

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

A.O.S.

L.D. 1083

DATE: 5-15-03

(Filing No. H-391)

INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 801, L.D. 1083, Bill, "An Act To Encourage Hunting by Simplifying Hunting Laws"

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 §7001, sub-§§34 and 35, as enacted by PL 1979, c. 420, §1, are amended to read:

34. Sunrise. "Sunrise" means the time computed and established for sunrise for Augusta Bangor, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

35. Sunset. "Sunset" means the time computed and established for sunset for Augusta Bangor, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

Sec. 2. 12 MRSA §7072, sub-§5 is enacted to read:

5. Agent fee cap. A clerk or agent appointed by the commissioner under this section to issue licenses or permits may charge agent fees as provided in this Part up to a maximum of \$6 during a single transaction. For purposes of this subsection, "transaction" means a single event in which one or more licenses or permits are issued to a person in that person's name.

COMMITTEE AMENDMENT

R. of S.

Sec. 3. 12 MRSA §7101-A is enacted to read:

§7101-A. Hunting without a license

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 hunting equipment or engage in driving deer as described in section 7458, subsection 10.

Sec. 4. 12 MRSA §7102-A, sub-§6, ¶C, as amended by PL 2001, c. 387, §9, is further amended to read:

C. The commissioner shall by rule establish a special archery season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 7457, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the special archery season on deer, the following restrictions apply.

(1) Deer may be taken only by means of a hand-held bow and broadhead arrow:

(a) Bows must have a minimum draw weight of 35 pounds; and

(b) Arrowheads, including mechanical broadheads when open, must be at least 7/8 inch in width.

(2) A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the special archery season on deer, except that any person who holds a license that allows hunting with firearms may carry a handgun.

(3) If a person takes a deer with bow and arrow during the special archery season on deer, that person is precluded from further hunting for deer during that year.

(4) Except as provided in this subsection, the provisions of chapters 701 to 721 concerning deer are applicable to the taking of deer with bow and arrow, including the transportation, registration and possession of deer taken by this method.

Sec. 5. 12 MRSA §7406, sub-§5, as amended by PL 1991, c. 443, §23, is further amended to read:

8 of 8

2 **5. Night hunting.** -A- Except as otherwise provided in this
3 Part, a person is-guilty-of-night-hunting-if-that-person may not:

4 A. Hunts Hunt wild birds or wild animals from 30 minutes
5 after sunset to 1/2-hour 30 minutes before sunrise of the
6 following day+of.

7 B. ~~Hunts wild animals, except raccoons and coyotes as~~
8 ~~provided in chapters 701 to 721, from 1/2-hour after sunset~~
9 ~~until 1/2-hour before sunrise the following day.~~

10 **Sec. 6. 12 MRSA §7406, sub-§6,** as amended by PL 1999, c. 457,
11 §1, is repealed.

12 **Sec. 7. 12 MRSA §7406, sub-§10,** as amended by PL 1999, c. 127,
13 Pt. D, §1, is further amended to read:

14 **10. Illegal possession.** A person is guilty of illegal
15 possession of wild animals or wild birds if that person possesses
16 any wild animal or wild bird taken in violation of subsection 4,
17 5, 6, 7, 9-A, 9-B, 13, 16 or 17 or Title 17-A, section 402,
18 except as otherwise provided in chapters 701 to 721.

19 **Sec. 8. 12 MRSA §7406, sub-§13,** as amended by PL 1983, c. 215,
20 is further amended to read:

21 **13. Discharging firearm near dwelling.** Unless a relevant
22 municipal ordinance provides otherwise and except as provided in
23 section sections 7501 and 7502, a person is-guilty-of-discharging
24 a-firearm-near-a-dwelling-if-he-discharges may not discharge a
25 firearm within 100 yards of a residential dwelling without the
26 permission of the owner or, in his the owner's absence, of an
27 adult occupant of that dwelling. Nothing in this subsection may
28 be construed to prohibit a person from killing or taking a wild
29 animal in accordance with sections 7501 and 7502.

