

MAINE STATE LEGISLATURE

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8/15/15
R. of S.

L.D. 1196

Date: 6/15/15

(Filing No. S-267)

INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 423, L.D. 1196, Bill, "An Act To Correct and Clarify Maine's Fish and Wildlife Laws"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 7 MRSA §3911-A, as amended by PL 2011, c. 100, §5, is further amended to read:

§3911-A. Abandonment of wolf hybrid

A person who abandons a wolf hybrid licensed under section 3922 commits a civil violation for which a fine not to exceed \$1,000 may be adjudged. A person who abandons a wolf hybrid not licensed under section 3922 commits a civil violation for which a fine of \$1,000 must be adjudged ~~and may also be subject to a penalty under Title 12, section 12153.~~ For the purposes of this section "abandon" means to desert. For enforcement purposes a wolf hybrid is abandoned if the animal is found a distance of more than 5 miles from the premises of the owner and is not under the control of any person.

Sec. 2. 12 MRSA §10108, sub-§12 is enacted to read:

12. Camp North Woods program. The Camp North Woods program, referred to in this subsection as "the program," is established to provide youth opportunities to learn outdoors skills about conservation of the State's natural resources. Department staff shall mentor in the program, which may include, but is not limited to, instruction and training in recreational vehicle operation, paddle sports, hunting, fishing, trapping, outdoor survival, navigation, firearm and archery training and wildlife and fish identification. The program is funded solely from the Camp North Woods fund, established under section 10266.'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 12 MRSA §10266 is enacted to read:

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§10266. Camp North Woods fund

The Camp North Woods fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund the Camp North Woods program established under section 10108, subsection 12. All funds collected by the department from the operation of the Camp North Woods program and any donations, grants or other funds presented to the department for the benefit of the Camp North Woods program must be deposited into the fund. All money deposited in the fund and the earnings on the money remain in the fund to be used for the operation of the Camp North Woods program. Unexpended balances in the fund at the end of the fiscal year are nonlapsing and must be carried forward to the next fiscal year to be used for the same purposes.

Sec. 3. 12 MRSA §10658 is enacted to read:

§10658. Unlawful possession of wild animals or wild birds

1. Prohibition. A person may not possess a wild animal or wild bird or any parts of a wild animal or wild bird that the person does not possess by any lawful means in the State or any other jurisdiction.

2. Penalty. A person who violates subsection 1 commits a Class E crime for which a minimum fine of \$500 must be imposed.'

Amend the bill in section 3 in subsection 1 in the 2nd to last line (page 2, line 6 in L.D.) by striking out the following: "big game archery license or big game" and inserting the following: 'archery license or'

Amend the bill by striking out all of section 5 and inserting the following:

'Sec. 5. 12 MRSA §10953, sub-§3 is enacted to read:

3. Crossbow requirements. A person may not hunt with a crossbow unless the crossbow meets the following requirements.

- A. The crossbow must have a shoulder-type stock. A hand-held pistol-type crossbow may not be used.
- B. The draw weight of the crossbow may not be less than 100 pounds.
- C. The arrowhead, including a mechanical broadhead when open, must be at least 7/8 inch in width.
- D. A crossbow arrow that has an explosive or poisonous tip may not be used.
- E. The crossbow must be equipped with a mechanical trigger safety device in working condition.
- F. The crossbow may be equipped with a scope or sight.

A person who violates this subsection commits a Class E crime.'

Amend the bill by inserting after section 6 the following:

'Sec. 7. 12 MRSA §11108, sub-§1, as amended by PL 2015, c. 136, §6 and affected by §12, is further amended to read:

1 **1. On certain land.** Notwithstanding section 11109, subsection 1 as it applies to this
2 subchapter, and subject to all other applicable laws and rules, a resident and a member of
3 the resident's immediate family, as long as the hunter's license to hunt is not under
4 suspension or revocation, may hunt without a license, including, but not limited to, an
5 archery hunting license, a crossbow hunting license and a muzzle-loading license, on a
6 single plot of land:

- 7 A. To which they are legally entitled to possession;
- 8 B. On which they are actually domiciled;
- 9 C. That is used exclusively for agricultural purposes; and
- 10 D. That is in excess of 10 acres.'

11 Amend the bill by striking out all of section 8 and inserting the following:

12 '**Sec. 8. 12 MRSA §11109, sub-§3, ¶F**, as amended by PL 2015, c. 136, §10 and
13 affected by §12, is further amended to read:

14 F. A nonresident junior hunting license, for a person under 16 years of age, is \$34.
15 Notwithstanding the permit fees established in subchapter 3, a nonresident junior
16 hunting license includes all permits, stamps and other permissions needed to hunt at
17 no additional cost. A nonresident junior hunting license does not exempt the holder
18 of the license from lottery-related application requirements under this Part.

