

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1118

S.P. 338

In Senate, March 7, 2019

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**An Act To Give the Commissioner of Inland Fisheries and Wildlife  
Rule-making Authority To Establish a Bear Season Framework and  
Bag Limits**

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

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.  
Cosponsored by Representative NADEAU of Winslow and  
Senators: BLACK of Franklin, CYRWAY of Kennebec, DILL of Penobscot, GUERIN of  
Penobscot, POULIOT of Kennebec, Representatives: HIGGINS of Dover-Foxcroft, STEARNS  
of Guilford.

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

2 **Sec. 1. 12 MRSA §10902, sub-§6, ¶E**, as repealed and replaced by PL 2011, c.  
3 691, Pt. A, §7, is amended to read:

4 E. Buying or selling bear, hunting or trapping bear after ~~having killed 2 or~~ exceeding  
5 the bag limit on bear, in violation of section 11217, 11351 or 12260;

6 **Sec. 2. 12 MRSA §11151, sub-§1**, as affected by PL 2003, c. 614, §9 and  
7 amended by c. 655, Pt. B, §118 and affected by §422, is further amended to read:

8 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person  
9 may not hunt for bear without a valid permit from the ~~first Monday preceding September~~  
10 ~~1st~~ first day of the bear hunting season to the day preceding the open firearm season on  
11 deer. This section does not apply to trapping for bear.

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

15 **Sec. 3. 12 MRSA §11151, sub-§3**, as amended by PL 2009, c. 213, Pt. OO, §6, is  
16 further amended to read:

17 **3. Issuance; permit fee.** The commissioner, through the commissioner's authorized  
18 agent, shall issue a bear hunting permit to an eligible person. The annual fee for each  
19 permit issued is ~~\$27~~ \$10 for residents and \$74 for nonresidents.

20 **Sec. 4. 12 MRSA §11151-A, sub-§3**, as enacted by PL 2007, c. 168, §4 and  
21 affected by §8, is amended to read:

22 **3. Issuance; permit fee.** The commissioner, through the commissioner's authorized  
23 agent, shall issue a nonresident late season bear hunting permit or permits to an eligible  
24 person. The annual fee for each permit issued is \$40.

25 **Sec. 5. 12 MRSA §11251, sub-§1, ¶A**, as amended by PL 2017, c. 357, §1, is  
26 further amended to read:

27 A. ~~There is an open season on hunting bear from the first Monday preceding~~  
28 ~~September 1st to November 30th annually. The commissioner shall by rule establish~~  
29 a bear hunting season beginning no earlier than August 1st and ending no later than  
30 December 15th annually. The commissioner may, pursuant to section 10104,  
31 subsection 1, adopt rules prohibiting the use of bait or dogs to hunt black bear during  
32 any portion of the open bear hunting season.

33 **Sec. 6. 12 MRSA §11251, sub-§1, ¶B**, as enacted by PL 2003, c. 414, Pt. A, §2  
34 and affected by c. 614, §9, is repealed.

35 **Sec. 7. 12 MRSA §11301, sub-§1, ¶E**, as repealed and replaced by PL 2011, c.  
36 691, Pt. A, §9, is amended to read:

1 E. The bait is placed not more than 30 days before the opening day of the season as  
2 established in rule and not after October 31st;

3 **Sec. 8. 12 MRSA §11351**, as amended by PL 2011, c. 309, §§2 and 3, is further  
4 amended to read:

5 **§11351. Bear bag limit**

6 **1. Hunting bear; limit.** A person may not hunt ~~or trap~~ bear after that person has  
7 killed or registered ~~one during an open season under section 11251 and one during the~~  
8 ~~open season on trapping bear under section 12260~~ the maximum number of bear allowed  
9 by rule during that season.

10 **2. Exceeding bag limit on bears.** A person may not possess more than ~~2 bears in~~  
11 ~~any calendar year, except a person may keep more than one legally obtained bear in that~~  
12 ~~person's home or as otherwise provided in law~~ the number of bear allowed by rule, except  
13 a person may keep legally obtained bear in that person's home at any time or as otherwise  
14 provided in law or rule.

15 **3. Penalty.** A person who violates ~~subsection 1 or 2~~ this section commits a Class D  
16 crime for which the court shall impose a sentencing alternative ~~involving a term of~~  
17 ~~imprisonment not to exceed 180 days; of not less than 3 days for the first offense, none~~  
18 ~~of which may be suspended, and of not less than 10 days for each succeeding offense,~~  
19 ~~none of which may be suspended;~~ the court also shall impose a fine of not less than  
20 \$1,000, none of which may be suspended.

21 **Sec. 9. 12 MRSA §12260, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
22 affected by c. 614, §9, is amended to read:

23 **1. Open and closed season.** ~~There is an open~~ The commissioner shall by rule  
24 establish a bear trapping season ~~on trapping bear from September 1st to October 31st~~  
25 beginning no earlier than August 1st and ending no later than December 15th annually.

26 A. The commissioner may shorten the open season on bear trapping in any part of  
27 the State as long as:

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

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

31 B. The commissioner may terminate the open season on bear trapping at any time in  
32 any part of the State if, in the commissioner's opinion, an immediate emergency  
33 action is necessary due to adverse weather conditions or severe hunting or trapping  
34 pressure.

35 **Sec. 10. 12 MRSA §12260, sub-§3, ¶A**, as enacted by PL 2003, c. 414, Pt. A, §2  
36 and affected by c. 614, §9, is amended to read:

37 A. A person may ~~use a cable trap with a closing diameter of not less than 2 1/2~~  
38 ~~inches to trap~~ not set a bear in the State during the open season on bear trap other  
39 than as authorized by the commissioner in rule.



1 permit and a resident bear trapping permit from \$27 to \$10, and it also repeals the 2-bear  
2 limit in statute and instead refers to the bag limit set in rule.