

MAINE STATE LEGISLATURE

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L.D. 1226

Date: 6/15/15 Minority

(Filing No. H- 431)

INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 844, L.D. 1226, Bill, "An Act To Establish a Comprehensive Hunting License"

Amend the bill by striking out the title and substituting the following:

'An Act To Establish a Hunting Permit Package'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 12 MRSA §10201, sub-§5, as amended by PL 2009, c. 340, §7, is repealed.

Sec. 2. 12 MRSA §10206, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4. Migratory waterfowl revenues. ~~All revenues~~ Not less than \$83,000 of revenues derived from the sale of permits and art in conjunction with the permits under section 10201, subsection 5 and section 11157 permit packages issued under section 11161 must be deposited into a special account within the department, and that account must be used for acquisition of waterfowl habitat and waterfowl management activities.

Sec. 3. 12 MRSA §10206, sub-§10, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

10. Pheasant hunting permit revenues. Revenues Not less than \$22,000 of revenues generated from the sale of pheasant hunting permits permit packages issued under section 11161 must be deposited into a separate account within the department, to be known as the Pheasant Fund and referred to in this subsection as the "fund." The fund is nonlapsing. The fund may be used only for costs directly related to the administration of the pheasant program, including grants to a qualified rod and gun club or qualified hunting-oriented organization to help defray the costs of purchasing and raising pheasants in accordance with an agreement with the commissioner entered into in accordance with section 10108, subsection 9.

COMMITTEE AMENDMENT

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1 **Sec. 4. 12 MRSA §10260**, as enacted by PL 2007, c. 168, §1 and affected by §8,
2 is amended to read:

3 **§10260. Black Bear Research Fund**

4 The Black Bear Research Fund, referred to in this section as "the fund," is established
5 within the department as a nonlapsing fund to be used by the commissioner to fund or
6 assist in funding studies related to the management of black bears. ~~Revenue from the~~
7 ~~nonresident late season bear hunting permit under section 11151-A and the~~ Not less than
8 \$31,000 of revenues generated from the sale of permit packages under section 11161 and
9 all revenues generated from the sale of bear trapping permit permits under section 12260-
10 A must be deposited in the fund. The commissioner may accept and deposit into the fund
11 monetary gifts, donations or other contributions from public or private sources for the
12 purposes specified in this section. The fund must be held separate and apart from all
13 other money, funds and accounts.

14 **Sec. 5. 12 MRSA §10853, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and
15 affected by c. 614, §9, is amended to read:

16 **1. Residents over 70 years of age.** A complimentary license to hunt, trap or fish,
17 including an archery license under section 11109, subsection 7, ~~a pheasant hunting permit~~
18 ~~under section 11156, a muzzle loading hunting license under section 11109, subsection 4,~~
19 ~~a migratory waterfowl permit under section 11157 and a bear hunting permit under~~
20 ~~section 11151~~ and a permit package under section 11161, must be issued to a resident
21 who is 70 years of age or older upon application to the commissioner.

22 A. A resident who applies for a complimentary license under this section at any time
23 during the calendar year of that resident's 70th birthday must be issued a license upon
24 application, regardless of the actual date during that calendar year in which that
25 resident attains 70 years of age. A guide license may be renewed without charge for
26 a resident who is 70 years of age or older upon application to the commissioner. The
27 application must be accompanied by a birth certificate or other certified evidence of
28 the applicant's date of birth and residency.

29 B. Beginning January 1, 2006, the department may not issue a complimentary
30 license to a resident over 70 years of age. A complimentary license issued to a
31 resident over 70 years of age prior to January 1, 2006 is valid as long as the license
32 holder satisfies the residency requirements set out in section 10001, subsection 53.

33 C. A complimentary license issued under this subsection remains valid for the
34 remainder of the life of the license holder, as long as the license holder continues to
35 satisfy the residency requirements set out in section 10001, subsection 53 and the
36 license is not revoked or suspended.

