

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1697

DATE: 2.13.04

(Filing No. S- 388)

INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 629, L.D. 1697, Bill, "An Act To Clarify Certain Provisions Contained in the Recodified Hunting, Fishing and Trapping Laws"

Amend the bill by striking out all of sections 2 and 3 and inserting in their place the following:

Sec. 2. 12 MRSA §11155, sub-§1, as enacted by PL 2003, c. 414, Pt. A, § 2 and affected by Pt. D, §7, is amended to read:

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt or possess wild turkey unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

A person who violates this subsection commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. The court also shall impose a fine of \$500 for each wild turkey unlawfully possessed, none of which may be suspended.

Sec. 3. 12 MRSA §11201, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the following enacted in its place:

§11201. Hunting during closed season

1. Closed season; general. A person may not hunt any wild animal or wild bird during the closed season or possess any wild

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COMMITTEE AMENDMENT "A" to S.P. 629, L.D. 1697

2 animal or wild bird taken during the closed season on that wild
3 animal or wild bird. Except as otherwise provided in this
4 section, a person who violates this section commits a Class E
5 crime.

6 2. Bear. A person who hunts or possesses a bear in
7 violation of this section commits a Class D crime for which the
8 court shall impose a sentencing alternative of not less than 3
9 days for the first offense, none of which may be suspended, and
10 of not less than 10 days for each succeeding offense, none of
11 which may be suspended. The court also shall impose a fine of
12 not less than \$1,000, none of which may be suspended.

14 3. Deer. A person who hunts or possesses a deer in
15 violation of this section commits a Class D crime for which the
16 court shall impose a sentencing alternative of not less than 3
17 days for the first offense, none of which may be suspended, and
18 of not less than 10 days for each succeeding offense, none of
19 which may be suspended. The court also shall impose a fine of
20 not less than \$1,000, none of which may be suspended.

22 4. Moose. A person who hunts or possesses a moose in
23 violation of this section commits a Class D crime for which the
24 court shall impose a sentencing alternative of not less than 3
25 days for the first offense, none of which may be suspended, and
26 of not less than 10 days for each succeeding offense, none of
27 which may be suspended. The court also shall impose a fine of
28 not less than \$1,000, none of which may be suspended.

30 5. Wild turkey. A person who hunts or possesses a wild
31 turkey in violation of this section commits a Class E crime for
32 which the court shall impose a fine of not less than \$500, none
33 of which may be suspended. The court also shall impose a fine of
34 not less than \$500 for each wild turkey unlawfully possessed,
35 none of which may be suspended.

36 **Sec. 4. 12 MRSA §11351, sub-§2, as enacted by PL 2003, c. 414,**
37 **Pt. A, §2 and affected by Pt. D, §7, is amended to read:**

40 **2. Exceeding bag limit on bears.** Except as otherwise
41 provided, a person may not possess more than one bear in any
42 calendar year. A person who violates this subsection commits a
43 Class D crime for which the court shall impose a sentencing
44 alternative ~~involving a term of imprisonment not to exceed 180~~
45 days of not less than 3 days for the first offense, none of which
46 may be suspended, and of not less than 10 days for each
47 succeeding offense, none of which may be suspended; the court
48 also shall impose a fine of not less than \$1,000, none of which
49 may be suspended.

50

COMMITTEE AMENDMENT

2 **Sec. 5. 12 MRSA §11501, sub-§§1 and 2**, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

4 **1. Exceeding bag limit.** A person may not possess more than
6 one deer during any open season, except as otherwise provided in
law or rule.

8 **2. Hunting deer after having killed one.** A person may not
10 hunt deer after that person has killed or registered one during
the open season of that calendar year, except as otherwise
provided in law or rule.'

12 Further amend the bill by inserting after section 5 the
14 following:

16 '**Sec. 6. 12 MRSA §11651-A** is enacted to read:

18 **§11651-A. Hunting moose after having killed one.**

20 A person may not hunt moose after that person has killed or
22 registered one during the open season of that calendar year,
except as otherwise provided.

24 A person who violates this section commits a Class D crime
26 for which the court shall impose a sentencing alternative of not
less than 3 days for the first offense, none of which may be
28 suspended, and of not less than 10 days for each succeeding
offense, none of which may be suspended. The court also shall
30 impose a fine of not less than \$1,000, none of which may be
suspended.