30 **Sec. 9. 12 MRSA §7406, sub-§20, ¶A,** as amended by PL 2001, c.
31 387, §20, is further amended to read:

32 A. Notwithstanding the provisions of subsection 9-A:

33 (1) A person may hunt migratory waterfowl from a
34 motorboat in accordance with federal regulations;

35 (2) A person who has a valid Maine permit to carry a
36 concealed weapon may have in or on a motor vehicle or
37 trailer a loaded pistol or revolver covered by that
38 permit;

(3) Paraplegics and single or double amputees of the legs may shoot from motor vehicles that are not in motion; and

(4) A person may shoot from a motorboat ~~when the motor is shut off and the boat is drifting, beached, moored, resting at anchor or is being propelled solely by paddle, oars or pole~~ if that boat is not being propelled by its motor.

Sec. 10. 12 MRSA §7451, sub-§2, ¶B, as repealed and replaced by PL 1989, c. 913, Pt. A, §8, is repealed.

Sec. 11. 12 MRSA §7451, sub-§3, ¶A, as amended by PL 1997, c. 432, §42, is further amended to read:

A. Bait may not be used to hunt or trap black bear, unless:

(1) The bait is placed at least 50 yards from any travel way that is accessible by a conventional 2-wheel or 4-wheel drive vehicle;

(2) The stand, blind or bait area is plainly labeled with a 2-inch by 4-inch tag with the name and address of the baiter;

(3) The bait is placed more than 500 yards from any dump a site permitted or licensed for the disposal of solid waste or a campground;

(4) The bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or leasee;

(5) The bait is placed not more than 30 days before the opening day of the season and not after October 31st;

(6) The bait areas will be cleaned up by November 10th, as defined by the state litter laws; and

(7) The person hunting from any stand or blind of another person has permission of the owner of that stand or blind.

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

4. Exceeding bag limit on bears. Except as otherwise provided, a person is guilty of exceeding the bag limit on bears

2006

2 if he that person possesses more than one bear in any calendar
year. A person may keep more than one legally obtained bear in
4 that person's home at any time.

6 **Sec. 13. 12 MRSA §7452, sub-§5,** as repealed and replaced by PL
1987, c. 587, is amended to read:

8 **5. Hunting or trapping bear near dumps.** The commissioner,
or the commissioner's agent, shall establish a line of
10 demarcation at least ~~200~~ 500 yards from sites permitted or
licensed for the disposal of solid waste. ~~A person is guilty of~~
12 ~~hunting or trapping bear near dumps if that person hunts, traps,~~
~~molests or harasses bear or releases~~ may not hunt, trap, molest
14 or harass a bear or release dogs for the purpose of hunting bear
within this area. The commissioner, or the commissioner's agent,
16 is exempt from this prohibition for the purpose of live trapping
nuisance bears.

18 **Sec. 14. 12 MRSA §7452, sub-§8,** as amended by PL 1999, c. 403,
20 §20, is repealed.

22 **Sec. 15. 12 MRSA §7452, sub-§12,** as amended by PL 1999, c.
322, §1, is repealed.

24 **Sec. 16. 12 MRSA §7457, sub-§2, ¶B,** as enacted by PL 1979, c.
26 420, §1, is repealed.

28 **Sec. 17. 12 MRSA §7458, sub-§1,** as enacted by PL 1979, c. 420,
§1, is amended to read:

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

36 **Sec. 18. 12 MRSA §7458, sub-§8,** as repealed and replaced by PL
38 1993, c. 438, §31, is repealed.

40 **Sec. 19. 12 MRSA §7458, sub-§15, ¶C,** as enacted by PL 1979, c.
420, §1, is repealed.

42 **Sec. 20. 12 MRSA §7463-A, sub-§9,** as enacted by PL 1981, c.
44 118, §2, is amended to read:

46 **9. Bag limit.** The bag limit is one moose per permit holder.
In the case of a permittee and a subpermittee, the permit shall
48 allow allows one of them to take one moose. Except as provided
in sections 7501 and 7502, a person may not shoot more than one
50 moose in a calendar year. A person may keep more than one
legally obtained moose in that person's home at any time.

