

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1259

H.P. 933

House of Representatives, March 6, 2003

An Act Regarding Hunting Hours, Permits and Seasons

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: HONEY of Boothbay, RICHARDSON of Greenville, THOMAS of Orono,
TOBIN of Dexter, TRAHAN of Waldoboro, WHEELER of Kittery, WOTTON of Littleton,
Senator: CARPENTER of York.

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

2 **Sec. 1. 12 MRSA §7079-C, sub-§2,** as enacted by PL 1999, c.
4 220, §1, is amended to read:

6 **2. Exhibit license or permit.** Exhibit that license or
8 permit for inspection upon request to a warden or other law
10 enforcement officer, ~~an employee of the department, a registered
Maine guide~~ or the owner of the land on which the licensed
activity is taking place.

12 **Sec. 2. 12 MRSA §7102-A, sub-§6,** as amended by PL 2001, c.
14 387, §9, is further amended to read:

16 **6. Open seasons for hunting with bow and arrow.** Permitted
seasons for hunting with bow and arrow are as follows.

18 A. ~~It is legal, except~~ Except as otherwise provided in
20 chapters 701 to 721, ~~to hunt any wild bird or wild animal
with a hand-held bow and arrow during any open season on
that bird or animal~~ the commissioner may by rule establish
22 an open season to hunt birds or wild animals with a bow and
arrow and may by rule shorten or lengthen an open season on
24 birds or wild animals if planned harvest levels are exceeded
or not achieved.

26 B. Except as provided in section 7377, subsection 1, an
28 archery hunting license is required for persons 16 years of
30 age or older to hunt deer with bow and arrow during the
special open season on deer established under paragraph C.

32 C. The commissioner shall by rule establish a special
34 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,
36 paragraph A,~~ for the purpose of hunting deer with bow and
38 arrow only. During the special archery season on deer, the
following restrictions apply.

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

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

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

48 (2) A person may not carry firearms of any kind while
50 hunting any species of wildlife with bow and arrow
during the special archery season on deer, except that

2 any person who holds a license that allows hunting with
firearms may carry a handgun.

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

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

16 Rules adopted pursuant to this subsection are routine technical
rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **Sec. 3. 12 MRSA §7107-A, sub-§4**, as amended by PL 1997, c.
432, §§20 to 22, is further amended to read:

20 **4. Open season.** ~~There is a special muzzle-loading open
22 season on deer immediately following the regular deer hunting
season for the purpose of hunting deer only with muzzle-loading
24 firearms as defined in section 7001, subsection 23-A. The
commissioner may by rule establish a special muzzle-loading
26 season for hunting deer and may by rule shorten or lengthen that
season if planned deer harvest levels are exceeded or not
28 achieved. The commissioner may establish seasons of different
lengths in different regions of the State. The commissioner may
30 terminate this an open season at any time, in any area, if, in
the commissioner's opinion, an immediate emergency action is
32 necessary due to adverse weather conditions or severe hunting
pressure. The length of the special muzzle-loading season is as
34 follows: Rules adopted pursuant to this subsection are routine
technical rules as defined in Title 5, chapter 375, subchapter
36 2-A.~~

38 ~~B. The commissioner shall establish by rule the length of
the special muzzle-loading season. The commissioner may
40 establish seasons of different lengths in different regions
of the State. The season may extend for no more than 12
42 hunting days in any part of the State.~~

44 **Sec. 4. 12 MRSA §7108, sub-§3**, as amended by PL 1989, c. 676,
is further amended to read:

46 **3. Open season.** ~~Notwithstanding section 7406, subsection
48 5, an open season for hunting coyotes at night in all counties of
the State from January 1st to April 30th is established. The
50 commissioner may by rule establish an open season for coyote~~

2 hunting and may by rule shorten or lengthen that season if
3 planned coyote harvest levels are exceeded or not achieved. The
4 commissioner may terminate this open season at any time in any
5 area if, in the commissioner's opinion, an immediate emergency
6 action is necessary due to adverse weather conditions or illegal
7 hunting activity. Rules adopted pursuant to this subsection are
8 routine technical rules as defined in Title 5, chapter 375,
subchapter 2-A.

10 **Sec. 5. 12 MRSA §7112** is enacted to read:

12 **§7112. Permit transfer system**

14 Except as otherwise provided in chapters 701 to 721, the
15 following provisions govern the transfer of hunting permits.

16
17 **1. Permit transfer.** The commissioner shall establish by
18 rule a system to allow a person who holds a valid hunting permit
19 to transfer that permit to another person who is eligible to hold
20 that permit. Rules adopted pursuant to this section are routine
21 technical rules as defined in Title 5, chapter 375, subchapter
22 2-A.

