

50 5. Padded leg-hold traps; government agencies. A
 government agency or that agency's employees or authorized agents
52 may use a padded leg-hold trap to:

2 A. Protect a species listed as an endangered or threatened
4 species under chapter 713, subchapter V or listed as an
6 endangered or threatened species by the United States
 Secretary of the Interior under the United States Endangered
 Species Act of 1973, Public Law 93-205, as amended;

8 B. Protect human health or safety in extraordinary cases,
10 when the trap is the only method available; or

12 C. Conduct wildlife research approved by the commissioner
14 or the United States Secretary of the Interior.

14 **§7435. Violation**

16 Each day a trap is maintained in violation of this
18 subchapter is a separate violation. Each pelt sold in violation
 of this subchapter is a separate violation.

20 **Sec. 18. 12 MRSA §7451, sub-§1, ¶B,** as repealed and replaced
22 by PL 1981, c. 224, §1, is repealed.

24 **Sec. 19. 12 MRSA §7451, sub-§1, ¶D,** as amended by PL 1989, c.
 913, Pt. A, §7, is further amended to read:

26 D. The commissioner may shorten the open seasons on bear as
28 established in paragraphs A~~7~~--B and C in any part of the
 State provided that:

30 (1) The demarcation of the areas with a shortened
32 season follows recognizable physical boundaries such as
 rivers and railroad rights-of-way; and

34 (2) The decision is made and published prior to
36 February 1st of any year.

38 **Sec. 20. 12 MRSA §7451, sub-§1, ¶E,** as enacted by PL 1981, c.
 224, §1, is amended to read:

40 E. The commissioner may terminate the open season on bear
42 as established in ~~paragraph~~ paragraphs A~~7~~--B and C at any
44 time in any part of the State, if in his opinion, an
 immediate emergency action is necessary due to adverse
 weather conditions or severe hunting or trapping pressure.

46 **Sec. 21. 12 MRSA §7452, sub-§1-D,** as enacted by PL 1989, c.
48 913, Pt. B, §7, is repealed.

50 **Sec. 22. 12 MRSA §7452, sub-§2,** as amended by PL 1979, c. 543,
 §38, is repealed.

2 **Sec. 23. 12 MRSA §7452, sub-§3**, as enacted by PL 1979, c. 420,
§ 1, is amended to read:

4 **3. Hunting bear after having killed one.** A person is
guilty of hunting or trapping bear after having killed one if he
6 that person hunts ~~or traps~~ bear after he that person has killed
or registered one during any open season.

8 **Sec. 24. 12 MRSA §7452, sub-§5**, as repealed and replaced by PL
10 1987, c. 587, is amended to read:

12 **5. Hunting bear near dumps.** The commissioner, or the
commissioner's agent, shall establish a line of demarcation at
14 least 200 yards from sites permitted or licensed for the disposal
of solid waste. A person is guilty of hunting ~~or trapping~~ bear
16 near dumps if that person hunts, ~~traps~~, molests or harasses bear
or releases dogs for the purpose of hunting bear within this
18 area. The commissioner, or the commissioner's agent, is exempt
from this prohibition for the purpose of live trapping nuisance
20 bears pursuant to section 7434, subsection 5.

22 **Sec. 25. 12 MRSA §7452, sub-§15, ¶A**, as enacted by PL 1979, c.
543, §40, is repealed.

24 **Sec. 26. 12 MRSA §7453-B**, as enacted by PL 1993, c. 438, §30,
26 is repealed.

28 **Sec. 27. 12 MRSA §7454**, as amended by PL 1991, c. 443, §25,
is repealed.

30 **Sec. 28. 12 MRSA §7461**, as amended by PL 1997, c. 280, §1, is
32 repealed.

34 **Sec. 29. 12 MRSA §7462**, as amended by PL 1979, c. 543, §49,
is further amended to read:

36 **§7462. Prohibited acts relating to hares and rabbits**

38 **1. Hunting hares or rabbits with prohibited device.** A
40 person is guilty of hunting hares or rabbits with a prohibited
device if he that person:

42 ~~A. Sets or uses any snares, traps or other devices in the~~
44 ~~hunting of wild hares or rabbits, except that trappers may~~
46 ~~take wild hares or rabbits by box traps solely for the~~
48 ~~purpose of selling them to the commissioner under section~~
50 ~~7461, subsection 1, or~~

52 B. Hunts wild hares or rabbits in any manner, except the
ordinary method of shooting with guns, shooting with a long
bow and arrow or falconry.

2 failed to capture the animal. In addition, government employees
may use a padded leg-hold trap to protect threatened or
4 endangered species, to protect human health or safety in
extraordinary cases when the trap is the only method available or
to conduct wildlife research approved by the commissioner or the
6 United States Secretary of the Interior.

8 The bill also makes a variety of technical changes to the
inland fish and wildlife laws to reflect the prohibition on
10 trapping.