R. of S.

2 Sec. 21. 12 MRSA §7464, sub-§7, as amended by PL 1993, c. 438,
§34, is repealed.

4 Sec. 22. 12 MRSA §7464, sub-§8, as enacted by PL 1979, c. 723,
6 §20, is repealed.

8 Sec. 23. 12 MRSA §7472 is enacted to read:

10 §7472. Possession of a gift bear, deer, moose or wild turkey

12 A person may not, except as provided in section 7531 and
14 notwithstanding the provisions of section 7452, subsection 13,
16 possess any part or parts of a bear, deer, moose or wild turkey
18 given to that person unless that gift bear, deer, moose or wild
20 turkey is labeled with the name of the person who registered it
22 and the year the animal was registered by that person.

24 Sec. 24. 12 MRSA §7901-A, sub-§6, ¶C, as amended by PL 2001,
26 c. 655, §18 and c. 667, Pt. B, §10, is repealed and the following
28 enacted in its place:

30 C. Chapter 709, subchapter 3 violations:

32 (1) Hunting or trapping bear near a site permitted or
34 licensed for the disposal of solid waste as described
36 in section 7452, subsection 5;

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

42 (3) Illegally transporting bear as described in
44 section 7452, subsection 13;

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

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

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

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

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

R. of S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

- (9) Use of a firearm in the Town of Southport as described in section 7458, subsection 14;
- (10) Possessing or transporting wild hares or rabbits as described in section 7462, subsection 4;
- (11) Failure to attach a moose tag to a moose as described in section 7464, subsection 6;
- (12) Use of illegal firearms as described in section 7464, subsection 8-A;
- (13) Illegal hunting methods as described in section 7464, subsection 8-C;
- (14) Failure to attach a wild turkey tag to a wild turkey as described in section 7469, subsection 7; and
- (15) Taking of snakes and turtles from the wild for commercial purposes as described in section 7471;'

SUMMARY

This amendment replaces the bill and does the following:

1. It changes the location used for determining sunrise and sunset times from Augusta to Bangor and defines night hunting as hunting between 30 minutes after sunset and 30 minutes before sunrise;
2. It repeals the twilight hunting prohibition;
3. It caps the amount of agent fees that can be charged for a single transaction at \$6 and defines a "transaction" to mean a single event in which one or more licenses or permits are issued to a given person in that person's name;
4. It includes "mechanical broadheads when open" in the width requirement for arrowheads used to hunt deer;
5. It repeals the requirement that the Department of Inland Fisheries and Wildlife advertise bear and deer registration stations in one or more of the State's daily newspapers;
6. It amends the prohibition on placing bear bait within 500 yards of a dump by clarifying the word "dump" to mean a site permitted or licensed for the disposal of solid waste, and it extends to 500 yards the area around a solid waste disposal site that is off limits to bear hunting and trapping activities;

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 801, L.D. 1083

- 2 7. It clarifies the prohibition against discharging a
3 weapon near a dwelling;
4
- 5 8. It allows a person to shoot from a boat as long as the
6 boat is not being propelled by its motor;
- 7
- 8 9. It amends the law to remove the requirement that the
9 Department of Inland Fisheries and Wildlife provide bear tags as
10 part of the big game license;
- 11
- 12 10. It repeals the law that would allow a person to leave
13 an unregistered bear in the woods if, within 18 hours, that
14 person notifies a game warden about the location of the bear and
15 the reasons for leaving it in the woods;
- 16
- 17 11. It amends the law to allow a person to possess a gift
18 bear, deer, moose or wild turkey if it is labeled with the name
19 of the person who registered the animal and the year that person
20 registered the animal;
- 21
- 22 12. It clarifies that a person may not shoot more than one
23 moose per year;
- 24
- 25 13. It clarifies existing law that a person may assist in a
26 hunt as long as that person does not possess hunting equipment or
27 conduct illegal game driving activities; and
- 28
- 29 14. It allows a person to keep more than one lawfully
30 possessed bear, deer or moose in that person's home.

31
32
33
34

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1083

An Act To Encourage Hunting by Simplifying Hunting Laws



LR 0487(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund

Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

May decrease the number of civil violations and criminal cases filed in the court system. The net effect on the Judicial Department workload and administrative costs will be minimal.