

MAINE STATE LEGISLATURE

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L.D. 116

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Date: 4-1-22

(Filing No. H-903)

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INLAND FISHERIES AND WILDLIFE

4

Reproduced and distributed under the direction of the Clerk of the House.

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

130TH LEGISLATURE

8

SECOND REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 82, L.D. 116, "An Act To Allow the Commissioner of Inland Fisheries and Wildlife To Authorize the Hunting of Antlerless Deer without a Permit in Certain Areas"

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

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'An Act Relating to the Hunting of Antlerless Deer'

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

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'Sec. 1. 12 MRSA §10264, 2nd ¶, as amended by PL 2021, c. 409, §6, is further amended to read:

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Notwithstanding section 10801, subsection 4, \$2 of each deer registration fee collected under section 12301-A, subsection 3, paragraph C must be deposited in the fund. Fifty percent of the funds deposited in the fund from the deer registration fees must be used for predator control purposes and 50% of the deposited fees must be used to acquire or enhance deer habitat. In addition, the revenue from each antlerless deer permit fee collected under section 11152, subsection 9, minus administrative costs, must be deposited in the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts. The department shall report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the fund and its utilization.

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Sec. 2. 12 MRSA §10902, sub-§6, ¶F, as amended by PL 2013, c. 538, §5, is further amended to read:

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F. Buying or selling deer, exceeding the bag limit on deer or hunting deer after having killed one, in violation of section 11217 or 11501 or unlawfully hunting or possessing an antlerless deer in a wildlife management district ~~for which no antlerless deer permits have been issued~~ in which the taking of antlerless deer is not allowed in violation of section 11152, subsection 1-A;

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COMMITTEE AMENDMENT

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1 **Sec. 3. 12 MRSA §10953, sub-§1, ¶C**, as amended by PL 2019, c. 98, §1, is further
2 amended to read:

3 C. Hunt moose with a crossbow in areas of the State open to moose hunting during the
4 open season on moose established by rule in section 11552, subsections 1 and 2 and
5 according to the rules pertaining to moose hunting permits adopted by the
6 commissioner for the protection of the moose resource under section 11551 and in
7 accordance with the provisions of section 11601; and

8 **Sec. 4. 12 MRSA §10953, sub-§1, ¶D**, as amended by PL 2019, c. 98, §1, is further
9 amended to read:

10 D. Hunt deer with a crossbow during the open firearm season on deer as provided in
11 section 11401~~;~~

12 **Sec. 5. 12 MRSA §10953, sub-§1, ¶E**, as amended by PL 2019, c. 637, §2, is
13 repealed.

14 **Sec. 6. 12 MRSA §10953, sub-§1, ¶F**, as enacted by PL 2019, c. 98, §1, is
15 repealed.

16 **Sec. 7. 12 MRSA §10953, sub-§1-C**, as amended by PL 2019, c. 637, §3, is further
17 amended to read:

18 **1-C. Hunting with a crossbow; 65 years of age or older.** A person 65 years of age
19 or older who meets the eligibility requirements of sections 11105, 11106 and 11162 may
20 hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird
21 or wild animal subject to this Part ~~and may take an antlerless deer with a crossbow during~~
22 ~~the regular archery only deer hunting season without an antlerless deer permit issued in~~
23 ~~accordance with section 11152.~~

24 **Sec. 8. 12 MRSA §11109-A, sub-§2-A**, as enacted by PL 2019, c. 116, §2, is
25 amended to read:

26 **2-A. Antlerless deer permit.** A super pack license includes:

27 A. An antlerless deer permit as provided under section 11152, except that it is valid
28 only for antlerless deer in wildlife management districts in which at least ~~3,500~~ 2,000
29 antlerless deer permits are issued. No more than 2.5% of those antlerless deer permits
30 may be in the form of a super pack license. The commissioner shall implement a system
31 for issuing antlerless deer permits under this paragraph; and

32 B. An opportunity to enter a ~~bonus antlerless only~~ an antlerless deer permit lottery
33 established by the commissioner by rule pursuant to section 11152.

34 If a super pack licensee obtains an antlerless deer permit pursuant to paragraph A, that
35 person is not eligible to obtain an antlerless deer permit through an antlerless deer permit
36 lottery established by the commissioner pursuant to section 11152.

