

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1697

S.P. 629

In Senate, December 17, 2003

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

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

Received by the Secretary of the Senate 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.

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: DAMON of Hancock, Representatives: BUNKER of Kossuth Township,
CHURCHILL of Orland, DUPLESSIE of Westbrook, GERZOFKY of Brunswick, HONEY
of Boothbay, STONE of Berwick, TOBIN of Dexter.

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

4 **Sec. 1. 12 MRSA §10001, sub-§12-A** is enacted to read:

6 12-A. Dipnet. "Dipnet" means a device consisting of a rigid frame filled with netting, firmly attached to a rigid handle and manually operated by a single person.

8 **Sec. 2. 12 MRSA §11154, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

12 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person may not hunt or possess moose unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a Class E D crime for which ~~a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed~~ the court shall impose a sentencing alternative of not less than 3 days of imprisonment for the first offense, none of which may be suspended, and of not less than 10 days of imprisonment for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than \$1,000, none of which may be suspended.

24 **Sec. 3. 12 MRSA §11201**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended by inserting at the end a new paragraph to read:

28 A person who hunts or possesses a moose in violation of this section commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days; the court also shall impose a fine of not less than \$1,000, none of which may be suspended.

34 **Sec. 4. 12 MRSA §11601, last ¶**, 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:

38 A person who violates this section commits a Class E crime.

40 **Sec. 5. 12 MRSA §11651**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

44 **Sec. 6. 12 MRSA §11702**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

46 **Sec. 7. 12 MRSA §11751, sub-§3**, 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:

50 **3. Violation.** A person who violates this section commits a Class E crime.

2 **Sec. 8. 12 MRSA §11801, sub-§2-A** is enacted to read:

4 **2-A. Hunting wild turkey after having killed one.** A person
6 may not hunt wild turkey after that person has killed or
8 registered one during the open season of that calendar year,
10 except as otherwise provided.

12 **Sec. 9. 12 MRSA §11801, sub-§3**, as enacted by PL 2003, c. 414,
14 Pt. A, §2 and affected by Pt. D, §7, is amended to read:

16 **3. Penalties.** A person who violates ~~subsection~~ subsections
18 1 and 2 commits a Class E crime. A person who violates
20 subsection 2-A commits a Class E crime for which the court shall
22 impose a fine of not less than \$500, none of which may be
24 suspended. The court also shall impose a fine of \$500 for each
26 turkey unlawfully killed, none of which may be suspended.

28 **Sec. 10. 12 MRSA §12403, sub-§3, ¶B**, as enacted by PL 2003, c.
30 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

32 **Sec. 11. 12 MRSA §12404, sub-§6, ¶D**, as enacted by PL 2003, c.
34 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

SUMMARY

36 This bill clarifies certain parts of the recently recodified
38 Maine Revised Statutes, Title 12 regarding moose permits and
40 sentencing and sentencing alternatives guidelines for permit
42 violations. It clarifies the number of turkeys allowed in turkey
44 hunting season and penalties for violations. It also defines
46 "dipnet."