24 **2. Prohibition.** A person who transfers a hunting permit
25 under this section may not sell or charge a fee for that permit.

26
27 **3. Penalty.** A person who violates subsection 2 commits a
28 Class E crime.

30 **Sec. 6. 12 MRSA §7406, sub-§5,** as amended by PL 1991, c. 443,
31 §23, is further amended to read:

32
33 **5. Night hunting.** ~~A person is guilty of night hunting if~~
34 ~~that person may not:~~

35 A. Hunts Hunt wild birds or wild animals, except raccoons
36 and coyotes as otherwise provided in this Part, from 15
37 minutes after sunset to 1/2-hour 30 minutes before sunrise
38 of the following day; or,

39
40 ~~B. Hunts wild animals, except raccoons and coyotes as~~
41 ~~provided in chapters 701 to 721, from 1/2 hour after sunset~~
42 ~~until 1/2 hour before sunrise the following day.~~

43
44 For the purposes of this subsection, "sunset" is the time the sun
45 sets in Bangor, Maine.

46
47 **Sec. 7. 12 MRSA §7406, sub-§6,** as amended by PL 1999, c. 457,
48 §1, is further amended to read:

50

2 6. **Twilight hunting.** A person is ~~is--guilty--of--twilight~~
3 ~~hunting-if-that-person-hunts~~ may not hunt wild animals or wild
4 ~~birds,~~ except raccoons as otherwise provided in ~~chapters-701-to~~
5 ~~721~~ this Part, between sunset and 15 minutes after sunset ~~and-1/2~~
6 ~~hour-after-sunset~~ during the open firearm season on deer. For
7 the purposes of this subsection, "sunset" is the time the sun
8 sets in Bangor, Maine.

9
10 A person who violates this subsection commits a Class E crime.

11 **Sec. 8. 12 MRSA §7451, sub-§1,** as amended by PL 1993, c. 167,
12 §1, is further amended to read:

13 **1. Open and closed season.** This subsection governs the
14 hunting seasons for bear.

15 A. ~~There-is-an-open-season-on-hunting-bear-from-the-first~~
16 ~~Monday-preceding-September-1st-to-November-30th-annually.~~
17 The commissioner may by rule establish an open season for
18 bear hunting and may by rule shorten or lengthen that season
19 if planned bear harvest levels are exceeded or not
20 achieved. The commissioner may, pursuant to section 7035,
21 subsection 1, adopt rules prohibiting the use of bait to
22 hunt black bear during any portion of the open bear hunting
23 season.

24 B. ~~There shall-be~~ is an open season on trapping bear from
25 September 1st to October 31st annually.

26 C. ~~There-shall-be~~ The commissioner may by rule establish an
27 open season on using a dog or dogs in conjunction with bear
28 hunting ~~from-the-first-Monday-preceding-September-1st,-to~~
29 ~~the-day-preceding-the-open-firearm-season-on-deer-provided~~
30 ~~in-section-7457,-subsection-1~~ and may shorten or extend that
31 season if planned bear harvest levels are exceeded or not
32 achieved.

33 D. ~~The-commissioner-may-shorten-the-open-seasons-on-bear-as~~
34 ~~established-in-paragraphs-A,-B-and-C-in-any-part-of-the~~
35 ~~State-provided-that:~~

36 (1) ~~The-demarcation-of-the-areas-with-a-shortened~~
37 ~~season-fellows-recognizable-physical-boundaries-such-as~~
38 ~~rivers-and-railroad-rights-of-way,-and~~

39 (2) ~~The--decision--is--made--and--published--prior--to~~
40 ~~February-1st-of-any-year.~~

41 E. The commissioner may terminate the open season on bear
42 as established in paragraph A, B and C at any time in any
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2 part of the State, if in his opinion, an immediate emergency
3 action is necessary due to adverse weather conditions or
4 severe hunting or trapping pressure.

5 Rules adopted pursuant to this subsection are routine technical
6 rules as defined in Title 5, chapter 375, subchapter 2-A.