37 **Sec. 9. 12 MRSA §11109-A, sub-§3, ¶A**, as enacted by PL 2007, c. 163, §1 and
38 affected by §3, is amended to read:

39 A. One deer during either the regular open firearm season or the regular ~~archery only~~
40 archery season or the special muzzle-loading season in accordance with sections
41 11401, 11403 and 11404, respectively;

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Sec. 10. 12 MRSA §11110, sub-§1, as amended by PL 2017, c. 379, §1, is further amended to read:

1. Transfer permitted. A person who has been assigned a designated hunting area, zone or season by the department for purposes of hunting a ~~game animal~~ moose may exchange that designated zone, area or season with another person assigned a different hunting zone, area or season for the ~~same game animal~~ for purposes of hunting ~~that same game animal~~ moose. The department may assist in the exchange to ensure that the permit holders meet the requirements of section 10756, but the State bears no responsibility for enforcing the terms of the exchange between the permit holders. The commissioner may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 11. 12 MRSA §11152, as amended by PL 2019, c. 324, §2, is further amended to read:

§11152. Antlerless deer; regulation and authority to issue permits

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt antlerless deer as authorized in this section unless that person has a valid permit issued under this section or is hunting in an area that is designated by rule as open to the hunting of antlerless deer or either-sex deer without an antlerless deer permit.

A. Each day 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.

1-A. Antlerless deer in wildlife management districts ~~with no permits issued.~~ Except as otherwise provided in this Part, a person may not hunt or possess an antlerless deer in a wildlife management district or a portion of a wildlife management district ~~that does not have permits issued in which the taking of antlerless deer is not allowed.~~ A person may possess in one of those districts an antlerless deer that has been lawfully registered taken in another district where permits have been issued antlerless deer may be legally taken.

A person that violates this subsection commits a Class D crime for which a minimum fine of \$1,000 must be imposed, and the court shall impose a sentencing alternative involving a term of imprisonment of at least 3 days, none of which may be suspended.

2. Authority to regulate taking of antlerless deer. The commissioner may regulate the taking of antlerless deer by rule within an area of the State as necessary to maintain deer populations in balance with available habitat if the demarcation of each area follows recognizable physical boundaries such as rivers, roads and railroad rights-of-way. This subsection does not apply to a person with a special antlerless deer permit under subsection 7.

~~**2-A. Authority to regulate taking of antlerless deer in certain areas within wildlife management districts where no permits are issued.** The commissioner may by rule issue permits in a designated geographical area within a wildlife management district where no antlerless deer permits are issued to maintain balanced deer populations. A designated geographical area under this subsection may consist of an entire town or other area but must have a demarcation of the area that follows recognizable physical boundaries such as rivers, roads and railroad rights-of-way.~~

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1 **3. Rulemaking.** The commissioner may adopt rules necessary for the administration,
 2 implementation, enforcement and interpretation of this section, except that the
 3 commissioner is not authorized to establish an antlerless deer permit ~~system~~ lottery unless
 4 otherwise specified in this section. If the commissioner establishes by rule a lottery for
 5 issuing antlerless deer permits to eligible persons, the commissioner may also allow for the
 6 direct purchase of additional antlerless deer permits in certain wildlife management
 7 districts or portions of wildlife management districts as the commissioner finds necessary
 8 to maintain balanced deer populations. The commissioner may appoint clerks or agents
 9 under section 10801 to process applications for permits issued under this section. A clerk
 10 or agent appointed by the commissioner to process applications shall charge a fee of \$2 for
 11 each application processed by that clerk or agent under this section. Rules adopted by the
 12 commissioner that provide for permits to be issued to nonresident hunters must provide
 13 that:

14 B. No more than 15% of the antlerless deer permits issued in any one district or in any
 15 one zone may be issued to nonresident hunters.

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

18 **4. Landowner consideration.** An antlerless deer permit ~~system~~ lottery adopted by
 19 the commissioner pursuant to this section may include a provision giving special
 20 consideration to landowners who keep their lands open to hunting by the public. As part
 21 of the special consideration to those landowners, the commissioner shall provide at least
 22 25% of the available antlerless deer permits in a wildlife management district to eligible
 23 landowners that apply for an antlerless deer permit in that district. Any 2 or more areas of
 24 land owned by the same person that are open for hunting and that would be contiguous
 25 except for being divided by one or more roads are considered contiguous for the purposes
 26 of determining landowner eligibility for special consideration under this subsection.

