

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1083

H.P. 801

House of Representatives, March 4, 2003

An Act To Encourage Hunting by Simplifying Hunting Laws

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 BRYANT of Oxford and
Representatives: McGLOCKLIN of Embden, PINEAU of Jay, WHEELER of Kittery,
WOTTON of Littleton, Senator: CARPENTER of York.

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

2
4 **Sec. 1. 12 MRSA §7072, sub-§5** is enacted to read:

6 5. Transaction fees. Except as otherwise provided in this
8 Part, a clerk or other agent appointed by the commissioner under
this section to issue licenses or permits shall charge a fee of
\$2 per transaction when issuing one or more of the following:

10 A. Any type of hunting license as described in section 7101;

12 B. Any type of archery hunting license as described in
14 section 7102-A;

16 C. A pheasant hunting permit as described in section 7106-B;

18 D. Any type of muzzle-loading license as described in
section 7107-A;

20 E. Any type of trapping license as described in section
22 7133; or

24 F. Any type of fishing license as described in section 7151.

26 When an employee of the department issues a license or permit
28 listed above, the commissioner may charge a fee of \$1 per
transaction.

30 For purposes of this subsection, "transaction" means a single
32 event in which one or more licenses or permits are issued to a
given person.

34 **Sec. 2. 12 MRSA §7101, sub-§2**, as amended by PL 1999, c. 168,
§1, is repealed.

36 **Sec. 3. 12 MRSA §7102-A, sub-§2**, as enacted by PL 1993, c. 24,
38 §3 and affected by §7, is repealed.

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

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

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

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

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

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

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

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

26 **Sec. 5. 12 MRSA §7106-B, sub-§2**, as enacted by PL 1995, c.
28 462, Pt. A, §35 and affected by §92, is amended to read:

30 2. **Fee.** The fee for a pheasant hunting permit is \$16,--\$1
32 ~~of which is retained by the commissioner's authorized agent~~ \$15.

34 **Sec. 6. 12 MRSA §7107-A, sub-§2**, as enacted by PL 1985, c.
320, §2, is amended to read:

36 2. **Issuance.** The commissioner, through his the
38 commissioner's agent, shall issue a muzzle-loading license to
eligible persons. ~~The issuing agent shall charge a fee of \$1 for~~
40 ~~each license issued.~~

42 **Sec. 7. 12 MRSA §7133, sub-§2**, as amended by PL 2001, c. 294,
§2, is further amended to read:

44 2. **Issuance.** The commissioner, or the commissioner's agent,
46 may issue a license to engage in trapping. ~~Clerks or other~~
agents appointed by the commissioner shall charge a fee of \$2 for
48 ~~each trapping license issued. The commissioner shall charge a~~
fee of \$1 for each trapping license issued by department
50 employees.

2 **Sec. 8. 12 MRSA §7151, sub-§2**, as amended by PL 1999, c. 168,
§2, is repealed.

4 **Sec. 9. 12 MRSA §7406, sub-§6**, as amended by PL 1999, c. 457,
§1, is further amended to read:

6 **6. Twilight hunting.** A person ~~is--guilty--of--twilight~~
8 ~~hunting--if--that--person--hunts~~ may not hunt wild animals or wild
10 birds, except raccoons as otherwise provided in ~~chapters--701--to~~
721 this Part, between 15 minutes after sunset and ~~1/2-hour~~ 30
12 minutes after sunset ~~during--the--open--firearm--season--on--deer~~.

14 A person who violates this subsection commits a Class E crime.

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

18 **Sec. 11. 12 MRSA §7451, sub-§3, ¶A**, as amended by PL 1997, c.
20 432, §42, is further amended to read:

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

24 (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;

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

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

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

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

42 (6) The bait areas will be cleaned up by November
44 10th, as defined by the state litter laws; and

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

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

4 **5. Hunting or trapping bear near dumps.** The commissioner,
or the commissioner's agent, shall establish a line of
6 demarcation at least 200 500 yards from sites permitted or
licensed for the disposal of solid waste. A person is guilty of
8 hunting or trapping bear near dumps if that person hunts, traps,
molests or harasses bear or releases dogs for the purpose of
10 hunting bear within this area. The commissioner, or the
commissioner's agent, is exempt from this prohibition for the
12 purpose of live trapping nuisance bears.