19 **Sec. 9. 12 MRSA §11110**, as amended by PL 2005, c. 74, §1, is repealed and the
20 following enacted in its place:

21 **§11110. Transfer of hunting areas or zones**

22 **1. Transfer permitted.** A person who has been assigned a designated hunting area,
23 zone or season by the department for purposes of hunting a game animal may exchange
24 that designated zone, area or season with another person assigned a different hunting
25 zone, area or season for the same game animal for purposes of hunting that same game
26 animal. The commissioner may adopt rules to implement this section. Rules adopted
27 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
28 subchapter 2-A.

29 **2. Transfer of moose permit for consideration prohibited.** Notwithstanding
30 subsection 1, the holder of a moose permit who has been assigned a designated hunting
31 area, zone or season by the department may not exchange that designated zone, area or
32 season with another person assigned a different hunting zone, area or season for any
33 consideration other than the other person's different hunting zone, area or season. A
34 person who violates this subsection commits a Class D crime.

35 **Sec. 10. 12 MRSA §11214, sub-§1, ¶G**, as amended by PL 2013, c. 538, §27, is
36 further amended to read:

37 G. Hunt a wild animal or wild bird with a set bow ~~or, except as provided in section~~
38 ~~10953, hunt a wild animal or wild bird with a crossbow;~~

39 **Sec. 11. 12 MRSA §11214, sub-§1, ¶¶N and O**, as enacted by PL 2003, c. 414,
40 Pt. A, §2 and affected by c. 614, §9, are amended to read:

1 N. Hunt a wild animal or wild bird by any method other than by the usual method of
2 shooting with a firearm not larger than number 10-gauge or, shooting with a hand-
3 held bow and arrow or shooting with a crossbow or by falconry; or

4 O. Possess a wild animal or wild bird taken in violation of this section, except as
5 otherwise provided in this Part; or

6 **Sec. 12. 12 MRSA §11214, sub-§1, ¶P** is enacted to read:

7 **P. Use a bow and arrow to hunt deer, bear or moose unless:**

8 (1) For hunting deer and bear, the minimum draw weight of the bow is 35
9 pounds;

10 (2) For hunting moose, the minimum draw weight of the bow is 45 pounds; and

11 (3) The arrowhead, including mechanical broadheads when open, is at least 7/8
12 inch in width.

13 **Sec. 13. 12 MRSA §11227, sub-§1-A** is enacted to read:

14 **1-A. Prohibited bait.** Notwithstanding any authorization to use or place bait or bear
15 bait under this Part, a person may not place a medicinal, poisonous or stupefying
16 substance to entice an animal to that place. A person who violates this subsection
17 commits a Class E crime.

18 **Sec. 14. 12 MRSA §11305** is enacted to read:

19 **§11305. Unlawful firearms for hunting bear**

20 **1. Prohibition.** A person may not use a .17 or .22 caliber rimfire firearm or a
21 shotgun using shot loads to hunt bear.

22 **2. Penalty.** A person who violates subsection 1 commits a Class E crime.'

23 Amend the bill by inserting after section 9 the following:

24 **'Sec. 10. 12 MRSA §11403, sub-§2, ¶A,** as amended by PL 2007, c. 163, §2 and
25 affected by §3, is further amended to read:

26 A. A person may not take a deer during a regular archery-only season unless that
27 person uses a hand-held bow and broadhead arrow ~~with the following specifications~~
28 in accordance with section 11214, subsection 1, paragraph P.

29 ~~(1) Bows must have a minimum draw weight of 35 pounds.~~

30 ~~(2) Arrowheads, including mechanical broadheads when open, must be at least~~
31 ~~7/8 inch in width.~~

32 **Sec. 11. 12 MRSA §11605, sub-§1,** as enacted by PL 2011, c. 253, §20, is
33 amended to read:

34 **1. Prohibitions.** A ~~From September 1st to December 15th~~ a person may not, ~~during~~
35 ~~open hunting season on moose:~~

36 A. Place salt or any other bait or food in a place to entice moose to that place; or

1 B. Hunt from an observation stand or blind overlooking salt, grain, fruit, nuts or
2 other foods known to be attractive to moose. This prohibition does not apply to
3 hunting ~~from an observation stand or blind overlooking over:~~