27 ~~**5. Hunter permit transfers.** A resident may take an antlerless deer if another resident~~
 28 ~~who holds a valid antlerless deer permit transfers the permit to that resident by identifying~~
 29 ~~the name and address of the transferee on the permit as well as any other information~~
 30 ~~reasonably requested by the commissioner and then returns the permit to the department~~
 31 ~~prior to the start of the firearm season on deer. A nonresident may take an antlerless deer~~
 32 ~~if another nonresident who holds a valid antlerless deer permit transfers the permit to that~~
 33 ~~nonresident by identifying the name and address of the transferee on the permit as well as~~
 34 ~~any other information reasonably requested by the commissioner and then returns the~~
 35 ~~permit to the department prior to the start of the firearm season on deer. The commissioner~~
 36 ~~shall record a transfer under this subsection and return the permit to the transferee. A valid~~
 37 ~~permit must be in the possession of the transferee in order for the transferee to take an~~
 38 ~~antlerless deer.~~

39 ~~**5-A. Permit transfer to junior hunter.** Notwithstanding subsection 5, a junior hunter~~
 40 ~~may take an antlerless deer if another person who holds a valid antlerless deer permit~~
 41 ~~transfers that permit to that junior hunter by identifying the name and address of the~~
 42 ~~transferee on the permit as well as any other information reasonably requested by the~~
 43 ~~commissioner and then returns the permit to the department at least 48 hours prior to the~~
 44 ~~junior hunter's hunting antlerless deer. Upon transfer of the antlerless deer permit to a~~
 45 ~~junior hunter, the transferor may not hunt an antlerless deer pursuant to the transferred~~

COMMITTEE AMENDMENT

ROS

1 ~~permit but remains eligible, unless otherwise prohibited, to take a deer other than an~~
2 ~~antlerless deer in accordance with this Part.~~

3 ~~The commissioner shall record a transfer under this subsection and return the permit to the~~
4 ~~transferee. A valid permit must be in the possession of the transferee in order for the~~
5 ~~transferee to take an antlerless deer.~~

6 **7. Special antlerless deer permit.** The commissioner shall issue a special antlerless
7 deer permit to an eligible person who has lost all or part of one or more lower limbs, not
8 including a partial foot amputation, or is suffering from the permanent loss of use of both
9 lower limbs. The commissioner shall issue a permit upon application and after the
10 applicant verifies that person's ambulatory disability with a letter signed by a physician
11 confirming the person's condition. A person who is issued a special antlerless deer permit
12 under this subsection may take an antlerless deer in any part of the State open to the taking
13 of antlerless deer pursuant to subsection 3.

14 **8. Junior hunter consideration.** An antlerless deer permit ~~system~~ lottery adopted by
15 the commissioner pursuant to this section may include a provision giving special
16 consideration to persons with a valid junior hunting license. As part of the special
17 consideration to junior hunters, the commissioner shall provide at least 25% of the available
18 antlerless deer permits in a wildlife management district to persons with a valid junior
19 hunting license who apply for an antlerless deer permit in that district.

20 9. Fee. The fee for an antlerless deer permit is \$12 for residents and nonresidents.

21 **Sec. 12. 12 MRSA §11403, sub-§2,** as amended by PL 2019, c. 325, §5, is further
22 amended to read:

23 **2. Open archery season on deer.** The commissioner shall by rule establish a regular
24 ~~archery only archery~~ archery season beginning at least 30 days prior and extending to the beginning
25 of the regular deer hunting season, as described in section 11401, subsection 1, paragraph
26 A, for the purpose of hunting deer with bow and arrow ~~only or crossbow~~. During the
27 regular ~~archery only archery~~ archery season on deer the following restrictions apply.

28 A. A person may not take a deer during a regular ~~archery only archery~~ archery season unless
29 that person uses a hand-held bow and broadhead arrow in accordance with section
30 11214, subsection 1, paragraph P or a crossbow in accordance with section 10953,
31 subsection 3.

32 B. A person may not carry firearms of any kind while hunting any species of wildlife
33 with bow and arrow or crossbow during the regular ~~archery only archery~~ archery season on
34 deer. This paragraph may not be construed to prohibit a person from carrying a
35 concealed weapon in accordance with Title 25, section 2001-A.

36 C. Except as provided in section 11109-A, subsection 3, if a person takes a deer with
37 bow and arrow or crossbow during the regular ~~archery only archery~~ archery season on deer,
38 that person is precluded from further hunting for deer during that year except as
39 otherwise provided in law or rule.

40 D. Except as provided in this subsection, the provisions of this Part concerning deer
41 are applicable to the taking of deer with bow and arrow and crossbow, including the
42 transportation, registration and possession of deer taken by ~~this method~~ these methods.