37 **Sec. 6. 12 MRSA §10853, sub-§1-A**, as enacted by PL 2005, c. 75, §1, is
38 amended to read:

39 **1-A. Residents 100 years of age or older.** A Notwithstanding section 11161, a
40 complimentary antlerless deer permit under section 11152 may be issued to a resident of
41 the State who is 100 years of age or older upon application to the commissioner.

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1 A. A resident who applies for a complimentary antlerless deer permit under this
2 subsection at any time during the calendar year of that resident's 100th birthday may
3 be issued the permit regardless of the actual date during that calendar year in which
4 that resident attains 100 years of age. The application must be accompanied by a birth
5 certificate or other certified evidence of the applicant's date of birth and proof of
6 residency.

7 B. A complimentary antlerless deer permit issued under this subsection remains valid
8 for the remainder of the life of the permit holder, as long as the permit holder
9 continues to satisfy the residency requirements set out in section 10001, subsection
10 53 and the permit is not revoked or suspended.

11 **Sec. 7. 12 MRSA §11106-A**, as amended by PL 2015, c. 136, §4, is repealed and
12 the following enacted in its place:

13 **§11106-A. Eligibility for crossbow hunting license**

14 A person who holds a valid permit package issued pursuant to section 11161 may
15 hunt with a crossbow.

16 **Sec. 8. 12 MRSA §11107**, as amended by PL 2015, c. 136, §5, is repealed and the
17 following enacted in its place:

18 **§11107. Eligibility for hunting with muzzle-loader**

19 A person who holds a valid permit package issued pursuant to section 11161 may
20 hunt with a muzzle-loader.

21 **Sec. 9. 12 MRSA §11108, sub-§1**, as amended by PL 2015, c. 136, §6, is further
22 amended to read:

23 **1. On certain land.** Notwithstanding section 11109, subsection 1 as it applies to this
24 subchapter, a resident and a member of the resident's immediate family, as long as the
25 hunter's license to hunt is not under suspension or revocation, may hunt without a license,
26 including, but not limited to, an archery hunting license, ~~a crossbow hunting license and a~~
27 ~~muzzle-loading license~~, on a single plot of land:

- 28 A. To which they are legally entitled to possession;
- 29 B. On which they are actually domiciled;
- 30 C. That is used exclusively for agricultural purposes; and
- 31 D. That is in excess of 10 acres.

32 **Sec. 10. 12 MRSA §11109, sub-§3, ¶E-1**, as amended by PL 2009, c. 213, Pt.
33 OO, §2, is further amended to read:

34 E-1. A resident apprenticeship hunter license, which includes a ~~bear hunting permit~~
35 ~~and a wild turkey hunting permit under sections 11151 and 11155 respectively~~ permit
36 package under section 11161, is \$25.

37 **Sec. 11. 12 MRSA §11109, sub-§3, ¶P**, as amended by PL 2009, c. 213, Pt. OO,
38 §2, is further amended to read:

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1 P. A nonresident big game apprenticeship hunter license, which permits the hunting
2 of all legal species and includes a ~~bear hunting permit and a wild turkey hunting~~
3 ~~permit under sections 11151 and 11155 respectively~~ permit package under section
4 11161, is \$114.

5 **Sec. 12. 12 MRSA §11109, sub-§4**, as amended by PL 2005, c. 397, Pt. E, §6, is
6 repealed.

7 **Sec. 13. 12 MRSA §11109, sub-§5**, as amended by PL 2009, c. 213, Pt. OO, §3,
8 is repealed.

9 **Sec. 14. 12 MRSA §11109, sub-§8**, as enacted by PL 2005, c. 419, §5 and
10 affected by §12, is repealed.

11 **Sec. 15. 12 MRSA §11109, sub-§9**, as amended by PL 2009, c. 213, Pt. OO, §5,
12 is repealed.