- 4 (1) Standing crops; or
- 5 (2) Foods that are left as a result of normal agricultural operations or as a result
- 6 of a natural occurrence; ~~or.~~
- 7 ~~(3) Bear bait that is placed at a bear hunting stand or blind in accordance with~~
- 8 ~~section 11301, subsection 1.~~

9 **Sec. 12. 12 MRSA §11801, sub-§2, ¶B**, as enacted by PL 2003, c. 414, Pt. A, §2
10 and affected by c. 614, §9, is amended to read:

11 B. Engage in an organized drive of any manner while hunting wild turkeys; or

12 **Sec. 13. 12 MRSA §11801, sub-§2, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2
13 and affected by c. 614, §9, is repealed.

14 **Sec. 14. 12 MRSA §11802** is enacted to read:

15 **§11802. Baiting wild turkeys**

16 **1. Prohibitions.** From September 1st to December 15th and during the spring wild
17 turkey hunting season established pursuant to section 11701, subsection 1, a person may
18 not:

- 19 A. Place any bait or food in a place to entice a wild turkey to that place; or
- 20 B. Hunt from an observation stand or blind overlooking bait or food known to be
- 21 attractive to wild turkey. This prohibition does not apply to hunting from an
- 22 observation stand or blind overlooking:
 - 23 (1) Standing crops; or
 - 24 (2) Foods that are left as a result of normal agricultural operations or as a result
 - 25 of a natural occurrence.

26 **2. Penalty.** A person who violates subsection 1 commits a Class E crime.

27 **Sec. 15. 12 MRSA §11851**, as amended by PL 2013, c. 280, §8, is further
28 amended to read:

29 **§11851. Hunting or trapping wild birds**

30 **1. Unlawfully hunting or trapping wild birds.** A person may not hunt or trap a
31 wild bird, other than the English or European house sparrow, the rock ~~dove~~ pigeon and
32 the European starling, except as provided in this Part.

33 **2. Unlawful possession of wild birds.** A person may not possess, alive or dead, a
34 wild bird, other than the English or European house sparrow, the rock ~~dove~~ pigeon and
35 the European starling, except as provided in this Part.

36 **3. Penalty.** A person who violates this section commits a Class E crime.'

R. of S.

1 Amend the bill by inserting after section 10 the following:

2 'Sec. 11. 12 MRSA §12153, as repealed and replaced by c. 655, Pt. B, §202 and
3 affected by §422, is repealed.

4 Sec. 12. 12 MRSA §12202, first ¶, as amended by PL 2013, c. 408, §18, is
5 further amended to read:

6 A Notwithstanding section 12201, subsection 1 and subject to all other applicable
7 laws and rules, a resident and a member of the resident's immediate family, as long as the
8 trapper's license to trap is not under suspension or revocation, may trap for wild animals
9 without a trapping license issued under section 12201 on land.'

10 Amend the bill by inserting after section 11 the following:

11 'Sec. 12. 12 MRSA §12252, sub-§2, ¶C, as enacted by PL 2003, c. 414, Pt. A,
12 §2 and affected by c. 614, §9, is amended to read:

13 C. Deposit any medicinal, poisonous or stupefying substance for the purpose of
14 killing, taking, catching, wounding, harming or molesting any wild animal or wild
15 bird, except that a landowner or member of the landowner's immediate family may
16 use gas cartridges on the landowner's own land for woodchuck control; or

17 Sec. 13. 12 MRSA §12255, sub-§1, ¶A, as amended by PL 2003, c. 655, Pt. B,
18 §217 and affected by §422, is further amended to read:

19 A. While trapping in an organized or incorporated place:

20 (1) Check each trap, except killer-type traps or drowning sets, at least once in
21 every calendar day; and

22 (2) Check each killer-type trap or drowning set at least once in every 3 calendar
23 days, except that a drowning set placed within 1/2 mile of a city, town or village
24 center must be checked at least once in every calendar day; and

25 Sec. 14. 12 MRSA §12456, sub-§1-A, ¶A, as enacted by PL 2009, c. 214, §5, is
26 amended to read:

27 A. The open-water fishing season on boundary waters between Maine and New
28 Brunswick is from April ~~15th~~ 1st to September 30th, inclusive.

