

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1238

H.P. 912

House of Representatives, March 6, 2003

An Act To Encourage Hunting by Improving 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 HONEY of Boothbay.
Cosponsored by Senator BRYANT of Oxford and
Representatives: McGLOCKLIN of Embden, RICHARDSON of Greenville, TOBIN of
Dexter, WHEELER of Kittery, WOTTON of Littleton, Senator: CARPENTER of York.

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

4 **Sec. 1. 12 MRSA §7001, sub-§15.** as amended by PL 1999, c. 147,
§1, is further amended to read:

6 **15. Hunt.** To "hunt" means to pursue, catch, take, kill or
8 harvest wild animals or wild birds or to attempt to catch, take,
kill or harvest wild animals or wild birds.

10 **Sec. 2. 12 MRSA §7102-A, sub-§6, ¶C,** as amended by PL 2001, c.
12 387, §9, is further amended to read:

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

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

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

28 (b) Arrowheads must be at least 7/8 inch in width.

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

36 (3) If a person takes a deer with bow and arrow during
the special archery season on deer, that person is
38 precluded from further hunting for deer during that
year, except for an expanded archery season established
40 by the commissioner pursuant to this Part.

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

48 **Sec. 3. 12 MRSA §7106-B, sub-§3-A** is enacted to read:

50 **3-A. Landowners.** Notwithstanding section 7240, a person may
stock pheasants on land owned by that person without a permit

2 required under section 7240 as long as that person does not
3 charge a fee to hunt pheasants on that person's land.
4 Notwithstanding subsection 4, a pheasant hunting permit is not
5 required to hunt pheasants stocked by a landowner under this
6 subsection on that landowner's land.

7 **Sec. 4. 12 MRSA §7111**, as amended by PL 1993, c. 574, §14, is
8 repealed.

9 **Sec. 5. 12 MRSA §7240, sub-§1**, as enacted by PL 1979, c. 420,
10 §1, is amended to read:

11 **1. Issuance.** The commissioner may issue a written permit to
12 any person permitting him that person to import pheasants, alive,
13 dead or dressed. A landowner is not required to obtain a permit
14 under this section if that landowner meets the requirements of
15 section 7106-B, subsection 3-A.

16 **Sec. 6. 12 MRSA §7406, sub-§13**, as amended by PL 1983, c. 215,
17 is further amended to read:

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

27 **Sec. 7. 12 MRSA §7406, sub-§16. ¶E.** as amended by PL 1997, c.
28 243, §2, is further amended to read:

29 ~~E. Except as provided in subsection 20, paragraph C, erects~~
30 Erects or uses ~~either a portable or a~~ permanent tree ladder
31 or stand attached to a tree on the land of another person,
32 unless:

33 (1) That person has obtained verbal or written
34 authorization to erect and use a tree ladder or stand
35 from the landowner or the landowner's representative;
36 and

37 (2) The tree ladder or stand is plainly labeled with a
38 2-inch by 4-inch tag identifying the name and address
39 of the person or persons authorized by the landowner to
40 use the tree stand or ladder.

2 **Sec. 8. 12 MRSA §7406, sub-§17, ¶H and I,** as enacted by PL
1979, c. 420, §1, are repealed.

4 **Sec. 9. 12 MRSA §7406, sub-§17, ¶K,** as amended by PL 1999, c.
53, §1, is further amended to read:

6 K. ~~Uses an artificial light, a snare, trap or set gun to~~
8 ~~hunt deer or moose or uses an artificial light to hunt deer~~
9 ~~or moose during the firearm or muzzle-loading season on deer;~~

10 **Sec. 10. 12 MRSA §7406, sub-§20, ¶A,** as amended by PL 2001, c.
12 387, §20, is further amended to read:

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

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

18 (2) A person who has a valid Maine permit to carry a
19 concealed weapon may have in or on a motor vehicle or
20 trailer a loaded pistol or revolver covered by that
21 permit;

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

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

30 **Sec. 11. 12 MRSA §7406, sub-§20, ¶C,** as enacted by PL 1995, c.
31 667, Pt. A, §31, is repealed.