32 **Sec. 7. 12 MRSA §11701**, as enacted by PL 2003, c. 414, Pt. A,
§2 and affected by Pt. D, §7, is amended to read:

34 **§11701. Authority of commissioner; wild turkey hunting**

36 The commissioner may establish open seasons for hunting wild
38 turkeys, designate areas that are open to the taking of wild
turkeys in any part of the State, prescribe the form and regulate
40 the number of permits to be issued, determine the number and sex
of the birds to be harvested, establish bag limits, establish
42 permit eligibility requirements, establish legal hunting times,
specify the types of weapons to be used during any open wild
44 turkey hunting season and make any other rules that the
commissioner considers necessary for the protection of the wild
46 turkey resource.'

48 Further amend the bill by striking out all of sections 7 to
9 and inserting in their place the following:

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2 'Sec. 7. 12 MRSA §11751-A is enacted to read:

4 §11751-A. Unlawful possession of wild turkeys

6 1. Possession of wild turkeys. A person may not possess a
wild turkey taken in violation of any rule adopted by the
8 commissioner under section 11701.

10 2. Exceeding bag limit. A person may not possess more than
one wild turkey during any open season, except as otherwise
12 provided in law or rule. A person may keep more than one legally
obtained wild turkey in that person's home at any time.

14 3. Hunting wild turkey after having killed one. A person
16 may not hunt wild turkey after that person has killed or
registered one during any open season of that calendar year,
18 except as otherwise provided in law or rule.

20 4. Penalties. The following penalties apply to violations
of this section.

22 A. A person who violates subsection 1 commits a Class E
24 crime.

26 B. A person who violations subsection 2 or 3 commits a
Class E crime for which the court shall impose a fine of not
28 less than \$500, none of which may be suspended. The court
also shall impose a fine of \$500 for each wild turkey
30 unlawfully possessed, none of which may be suspended.

32 Sec. 8. 12 MRSA §11801, sub-§3, as enacted by PL 2003, c. 414,
Pt. A, §2 and affected by Pt. D, §7, is amended to read:

34 3. Penalties. A person who violates subsection--1 this
36 section commits a Class E crime ~~for which the court shall impose~~
~~a fine of not less than \$500, none of which may be suspended.~~
38 ~~The court also shall impose a fine of \$500 for each turkey~~
~~unlawfully killed, none of which may be suspended.'~~

40 Further amend the bill by relettering or renumbering any
42 nonconsecutive Part letter or section number to read
consecutively.

44
46
48 **SUMMARY**

50 This amendment:

COMMITTEE AMENDMENT "A" to S.P. 629, L.D. 1697

1. Makes hunting or possessing a wild turkey without a valid permit a Class E crime with a minimum fine of \$500 plus \$500 for each turkey possessed in violation of this prohibition;

2. Makes the penalty for a closed season violation involving a bear or moose the same as a closed season violation involving deer;

3. Makes the penalty for a violation of the prohibition against hunting or trapping a bear after having killed one or exceeding the bag limit on bear the same as the penalty for other big game animals;

4. Clarifies that a person may not possess more than one deer in a calendar year or hunt a deer after having killed one in the same calendar year unless otherwise provided in law or rule;

5. Prohibits a person from hunting moose after that person has killed or registered one during the open season of the same calendar year and makes a violation of that provision a Class D crime;

6. Restructures the provisions regarding the illegal possession or hunting of wild turkey to accord with similar big game provisions; and

7. Changes the penalty for possessing a wild turkey in violation of a rule from a Class E crime with a mandatory fine of not less than \$500 plus \$500 for each turkey unlawfully possessed to a straight Class E crime.

FISCAL NOTE REQUIRED
(See attached)

121st Maine Legislature
Office of Fiscal and Program Review

LD 1697

An Act To Clarify Certain Provisions Contained in the Recodified
Hunting, Fishing and Trapping Laws



LR 2624(02)

Fiscal Note for Bill as Amended by Committee Amendment **A**
Committee: Inland Fisheries and Wildlife
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Makes minor changes to penalty provisions in Title 12 of the Maine Revised Statutes Annotated.