

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1080

H.P. 815

House of Representatives, March 15, 2011

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

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CASAVANT of Biddeford.  
Cosponsored by Senator SULLIVAN of York and  
Representatives: BOLDUC of Auburn, KNIGHT of Livermore Falls, ROCHELO of  
Biddeford, SANBORN of Gorham.

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

2 **Sec. 1. 12 MRSA §10260**, as enacted by PL 2007, c. 168, §1 and affected by §8,  
3 is amended to read:

4 **§10260. Black Bear Research Fund**

5 The Black Bear Research Fund, referred to in this section as "the fund," is established  
6 within the department as a nonlapsing fund to be used by the commissioner to fund or  
7 assist in funding studies related to the management of black bears. Revenue from the  
8 nonresident late season bear hunting permit under section 11151-A ~~and the bear trapping~~  
9 ~~permit under 12260-A~~ must be deposited in the fund. The commissioner may accept and  
10 deposit into the fund monetary gifts, donations or other contributions from public or  
11 private sources for the purposes specified in this section. The fund must be held separate  
12 and apart from all other money, funds and accounts.

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

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

17 **Sec. 3. 12 MRSA §10902, sub-§11** is enacted to read:

18 **11. Mandatory hunting license suspension or revocation for practices regarding**  
19 **bear.** The commissioner shall suspend a person's hunting license for at least 5 years if  
20 that person is convicted of:

21 A. Unlawfully hunting or pursuing bear with a dog or dogs in violation of section  
22 11302-A; or

23 B. Unlawful bear trapping in violation of section 12260-B.

24 If a person is convicted of a violation under paragraph A or B for a 2nd or subsequent  
25 time, the commissioner shall revoke that person's hunting license permanently.

26 **Sec. 4. 12 MRSA §11151, sub-§1**, as affected by PL 2003, c. 614, §9 and  
27 amended by c. 655, Pt. B, §118 and affected by §422, is further amended to read:

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

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

35 **Sec. 5. 12 MRSA §11251**, as affected by PL 2003, c. 614, §9 and amended by c.  
36 655, Pt. B, §155 and affected by §422, is further amended to read:

1           **§11251. Open and closed seasons**

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

4           A. There is an open season on hunting bear from the first Monday preceding  
5 September 1st to November 30th annually. The commissioner may, pursuant to  
6 section 10104, subsection 1, adopt rules prohibiting the use of bait to hunt black bear  
7 during any portion of the open bear hunting season. Rules adopted pursuant to this  
8 paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter  
9 2-A.

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

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

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

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

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

22          **Sec. 6. 12 MRSA §11301, sub-§1**, as affected by PL 2003, c. 614, §9 and  
23 amended by c. 655, Pt. B, §156 and affected by §422, is further amended to read:

24          **1. Bear baiting.** A person may not use bait to hunt ~~or trap~~ black bear, unless:

25           A. The bait is placed at least 50 yards from a travel way that is accessible by a  
26 conventional 2-wheel-drive or 4-wheel-drive vehicle;

27           B. The stand, blind or bait area is plainly labeled with a 2-inch-by-4-inch tag with  
28 the name and address of the baiter;

29           C. The bait is placed more than 500 yards from a site permitted or licensed for the  
30 disposal of solid waste or a campground;

31           D. The bait is placed more than 500 yards from an occupied dwelling, unless  
32 written permission is granted by the owner or lessee;

33           E. The bait is placed not more than 30 days before the opening day of the season  
34 and not after October 31st;

35           F. The bait areas will be cleaned up by November 10th, as defined by the state litter  
36 laws; and

37           G. The person hunting from a stand or blind of another person has permission of the  
38 owner of that stand or blind.

1           **Sec. 7. 12 MRSA §11302**, as amended by PL 2009, c. 550, §4, is repealed.

2           **Sec. 8. 12 MRSA §11302-A** is enacted to read:

3           **§11302-A. Unlawfully hunting or pursuing bear with dogs**

4           **1. Prohibition.** It is unlawful to use a dog or dogs to hunt or pursue bear, except as  
5           provided in subsection 2.

6           **2. Exception.** The use of a dog or dogs to hunt or pursue bear is lawful when:

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

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

14           **3. Penalty.** A person who violates this section commits:

15           A. A Class D crime for the first offense; and

16           B. A Class C crime for a 2nd or subsequent offense.

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

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

20           A. Hunt bear; or

21           ~~B. Trap bear;~~

22           C. Molest or harass a bear; ~~or~~

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

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

26           **Sec. 10. 12 MRSA §11304, first ¶**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
27           affected by c. 614, §9, is amended to read:

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

30           **Sec. 11. 12 MRSA §11351, sub-§1**, as affected by PL 2003, c. 614, §9 and  
31           amended by c. 655, Pt. B, §162 and affected by §422, is further amended to read:

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

1           **Sec. 12. 12 MRSA §12051, sub-§1, ¶C**, as amended by PL 2009, c. 550, §7, is  
2 repealed.

3           **Sec. 13. 12 MRSA §12201, sub-§2, ¶C**, as amended by PL 2009, c. 69, §2, is  
4 further amended to read:

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

7           **Sec. 14. 12 MRSA §12260**, as affected by PL 2003, c. 614, §9 and amended by c.  
8 655, Pt. B, §§222 to 224 and affected by §422, is repealed.

9           **Sec. 15. 12 MRSA §12260-A**, as enacted by PL 2007, c. 168, §7 and affected by  
10 §8, is repealed.

11           **Sec. 16. 12 MRSA §12260-B** is enacted to read:

12           **§12260-B. Unlawful trapping of bear**

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

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

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

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

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

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

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

28           **Sec. 17. 12 MRSA §12404, sub-§1, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2  
29 and affected by c. 614, §9, is amended to read:

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

35           **Sec. 18. 12 MRSA §12404, sub-§1, ¶D**, as enacted by PL 2003, c. 414, Pt. A, §2  
36 and affected by c. 614, §9, is repealed.

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## **SUMMARY**

This bill prohibits the use of a dog to hunt or pursue bear and the use or setting of a trap to hunt or capture bear except 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.