13 **Sec. 16. 12 MRSA §11151**, as amended by PL 2009, c. 213, Pt. OO, §6, is further
14 amended to read:

15 **§11151. Bear hunting permit**

16 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
17 may not hunt for bear without a valid permit package issued pursuant to section 11161
18 from the first Monday preceding September 1st to the day preceding the open firearm
19 season on deer. This section does not apply to trapping for bear.

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

23 ~~**2. Eligibility; big game license required.** A person who possesses a valid license to~~
24 ~~hunt big game may obtain a permit to hunt for bear from the commissioner or an~~
25 ~~authorized agent.~~

26 ~~**3. Issuance; permit fee.** The commissioner, through the commissioner's authorized~~
27 ~~agent, shall issue a bear hunting permit to an eligible person. The annual fee for each~~
28 ~~permit issued is \$27 for residents and \$74 for nonresidents.~~

29 **Sec. 17. 12 MRSA §11151-A**, as enacted by PL 2007, c. 168, §4 and affected by
30 §8, is repealed.

31 **Sec. 18. 12 MRSA §11153, sub-§1**, as amended by PL 2005, c. 12, Pt. III, §8, is
32 further amended to read:

33 **1. Special season deer hunting permits; authority to issue for special season.**
34 The commissioner may implement a permit system to regulate hunter participation in a
35 special season established by the commissioner pursuant to section 11402, subsection 4,
36 paragraph B and the number, sex and age of deer harvested. If permits other than
37 expanded archery permits are issued, the fee for a deer permit other than an antlerless
38 deer permit is \$32 and the fee for an antlerless deer permit is \$12. The commissioner
39 may grant the authority to hunt during an expanded archery season for antlerless deer or
40 deer of either sex only as part of a permit package issued pursuant to section 11161.

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1 **Sec. 19. 12 MRSA §11155, sub-§1**, as amended by PL 2003, c. 552, §2 and
2 affected by §15, c. 614, §9 and c. 655, Pt. C, §§2 and 6, is further amended to read:

3 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
4 may not hunt or possess wild turkey unless that person has a valid permit package issued
5 under ~~this~~ section 11161.

6 A person who violates this subsection commits a Class E crime for which the court shall
7 impose a fine of not less than \$500, none of which may be suspended. The court also
8 shall impose a fine of \$500 for each wild turkey unlawfully possessed, none of which
9 may be suspended.

10 **Sec. 20. 12 MRSA §11155, sub-§1-A**, as amended by PL 2015, c. 127, §3 and
11 affected by §6, is repealed.

12 **Sec. 21. 12 MRSA §11155, sub-§1-C**, as enacted by PL 2013, c. 387, §2, is
13 repealed.

14 **Sec. 22. 12 MRSA §11156**, as amended by PL 2005, c. 12, Pt. III, §15, is further
15 amended to read:

16 **§11156. Pheasant hunting permit**

17 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
18 may not hunt pheasant in Cumberland County or York County unless that person has a
19 valid permit package issued under ~~this~~ section 11161. Each day a person violates this
20 subsection that person commits a Class E crime for which a minimum fine of \$50 and an
21 amount equal to twice the applicable license fee must be imposed.

22 **2. Rules.** The commissioner may adopt rules necessary for the proper
23 administration, enforcement and interpretation of this section. Rules adopted pursuant to
24 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
25 2-A.

26 ~~**3. Issuance.** The commissioner or the commissioner's authorized agent may issue a
27 pheasant hunting permit to an applicant 16 years of age or older permitting the applicant
28 to hunt or possess pheasants in Cumberland County and York County. A person under 16
29 years of age may hunt or possess pheasants in accordance with this Part, except that a
30 person under 16 years of age is not required to purchase or carry a pheasant hunting
31 permit in order to hunt or possess pheasants.~~

32 ~~**4. Fee.** The fee for a pheasant hunting permit is \$18, \$1 of which is retained by the
33 commissioner's authorized agent.~~

