

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1923

S.P. 721

In Senate, December 17, 2001

An Act to Amend Maine's Wild Turkey Hunting Season.

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 17, 2001. Referred to the Committee on Inland Fisheries and Wildlife and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in black ink that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.

Cosponsored by Representatives: CHICK of Lebanon, DUNLAP of Old Town, SCHNEIDER of Durham.

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

4
6 Whereas, the lottery for hunting wild turkeys contained in
this legislation must take effect prior to the start of this
year's wild turkey season; and

8
10 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
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

16 **Sec. 1. 12 MRSA §7468, sub-§1,** as enacted by PL 1985, c. 95,
18 §1, is repealed.

20 **Sec. 2. 12 MRSA §7468, sub-§1-A** is enacted to read:

22 1-A. Authority of the commissioner. The commissioner may
24 establish open seasons for hunting wild turkeys, designate areas
that are open to the taking of wild turkeys in any part of the
26 State, prescribe the form and regulate the number of permits to
be issued, determine the number and sex of birds to be harvested,
28 establish bag limits, establish permit eligibility requirements,
specify the types of weapons to be used during any open wild
30 turkey hunting season and make any other rules that the
commissioner considers necessary for the protection of the wild
turkey resource.

32 **Sec. 3. 12 MRSA §7468, sub-§2,** is enacted by PL 1985, c. 95,
34 §1, is repealed.

36 **Sec. 4. 12 MRSA §7468, sub-§3,** as amended by PL 2001, c. 56,
38 §1, is repealed.

40 **Sec. 5. 12 MRSA §7468, sub-§4,** as amended by PL 2001, c. 6,
§1, is further amended to read:

42 4. Wild turkey hunting permits. The--commissioner--may
44 establish the number of wild turkey permits for each wild turkey
hunting zone and may issue these permits annually. The fee for a
46 wild turkey hunting permit is \$10 for residents and \$40 for
nonresidents and aliens. When a public chance drawing is
48 utilized to allocate permits, any Maine resident, nonresident or
alien who is eligible to obtain a Maine hunting license or who
50 will be eligible to obtain a Maine hunting license by the opening
day of the wild turkey hunting season is eligible to apply for a

2 wild turkey hunting permit. The percentage of total wild turkey
4 permits issued to nonresident and alien hunters may not exceed
6 the average percentage of applicants for wild turkey permits over
8 the previous 3 years who were nonresidents and aliens and may not
be more than 10% of the total wild turkey permits issued
statewide. A person whose application is selected may obtain a
wild turkey hunting permit upon presentation of proof that the
person possesses:

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

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

16 An adult who holds a valid wild turkey permit may transfer the
18 permit to a junior hunter or person 65 years of age or older by
identifying the name, age and address of the transferee on the
20 permit as well as any other information reasonably requested by
the commissioner and then return the permit to the department
22 prior to the start of the turkey season. The commissioner shall
record the transfer and return the permit to the junior hunter or
24 person 65 years of age or older. A valid permit must be in the
possession of the transferee to hunt turkey. If the adult
26 transfers the permit to the junior hunter or person 65 years of
age or older, that adult is prohibited from hunting turkey.

28 **Sec. 6. 12 MRSA §7468, sub-§5,** as amended by PL 2001, c. 56,
30 §1, is repealed.

32 **Sec. 7. 12 MRSA §7468, sub-§6,** as amended by PL 2001, c. 294,
§4, is further amended to read:

34 **6. Application procedure.** Eligible If wild turkey permits
36 are issued by public chance drawing, persons wishing to apply for
a permit shall apply in a manner prescribed by the commissioner.
38 The application must be accompanied by an application fee of \$5
for residents and \$10 for nonresidents and aliens. The
40 application fee may not be refunded. ~~No person may file more
than one application. Any person who submits more than one
42 application is disqualified from the selection of permittees.~~

44 **Sec. 8. 12 MRSA §7468, sub-§7,** as amended by PL 2001, c. 56,
§2, is repealed.

46 **Sec. 9. 12 MRSA §7468, sub-§§8 and 11,** as enacted by PL 1985,
48 c. 95, §1, are repealed.

50 **Sec. 10. 12 MRSA §7468, sub-§12,** as amended by PL 2001, c. 56,
§3, is repealed.

2 **Sec. 11. 12 MRSA §7469, sub-§11**, as enacted by PL 1985, c. 95,
3 §1, is repealed.

4 **Sec. 12. 12 MRSA c. 709, sub-c. IV** is amended by repealing the
5 subchapter headnote and enacting the following in its place:

8 SUBCHAPTER IV

10 ANIMALS OR WILD TURKEY CAUSING
11 DAMAGE OR NUISANCE

12
13 **Sec. 13. 12 MRSA §7501**, as amended by PL 2001, c. 199, §1, is
14 further amended to read:

15 **§7501. Attacking domestic animals or destroying property**

16 Except as provided in sections 7502 and 7504, any person may
17 lawfully kill, or cause to be killed, any wild animal or wild
18 turkey, night or day, found in the act of attacking, worrying or
19 wounding that person's domestic animals or domestic birds or
20 destroying that person's property. Any person who kills a wild
21 animal or wild turkey by authority of this section shall report
22 the incident to the Maine Warden Service as provided in section
23 7502, subsections 3 and 4.
24

25 **Sec. 14. 12 MRSA §7502**, as amended by PL 2001, c. 199, §2, is
26 further amended to read:

27 **§7502. Damage to crops or orchards**

28 1. **Permission to kill nuisance animals or wild turkeys.**
29 Except as provided in section 7504, the cultivator, owner,
30 mortgagee or keeper of any orchard or growing crop, except all
31 types of grasses, clover and grain fields, may take or kill wild
32 animals or wild turkeys night or day when the wild animals or
33 wild turkeys are located within the orchard or crop where
34 substantial damage caused by the wild animal or wild turkey to
35 the orchard or crop is occurring. For purposes of this section,
36 corn is not considered grain.
37

38 2. **Employment of agents.** When a person wants to employ
39 someone outside of that person's immediate family to take or kill
40 wild animals or wild turkeys, that person shall contact a game
41 warden. If the warden is satisfied that substantial damage is
42 occurring, the warden may arrange for a department agent to
43 alleviate the damage, when an agent is not available, may
44 authorize a person who is knowledgeable and can perform the work
45 in a reasonable, safe and proficient manner. Permission to take
46 in a reasonable, safe and proficient manner. Permission to take
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2 or kill wild animals or wild turkeys may not be granted to any
3 person whose license to hunt has been revoked or suspended, who
4 is an habitual violator as defined in section 7001, subsection
5 13-A or who has been convicted of night hunting within the past 5
6 years.

7 **3. Report to Maine Warden Service; dressing of carcass.** The
8 person by whom or under whose direction the wild animal or wild
9 turkey is wounded, taken or killed under this section shall:

10 A. Within 12 hours, report all the facts relative to the
11 act to the Maine Warden Service, stating the time and place
12 of the wounding, taking or killing; and

13 B. In all cases of deer, bear ~~or~~, moose or wild turkey,
14 immediately and properly dress the carcass or carcasses and
15 care for the meat.

16 **4. Warden's certificate.** A game warden shall investigate an
17 incident under this section as soon as possible and, if the game
18 warden is satisfied that the wild animal or wild turkey was taken
19 as provided in this section, give the person who killed the wild
20 animal or wild turkey a certificate that entitles the cultivator,
21 owner, mortgagee or keeper of the orchard or growing crop to own
22 the carcass or carcasses, to be possessed and consumed only
23 within the immediate family of the cultivator, owner, mortgagee
24 or keeper of the orchard or growing crop, or, in accordance with
25 the labeling requirements for possession of deer, bear ~~or~~, moose
26 or wild turkey, to transfer possession of those wild animals or
27 wild turkeys to another person. Any excess carcasses after the
28 first 2 carcasses of deer, bear ~~or~~, moose or wild turkey killed
29 or taken under subsection 1 or 2 must be distributed to
30 recipients authorized through the Hunters for the Hungry Program
31 established in section 7481 or as otherwise authorized by the
32 game warden.

33 **Sec. 15. 12 MRSA §7503, sub-§2,** as amended by PL 1991, c. 443,
34 §27, is further amended to read:

35 **2. Deer, moose, bear or wild turkey.**

36 A. The operator or owner having knowledge of any motor
37 vehicle which has been involved in an accidental collision
38 with a deer, moose ~~or~~, bear or wild turkey shall, by the
39 quickest means, report the accident to a law enforcement
40 officer.

41 B. The officer shall investigate and, if the officer finds
42 that the motor vehicle has encountered apparent damage as
43 the result of the collision, shall give a certificate which
44

entitles the person to the ownership of the carcass. The person may then take possession and immediately remove the entire carcass from the scene of the collision.

Sec. 16. 12 MRSA §7504, sub-§3, as amended by PL 1993, c. 574, §25, is further amended to read:

3. Birds. Wild birds, with the exception of rock doves and wild turkeys, may not be taken or killed under sections 7501 and 7502.

Sec. 17. 12 MRSA §7901-A, sub-§6, ¶C, as enacted by PL 2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

C. Chapter 709, subchapter III violations:

(1) Hunting or trapping bear near dumps as described in section 7452, subsection 5;

(2) Leaving a bear as described in section 7452, subsection 8;

(3) Failure to attach a bear tag to a bear as described in section 7452, subsection 11;

(4) Illegally transporting bear as described in section 7452, subsection 13;

(5) Transporting bear out of the State as described in section 7452, subsection 14;

(6) Hunting migratory game birds without certification as described in section 7456, subsection 1-A;

(7) Hunting waterfowl on Haley Pond as described in section 7456, subsection 2;

(8) Transporting deer out of the State as described in section 7458, subsection 12;

(9) Hunting deer with .22 caliber rim fire cartridge as described in section 7458, subsection 13;

(10) Use of firearm in the Town of Southport as described in section 7458, subsection 14;

(11) Transporting wild hares or rabbits out of the State as described in section 7462, subsection 3;

- 2 (12) Possessing or transporting wild hares or rabbits
as described in section 7462, subsection 4;
- 4 (13) Failure to attach a moose tag to a moose as
described in section 7464, subsection 6;
- 6 (14) Use of illegal firearms as described in section
8 7464, subsection 8-A;
- 10 (15) Illegal hunting methods as described in section
12 7464, subsection 8-C;
- 14 (16) Failure to attach a wild turkey tag to a wild
turkey as described in section 7469, subsection 7; and
- 16 ~~(17) Use of illegal weapons or ammunition as described
in section 7469, subsection 11, and~~
- 18 (18) Taking of snakes and turtles from the wild for
20 commercial purposes as described in section 7471;

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

26 **SUMMARY**

28 This bill repeals limiting language in the statute that
restricts the Commissioner of Inland Fisheries and Wildlife from
30 establishing a fall wild turkey hunting season. This bill also
adds wild turkeys to the statutes dealing with substantial damage
32 by wild animals.