7 **Sec. 9. 12 MRSA §7457, sub-§1**, as amended by PL 2001, c. 690,
8 Pt. A, §§8 and 9 and affected by §18, is further amended to read:

9 **1. Open and closed season.**

10
11 A. ~~Except as otherwise provided in this section, sections~~
12 ~~7102-A and 7107-A or by rule adopted by the commissioner~~
13 ~~pursuant to this section, there is an open season for deer~~
14 ~~in each calendar year in all counties of the State between~~
15 ~~September 15th and December 15th annually. The commissioner~~
16 ~~may by rule establish an open season for deer hunting and~~
17 ~~may by rule shorten or lengthen that season if planned deer~~
18 ~~harvest levels are exceeded or not achieved. Rules adopted~~
19 ~~pursuant to this paragraph are routine technical rules as~~
20 ~~defined in Title 5, chapter 375, subchapter 2-A. In any~~
21 ~~year that the regular season extends beyond November 30th,~~
22 ~~the regular season must start no later than the 4th Monday~~
23 ~~preceding Thanksgiving.~~

24
25 B. ~~There shall be an open season on deer in the Town of~~
26 ~~Vinalhaven, and the islands within the confines of the Town~~
27 ~~of Vinalhaven, to conform with the open season on deer for~~
28 ~~Knox County.~~

29
30 C. ~~There shall be an open season on deer in the Town of~~
31 ~~Southport, and the islands within the confines of the Town~~
32 ~~of Southport, to conform with the open season on deer in~~
33 ~~Lincoln County.~~

34
35 D. ~~Except as provided by rule pursuant to paragraph D-1,~~
36 ~~there is a continual closed season on deer in the following~~
37 ~~places:-~~

38
39 (1) ~~Mount Desert Island;~~

40
41 (2) ~~Cross Island in Washington County;~~

42
43 (3) ~~Seetch Island in Washington County;~~

44
45 (4) ~~The Town of Isle au Haut and the islands within~~
46 ~~the confines of the Town of Isle au Haut in Knox County;~~
47
48

2 (6)--All of Swan Island in the Town of Swan's Island in
Hancock County;

4 (7)--The Town of Islesboro in Waldo County, except that
6 a person may hunt deer in that town with bow and arrow
8 from the first day of the special archery season on
10 deer, established in accordance with section 7102-A,
subsection 6, paragraph C, to the end of the regular
firearm season on deer of each calendar year in Waldo
County;

12 (8)--The whole of Cranberry Isles in Hancock County,
14 except that a person may hunt deer in the Cranberry
Isles with a shotgun or archery equipment in accordance
16 with applicable laws and rules; and

18 (9)--The whole of Long Island in Long Island Plantation
in Hancock County.

20 D-1.--The commissioner by rule may open any of the areas
22 closed to deer hunting under paragraph D, as long as the
legislative body of each affected town approves the
24 opening. For purposes of this paragraph, "affected towns"
means any town, township or municipality that contains
26 within its borders any area proposed to be opened under this
paragraph. Rules adopted pursuant to this paragraph are
28 routine technical rules pursuant to Title 5, chapter 375,
subchapter II-A.

30 E.--The commissioner may shorten the open season on deer in
32 any part of the State, provided that:

34 (1)--The demarcation of the areas with the shortened
season follow recognizable physical boundaries, such as
36 rivers and railroad rights-of-way;

38 (2)--The determination is made and published prior to
June 1st of any year; and

40 (3)--The Saturday preceding the first day of open
42 season on deer shall be an open day for residents of
this State only.

44 F. The commissioner may terminate the open season on deer
46 at any time in any area if, in his opinion, an immediate
emergency action is necessary due to adverse weather
48 conditions or severe hunting pressure.

50 G. Whenever a section or sections of the State are closed
to hunting by proclamation of the Governor during the open

2 season on deer, the commissioner, after the proclamation has
3 been annulled, with the consent of the Governor, may extend
4 the open season for deer hunting in that section or those
5 sections of the State for a period not to exceed the number
6 of days lost.

7
8 H. The commissioner may regulate the taking of antlerless
9 deer within any area of the State, as necessary, to maintain
10 deer populations in balance with available habitat if the
11 following conditions are met.

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

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

17
18 (4) The commissioner may adopt rules necessary for the
19 administration, implementation, enforcement and
20 interpretation of this subsection, except that there
21 may not be an antlerless deer permit system unless
22 otherwise specified in this paragraph. Any rules
23 adopted by the commissioner that provide for permits to
24 be issued to nonresident or alien hunters must provide
25 that:

26
27 (a) The percentage of antlerless deer permits
28 issued to nonresident and alien hunters may not
29 exceed the average percentage of applicants for
30 antlerless deer permits over the previous 3 years
31 who were nonresidents or aliens; and

32
33 (b) No more than 15% of the antlerless deer
34 permits issued in any one district or in any one
35 zone may be issued to nonresident and alien
36 hunters.

