

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1435

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H.P. 1024

House of Representatives, April 23, 2013

### An Act To Amend Certain Provisions of the Fish and Wildlife Laws

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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.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SHAW of Standish.  
Cosponsored by Senator HASKELL of Cumberland and  
Representatives: BRIGGS of Mexico, ESPLING of New Gloucester, KUSIAK of Fairfield,  
Senator: DUTREMBLE of York.

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

2 **Sec. 1. 12 MRSA §10105, sub-§2**, as affected by PL 2003, c. 614, §9 and  
3 amended by c. 655, Pt. B, §20 and affected by §422, is repealed.

4 **Sec. 2. 12 MRSA §10105, sub-§§15 and 16** are enacted to read:

5 **15. Commissioner's authority to terminate hunting, fishing or trapping season.**  
6 The commissioner, after consultation with the Governor and the advisory council and by  
7 proclamation of the Governor, may terminate an open season for hunting, fishing or  
8 trapping at any time in any area if, in the commissioner's opinion, an immediate  
9 emergency action is necessary due to adverse weather conditions or unlawful hunting,  
10 fishing or trapping activity. If a section of the State is closed to hunting, fishing or  
11 trapping pursuant to this subsection, the commissioner, following the annulment of the  
12 proclamation of the Governor, with the consent of the Governor may extend the open  
13 season in that section of the State for a period of days not to exceed the number of days  
14 lost due to the termination proclamation.

15 **16. Hunting and fishing adventure permits for children.** In addition to the  
16 permits issued by the commissioner pursuant to section 11154, subsection 13, in  
17 extenuating circumstances the commissioner may issue up to 2 additional permits or  
18 licenses for other hunting or fishing adventures to a nonprofit organization dedicated to  
19 providing hunting and fishing adventures to children under 21 years of age with life-  
20 threatening, critical or terminal illnesses.

21 **Sec. 3. 12 MRSA §10151, sub-§§7 to 9** are enacted to read:

22 **7. Quorum.** A quorum is a majority of the current members of the advisory council.

23 **8. Advisory council actions.** An affirmative vote of a majority of the members of  
24 the advisory council present at a meeting or polled is required for any action.

25 **9. Attendance at meetings.** If a member of the advisory council is not present for 3  
26 consecutive meetings, that member may be replaced.

27 **Sec. 4. 12 MRSA §10853, sub-§6**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
28 affected by c. 614, §9, is amended to read:

29 **6. Members of Armed Forces domiciled in State.** A member of the Armed Forces  
30 of the United States on active duty who is permanently stationed outside of the State may  
31 be issued ~~a combination~~ fishing and hunting license and trapping licenses for an amount  
32 equal to the administrative costs associated with issuing ~~the a~~ license as determined by  
33 the department. Administrative costs do not include agent fees. To qualify, the member  
34 of the Armed Forces of the United States must show proof that that member's home of  
35 record, as recorded in that person's service records, is Maine. That person may purchase  
36 all other licenses or permits at resident fees. The license is valid during the year of issue.  
37 That person's spouse and children may purchase hunting and fishing licenses at reduced  
38 rates. The reduced fees are as follows:

- 1           A. Twenty dollars, plus the issuing fee for a combination fishing and hunting license;
- 2           B. Ten dollars, plus the issuing fee for a hunting license; ~~and~~
- 3           C. Ten dollars, plus the issuing fee for a fishing license; ~~and~~
- 4           D. Ten dollars, plus the issuing fee for a trapping license.

5           **Sec. 5. 12 MRSA §10853, sub-§11**, as affected by PL 2003, c. 614, §9 and  
6 amended by c. 655, Pt. B, §93 and affected by §422, is further amended to read:

7           **11. Permits to accommodate permanent physical disabilities.** The commissioner  
8 may issue a special permit to a person with a permanent physical disability that includes  
9 special authorization that allows that person to hunt, trap or fish at times or in a manner  
10 otherwise prohibited by this Part in order to enhance access to hunting, trapping and  
11 fishing opportunities. No laws or rules may be waived except as are necessary to effect  
12 this subsection. A permit may be issued under this subsection only if:

13           A. The applicant provides the commissioner with a letter signed by a licensed  
14 physician clearly stating the nature of that person's disability, the permanence of the  
15 disability and the extent to which the disability affects that person's ambulatory  
16 ability or endurance; use of one or both hands, arms or legs; or sight or hearing;

17           B. The commissioner determines that the permanent physical disability prevents that  
18 person from safely accessing hunting, trapping or fishing opportunities at the times or  
19 in the manner allowed by this Part or by rules adopted pursuant to this Part; and

20           C. The person meets all other requirements for issuance of that permit and related  
21 licensing requirements and is not otherwise ineligible for that permit.