29 Sec. 15. 12 MRSA §12502, as amended by PL 2009, c. 211, Pt. B, §7, is repealed.

30 Sec. 16. 12 MRSA §12503, sub-§2, as amended by PL 2003, c. 655, Pt. B, §249
31 and affected by §422, is further amended to read:

32 2. Land used for agricultural purposes; domicile. Any Notwithstanding section
33 12503, subsection 1 and subject to all other applicable laws and rules, any resident and
34 any member of the resident's immediate family, as long as the angler's license to fish is
35 not under suspension or revocation, may fish without a license in open inland waters from
36 land:

37 A. To which they are legally entitled to possession;

38 B. On which they are actually domiciled; and

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C. That is used exclusively for agricultural purposes.

Sec. 17. 12 MRSA §12551-A, sub-§7, ¶A, as amended by PL 2009, c. 340, §16, is further amended to read:

A. The holder of a smelt wholesale dealer's license may:

(1) Take live smelts for resale from inland waters or private ponds. The taking of live smelts from inland waters must be in accordance with general rules adopted by the commissioner in regard to the taking of smelts. Except as provided in paragraph B, the holder of a smelt wholesaler's license shall comply with the same daily bag limit and the same tackle restrictions that apply to all other anglers and is subject to the same penalties for violations of those limits and restrictions. This subparagraph does not apply to a holder of a fish cultivator license as provided under section 12507;

(2) Use Beginning on the date the body of water on which the smelts are taken is open to ice fishing and ending March 31st annually, use a drop net, a lift net or hook and line to take up to 8 quarts of smelts through man-made openings in the ice while fishing on the ice from specific inland waters designated by the commissioner. A dip net may be used in conjunction with the above methods to assist with the handling and transporting of smelts. A licensee may keep the daily bag limit alive. The daily bag limit established under this subparagraph is for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day;

(2-A) In waters naturally free of ice, take smelts from noon to 2:00 a.m. by the use of a dip net in the usual and ordinary way. The commissioner may establish the daily bag limit by rule and a licensee may keep the daily bag limit of smelts alive. The daily bag limit established under this subparagraph is for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may shorten the noon to 2:00 a.m. smelt fishing ~~timeframe~~ time frame by rule for enforcement or conservation purposes;

(3) Use artificial light for the purpose of luring smelts to a drop net or a lift net;

(4) Transport or possess at the holder's business facility more than the daily bag limit of smelts provided that the smelts were taken by the license holder in accordance with this section or acquired from a person licensed under this section to deal in live smelts;

(5) Designate others to assist in selling live smelts at the holder's business facility; and

(6) Transport or designate others to transport on the license holder's behalf live smelts in accordance with this subsection.

Sec. 18. 12 MRSA §12553, sub-§1-A, as enacted by PL 2003, c. 655, Pt. B, §263 and affected by §422, is amended to read:

1-A. Unlawfully selling, using or possessing baitfish. Except as provided in this subsection and for baitfish as defined in section 10001, subsection 6, a person may not:

COMMITTEE AMENDMENT

i. of S.

- 1 A. Sell or offer for sale fish as bait for the purpose of fishing; or
- 2 B. Use or possess fish as bait for the purpose of fishing.

3 Nothing in this Title prohibits the use of commercially prepared eggs from species that do
 4 not naturally occur in the State for bait. A person may take baitfish from all inland waters
 5 of the State during the period that those waters are open to fishing ~~and the commissioner~~
 6 ~~may grant permits in accordance with section 12513 to take baitfish from certain waters~~
 7 ~~at any time.~~

8 A person who violates this subsection commits a Class E crime. The court shall, in
 9 addition, impose a fine of \$20, none of which may be suspended, for each fish illegally
 10 possessed.

11 **Sec. 19. 12 MRSA §12611**, as enacted by PL 2003, c. 655, Pt. B, §273 and
 12 affected by Pt. B, §422, is amended to read:

13 **§12611. Illegal possession of live fish**

14 Except as otherwise provided in this Part, a person who ~~legally~~ takes a fish, other
 15 than baitfish or smelt, from inland waters pursuant to this Part shall immediately release
 16 that fish alive into the waters from which it was taken or immediately kill that fish. Any
 17 fish killed pursuant to this section becomes part of the daily bag limit. A person who
 18 possesses a fish in violation of this section commits a Class E crime.