14 **Sec. 13. 12 MRSA §7456, sub-§2**, as enacted by PL 1979, c. 420,
§1, is repealed.

16 **Sec. 14. 12 MRSA §7457, sub-§1, ¶¶B and C**, as enacted by PL
18 1979, c. 420, §1, are repealed.

20 **Sec. 15. 12 MRSA §7457, sub-§1, ¶D**, as amended by PL 1999, c.
22 636, §2 and affected by §6, is repealed.

24 **Sec. 16. 12 MRSA §7457, sub-§1, ¶D-1**, as enacted by PL 1999, c.
26 636, §3, is repealed.

28 **Sec. 17. 12 MRSA §7457, sub-§1, ¶F**, as enacted by PL 1979, c.
30 420, §1, is amended to read:

32 F. The commissioner may terminate the open season on deer
at any time in any area if, in ~~his~~ the commissioner's
opinion, an immediate emergency action is necessary due to
adverse weather conditions or severe hunting pressure. The
34 commissioner may extend the open season on deer as the
commissioner considers necessary to manage the deer
population.

36 **Sec. 18. 12 MRSA §7457, sub-§1, ¶H**, as amended by PL 2001, c.
38 690, Pt. A, §8 and affected by §18, is further amended to read:

40 H. The commissioner may regulate the taking of antlerless
deer within any area of the State, as necessary, to maintain
42 deer populations in balance with available habitat if the
following conditions are met.

44 (1) The demarcation of each area must follow
46 recognizable physical boundaries such as rivers, roads
and railroad rights-of-way.

48 (2) The determination must be made and published prior
50 to August 1st of each year.

2 (4) The commissioner may adopt rules necessary for the
administration, implementation, enforcement and
4 interpretation of this subsection, except that there
may not be an antlerless deer permit system unless
6 otherwise specified in this paragraph. Any rules
adopted by the commissioner that provide for permits to
8 be issued to nonresident or alien hunters must provide
that:

10 (a) The percentage of antlerless deer permits
12 issued to nonresident and alien hunters may not
exceed the average percentage of applicants for
14 antlerless deer permits over the previous 3 years
who were nonresidents or aliens; and

16 (b) No more than 15% of the antlerless deer
18 permits issued in any one district or in any one
zone may be issued to nonresident and alien
20 hunters.

22 (5) An antlerless deer permit system adopted by the
commissioner pursuant to this section may include a
24 provision giving special consideration to landowners
who keep their lands open to hunting by the public.
26 Any 2 or more areas of land owned by the same person
that are open for hunting and that would be contiguous
28 except for being divided by one or more roads are
considered contiguous for the purposes of determining
30 landowner eligibility for special consideration under
this subparagraph. The commissioner may provide
32 resident landowners with unallocated nonresident
antlerless deer permits.

34 A ~~junior-hunter-or-a-person-65-years-of-age-or-older-may~~
36 ~~take-an-antlerless-deer,-if-a~~ person who holds a valid
antlerless deer permit ~~transfers--the~~ may transfer that
38 ~~permit to the-junior-hunter-or-person-65-years-of-age-or~~
~~elder~~ another hunter by identifying the name, age and
40 address of the transferee on the permit as well as any other
information reasonably requested by the commissioner and
42 then ~~returns~~ return the permit to the department prior to
the start of the firearm season on deer. The commissioner
44 shall record the transfer and return the permit to the
~~junior hunter or-person-65-years-of-age-or-elder.~~ A valid
46 permit must be in the possession of the transferee in order
for the transferee to take an antlerless deer. If the
48 person transfers the permit to ~~the-junior-hunter-or-person~~
~~65-years-of-age-or-elder~~ another person, that person is
50 prohibited from taking an antlerless deer.

2 **Sec. 19. 12 MRSA §7457, sub-§2, ¶B**, as enacted by PL 1979, c.
420, §1, is repealed.