22 ~~Prior to making a determination of eligibility under this subsection, the commissioner or~~  
23 ~~the commissioner's agent shall meet with the applicant in person at a location chosen by~~  
24 ~~the commissioner to discuss the applicant's needs.~~ Each applicant's disability and needs  
25 must be reviewed in consultation with the disabled hunter, trapper and angler advisory  
26 committee established in section 10152 and a determination made regarding the special  
27 authorization that may be made to enhance the applicant's access to fishing, hunting and  
28 trapping opportunities. A permit issued under this subsection must be signed by the  
29 commissioner and include a clear and specific description of the activities authorized by  
30 that permit. The disabled person shall carry the permit whenever that person is hunting,  
31 trapping or fishing, and the permit must be presented to a game warden or other law  
32 enforcement officer upon request. No laws or rules may be waived except as are  
33 necessary to effect this subsection.

34 The commissioner may authorize only the minimum special exceptions necessary to  
35 overcome the applicant's disability and allow that applicant to safely hunt, trap or fish.  
36 This does not authorize the commissioner to issue special exceptions that endanger public  
37 safety. A permit issued under this subsection does not authorize a person to exceed the  
38 allowable bag or size limits for any fish or wildlife species; to fish for or take a fish or  
39 wildlife species for which a license is not otherwise issued; to fish for, trap or hunt a fish  
40 or wildlife species more than 7 days before the opening or more than 7 days after the  
41 closing of the regular open season for that species; or to fish, trap or hunt in any area  
42 permanently closed to those activities by state law or rule.

1           **Sec. 6. 12 MRSA §11105, 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. Hunter safety course requirements.** A person who applies for a Maine license  
4 to hunt with firearms other than a juvenile license must submit proof of having  
5 successfully completed a hunter safety course as provided in section 10108 or an  
6 equivalent hunter safety course or satisfactory evidence of having previously held ~~an~~ a  
7 valid adult license to hunt with firearms in this State or any other state, province or  
8 country in any year beginning with 1976.

9           When proof of competency can not otherwise be provided, the applicant may substitute a  
10 signed affidavit that the applicant has previously held the required adult hunting license  
11 or that the applicant has successfully completed the required hunter safety course.

12           **Sec. 7. 12 MRSA §11106, sub-§2**, as amended by PL 2007, c. 203, §2, is further  
13 amended to read:

14           **2. Archery hunter education requirements.** A person who applies for an archery  
15 hunting license other than a junior hunting license or an apprenticeship hunter license  
16 must submit proof of having successfully completed an archery hunter education course  
17 as described in section 10108 or an equivalent archery hunter education course or  
18 satisfactory evidence of having previously held ~~an~~ a valid adult archery hunting license  
19 issued specifically for the purpose of hunting with bow and arrow in this State or any  
20 other state, province or country in any year after 1979.

21           When proof or evidence can not be otherwise provided, the applicant may substitute a  
22 signed affidavit that the applicant has previously held the required adult archery hunting  
23 license or has successfully completed the required archery hunter education course.

24           **Sec. 8. 12 MRSA §11106-A, sub-§3**, as amended by PL 2007, c. 203, §4, is  
25 further amended to read:

26           **3. Crossbow hunter education requirements.** A person who applies for a  
27 crossbow hunting license other than a junior hunting license or an apprenticeship hunter  
28 license must submit proof of having successfully completed an archery hunting education  
29 course and a crossbow hunting course as described in section 10108 or equivalent  
30 crossbow and archery hunting education courses or satisfactory evidence of having  
31 previously held valid adult archery and valid crossbow hunting licenses issued  
32 specifically for the purpose of hunting with a crossbow or bow and arrow in this State or  
33 any other state, province or country in any year after 1979.

34           When proof or evidence cannot be otherwise provided, the applicant may substitute a  
35 signed affidavit that the applicant has previously held the required adult crossbow and  
36 archery hunting license or has successfully completed the required crossbow and archery  
37 hunting education courses.

38           **Sec. 9. 12 MRSA §11251, sub-§1, ¶¶C and D**, as enacted by PL 2003, c. 414,  
39 Pt. A, §2 and affected by c. 614, §9, are repealed.



1           2. It allows the commissioner, in addition to current authorization to issue 2 moose  
2 permits to a nonprofit organization providing hunting and fishing adventures to children  
3 under 21 years of age, to issue, in extenuating circumstances, 2 other permits or licenses  
4 for other fishing or hunting adventures.

5           3. It removes the requirement that the commissioner or the commissioner's designee  
6 meet with an applicant with a permanent physical disability seeking special authorization  
7 to hunt, trap or fish in a manner not otherwise authorized.

8           4. It allows a resident or member of the resident's family to trap beaver on land that  
9 is owned and occupied by the resident as a domicile and that is used exclusively for  
10 agricultural purposes.

11          5. It provides for the registration of antique motorboats, which are boats that are  
12 more than 50 years old.

13          6. It allows a resident who is in the military stationed outside of the State to get a  
14 trapping license for the cost of the license to the department and allows the spouse and  
15 children of that resident in the military to get a reduced-fee trapping license.

16          7. It establishes a quorum and attendance requirements for the Inland Fisheries and  
17 Wildlife Advisory Council.

18          8. It clarifies that a person can forgo a hunter education safety course by showing  
19 proof that the person has previously held a valid adult license for the license being  
20 sought.