

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1662

H.P. 1238

House of Representatives, December 19, 2003

An Act To Strengthen the Prohibition against Night Hunting

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 16, 2003. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUNLAP of Old Town.
Cosponsored by Senator BRYANT of Oxford and
Representatives: CARR of Lincoln, JACKSON of Fort Kent, MOODY of Manchester,
PATRICK of Rumford, RICHARDSON of Greenville, USHER of Westbrook, WATSON of
Bath, WOTTON of Littleton.

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

4 **Sec. 1. 12 MRSA §11206**, as enacted by PL 2003, c. 414, Pt. A,
5 §2 and affected by Pt. D, §7, is amended to read:

6 **§11206. Night hunting**

7 **1. Prohibition.** A person may not:

8 A. Hunt wild birds from sunset to 1/2 hour before sunrise
9 of the following day;

10 B. Hunt wild animals, except raccoons and coyotes as
11 provided in this Part, from 1/2 hour after sunset until 1/2
12 hour before sunrise the following day; or

13 C. Possess any wild animal or wild bird taken in violation
14 of paragraphs A and B except as otherwise provided in this
15 Part.

16
17 A person who violates this subsection commits a Class D crime for
18 which the court shall impose a sentencing alternative of not less
19 than 3 days for the first offense, none of which may be
20 suspended, and of not less than 10 days for each succeeding
21 offense, none of which may be suspended; the court also shall
22 impose a fine of not less than \$1,000, none of which may be
23 suspended.

24
25 In determining an appropriate sentence or fine, possession of
26 night vision equipment is an aggravating factor and the sentence
27 and fine must be doubled. All equipment used or possessed in
28 violation of this subsection is contraband and must be forfeited.

29
30 For purposes of this subsection, "night vision equipment" means
31 spotting scopes, rifle scopes or headset night vision gear.

32
33 **SUMMARY**

34
35 This bill makes possession of night vision equipment an
36 aggravating factor in the determination of a sentence and fine
37 for night hunting, doubling the current penalty and mandating
38 forfeiture of all equipment associated with the violation.