4 **Sec. 20. 12 MRSA §7458, sub-§11, ¶A**, as enacted by PL 1979, c.
6 420, §1, is amended to read:

8 A. The deer is not open to view; or

10 **Sec. 21. 12 MRSA §7458, sub-§11, ¶B**, as amended by PL 1995, c.
12 455, §33, is further amended to read:

14 B. A deer tag bearing the name and address of the person
16 who killed the deer that conforms to the requirements of
section 7457, subsection 3 is not securely attached to the
deer+~~or~~.

18 **Sec. 22. 12 MRSA §7458, sub-§11, ¶C**, as amended by PL 1999, c.
20 322, §8, is repealed.

22 **Sec. 23. 12 MRSA §7458, sub-§14**, as amended by PL 1987, c.
144, is repealed.

24 **Sec. 24. 12 MRSA §7469, sub-§6**, as enacted by PL 1985, c. 95,
26 §1, is amended to read:

28 **6. Keeping an unregistered wild turkey.** A person is guilty
of keeping an unregistered wild turkey if ~~he~~ the person keeps
30 an unregistered wild turkey at his the person's home, or any
place of storage except at an official wild turkey registration
32 station or at the office of an inland fisheries and wildlife
warden, for more than ~~12~~ 18 hours.

34 **Sec. 25. 12 MRSA §7901-A, sub-§6, ¶C**, as amended by PL 2001,
36 c. 655, §18 and c. 667, Pt. B, §10, is repealed and the following
enacted in its place:

38 C. Chapter 709, subchapter 3 violations:

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

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

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

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

- 2 (5) Transporting bear out of the State as described in
3 section 7452, subsection 14;
- 4
- 5 (6) Hunting migratory game birds without certification
6 as described in section 7456, subsection 1-A;
- 7
- 8 (8) Transporting deer out of the State as described in
9 section 7458, subsection 12;
- 10
- 11 (9) Hunting deer with .22 caliber rim fire cartridge
12 as described in section 7458, subsection 13;
- 13
- 14 (12) Possessing or transporting wild hares or rabbits
15 as described in section 7462, subsection 4;
- 16
- 17 (13) Failure to attach a moose tag to a moose as
18 described in section 7464, subsection 6;
- 19
- 20 (14) Use of illegal firearms as described in section
21 7464, subsection 8-A;
- 22
- 23 (15) Illegal hunting methods as described in section
24 7464, subsection 8-C;
- 25
- 26 (16) Failure to attach a wild turkey tag to a wild
27 turkey as described in section 7469, subsection 7; and
- 28
- 29 (18) Taking of snakes and turtles from the wild for
30 commercial purposes as described in section 7471;

32
34

SUMMARY

This bill does the following:

- 36 1. It includes "mechanical broadheads when open" in the
37 width requirement for arrowheads used to hunt deer;
- 38
- 39 2. It removes the requirement that the department advertise
40 bear and deer registration stations in newspapers;
- 41
- 42 3. It repeals the ban on hunting waterfowl on Haley Pond;
- 43
- 44 4. It repeals the ban on deer hunting in 8 localities and
45 the open season on deer in the Town of Vinalhaven and the Town of
46 Southport;
- 47
- 48

2 5. It allows the commissioner to provide resident
landowners with unallocated nonresident antlerless deer permits
and authorizes the transfer of any-deer permits to any hunter;

4
6 6. It repeals the requirement that a person must accompany
a deer while it is being moved or transported;

8 7. It repeals the ban on firearms in the Town of Southport;

10 8. It limits agent fees to \$2 per transaction;

12 9. It extends the prohibition on twilight hunting to beyond
firearm season on deer;

14
16 10. 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 extends
18 the demarcation line around disposal sites to 500 yards;

20 11. It extends the period of time a person may keep an
unregistered wild turkey from 12 to 18 hours, making it
22 consistent with other game animals; and

24 12. It provides the Commissioner of Inland Fisheries and
Wildlife with the authority to extend the open season on deer as
26 well as terminate it if the commissioner considers it necessary
to manage the deer population.