

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1195

S.P. 401

In Senate, March 6, 2003

An Act To Allow the Transfer of Certain Permits

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRYANT of Oxford.
Cosponsored by Representative DUNLAP of Old Town and
Senator: BENNETT of Oxford, Representatives: JACKSON of Fort Kent, McGLOCKLIN of
Emden, PINEAU of Jay, RICHARDSON of Greenville, TOBIN of Dexter.

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

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

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

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

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

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

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

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

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

 A junior licensed hunter ~~or a person 65 years of age or~~
 ~~elder~~ may take an antlerless deer, if a person who holds a

2 valid antlerless deer permit transfers the permit to the
3 ~~junior licensed hunter or person 65 years of age or older~~ by
4 identifying the name, ~~age~~ and address of the transferee on
5 the permit as well as any other information reasonably
6 requested by the commissioner and then returns the permit to
7 the department prior to the start of the firearm season on
8 deer. The commissioner shall record the transfer and return
9 the permit to the ~~junior hunter or person 65 years of age or
10 elder~~ transferee. A valid permit must be in the possession
11 of the transferee in order for the transferee to take an
12 antlerless deer. If ~~the person~~ a holder of an antlerless
13 deer permit transfers the permit to ~~the--junior~~ another
14 hunter or person 65 years of age or older, that person, the
15 original holder is prohibited from taking an antlerless deer.

16 **Sec. 2. 12 MRSA §7458, sub-§14-A** is enacted to read:

17 14-A. Sale of permit. A person is guilty of selling an
18 antlerless deer permit if that person sells or offers for sale or
19 barter any antlerless deer permit.

20 **Sec. 3. 12 MRSA §7463-A, sub-§4,** as amended by PL 2001, c.
21 690, Pt. A, §10 and affected by §18, is further amended to read:

22 **4. Hunting permits.** In accordance with the provisions of
23 subsections 1-A and 2-B, the commissioner may issue moose hunting
24 permits and may establish the number of moose hunting permits to
25 be issued for each wildlife management district established by
26 the commissioner by rule open to moose hunting. No more than 10%
27 of the moose hunting permits may be issued to nonresident and
28 alien hunters.

29 The fee for a moose hunting permit is \$50 for residents and \$475
30 for nonresidents and aliens. While hunting moose, each resident,
31 nonresident or alien hunter, both permittee and subpermittee,
32 must be in possession of a valid Maine resident, nonresident or
33 alien big game hunting license, whichever is applicable.

34 A licensed hunter may take a moose if a person who holds a valid
35 moose permit transfers the permit to the licensed hunter by
36 identifying the name and address of the transferee on the permit
37 as well as any other information reasonably requested by the
38 commissioner and then return the permit to the department prior
39 to the start of the moose season. The commissioner shall record
40 the transfer and return the permit to the transferee. A valid
41 permit must be in the possession of the transferee in order for
42 the transferee to take a moose. If a holder of a moose permit
43 transfers the permit to a licensed hunter, the original holder is
44 prohibited from taking a moose.

2 **Sec. 4. 12 MRSA §7464, sub-§8-D** is enacted to read:

4 **8-D. Sale of permit.** A person is guilty of selling a moose
6 permit if that person sells or offers for sale or barter any
8 moose permit.

10 **Sec. 5. 12 MRSA §7468, sub-§4,** as amended by PL 2001, c. 655,
12 §5 and affected by §20 and amended by c. 690, Pt. A, §12, is
14 repealed and the following enacted in its place:

16 **4. Hunting permits.** The commissioner may establish the
18 number of wild turkey permits for each wild turkey hunting zone
20 and may issue those permits annually. The percentage of total
22 wild turkey permits issued to nonresident and alien hunters may
24 not exceed the average percentage of applicants for wild turkey
26 permits over the previous 3 years who were nonresidents and
28 aliens and may not be more than 10% of the total wild turkey
30 permits issued statewide. While hunting turkey, a resident,
32 nonresident or alien hunter must be in possession of a valid
34 resident, nonresident or alien big game hunting license, as
36 applicable.

38 A person who holds a valid wild turkey permit may transfer the
40 permit to a licensed hunter by identifying the name and address
42 of the transferee on the permit as well as any other information
44 reasonably requested by the commissioner and then return the
46 permit to the department prior to the start of the turkey
48 season. The commissioner shall record the transfer and return
50 the permit to the licensed hunter. A valid permit must be in the
 possession of the transferee in order for the transferee to hunt
 turkey. If a holder of a valid wild turkey permit transfers the
 permit to a licensed hunter, the original holder is prohibited
 from hunting turkey.

Sec. 6. 12 MRSA §7469, sub-§12 is enacted to read:

12. Sale of permit. A person is guilty of selling a wild
 turkey permit if that person sells or offers for sale or barter
 any wild turkey permit.

Sec. 7. 12 MRSA §7901-A, sub-§7, ¶E, as amended by PL 2001, c.
 610, §4, is further amended to read:

 E. The following are Class E crimes for which the court
 shall impose a fine of not less than \$500, none of which may
 be suspended:

- (1) Illegally hunting wild turkeys as described in
 section 7469, subsection 1;

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(2) Illegally possessing wild turkeys as described in section 7469, subsection 2; and

(3) Using an aircraft to aid or assist in hunting big game as described in section 7406, subsection 24 if the violation involves the taking of a big game animal; and

(4) Illegally selling valid moose, wild turkey or antlerless deer permits.

In the case of crimes described in subparagraphs (1) and (2), the court also shall impose a fine of \$500 for each turkey illegally possessed or killed, none of which may be suspended.

SUMMARY

This bill allows the transfer of valid moose, wild turkey and antlerless deer permits. The bill also prohibits the sale of valid moose, wild turkey or antlerless deer permits.