19 **Sec. 20. 12 MRSA §12661, sub-§1, ¶A**, as amended by PL 2009, c. 214, §11, is
 20 further amended to read:

- 21 A. ~~May not leave or allow~~ Must remove or cause to be removed the shack or
- 22 ~~structure to remain~~ on the ice of any inland waters ~~after April 1st~~ prior to the earlier
- 23 of the date of ice out or 3 days after the close of the ice fishing season established
- 24 pursuant to section 12454; or

25 **Sec. 21. 12 MRSA §12804, sub-§5** is enacted to read:

26 **5. Confidential information.** Specific information concerning the location of a
 27 threatened or endangered species is confidential and not a public record under Title 1,
 28 chapter 13 if, in the judgment of the commissioner, disclosure of that information would
 29 threaten the continued existence of the threatened or endangered species. If the
 30 commissioner determines that information is confidential under this subsection, the
 31 commissioner may not disclose the information except to the landowner whose property
 32 is the location of the threatened or endangered species.

33 **Sec. 22. 12 MRSA §12952, sub-§2-A, ¶A**, as enacted by PL 2003, c. 655, Pt. B,
 34 §343 and affected by §422, is amended to read:

- 35 A. The holder of a taxidermist license shall:
 - 36 (1) Keep a true and complete record, in such form as required by the
 - 37 commissioner, of all activities conducted by virtue of the taxidermist license; ~~and~~
 - 38 (2) File a copy of the record with the commissioner no later than 10 days after
 - 39 the end of the year during which the license is valid; ~~and~~

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(3) Retain a record of taxidermy work completed for a period of 4 years after the date of completion of the work.

Sec. 23. 12 MRSA §12952, sub-§3, as repealed and replaced by PL 2003, c. 655, Pt. B, §344 and affected by §422, is amended to read:

3. Records inspection. Records retained under subsection 2-A must be open for inspection by any agent of the commissioner during normal business hours for the period the person holds a taxidermist license and 30 days after the effective date of a revocation or the expiration of that license.

Amend the bill by inserting after section 12 the following:

'Sec. 13. 12 MRSA §13069-B, sub-§1, as enacted by PL 2005, c. 436, §4, is amended to read:

1. Provide information. The operator of a watercraft involved in a collision or accident that results in property damage ~~estimated to be in an amount of \$1,000 or more~~ shall provide the owner or operator of that property:

- A. The operator's name and address; and
- B. The registration number of the operator's watercraft.

Sec. 14. 12 MRSA §13069-C, sub-§2, as enacted by PL 2005, c. 436, §4, is amended to read:

2. Damage to watercraft. Accidents involving only damage to watercraft or other property to the estimated amount of ~~\$1,000~~ \$2,000 or more must be reported within 72 hours on forms provided by the commissioner.'

Amend the bill by inserting after section 18 the following:

'Sec. 19. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Camp North Woods Fund N216

Initiative: Provides allocations to establish the Camp North Woods Fund.

| | | |
|--|----------------|----------------|
| OTHER SPECIAL REVENUE FUNDS | 2015-16 | 2016-17 |
| All Other | \$500 | \$500 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | <u>\$500</u> | <u>\$500</u> |

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

This amendment creates the Camp North Woods program to provide outdoor learning opportunities to youth and creates the Camp North Woods fund. The amendment prohibits possession of wild animals or wild birds that a person does not possess by lawful means. The amendment stipulates that if a person hunts with a crossbow that does not meet certain requirements, that person commits a Class E crime. The amendment prohibits the exchange of a moose permit for any consideration other than another moose permit. The amendment imposes certain requirements for hunting deer, bear or moose with bow and arrow and firearms and prohibits the use of medicinal, poisonous or stupefying substances as bait. The amendment provides that an ice shack must be removed from a body of water upon the earlier of the date of ice out or 3 days after the close of ice fishing season. The amendment creates a public records exception for information concerning the location of a threatened or endangered species. The amendment increases the minimum amount of damage to watercraft that requires reporting to the Commissioner of Inland Fisheries and Wildlife from \$1,000 in current law to \$2,000. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



127th MAINE LEGISLATURE

LD 1196

LR 578(02)

An Act To Correct and Clarify Maine's Fish and Wildlife Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-267)

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

| | FY 2015-16 | FY 2016-17 | Projections FY 2017-18 | Projections FY 2018-19 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| Appropriations/Allocations | | | | |
| Other Special Revenue Funds | \$500 | \$500 | \$500 | \$500 |

Correctional and Judicial Impact Statements

Establishes new Class E crimes and civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

The bill includes \$500 Other Special Revenue Funds allocations beginning in fiscal year 2015-16 to establish the Camp North Woods Fund as part of the Camp North Woods program within the Department of Inland Fisheries and Wildlife (IFW). The program provides youth opportunities to learn outdoor skills and is funded through operation of the Camp North Woods program, donations and grants. The bill also eliminates the \$75 youth camp fishing license. Any additional costs or revenue impact to IFW are expected to be minor.