

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1921

H.P. 1369

House of Representatives, January 6, 2020

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

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 203.

Received by the Clerk of the House on January 2, 2020. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Eagle Lake.

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

2 **Sec. 1. 12 MRSA §10151, sub-§5**, as enacted by PL 2003, c. 414, Pt. A, §2 and
3 affected by c. 614, §9, is amended to read:

4 **5. Meetings.** All regular and special meetings of the advisory council must be public
5 meetings and must be held in a public meeting place convenient for the public. Public
6 comment must be accepted at regular and special meetings of the advisory council.
7 Comments may be restricted to subjects before the advisory council at the meeting and
8 consistent with any applicable requirements and limitations of the Maine Administrative
9 Procedure Act. Public notice of all regular and special advisory council meetings must be
10 published in a daily newspaper of general circulation in the geographic area where the
11 meeting is scheduled at least 7 days and not more than 21 days prior to the meeting
12 except in circumstances when emergency rulemaking is necessary. That notice must
13 include an agenda or statement of purpose of the meeting. That notice may be combined
14 with any other notice of the meeting required by law.

15 **Sec. 2. 12 MRSA §11108-B, sub-§1**, as amended by PL 2019, c. 324, §1, is
16 further amended to read:

17 **1. ~~Youth hunter~~ Apprentice supervisor required.** A holder of an apprentice
18 hunter license may not hunt other than in the presence of ~~a youth hunter~~ an apprentice
19 supervisor.

20 A. The following penalties apply to violations of this subsection.

21 (1) A person who violates this subsection commits a civil violation for which a
22 fine of not less than \$500 and not more than \$1,000 may be adjudged.

23 (2) A person who violates this subsection after having been adjudicated as
24 having committed 3 or more civil violations under this Part within the previous 5-
25 year period commits a Class E crime.

26 **Sec. 3. 12 MRSA §11108-B, sub-§1-A, ¶A-1** is enacted to read:

27 A-1. "Apprentice supervisor" means a person who is 18 years of age or older and
28 holds a valid adult hunting license under this subchapter.

29 **Sec. 4. 12 MRSA §11108-B, sub-§1-A, ¶C**, as enacted by PL 2019, c. 324, §1,
30 is repealed.

31 **Sec. 5. 12 MRSA §11108-B, sub-§2**, as amended by PL 2019, c. 324, §1, is
32 further amended to read:

33 **2. ~~Youth hunter~~ Apprentice supervisor responsibility.** ~~A youth hunter~~ An
34 apprentice supervisor must have held a valid hunting license for the prior 3 consecutive
35 years to be qualified to supervise a holder of an apprentice hunter license. ~~A youth hunter~~
36 An apprentice supervisor shall ensure that the holder of an apprentice hunter license
37 follows safe and ethical hunting protocol and adheres to the laws under this Part. ~~A youth~~
38 ~~hunter~~ An apprentice supervisor may not intentionally permit a person hunting under an

1 apprentice hunter license with that ~~youth hunter~~ apprentice supervisor to violate
2 subsection 1.

3 A. The following penalties apply to violations of this subsection.

4 (1) A person who violates this subsection commits a civil violation for which a
5 fine of not less than \$500 must be adjudged.

6 (2) A person who violates this subsection after having been adjudicated as
7 having committed 3 or more civil violations under this Part within the previous 5-
8 year period commits a Class E crime.

9 **Sec. 6. 12 MRSA §11108-C**, as amended by PL 2015, c. 281, Pt. D, §2, is further
10 amended to read:

11 **§11108-C. Eligibility and restrictions for a junior hunting license**

12 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
13 following terms have the following meanings.

14 A. "~~Adult~~ Junior hunter supervisor" means:

15 (1) The parent or guardian of the junior hunter who holds or has held a valid
16 Maine hunting license or successfully completed a hunter safety course that
17 meets the requirements of section 11105; or

18 (2) A person 18 years of age or older who:

19 (a) Is approved by the parent or guardian of the junior hunter; and

20 (b) Holds or has held a valid Maine hunting license or successfully
21 completed a hunter safety course that meets the requirements of section
22 11105.

