

MAINE STATE LEGISLATURE

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3 May
R. 485

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Date: 5/26/17 minority

L.D. 694
(Filing No. H-311)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 485, L.D. 694, Bill, "An Act To Create a Local Option for a Sunday Exception Allowing Deer Hunting with Rifles"

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

'An Act To Establish Youth Hunting Weekends'

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

'Sec. 1. 12 MRSA §10501, sub-§9, as amended by PL 2003, c. 511, §1 and affected by §3 and c. 614, §§9 and 10, is further amended to read:

9. Possession of hunting equipment on Sunday. Possession of hunting equipment in the fields or forests or on the waters or ice in the State on Sunday is prima facie evidence of a violation of section 11205, unless:

- A. The hunting equipment is carried, securely wrapped, in a complete cover;
- B. The hunting equipment is fastened in a case; or
- C. The hunting equipment is carried in at least 2 separate pieces in such a manner that it can not be fired, unless the separate pieces are joined together. For the purpose of this subsection, a clip, magazine or cylinder of a firearm may not be considered a piece of the hunting equipment. Bows and arrows must be kept in a case or cover if broadheads or field points are kept attached to the arrows; or
- D. The hunting equipment is carried by a person authorized to hunt on Sunday during a youth hunting weekend in accordance with rules adopted by the commissioner pursuant to sections 11251, 11402, 11701 and 11851.

Sec. 2. 12 MRSA §11205, sub-§1, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §137 and affected by §422, is further amended to read:

1. Prohibition. A Except as provided by rules adopted by the commissioner pursuant to sections 11251, 11402, 11701 and 11851, a person may not:

COMMITTEE AMENDMENT

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- 1 A. Hunt wild animals or wild birds on Sunday; or
- 2 B. Possess any wild animal or wild bird taken in violation of paragraph A except as
- 3 otherwise provided in this Part.

4 **Sec. 3. 12 MRSA §11251**, as amended by PL 2015, c. 79, §1, is further amended
5 to read:

6 **§11251. Open and closed seasons**

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

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

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

18 **2. Youth bear hunting weekend.** There is a youth hunting ~~day weekend~~ for hunting
19 bear without a dog or dogs on the ~~Saturday weekend~~ prior to the opening day of the bear
20 hunting season established under subsection 1, paragraph A. A person who holds a valid
21 junior hunting license may hunt bear with a firearm, bow and arrow or crossbow during
22 youth bear hunting ~~day weekend~~. An adult supervisor, parent or guardian accompanying
23 a youth on youth bear hunting ~~day weekend~~ may not possess a firearm, bow and arrow or
24 crossbow while the youth is participating in the bear hunt. A person who holds a valid
25 junior hunting license may hunt on a Sunday on a youth hunting weekend under rules
26 adopted pursuant to this section only on land for which the landowner has provided the
27 person written permission to hunt on Sunday. The person must have in the person's
28 possession the written permission of the landowner while hunting on Sunday under this
29 subsection.

30 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
31 chapter 375, subchapter 2-A.

32 **Sec. 4. 12 MRSA §11402, sub-§4**, as affected by PL 2003, c. 614, §9 and
33 amended by c. 655, Pt. B, §169 and affected by §422, is further amended to read:

34 **4. Rule.** The commissioner by rule may:

35 A. Open any of the areas closed to deer hunting under subsection 3, as long as the
36 legislative body of each affected town approves the opening. For purposes of this
37 subsection, "affected town" means a town, township or municipality that contains
38 within its borders any area proposed to be opened under this paragraph; and

39 B. Create special hunting seasons for the taking of deer in any part of the State to
40 maintain deer populations in balance with available habitat, subject to the provisions
41 of this paragraph.

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1 (1) The demarcation of each area must follow recognizable physical boundaries,
2 such as rivers, roads and railroad rights-of-way.

3 (3) The commissioner may establish limits on the number of deer taken or
4 possessed by persons during a special season. Limits established by the
5 commissioner under this subparagraph are exceptions to the limits imposed under
6 section 11501.

7 (4) The commissioner may specify types of weapons to be used during a special
8 season; and.

9 ~~C. Establish a youth deer hunting day.~~

10 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
11 chapter 375, subchapter 2-A.

