

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1193

H.P. 901

House of Representatives, February 28, 2001

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**An Act to Clarify Certain Laws Relating to the Harvesting of Wild  
Animals.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUNLAP of Old Town.  
Cosponsored by Senator KILKELLY of Lincoln and  
Representatives: BRYANT of Dixfield, CHICK of Lebanon, CLARK of Millinocket,  
McGLOCKLIN of Embden, MICHAUD of Fort Kent, MURPHY of Berwick, TRACY of  
Rome, USHER of Westbrook.

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

2  
4       **Sec. 1. 12 MRSA §7001, sub-§5-B** is enacted to read:

6       **5-B. Drowning set.** "Drowning set" means a trap set for wild animals that is:

8           A. Set completely underwater; and

10           B. Constructed in such a way as to reasonably ensure the drowning of any species of trapped furbearer that would reasonably be expected to visit the set location and be held in the type of trap used at the set.

14       **Sec. 2. 12 MRSA §7001, sub-§39**, as repealed and replaced by PL 1989, c. 493, §1, is repealed.

18       **Sec. 3. 12 MRSA §7036, sub-§7** is enacted to read:

20       **7. Trapping by agents of the commissioner.** A person, except a full-time department employee, serving as an agent of the commissioner for purposes of animal damage control, including animal control officers appointed pursuant to Title 7, section 3947, must satisfy the licensing requirements of section 7133 prior to trapping or attempting to trap any wild animal.

26       **Sec. 4. 12 MRSA §7076, sub-§4-B**, as amended by PL 1999, c. 403, §4, is further amended to read:

30       **4-B. Resident disabled veteran.** A resident disabled veteran may apply to the commissioner for one or more of the following complimentary permits and licenses: a license to hunt with a firearm, a license to trap, a license to fish, archery hunting licenses as provided in sections 7102-A and 7102-B, a pheasant hunting permit as provided in section 7106-B and a muzzle-loading hunting license as provided in section 7107-A. The commissioner must shall issue the permit, license or licenses requested under this subsection if the commissioner determines the applicant is a resident disabled veteran and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "resident disabled veteran" means a person who:

42           A. Is a resident as defined in section 7001, subsection 32;

44           B. Is a veteran as defined in Title 37-B, section 505, subsection 1, paragraph A, subparagraph (5); and

46           C. Has a service-connected disability evaluated at:

48                   (1) One hundred percent; or

2 (2) Seventy percent or more as a result of honorable  
4 military service and who has served in a combat zone  
6 exposed to war risk hazards as defined in 42 United  
States Code, Section 1711 (b).

8 Each application must be accompanied by satisfactory evidence  
10 that the applicant meets the requirements of this subsection. A  
12 permit or license issued under this subsection remains valid for  
14 the life of the permit or license holder, as long as the permit  
or license holder continues to satisfy the residency requirement  
in section 7001, subsection 32 and the permit or license is not  
revoked or suspended.

16 **Sec. 5. 12 MRSA §7432, sub-§2-A, ¶¶C and D,** as enacted by PL  
18 1997, c. 283, §2, are amended to read:

20 C. While trapping in any unorganized place, fails to visit  
22 each trap, except killer-type traps and water drowning sets,  
or fails to cause each trap to be visited at least once in  
every calendar day; or

24 D. While trapping in any unorganized place, fails to visit  
26 each killer-type trap or water drowning set or fails to  
cause each trap to be visited at least once in every 5  
calendar days.

28 **Sec. 6. 12 MRSA §7432, sub-§§4 and 5,** as enacted by PL 1979, c.  
30 420, §1, are amended to read:

32 **4. Trapping without consent.** A person trapping for any  
34 wild animal, ~~except beaver,~~ is guilty, except as provided in  
36 subsection 14, paragraphs D and E, of trapping without consent if  
he that person traps without first obtaining the written consent  
of the owner or occupant:

38 A. On land in any organized or incorporated place; or

40 B. On the cultivated or pasture area of land that is used  
42 for agricultural purposes in any unorganized place and on  
which land there is an occupied dwelling.