23 B. "In the presence of" means in visual and voice contact without the use of visual or
24 audio enhancement devices, including but not limited to binoculars and citizen band
25 radios.

26 **2. ~~Eligibility~~ Junior hunter eligibility.** A resident or nonresident who is under 16
27 years of age may obtain a junior hunting license, which allows that person to hunt subject
28 to the conditions set out in this section.

29 **3. ~~Supervision of junior hunters~~ Junior hunter supervisor required.** A hunter
30 who is at least 10 years of age and under 16 years of age may not hunt unless that person
31 holds a junior hunting license and is in the presence of and under the effective control of
32 ~~an adult~~ a junior hunter supervisor. A hunter who is under 10 years of age may not hunt
33 unless that person holds a junior hunting license and is in the presence of and under the
34 effective control of ~~an adult~~ a junior hunter supervisor who remains at all times within 20
35 feet of that hunter.

36 **4. Supervision of junior hunters 16 years of age.** A hunter 16 years of age who
37 obtained a junior hunting license before that person reached 16 years of age may not hunt
38 with that license unless the person is in the presence of and under the effective control of

1 an ~~adult~~ a junior hunter supervisor or the person has successfully completed a hunter
2 safety course acceptable under section 11105. The following penalties apply to a
3 violation of this subsection:

4 A. A person who violates this subsection commits a civil violation for which a fine
5 of not less than \$100 nor more than \$500 may be adjudged; and

6 B. A person who violates paragraph A after having been adjudicated as having
7 committed 3 or more civil violations under this Part within the previous 5-year period
8 commits a Class E crime.

9 **5. Expiration of junior hunting license issued to person 15 years of age.** A junior
10 hunting license issued to a person who is 15 years of age is valid through the calendar
11 year for which the license is issued. Beginning January 1, 2016, for those persons who
12 obtain a junior hunting license and turn 16 years of age during the same calendar year, a
13 pheasant hunting permit, an archery hunting license and a migratory waterfowl permit are
14 included even after the person has turned 16 years of age as long as that person is hunting
15 on that person's valid junior hunting license and not longer than the remainder of the
16 calendar year for which the license is issued. In addition to the requirements of
17 subsection 4, all other permit requirements applicable to a person who is 16 years of age
18 or older apply to a person who continues to hunt with a junior hunting license under this
19 subsection after reaching that person's 16th birthday.

20 **6. Penalties for supervisors of junior hunters.** A person who is the ~~adult~~ junior
21 hunter supervisor of a holder of a valid junior hunting license when that junior hunter
22 violates any provision of this Part pertaining to hunting:

23 A. Commits a civil violation for which a fine of not less than \$100 nor more than
24 \$500 may be adjudged; and

25 B. After having been adjudicated as having committed 3 or more civil violations
26 under this Part within the previous 5-year period, commits a Class E crime.

27 **Sec. 7. 12 MRSA §12152, sub-§3-A, ¶A,** as enacted by PL 2015, c. 374, §7, is
28 amended to read:

29 A. Possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or
30 wild turkey-domestic turkey cross nor does it authorize the permittee to possess,
31 propagate or sell any wild animal taken in accordance with section ~~11601, 11602,~~
32 12401, 12402 or 12404; or

33 SUMMARY

34 This bill makes the following changes to the laws governing inland fisheries and
35 wildlife.

36 1. It waives the 7-day notice requirement for meetings of the Inland Fisheries and
37 Wildlife Advisory Council in cases of emergency rulemaking.

1 2. It changes the name of the supervisor of an apprentice hunter from a youth hunter
2 supervisor to an apprentice supervisor and changes the name of the supervisor of a junior
3 hunter from an adult supervisor to a junior hunter supervisor.

4 3. It removes 2 cross-references in the laws governing permits to possess wildlife in
5 captivity.