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

COMMITTEE AMENDMENT

ROS

1 **Sec. 13. 12 MRSA §11701, first ¶**, as amended by PL 2019, c. 98, §2, is further
2 amended to read:

3 The commissioner may establish open seasons for hunting wild turkeys, designate
4 areas that are open to the taking of wild turkeys in any part of the State, prescribe the form
5 and regulate the number of permits to be issued, determine the number and sex of the birds
6 to be harvested, establish bag limits, establish permit eligibility requirements, establish
7 legal hunting times, specify the types of weapons to be used during any open wild turkey
8 hunting season and make any other rules that the commissioner considers necessary for the
9 protection of the wild turkey resource. The rules must permit the use of a crossbow during
10 an open season for hunting wild turkey, ~~except that a person may not hunt wild turkey with~~
11 ~~a crossbow during the fall open season on hunting wild turkey~~ as established by the
12 commissioner.

13 **Sec. 14. Examination of crossbow laws.** The Department of Inland Fisheries and
14 Wildlife shall determine the statutory changes necessary to remove the distinction between
15 hunting with a bow and arrow and crossbow. The department shall report the department's
16 findings and recommendations on the necessary changes as well as the cost, timeline and
17 impact of the changes to the joint standing committee of the Legislature having jurisdiction
18 over inland fisheries and wildlife matters by January 3, 2023. The committee may report
19 out a bill related to crossbows to the 131st Legislature in 2023.

20 **Sec. 15. Appropriations and allocations.** The following appropriations and
21 allocations are made.

22 **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**
23 **Resource Management Services - Inland Fisheries and Wildlife 0534**

24 Initiative: Provides allocations to acquire or enhance deer habitat.

25 OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
26 All Other	\$0	\$811,044
27		
28 OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$811,044

29
30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
31 number to read consecutively.

32 **SUMMARY**

33 This amendment adds the following provisions to the bill.

34 1. It creates a \$12 antlerless deer permit fee. The revenue from the \$12 antlerless deer
35 permit fee, less administrative costs, is deposited in the Maine Deer Management Fund.

36 2. It allows super pack license holders to use their antlerless deer permits in wildlife
37 management areas where 2,000 or more antlerless permits are issued.

38 3. It eliminates swaps and transfers of permits for game animals, except moose. It
39 eliminates resident hunter antlerless deer permit transfers and antlerless deer permit
40 transfers to junior hunters.

ROS

1 4. It repeals the provisions that temporarily permit the use of crossbows to hunt deer
2 during the open archery season and turkey during the fall turkey season. Instead, the use of
3 crossbows is allowed on an ongoing basis during the open archery season and during the
4 fall turkey hunting season.

5 5. It authorizes the Commissioner of Inland Fisheries and Wildlife to allow hunters to
6 take antlerless deer without an antlerless deer permit in certain areas of the State. The
7 amendment provides that if the commissioner establishes by rule a lottery for issuing
8 antlerless deer permits, the commissioner may also allow direct purchase of additional
9 antlerless deer permits in certain areas of the State.

10 6. It directs the Department of Inland Fisheries and Wildlife to determine the statutory
11 changes needed to remove the distinction between a crossbow and a bow and arrow for
12 purposes of the hunting laws and to report these changes, along with the anticipated cost
13 and timeline for the changes, to the joint standing committee of the Legislature having
14 jurisdiction over inland fisheries and wildlife matters by January 3, 2023. The committee
15 is authorized to report out a bill related to crossbows to the 131st Legislature in 2023.

16 The amendment also adds an appropriations and allocations section.

17 **FISCAL NOTE REQUIRED**

18 (See attached)



130th MAINE LEGISLATURE

LD 116

LR 98(02)

An Act To Allow the Commissioner of Inland Fisheries and Wildlife To Authorize the Hunting of Antlerless Deer without a Permit in Certain Areas

Fiscal Note for Bill as Amended by Committee Amendment *A(H-903)*

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$811,044	\$811,044	\$811,044
Revenue				
Other Special Revenue Funds	\$0	\$811,044	\$811,044	\$811,044

Fiscal Detail and Notes

Under current law, antlerless deer are harvested by issuing free any-deer permits, which allow hunters to take either an antlered or antlerless deer in designated wildlife management districts. This bill ends the use of the free any-deer permit and creates a \$12 antlerless deer permit. Revenue from the permits will be credited to the Deer Management Fund (DMF) in the Department of Inland Fisheries and Wildlife to be used to acquire and manage deer wintering habitat. Using an estimate of 67,587 permits, the new \$12 fee will generate \$811,044 annually beginning in fiscal year 2022-23. The bill includes a corresponding allocation to allow expenditure of the additional revenue.