44 **5. Trapping near occupied dwelling without consent.** A  
46 person trapping for any wild animal, ~~except beaver,~~ is guilty,  
48 except as provided in subsection 14, paragraphs D and E, of  
trapping near an occupied dwelling without consent if he that  
person:

50 A. Traps within 200 yards of an occupied dwelling; and

2 B. Fails to first obtain the written consent of the owner  
or occupant of the land on which the trap is to be set.

4

6 **Sec. 7. 12 MRSA §7432, sub-§11, ¶A**, as amended by PL 1991, c.  
282, §1, is further amended to read:

8 A. Sets or tends a snare for the purpose of trapping any  
wild animal or wild bird, except as provided in section  
10 7453-A 7035, subsection 3 and section 7453-B;

12 **Sec. 8. 12 MRSA §7432, sub-§11, ¶B**, as enacted by PL 1979, c.  
420, §1, is amended to read:

14

16 B. Sets or tends a ~~swivel, pivot or~~ set gun for the purpose  
of killing, taking, catching, wounding, harming or molesting  
any wild animal or wild bird;

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20 **Sec. 9. 12 MRSA §7432, sub-§11, ¶D**, as amended by PL 1985, c.  
369, §15, is further amended to read:

22

24 D. Sells, advertises, gives notice of the sale or keeps for  
sale any ~~swivel, pivot or~~ set gun or poisonous substance for  
the taking of wild animals or wild birds.

26 **Sec. 10. 12 MRSA §7432, sub-§14, ¶A**, as amended by PL 1985, c.  
369, §16, is further amended to read:

28

30 A. Notwithstanding subsection 6:

32

(1) A person may trap within 1/2 mile of the built-up  
portion of a city or village by the use of water  
drowning sets for mink and muskrat; and

34

36 (2) A person who has a written permit from the  
landowner may trap on that landowner's land with  
cage-type live traps ~~and with water sets~~ within 1/2  
38 mile of the built-up portion of a city or village.

40 **Sec. 11. 12 MRSA §7432, sub-§14, ¶C**, as enacted by PL 1997, c.  
283, §3, is amended to read:

42

44 C. The requirements of subsection 2-A do not apply to  
under ice ~~water~~ drowning sets for beaver and muskrat.

46 **Sec. 12. 12 MRSA §7432, sub-§14, ¶¶D and E** are enacted to read:

48 D. The requirements of subsections 4 and 5 do not apply to  
beaver trapping.

2 E. The requirements of subsections 4 and 5 do not apply  
4 when trapping with the use of drowning sets, as defined in  
section 7001, subsection 5-B:

6 (1) Great ponds;

8 (2) Navigable rivers and streams; and

10 (3) Waters located within land that is publicly owned  
12 or controlled.

### 14 SUMMARY

16 This bill clarifies laws involving trapping. The bill:

18 1. Creates a new definition of "drowning set";

20 2. Repeals the definition of "water set";

22 3. Clarifies that all animal control officers must have a  
trapping license prior to setting traps for wild animals;

24 4. Adds "trapping license" to the list of complimentary  
26 licenses for which disabled veterans are eligible;

28 5. Amends the current trap tending requirements by  
replacing the term "water set" with the term "drowning set";

30 6. Clarifies that it is legal to use snares for animal  
32 damage control purposes. It also removes pivot and swivel guns  
from the list of prohibited implements;

34 7. Amends the list of exceptions to the trapping laws and  
36 adds language clarifying that the only exceptions to the written  
38 permission requirements when trapping on another's land in  
organized towns are when trapping beaver and when trapping with  
the use of drowning sets in great ponds, navigable waters and  
40 waters on lands that are publicly owned; and

42 8. Changes gender-specific language.