34 **Sec. 23. 12 MRSA §11157**, as amended by PL 2005, c. 12, Pt. III, §16, is further
35 amended to read:

36 **§11157. Migratory waterfowl permit**

37 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
38 may not hunt migratory waterfowl unless that person has a valid permit package issued
39 pursuant to ~~this~~ section 11161. Each day a person violates this subsection that person

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commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

~~2. Issuance of permit. The commissioner or the commissioner's authorized agent shall issue a migratory waterfowl hunting permit to an applicant 16 years of age or older permitting the applicant to hunt or possess migratory waterfowl. A person under 16 years of age may, without a permit, hunt or possess migratory waterfowl in accordance with this Part.~~

~~3. Fee. The fee for a migratory waterfowl hunting permit is \$7.50, 25¢ of which must be retained by the agent.~~

~~4. Expiration date. Migratory waterfowl hunting permits expire on December 31st of the year issued.~~

Sec. 24. 12 MRSA §11160, as amended by PL 2005, c. 12, Pt. III, §18 and corrected by RR 2011, c. 1, §17, is further amended to read:

§11160. Coyote night hunting permit

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt coyote at night unless that person has a valid permit package issued under this section 11161. Each night a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

~~2. Eligibility; hunting license required. A person who possesses a valid hunting license is eligible to obtain a permit from the commissioner to hunt coyotes at night, except that a permit may not be issued to a person who has been convicted of a violation of section 11206 within 5 years of the date of application for the permit.~~

~~3. Issuance. The commissioner shall issue a permit to hunt coyotes at night to eligible persons at a fee of \$4.~~

Sec. 25. 12 MRSA §11161 is enacted to read:

§11161. Permit package

A person must have a permit to hunt with a crossbow or muzzle-loader and to hunt for bear, wild turkey, pheasant, migratory waterfowl, coyote at night and under an expanded archery permit. A permit package authorizes a person to hunt using the following methods and for the following species:

1. Hunting with a crossbow; requirements. The holder of a permit package may hunt with a crossbow under the following circumstances.

A. A resident or nonresident 16 years of age or older who has satisfied the requirements of paragraph C and who holds a valid hunting license issued pursuant to section 11101 or an apprenticeship hunter license issued pursuant to section 11109, subsection 3, paragraphs E-1, O or P may hunt with a crossbow.

B. A resident or nonresident 10 years of age or older and under 16 years of age may hunt with a crossbow if that person holds a valid junior hunting license.

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1 C. A person who has submitted proof of having successfully completed an archery
2 hunting education program and a crossbow hunting education program as described
3 in section 10108 or equivalent archery and crossbow hunting education programs or
4 satisfactory evidence of having previously held a valid adult archery license or a
5 license issued specifically for the purpose of hunting with a crossbow or bow and
6 arrow in this State or any other state, province or country in any year after 1979 may
7 hunt with a crossbow.

8 When proof or evidence cannot be otherwise provided, a person who applies for a permit
9 package may substitute a signed affidavit that the person has previously held the required
10 adult crossbow and archery hunting license or has successfully completed the required
11 crossbow and archery hunting education programs under paragraph C.

12 A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation,
13 the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs who presents
14 certification from the respective reservation governor or the Aroostook Micmac Council
15 stating that the person is an enrolled member of a federally recognized nation, band or
16 tribe listed in this paragraph is exempt from the requirements of this subsection.

17 A member of the Armed Forces of the United States on active duty who is permanently
18 stationed outside of the United States and who is home on leave is exempt from crossbow
19 hunter education program requirements under paragraph C if that member shows proof to
20 the department prior to hunting with a crossbow that that member's home state of record,
21 as recorded in that person's military service records, is Maine. A person who no longer
22 meets the requirements of this subsection must satisfy the conditions for exemption under
23 paragraph C.

