

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 253

H.P. 208

House of Representatives, January 23, 2003

### **An Act Regarding the Use of Hunter Orange Clothing, Assisted Hunting, Baiting and the Possession of Gift 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 HONEY of Boothbay.  
Cosponsored by Senator KNEELAND of Aroostook and  
Representative: TOBIN of Dexter, Senator: BRYANT of Oxford.

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

4 **Sec. 1. 12 MRSA §7101-A** is enacted to read:

6 **§7101-A. Hunting without a license**

8 Notwithstanding section 7371, subsection 3, a person may assist in a hunt without a license or permit for that activity as long as that person does not carry a weapon.

10 **Sec. 2. 12 MRSA §7406, sub-§12**, as amended by PL 2001, c. 202, §1, is further amended to read:

14 **12. Hunting without hunter orange clothing.** A person is guilty of hunting without hunter orange clothing if that person hunts with firearms during the open firearm season on deer or moose and fails to wear 2 articles of hunter orange clothing that are in good, serviceable condition and visible from all sides, except that persons a person hunting from a tree stand or hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys need not wear hunter orange clothing. One article of clothing must be a solid-colored hunter orange hat. The other article of clothing must cover a major portion of the torso, such as a jacket, vest, coat or poncho, and must be a minimum of 50% hunter orange in color. The presence of a decal on an article of clothing that is otherwise solid-colored hunter orange does not disqualify that article of clothing from satisfying the requirements of this subsection.

30 **Sec. 3. 12 MRSA §7452, sub-§4.** as enacted by PL 1979, c. 420, §1, is amended to read:

32 **4. Exceeding bag limit on bears.** Except as otherwise provided, a person is guilty of exceeding the bag limit on bears if he that person possesses more than one bear in any calendar year. A person may keep more than one legally obtained bear in that person's home at any time.

38 **Sec. 4. 12 MRSA §7452, sub-§12**, as amended by PL 1999, c. 322, §1, is further amended to read:

42 **12. Illegal possession of gift bear.** A person is guilty, except as provided in section 7531, and notwithstanding the provisions of subsection 13, of illegal possession of a gift bear if that person possesses any part or parts of a bear given to that person and:

48 A. Each part is not plainly labeled with the name and address of the person who registered the bear and the year the bear was registered by that person; or

2           ~~B. Each part is not plainly labeled with the name and~~  
3           ~~address of the person to whom it was given, or~~

4  
5           C. Each part is not plainly labeled with the name and  
6           address of the party transporting the part or parts and the  
7           year the bear was registered, if a 3rd party transports a  
8           part or parts.

9           **Sec. 5. 12 MRSA §7458, sub-§1**, as enacted by PL 1979, c. 420,  
10          §1, is amended to read:

11           **1. Exceeding bag limit.** A person is guilty of exceeding  
12          the bag limit on deer if he that person possesses more than one  
13          deer during any open season, except as otherwise provided. A  
14          person may keep more than one legally obtained deer in that  
15          person's home at any time.

16           **Sec. 6. 12 MRSA §7458, sub-§8**, as repealed and replaced by PL  
17          1993, c. 438, §31, is amended to read:

18           **8. Illegal possession of gift deer.** Notwithstanding the  
19          provisions of subsection 11, a person is guilty, except as  
20          provided in subsection 15, paragraph C, of illegal possession of  
21          a gift deer if that person possesses a part or parts of a deer  
22          given to that person unless each separate part is plainly labeled  
23          with ~~the following~~:

24           ~~A. The registration seal number, and~~

25           B. The name and address of the person who registered the  
26          deer and the year it was registered.

27           **Sec. 7. 12 MRSA §7458, sub-§9**, as amended by PL 1999, c. 403,  
28          §22, is repealed.

29           **Sec. 8. 12 MRSA §7458, sub-§15, ¶H**, as enacted by PL 1993, c.  
30          156, §2, is repealed.

31           **Sec. 9. 12 MRSA §7463-A, sub-§9**, as enacted by PL 1981, c.  
32          118, §2, is amended to read:

33           **9. Bag limit.** The bag limit is one moose per permit holder.  
34          In the case of a permittee and a subpermittee, the permit shall  
35          ~~allow~~ allows one of them to take one moose. A person may keep  
36          more than one legally obtained moose in that person's home at any  
37          time.

38           **Sec. 10. 12 MRSA §7464, sub-§7**, as amended by PL 1993, c. 438,  
39          §34, is further amended to read:

2           **7. Illegal possession of gift moose.** A person is guilty,  
notwithstanding subsection 3, of illegal possession of a gift  
4 moose if that person possesses a part or parts of a moose unless  
each separate part given to that person is plainly labeled with  
6 ~~the following:~~

8           A. ~~--The registration seal number,--and~~

10           B. The name ~~and address~~ of the person who registered the  
moose and the year it was registered.

12           **Sec. 11. 12 MRSA §7625,** as enacted by PL 1979, c. 420, §1, is  
14 amended to read:

16 **§7625. Failure to label fish**

18           A person is guilty of failure to label fish if he that  
20 person keeps any black bass, salmon, togue or trout at any  
sporting camp, hotel or public lodging place and fails to attaeh  
label the fish with the name and address of the person who caught  
22 ~~them--to~~ the fish and the date when the fish was caught.

24

### SUMMARY

26

This bill requires moose hunters to wear 2 articles of  
28 hunter orange clothing and exempts hunters from the hunter orange  
clothing requirement when hunting from a tree stand. The bill  
30 also allows a person to keep a gift bear, deer, moose or fish if  
it is labeled with just the name of the person who harvested the  
32 animal and the date when the animal was harvested. Additionally,  
the bill removes the prohibition on baiting deer and allows a  
34 person to keep more than one legally harvested game animal in  
that person's home. Finally, the bill allows a person to assist  
36 in a hunt without a license or permit if that person does not  
carry a weapon during that hunt.