

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1319

H.P. 917

House of Representatives, March 15, 2005

An Act To Ban the Use of Traps and Dogs in Bear Hunting

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUDLEY of Portland.

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

4 **Sec. 1. 12 MRSA §10902, sub-§6, ¶E**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

6 E. Buying or selling bear, hunting or trapping bear after
8 having killed one or exceeding the bag limit on bear, in
violation of section 11217 or 11351;

10 **Sec. 2. 12 MRSA §10902, sub-§10** is enacted to read:

12 **10. Mandatory hunting license revocation for practices**
14 **regarding bear.** The commissioner shall suspend a person's
14 **hunting license for at least 5 years if that person is convicted**
16 **of:**

18 **A. Hounding in violation of section 11302-A; or**

20 **B. Unlawful bear trapping in violation of section 12260-A.**

22 **If a person is convicted of either of the violations in**
24 **paragraphs A and B for a 2nd or subsequent time, the commissioner**
24 **shall revoke that person's hunting license permanently.**

26 **Sec. 3. 12 MRSA §11151, sub-§1**, as affected by PL 2003, c.
26 614, §9 and amended by c. 655, Pt. B, §118 and affected by §422,
28 is further amended to read:

30 **1. Permit required.** Except as otherwise authorized
30 pursuant to this Part, a person may not hunt for bear without a
32 valid permit from the first Monday preceding September 1st to the
32 day preceding the open firearm season on deer November 30th.
34 ~~This section does not apply to trapping for bear.~~

36 Each day a person violates this subsection that person commits a
36 Class E crime for which a minimum fine of \$50 and an amount equal
38 to twice the applicable license fee must be imposed.

40 **Sec. 4. 12 MRSA §11251**, as affected by PL 2003, c. 614, §9
40 and amended by c. 655, Pt. B, §155 and affected by §422, is
42 further amended to read:

44 **§11251. Open and closed seasons**

46 **1. Open season on bear; commissioner's authority.** This
46 subsection governs the open and closed seasons on bear.

48 **A.** There is an open season on hunting bear from the first
48 Monday preceding September 1st to November 30th annually.
50 The commissioner may, pursuant to section 10104, subsection

1, adopt rules prohibiting the use of bait to hunt black bear during any portion of the open bear hunting season. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. There is an open season on using a dog or dogs in conjunction with bear hunting from the first Monday preceding September 1st to the day preceding the open firearm-season-on-deer-provided-in-sections-11401-and-11402.

C. The commissioner may shorten the open seasons season on bear as established in paragraphs paragraph A and B in any part of the State as long as:

(1) The demarcation of the areas with a shortened season follows recognizable physical boundaries such as rivers and railroad rights-of-way; and

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

D. The commissioner may terminate the open season on bear as established in paragraphs paragraph A and B at any time in any part of the State if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or severe hunting ~~or-trapping~~ pressure.

Sec. 5. 12 MRSA §11302, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §158 and affected by §422, is repealed.

Sec. 6. 12 MRSA §11302-A is enacted to read:

§11302-A. Unlawfully hunting or pursuing bear with dogs; hounding

1. Prohibition. It is unlawful to use a dog or dogs to hunt or pursue bear, also known as hounding, except as provided in subsection 2.

2. Exception. The use of a dog or dogs to hunt or pursue bear is lawful in the following circumstances:

A. The dog or dogs are used by state or federal employees to pursue a specific offending animal when the employees or their designees are acting in their official capacity for purposes of protecting livestock, domestic animals, threatened or endangered wildlife, public or private property or public safety; or

2 B. The dog or dogs are used by the department or pursuant
3 to a permit granted by the department to an accredited
4 university for scientific or research purposes, but in no
5 event for the purpose of killing bear.

6 3. Penalty. A person who violates this section is guilty
7 of hounding.

8 A. Hounding is a Class D crime for the first offense.

10 B. Hounding is a Class C crime for a 2nd or subsequent
12 offense.

14 **Sec. 7. 12 MRSA §11303, sub-§2, as affected by PL 2003, c.**
15 **614, §9 and repealed and replaced by c. 655, Pt. B, §160 and**
16 **affected by §422, is amended to read.**

18 **2. Prohibition. A person may not within the area described**
19 **in subsection 1:**

20 **A. Hunt bear; or**

22 **~~B. Trap bear;~~**

24 **C. Molest or harass a bear; ~~or,~~**

26 **~~D. Release dogs for the purpose of hunting a bear.~~**

28 The commissioner, or the commissioner's agent, is exempt from
30 this prohibition for the purpose of live-trapping nuisance bears.

32 **Sec. 8. 12 MRSA §11304, first ¶, as enacted by PL 2003, c. 414,**
33 **Pt. A, §2 and affected by c. 614, §9, is amended to read:**

34 A person may not, without the permission of the person
36 conducting the hunt, kill or wound a bear that is treed or held
37 at bay by another ~~person's dog or dogs~~ person.

38 **Sec. 9. 12 MRSA §11351, sub-§1, as affected by PL 2003, c.**
39 **614, §9 and amended by c. 655, Pt. B, §162 and affected by §422,**
40 **is further amended to read:**

42 **1. Hunting bear after having killed one. A person may not**
43 **hunt ~~or trap~~ bear after that person has killed or registered one**
44 **during any open season.**

46 **Sec. 10. 12 MRSA §12260, as affected by PL 2003, c. 614, §9**
47 **and amended by c. 655, Pt. B, §§222 to 224 and affected by §422,**
48 **is repealed.**

50

2 **Sec. 11. 12 MRSA §12260-A** is enacted to read:

4 **§12260-A. Unlawful trapping of bear**

6 **1. Prohibition.** It is unlawful to use or set a trap to hunt or capture bear, except as provided in subsection 2.

8 **2. Exception.** The use of a trap to hunt or capture bear is lawful in the following circumstances, provided any use of a trap pursuant to this subsection is undertaken in the most humane manner practicable:

12 **A.** The trap is used by state or federal employees, acting in their official capacity, to hunt or capture a specific offending animal for purposes of protecting livestock, domestic animals, threatened or endangered wildlife, public or private property or public safety; or

14 **B.** The trap is used by the department or pursuant to a permit granted by the department to an accredited university for scientific or research purposes, but in no event for the purpose of killing bear.

16 **3. Penalty.** A person who violates this section is guilty of unlawful bear trapping.

18 **A.** Unlawful bear trapping is a Class D crime for the first offense.

20 **B.** Unlawful bear trapping is a Class C crime for a 2nd or subsequent offense.

22 **Sec. 12. 12 MRSA §12404, sub-§1, ¶C,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

24 **C.** The commissioner may suspend the game laws relating to bears in such restricted localities and for such periods of time as the commissioner finds it advisable to relieve excessive damage being done by bears to sweet corn or other crops. Nothing in this paragraph is intended to limit or create an exception to sections 11302-A and 12260-A.

26 **Sec. 13. 12 MRSA §12404, sub-§1, ¶D,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

SUMMARY

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4 This bill prohibits the use of a dog to hunt or pursue bear
6 and the use or setting of a trap to hunt or capture bear except
8 under certain circumstances. The use of a dog or a trap is
 permitted for certain scientific purposes or if undertaken by
 state or federal employees to kill or capture a specific animal
 that threatens livestock, domestic animals, threatened or
 endangered wildlife, property or public safety.