24 **2. Hunting with a muzzle-loader; requirements.** The holder of a permit package
25 may hunt with a muzzle-loader if:

26 A. The person is 16 years of age or older at the beginning of the special season
27 established pursuant to section 11404, subsection 1-A and holds a valid hunting
28 license issued pursuant to section 11101;

29 B. The person is 10 years of age or older and under 16 years of age and holds a valid
30 junior hunting license; or

31 C. The person holds an apprenticeship hunter license.

32 **3. Bear hunting.** The holder of a permit package and a hunting license issued
33 pursuant to section 11101 may hunt for bear in accordance with section 11151.

34 **4. Wild turkey hunting.** The holder of a permit package and a hunting license
35 issued pursuant to section 11101 may hunt for wild turkey subject to the wild turkey
36 hunting seasons established by the commissioner by rule and in accordance with section
37 11155.

38 **5. Pheasant hunting.** A person 16 years of age or older who holds a permit package
39 and a hunting license issued pursuant to section 11101 may hunt pheasant in Cumberland
40 County or York County in accordance with section 11156. A person under 16 years of
41 age is not required to hold a permit to hunt or possess pheasants.

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6. Migratory waterfowl hunting. A person 16 years of age or older who holds a permit package may hunt for migratory waterfowl in accordance with section 11157.

7. Coyote night hunting. A person who holds a hunting license issued pursuant to section 11101 may hunt coyotes at night in accordance with section 11160 unless the person has been convicted of a violation of section 11206 within 5 years of the date of application for the permit package.

8. Expanded archery hunting. If expanded archery permits are issued pursuant to section 11153, the holder of a permit package issued under this section must be issued an expanded archery permit subject to all other provisions of section 11153.

9. Issuance. The commissioner shall issue a permit package to a person who is eligible to hunt using any of the methods or for any of the species specified in this section. A person may be issued a permit package without meeting all of the requirements of this section, but the person may not hunt using a method of hunting or for a species specified in this section until the person meets the eligibility requirements for that method or species as specified in this section. All restrictions and conditions on hunting and fishing apply to the holder of a permit package.

10. Fee. The fee for a permit package is \$34 except as otherwise provided.

Sec. 26. Transition. Beginning January 1, 2016, the Department of Inland Fisheries and Wildlife may issue the permit package established under the Maine Revised Statutes, Title 12, section 11161.'

SUMMARY

This amendment changes the title and replaces the bill. This amendment creates a permit package, which authorizes the holder to hunt with a crossbow or muzzle-loader, and authorizes the holder to hunt bear, wild turkey, pheasant, migratory waterfowl, coyote at night and antlerless deer and deer of either sex during an expanded archery season, if an expanded archery season is adopted by the Department of Inland Fisheries and Wildlife by rule. The fee for the permit package is \$34 except as otherwise provided.

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Approved: 06/15/15 *MJC*



127th MAINE LEGISLATURE

LD 1226

LR 594(02)

An Act To Establish a Comprehensive Hunting License

Fiscal Note for Bill as Amended by Committee Amendment *A(H-431)*

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor revenue impact - General Fund

Minor revenue impact - Other Special Revenue Funds

Fiscal Detail and Notes

The bill eliminates the muzzle loading permit, crossbow hunting license, bear hunting permit, combined fall and spring turkey hunting permit, pheasant hunting permit, migratory waterfowl hunting permit and night coyote hunting permit. This bill establishes a permit package at \$34 each, allowing holders of the permit package to hunt coyotes at night, bears, wild turkeys, pheasants, migratory waterfowl, antlerless deer and deer during an expanded archery season if an expanded archery season is adopted by rule. This bill directs no less than \$22,000, \$31,000 and \$83,000 of revenues from permit packages to go to the Pheasant Fund, Black Bear Research Fund and an account within the Department of Inland Fisheries and Wildlife (IFW) used for acquisition of waterfowl habitat and waterfowl management activities, respectively. IFW indicated that offering this permit package at \$34 each will result in no net General Fund or Other Special Revenue Funds revenue change.