37
38 (5) An antlerless deer permit system adopted by the
39 commissioner pursuant to this section may include a
40 provision giving special consideration to landowners
41 who keep their lands open to hunting by the public.
42 Any 2 or more areas of land owned by the same person
43 that are open for hunting and that would be contiguous
44 except for being divided by one or more roads are
45 considered contiguous for the purposes of determining
46 landowner eligibility for special consideration under
47 this subparagraph.
48

2 (6) Rules adopted by the commissioner pursuant to this
3 paragraph must require that a resident possess a valid
4 hunting license to be eligible to apply for an
5 antlerless deer permit.

6 A junior hunter or a person 65 years of age or older may
7 take an antlerless deer, if a person who holds a valid
8 antlerless deer permit transfers the permit to the junior
9 hunter or person 65 years of age or older by identifying the
10 name, age and address of the transferee on the permit as
11 well as any other information reasonably requested by the
12 commissioner and then returns the permit to the department
13 prior to the start of the firearm season on deer. The
14 commissioner shall record the transfer and return the permit
15 to the junior hunter or person 65 years of age or older. A
16 valid permit must be in the possession of the transferee in
17 order for the transferee to take an antlerless deer. If the
18 person transfers the permit to the junior hunter or person
19 65 years of age or older, that person is prohibited from
20 taking an antlerless deer.

21 I. The commissioner, by rule, may create special hunting
22 seasons for the taking of deer in any part of the State to
23 maintain deer populations in balance with available habitat,
24 subject to the following.

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

28 (2) The determination of these areas must be made and
29 published prior to August 1st of each year.

30 (3) The commissioner may implement a permit system to
31 regulate hunter participation in a special season and
32 the number, sex and age of deer harvested. If permits
33 are issued, the fee for a deer permit other than an
34 antlerless deer permit is \$30 and the fee for an
35 antlerless deer permit is \$10. A resident applicant
36 must possess a valid hunting license issued to that
37 person to be eligible to apply for a permit under this
38 paragraph.

39 (5) The commissioner may establish limits on the
40 number of deer taken or possessed by persons during any
41 special season. Limits established by the commissioner
42 under this subparagraph are exceptions to the limits
43 imposed under section 7458, subsections 1 and 2.

2 (6) The commissioner may specify types of weapons to
be used during a special season.

4 J. The commissioner may establish a youth deer hunting day
by rule. Rules adopted pursuant to this paragraph are
6 routine technical rules as defined in Title 5, chapter 375,
subchapter II-A 2-A.

8
10 **Sec. 10. 12 MRSA §7463-A, sub-§5**, as amended by PL 1999, c.
324, §1, is further amended to read:

12 **5. Eligibility.** Except as provided in this subsection, any
14 a Maine resident, who possesses a valid hunting license issued to
that person is eligible to apply for a moose hunting permit. A
16 nonresident or alien who is eligible to obtain a Maine hunting
license or who will be eligible to obtain a Maine hunting license
18 by the opening day of the open moose season is eligible to apply
for a moose hunting permit. A person who has obtained a moose
20 hunting permit may not obtain another permit until 2 years have
elapsed since the issuance of the last permit. This limitation
does not apply to subpermittees.

22
24 **Sec. 11. 12 MRSA §7467**, as enacted by PL 1981, c. 575, is
repealed and the following enacted in its place:

26 **§7467. Raccoons**

28 The commissioner may by rule establish an open season for
raccoon hunting and may by rule shorten or lengthen that season
30 if planned raccoon harvest levels are exceeded or not achieved.
Rules adopted pursuant to this section are routine technical
32 rules as defined in Title 5, chapter 375, subchapter 2-A.

34 **Sec. 12. 12 MRSA §7468, sub-§6**, as amended by PL 2001, c. 655,
§7, is further amended to read:

36
38 **6. Application procedure.** If wild turkey permits are
issued by public chance drawing, persons wishing to apply for a
40 permit shall apply in a manner prescribed by the commissioner. A
resident must possess a valid hunting license issued to that
42 person to be eligible to apply for a wild turkey hunting permit.
The application must be accompanied by an application fee of \$5
44 for residents and \$10 for nonresidents and aliens. The
application fee may not be refunded.

46 **Sec. 13. 12 MRSA §7468, sub-§9**, as amended by PL 1993, c. 574,
§23, is further amended to read:

48

2 4. Repeals all hunting seasons set in statute and provides
the Commissioner of Inland Fisheries and Wildlife with the
4 authority to set, expand or shorten hunting seasons by rule.
This change has an effective date of July 1, 2004;

6
8 5. Repeals the requirement that a license holder must
exhibit that license holder's license, upon request, to a
registered Maine guide or an employee of the department who is
10 not a game warden; and

12 6. Repeals the provision that makes possession of hunting
equipment in a vehicle on Sunday prima facie evidence of Sunday
14 hunting.