32 **Sec. 12. 12 MRSA §7451, sub-§3, ¶A,** as amended by PL 1997, c.
33 432, §42, is further amended to read:

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

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

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

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

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

14 (5) The bait is placed not more than 30 days before
16 the opening day of the season and not after October
18 31st;

20 (6) The bait areas will be cleaned up by November
22 10th, as defined by the state litter laws; and

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

30 **Sec. 13. 12 MRSA §7451, sub-§4.** as amended by PL 1997, c. 463,
32 §1, is further amended to read:

34 **4. Bear tags.** The commissioner shall prescribe the form
36 and content of a bear tag ~~and shall produce a bear tag that is~~
38 ~~part of a big game hunting license issued for calendar year 1998~~
40 ~~and thereafter.~~

42 **Sec. 14. 12 MRSA §7452, sub-§5,** as repealed and replaced by PL
44 1987, c. 587, is amended to read:

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

52 **Sec. 15. 12 MRSA §7452, sub-§8,** as amended by PL 1999, c. 403,
54 §20, is repealed.

56 **Sec. 16. 12 MRSA §7452, sub-§12,** as amended by PL 1999, c.
58 322, §1, is repealed.

60 **Sec. 17. 12 MRSA §7452, sub-§13,** as amended by PL 1999, c.
322, §2, is repealed and the following enacted in its place:

2 13. Illegally transporting bear. Except as otherwise
3 provided in chapters 701 to 721, a person may not move or
4 transport any bear, unless:

5 A. The bear is open to view;

6 B. A bear tag that conforms to the requirements of section
7 7451, subsection 4 is securely attached to the bear; or

8 C. The person who killed the bear accompanies the bear
9 while it is being moved or transported prior to the lawful
10 registration of that bear.

11 **Sec. 18. 12 MRSA §7452, sub-§14,** as amended by PL 1999, c.
12 322, §3, is repealed.

13 **Sec. 19. 12 MRSA §7452, sub-§15, ¶G,** as amended by PL 1981, c.
14 644, §23, is repealed.

15 **Sec. 20. 12 MRSA §7458, sub-§8,** as repealed and replaced by PL
16 1993, c. 438, §31, is repealed.

17 **Sec. 21. 12 MRSA §7458, sub-§9,** as amended by PL 1999, c. 403,
18 §22, is repealed.

19 **Sec. 22. 12 MRSA §7458, sub-§11,** as amended by PL 1999, c.
20 322, §8, is repealed and the following enacted in its place:

21 11. Illegally transporting deer. Except as otherwise
22 provided in chapters 701 to 721 and except as provided in
23 subsection 15, paragraphs C-1 and C-2, a person may not move or
24 transport a deer unless:

25 A. The deer is open to view;

26 B. A deer tag bearing the name and address of the person
27 who killed the deer that conforms to the requirements of
28 section 7457, subsection 3 is securely attached to the deer;
29 or

30 C. The person who killed the deer accompanies the deer
31 while it is being moved or transported prior to the lawful
32 registration of that deer.

33 **Sec. 23. 12 MRSA §7458, sub-§12,** as amended by PL 1999, c.
34 322, §9, is repealed.

35 **Sec. 24. 12 MRSA §7458, sub-§15, ¶H,** as enacted by PL 1993, c.
36 156, §2, is repealed.

2 **Sec. 25. 12 MRSA §7463-A. sub-§9**, as enacted by PL 1981, c.
118, §2, is amended to read:

4 **9. Bag limit.** The bag limit is one moose per permit holder.
In the case of a permittee and a subpermittee, the permit shall
6 allow ~~allows~~ one of them to take one moose. Except as provided
7 in sections 7501 and 7502, a person may not shoot more than one
8 moose in a calendar year.

10 **Sec. 26. 12 MRSA §7463-A. sub-§13. ¶D**, as enacted by PL 1993,
c. 577, §1, is amended to read:

12 D. An eligible person may apply for a moose hunting permit
14 both through the public chance drawing and in accordance
with this subsection. If a person is selected to receive a
16 moose hunting permit as a result of the public chance
drawing, that person is no longer eligible to obtain a
18 permit under this subsection and the bidding fee submitted
by that person must be refunded. The name of a person who
20 is awarded a moose permit under this subsection must be
21 removed from the public chance drawing for that year.