12 **Sec. 5. 12 MRSA §11402, sub-§5** is enacted to read:

13 **5. Youth weekend.** The commissioner shall establish by rule a youth hunting
14 weekend for hunting deer. A person who holds a valid junior hunting license may hunt on
15 a Sunday on a youth hunting weekend under rules adopted pursuant to this subsection
16 only on land for which the landowner has provided the person written permission to hunt
17 on Sunday. The person must have in the person's possession the written permission of the
18 landowner while hunting on Sunday under this subsection. Rules adopted pursuant to this
19 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

20 **Sec. 6. 12 MRSA §11701**, as amended by PL 2015, c. 127, §§4 and 5 and affected
21 by §6, is further amended to read:

22 **§11701. Authority of commissioner; wild turkey hunting**

23 The commissioner may establish open seasons for hunting wild turkeys, designate
24 areas that are open to the taking of wild turkeys in any part of the State, prescribe the
25 form and regulate the number of permits to be issued, determine the number and sex of
26 the birds to be harvested, establish bag limits, establish permit eligibility requirements,
27 establish legal hunting times, specify the types of weapons to be used during any open
28 wild turkey hunting season and make any other rules that the commissioner considers
29 necessary for the protection of the wild turkey resource. The rules must permit the use of
30 a crossbow during the spring open wild turkey hunting season.

31 **1. Spring season.** The commissioner shall establish by rule a spring open season for
32 hunting wild turkeys. Unless the commissioner determines that sound management
33 principles require otherwise, the rule must allow during the spring open season for
34 hunting wild turkeys:

35 A. A person to take up to 2 wild turkeys without any additional fee for the taking of
36 the 2nd wild turkey;

37 B. A person to hunt from 30 minutes before sunrise to 30 minutes after sunset; and

38 C. A person to hunt wild turkeys using a crossbow, in addition to any other weapons
39 allowed by the rule.

A. of S.

1 **2. Fall seasons.** Beginning with the 2016 fall open season, the commissioner shall
2 establish by rule 2 fall open seasons for hunting wild turkeys. Unless the commissioner
3 determines that sound management principles require otherwise, the rule must establish 2
4 fall open seasons that include the month of October and a week in the month of
5 November and allow a person to take up to a total of 2 wild turkeys over both seasons
6 regardless of sex without any additional fee for the taking of a 2nd wild turkey.

7 **3. Youth weekend.** The commissioner shall establish by rule a spring youth hunting
8 ~~day weekend~~ for hunting wild turkeys from 30 minutes before sunrise to 30 minutes after
9 sunset ~~each day~~. The ~~day weekend~~ must be the ~~Saturday weekend~~ prior to the opening of
10 the spring open season for hunting wild turkeys under subsection 1. A person who holds
11 a valid junior hunting license may hunt on a Sunday on a youth hunting weekend under
12 rules adopted pursuant to this subsection only on land for which the landowner has
13 provided the person written permission to hunt on Sunday. The person must have in the
14 person's possession the written permission of the landowner while hunting on Sunday
15 under this subsection.

16 **4. Penalty.** A person who violates this section commits a Class E crime for which
17 the court shall impose a fine of not less than \$500, none of which may be suspended. The
18 court also shall impose a fine of \$500 for each turkey unlawfully possessed, none of
19 which may be suspended.

20 ~~A person who violates this section commits a Class E crime for which the court shall~~
21 ~~impose a fine of not less than \$500, none of which may be suspended. The court also~~
22 ~~shall impose a fine of \$500 for each turkey unlawfully possessed, none of which may be~~
23 ~~suspended.~~

24 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
25 chapter 375, subchapter 2-A.

26 **Sec. 7. 12 MRSA §11851, sub-§4** is enacted to read:

27 **4. Youth weekend.** The commissioner shall establish by rule a youth hunting
28 weekend for hunting migratory waterfowl. A person who holds a valid junior hunting
29 license may hunt on a Sunday on a youth hunting weekend under rules adopted pursuant
30 to this subsection only on land for which the landowner has provided the person written
31 permission to hunt on Sunday. The person must have in the person's possession the
32 written permission of the landowner while hunting on Sunday under this subsection.
33 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
34 chapter 375, subchapter 2-A.'

SUMMARY

35
36 The bill allows, with certain restrictions, any person to hunt on Sunday. This
37 amendment, which is the minority report of the committee, replaces the bill and directs
38 the Commissioner of Inland Fisheries and Wildlife to establish annual youth bear, deer,
39 wild turkey and migratory waterfowl hunting weekends. A person who holds a valid

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 485, L.D. 694

1 junior hunting license may hunt on Sunday with the written permission of the landowner.
2 The person must have in the person's possession the written permission of the landowner.

3

FISCAL NOTE REQUIRED

4

(See attached)



128th MAINE LEGISLATURE

LD 694

LR 379(02)

An Act To Create a Local Option for a Sunday Exception Allowing Deer Hunting with Rifles

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-311)

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor cost impact - General Fund
Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Eliminates Class E crimes.

A reduction in fines will decrease General Fund revenue by minor amounts.

Fiscal Detail and Notes

This bill directs the commissioner to establish annual weekends prior to the bear, deer, wild turkey and migratory waterfowl hunting seasons during which a youth hunter may hunt on Sundays with the landowners written permission. Any additional costs to the Department of Inland Fisheries and Wildlife as a result of the youth hunting weekends establishment and the Sunday hunting provisions are anticipated to be minor and can be absorbed within existing budgeted resources.