

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 132

S.P. 51

January 15, 2009

An Act To Clarify Hunting, Fishing and Trapping Laws for Youth

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered
printed.

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 BRYANT of Windham and
Senator: GERZOFKY of Cumberland, Representatives: BOLAND of Sanford, CAREY of
Lewiston, SHAW of Standish, WHEELER of Kittery, WILLETTE of Presque Isle.

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

2 **Sec. 1. 12 MRSA §11108-A, sub-§7** is enacted to read:

3 **7. Parent or guardian; junior hunters.** A person violates this subsection if that
4 person is the adult supervisor, parent or guardian of a holder of a valid junior hunting
5 license and that junior hunter violates any provision of this Part pertaining to hunting.

6 A. A person who violates this subsection commits a civil violation for which a fine
7 of not less than \$100 nor more than \$500 may be adjudged.

8 B. A person who violates this subsection after having been adjudicated as having
9 committed 3 or more civil violations under this Part within the previous 5-year period
10 commits a Class E crime.

11 **Sec. 2. 12 MRSA §12201, sub-§2, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2
12 and affected by c. 614, §9, is amended to read:

13 C. A resident under 10 years of age may trap all legal species, except bear, without
14 a license.

15 **Sec. 3. 12 MRSA §12201, sub-§7, ¶A**, as enacted by PL 2003, c. 414, Pt. A, §2
16 and affected by c. 614, §9, is amended to read:

17 A. A person under 10 years of age may not trap unless that person is accompanied
18 at all times while trapping by a parent or guardian or by an adult at least 18 years of
19 age approved by a parent or guardian. A person under 10 years of age may not trap
20 bear.

21 **Sec. 4. 12 MRSA §12201, sub-§9** is enacted to read:

22 **9. Parent or guardian; junior trappers.** A person violates this subsection if that
23 person is the adult supervisor, parent or guardian of a holder of a valid junior trapping
24 license and that junior trapper violates any provision of this Part pertaining to trapping.

25 A. A person who violates this subsection commits a civil violation for which a fine
26 of not less than \$100 nor more than \$500 may be adjudged.

27 B. A person who violates this subsection after having been adjudicated as having
28 committed 3 or more civil violations under this Part within the previous 5-year period
29 commits a Class E crime.

30 **Sec. 5. 12 MRSA §12501, sub-§2, ¶B**, as enacted by PL 2003, c. 414, Pt. A, §2
31 and affected by c. 614, §9, is amended to read:

32 B. A nonresident fishing license to a nonresident ~~12~~ 16 years of age or older.

33 **Sec. 6. 12 MRSA §12501, sub-§5**, as enacted by PL 2003, c. 414, Pt. A, §2 and
34 affected by c. 614, §9, is repealed.

35 **Sec. 7. 12 MRSA §12501, sub-§6, ¶D**, as amended by PL 2005, c. 12, Pt. III,
36 §24, is repealed.

1 **Sec. 8. 12 MRSA §12503, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and
2 affected by c. 614, §9, is amended to read:

3 **1. Resident and nonresident under 16.** A resident and nonresident under 16 years
4 of age and a nonresident under 12 years of age may fish without a license.

5 **Sec. 9. 12 MRSA §12612** is enacted to read:

6 **§12612. Parent or guardian; violation by minor**

7 A person violates this section if that person is the adult supervisor, parent or guardian
8 of a minor under 16 years of age and that minor violates any provision of this Part
9 pertaining to fishing.

10 **1. Civil violation.** A person who violates this section commits a civil violation for
11 which a fine of not less than \$100 nor more than \$500 may be adjudged.

12 **2. Class E crime.** A person who violates this section after having been adjudicated
13 as having committed 3 or more civil violations under this Part within the previous 5-year
14 period commits a Class E crime.

15 **SUMMARY**

16 This bill provides penalties for adult supervisors, parents and guardians of minors
17 who violate the laws governing fishing, hunting and trapping.

18 This bill conforms the age requirement for licensure of nonresident anglers to that of
19 resident anglers in accordance with an effort by the Department of Inland Fisheries and
20 Wildlife to make fishing laws more consistent.

21 The bill amends the statute that allows children under 10 years of age to trap, under
22 supervision, without a license to prohibit them from trapping bear. This is a safety
23 concern of the Department of Inland Fisheries and Wildlife.