24 **Sec. 27. 12 MRSA §7464, sub-§3. ¶C**, as repealed and replaced
by PL 1999, c. 790, Pt. A, §16, is amended to read:

26 C. The person who killed the moose does not accompany the
moose while it is being moved or transported ~~or allows the~~
28 ~~moose to be transported while accompanied by another person~~
~~without obtaining the transportation permit required under~~
30 ~~section 7531~~ prior to the lawful registration of that moose.

32 **Sec. 28. 12 MRSA §7464, sub-§7**, as amended by PL 1993, c. 438,
§34, is repealed.

34 **Sec. 29. 12 MRSA §7469, sub-§3. ¶B**, as enacted by PL 1985, c.
36 95, §1, is amended to read:

38 B. The person who killed the wild turkey does not accompany
the wild turkey while it is being moved or transported prior
40 to the lawful registration of that wild turkey.

42 **Sec. 30. 12 MRSA §7469, sub-§6**, as enacted by PL 1985, c. 95,
44 §1, is amended to read:

46 **6. Keeping unregistered wild turkey.** A person ~~is guilty of~~
~~keeping an unregistered wild turkey if he keeps~~ may not keep an
48 unregistered wild turkey at his that person's home, or any place
of storage except at an official wild turkey registration station
or at the office of an inland fisheries and wildlife warden, for
50 more than ~~12~~ 18 hours.

2 **Sec. 31. 12 MRSA §7469, sub-§8**, as enacted by PL 1985, c. 95,
3 §1, is repealed.

4 **Sec. 32. 12 MRSA §7501**, as amended by PL 2001, c. 655, §14,
5 is further amended by adding at the end a new paragraph to read:

6 The commissioner may suspend laws relating to raccoons and
7 bears in such restricted localities and for such periods of time
8 as the commissioner finds it advisable to relieve excessive
9 damage being done by those animals to sweet corn or other crops.
10 The commissioner may suspend section 7504, subsection 6 for the
11 purpose of allowing dogs to be used in hunting and killing
12 nuisance animals, as long as the dogs are under the personal
13 supervision of the owner at all times, for such periods of time
14 as the commissioner finds it advisable.

15 **Sec. 33. 12 MRSA §7531**, as amended by PL 1999, c. 322, §14,
16 is repealed.

17 **Sec. 34. 12 MRSA §7532-A**, as enacted by PL 1999, c. 322, §16,
18 is repealed.

19 **Sec. 35. 12 MRSA §7533**, as enacted by PL 1979, c. 420, §1, is
20 repealed.

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

24 C. Chapter 709, subchapter 3 violations:

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

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

29 (3) Illegally transporting bear as described in
30 section 7452, subsection 13;

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

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

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

2 8. It amends the prohibition on the use of artificial
lights to hunt deer or moose to allow such use except during the
firearm or muzzle-loading season;

4
6 9. It allows a person to shoot from a boat as long as the
boat is not being propelled by its motor;

8 10. It amends the law to remove the requirement that the
Department of Inland Fisheries and Wildlife provide bear tags as
10 part of the big game license;

12 11. It repeals the prohibition against a person killing a
bear and failing to take the bear with that person;

14 12. It repeals provisions of law limiting the
16 transportation of bear and deer out of the State;

18 13. It repeals the prohibition on baiting deer;

20 14. It clarifies that a person may shoot only one moose per
year and requires that the name of a person who is awarded a
22 moose permit through the auction program is removed from the
chance drawing;

24 15. It repeals the provisions of law prohibiting possession
26 of a gift bear, deer, moose or wild turkey unless certain
conditions are met;

28 16. It allows the Commissioner of Inland Fisheries and
30 Wildlife to suspend the game laws regarding game animals that
become nuisance animals and to allow those animals to be hunted
32 with dogs;

34 17. It amends the prohibition on placing bear bait within
500 yards of a dump by clarifying the word "dump" to mean a site
36 permitted or licensed for the disposal of solid waste and extends
the demarcation line around disposal sites to 500 yards;

38 18. It extends the period of time a person can keep an
40 unregistered wild turkey from 12 to 18 hours, which is an amount
of time consistent with that allowed for keeping other game
42 animals; and

44 19. It amends the law to remove provisions pertaining to
the transportation of harvested wild animals and wild birds.