

MAINE STATE LEGISLATURE

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INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 155, L.D. 166, Bill, "An Act to Provide Free Commercial Shooting Area Licenses For Seniors"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning Commercial Shooting Areas'

Further amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, banding of game birds used in commercial shooting areas and used by game bird suppliers no longer serves an important purpose in managing the State's natural resources; and

Whereas, Hungarian partridge are highly sought after as a game species by the patrons of commercial shooting areas and appear to pose no threat of establishing a viable wild population outside of commercial shooting areas; and

Whereas, the current commercial shooting fee structure imposes an undesirable burden on the patrons of commercial shooting areas; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of

COMMITTEE AMENDMENT

Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 12 MRSA §7104, as amended by PL 1997, c. 432, §19, is repealed.

Sec. 2. 12 MRSA §7104-A, first ¶, as enacted by PL 1993, c. 216, §1, is amended to read:

A person may not charge any fee for access to land if the fee is contingent upon the taking of game on that land or directly related to the taking of game on the land unless the land is an authorized commercial shooting area licensed under section 7104 7105-A. This section does not apply to the following fees:

Sec. 3. 12 MRSA §7105, as amended by PL 1999, c. 790, Pt. A, §15, is repealed.

Sec. 4. 12 MRSA §7105-A is enacted to read:

7105-A. License to operate a commercial shooting area

1. Issuance. The commissioner may issue licenses authorizing the establishment and operation of commercial shooting areas to qualified applicants. A commercial shooting area license authorizes the owner of a commercial shooting area to charge others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in that area. A commercial shooting area license is valid for one year and is renewable annually.

2. Eligibility. In order to qualify for a commercial shooting area license:

A. The location of the land may not be within 5 miles from another commercial shooting area, as measured by a straight line between the property lines at their closest points to each other;

B. The land may not be less than 200 acres nor more than 400 acres in area;

C. The land must be contiguous. Property bisected by a road or highway is considered to be contiguous for purposes of this paragraph; and

2 D. The land must be owned or leased by the licensed
4 operator of the commercial shooting area.

6 A new shooting area license may not be issued within 6 months of
8 the expiration of the license for another shooting area located
 within 5 miles unless the holder of the expired license states in
 writing to the commissioner that the license will be abandoned.

10 A renewal of a shooting area license may be issued for a
12 commercial shooting area within 5 miles of another commercial
14 shooting area, notwithstanding paragraph A, as long as the
 renewed license is applied for within 6 months following the
 expiration of the old license.

16 3. Fees. The fee for a commercial shooting area license
18 issued after January 1, 2002 is:

20 A. For the first year of operation, \$500; and

22 B. For each subsequent year, \$250, payable prior to July
 1st of each year.

24 4. Requirements. The following requirements apply to a
26 commercial shooting area.

28 A. The operator of the commercial shooting area shall
30 maintain and keep open to inspection by representatives of
 the department a register of:

32 (1) The name and address of each person shooting in
 the area;

34 (2) The date or dates when that person hunted in the
 area; and

36 (3) The number and type of birds killed by that person.

38 B. The operator of the commercial shooting area shall
40 provide to each person taking birds in that area a receipted
42 invoice or bill of sale for possession and transportation of
 those birds.

44 C. The operator of the commercial shooting area shall mark
46 the boundary of the shooting area in a manner prescribed by
48 the commissioner and shall post the boundary conspicuously
 with signs or other markings approved by the commissioner.
50 The signs or markings must be of a color, size and wording
 prescribed by the commissioner and must be placed not more
 than 250 feet apart facing the outside of the area.

2 5. Enforcement. Enforcement of the trespass laws of a
commercial shooting area is the responsibility of the owner and
4 may not in any manner be considered an obligation of the
department.

6 6. Exceptions. The following exceptions apply to a
commercial shooting area.

8
10 A. Notwithstanding subsection 1, the operator of a
commercial shooting area may authorize a person to hunt
12 other wild birds or wild animals in a commercial shooting
area during the regular open season on those species, in
14 accordance with the provisions of chapters 701 to 721, as
long as the person possesses a valid state hunting license
16 that allows the hunting of those wild birds and wild animals.

18 B. Commercial shooting areas and game bird suppliers are
exempt from the requirements of section 7235-A, subsection
20 3, paragraph A.

22 **Sec. 5. 12 MRSA §7239**, as amended by PL 1983, c. 440, §9, is
further amended to read:

24 **§7239. Importation permit for mallard ducks, quail, Chukar**
partridge and Hungarian partridge

26
28 **1. Issuance.** The commissioner may grant permits to import
live mallard ducks, quail and Chukar partridge and Hungarian
30 partridge to operators of commercial shooting areas.

32 **2. Application.** When requesting permission to import these
birds, an importer shall:

34 **A.** Provide the commissioner with information on the number
of the birds to be imported and the name and address of the
36 seller; and

38 **B.** Furnish the commissioner with a statement from an
approved veterinarian, from the department of agriculture,
40 or from the conservation department of the state from which
the birds are imported, certifying that they are from flocks
42 which that have been tested for infectious or contagious
disease and have not been exposed to that disease during the
44 6 months prior to importation.

46 ~~**3. Restrictions.** Upon receipt of shipment, importers of~~
~~mallard ducks, quail or Chukar partridge shall attach securely to~~
48 ~~each bird a metallic leg band.~~

50 ~~**B.** The leg band shall remain attached to the birds until~~
~~they are finally prepared for consumption.~~

2 **Sec. 6. 12 MRSA §7404**, as enacted by PL 1979, c. 420, §1, is
4 amended to read:

6 **§7404. Commercial shooting areas**

8 Hunting on commercial shooting areas is governed by the
license provisions of ~~sections 7104 and 7105~~ section 7105-A.

10 **Sec. 7. 12 MRSA §7407**, as amended by PL 1985, c. 304, §17, is
12 further amended to read:

14 **§7407. Migratory waterfowl hunting**

16 Migratory waterfowl hunting is governed by the license and
permit provisions of sections ~~7105~~ 7105-A and 7109.

18 **Emergency clause.** In view of the emergency cited in the
20 preamble, this Act takes effect when approved.'

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

24
26 **FISCAL NOTE**

28 The net effect of repealing certain license fees and
increasing others will result in insignificant reductions of
30 General Fund revenue collected by the Department of Inland
Fisheries and Wildlife.'

32 **SUMMARY**

34 This amendment strikes the bill and does the following:

36 1. It removes the requirement that game birds used by
38 commercial shooting areas and game bird suppliers have leg bands;

40 2. It authorizes the Commissioner of Inland Fisheries and
42 Wildlife to allow commercial shooting areas to stock Hungarian
partridge;

44 3. It requires a commercial shooting area to provide each
46 person taking birds in that area a receipted invoice or bill of
sale for possession and transportation of those birds;

48 4. It provides that the distance between commercial
shooting areas must be measured between the property lines at

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2 their closest points to each other and that a new license can not
be issued to a new shooting area prior to 6 months after the
4 expiration of a license possessed by an existing shooting area
that is within 5 miles of the new shooting area unless the holder
6 of the expired license states in writing to the commissioner that
the license will be abandoned;

8 5. It allows the renewal of a shooting area license if
applied for within 6 months of the expiration of the old license;
10

12 6. It increases the fee for commercial shooting area
licenses from \$333 to \$500 for the first year and from \$133 to
\$250 for every year thereafter; and
14

7. It adds a fiscal note to the bill.