

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

graphs C-1, and C-2 and ~~D~~ section 7531, of illegally transporting deer if that person, at any time and in any manner, moves or transports any deer and:

- A. The deer is not open to view;
- B. A deer tag bearing the name and address of the person who killed the deer that conforms to the requirements of section 7457, subsection 3 is not securely attached to the deer; or
- C. The person who killed the deer does not accompany the deer while it is being moved or transported or allows the deer to be transported while accompanied by another person without obtaining the transportation permit required under section 7531.

**Sec. 9. 12 MRSA §7458, sub-§12,** as enacted by PL 1979, c. 420, §1, is amended to read:

**12. Transporting deer out of state.** A person is guilty, except as provided in subsection 15, ~~paragraphs E and F~~ section 7531, of transporting deer out of this State if ~~he~~ that person transports or attempts to transport any deer beyond the limits of this State.

**Sec. 10. 12 MRSA §7458, sub-§15, ¶D,** as amended by PL 1981, c. 644, §25, is repealed.

**Sec. 11. 12 MRSA §7458, sub-§15, ¶E,** as amended by PL 1981, c. 644, §26, is repealed.

**Sec. 12. 12 MRSA §7458, sub-§15, ¶F,** as amended by PL 1981, c. 644, §27, is repealed.

**Sec. 13. 12 MRSA §7464, sub-§3, ¶C,** as amended by PL 1981, c. 118, §4, is further amended to read:

- C. The person who killed the moose does not accompany the moose while it is being moved or transported or allows the moose to be transported while accompanied by another person without obtaining the transportation permit required under section 7531; or

**Sec. 14. 12 MRSA §7531,** as enacted by PL 1979, c. 420, §1, is amended to read:

#### **§7531. Transportation by residents**

Any resident may transport ~~to his~~ home any wild animal or wild bird ~~which he~~ that that resident has killed and ~~which that~~ is legally ~~in his possession~~ possessed, provided ~~he~~ that that resident is properly licensed and has met all other requirements of chapters 701 to 721. A resident may have any lawfully harvested wild animal or wild bird transported to a location other than that person's home without accompanying the wild animal or wild bird by obtaining a transportation permit from any game

warden. There is no fee for a permit issued under this section.

**Sec. 15. 12 MRSA §7532,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 16. 12 MRSA §7532-A** is enacted to read:

#### **§7532-A. Transportation by nonresidents**

A nonresident may transport to that person's home any lawfully harvested wild animal or wild bird. A nonresident may have transported to that person's home by another individual or common carrier any wild animal or wild bird that that nonresident has lawfully harvested, as long as that person has obtained a transportation permit from any game warden and has met all the other requirements of chapters 701 to 721. There is no fee for a permit issued under this section.

See title page for effective date.

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## **CHAPTER 323**

### **H.P. 970 - L.D. 1368**

#### **An Act to Ensure a Fair Distribution of Hunting Permits**

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

**Sec. 1. 12 MRSA §7457, sub-§1, ¶H,** as amended by PL 1999, c. 141, §1, is further amended to read:

H. The commissioner may regulate the taking of antlerless deer within any area of the State, as necessary, to maintain deer populations in balance with available habitat if the following conditions are met.

- (1) The demarcation of each area must follow recognizable physical boundaries such as rivers, roads and railroad rights-of-way.
- (2) The determination must be made and published prior to August 1st of each year.
- (3) The application fee for a permit to take an antlerless deer may not exceed \$1. The application must include a detachable portion on which the applicant shall write the applicant's name and address and to which the applicant shall affix a stamp of adequate postage. The department shall return this portion of the application to the applicant in acknowledgement of the department's receipt of the application.

(4) The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this subsection, except that there may not be an antlerless deer permit system unless otherwise specified in this paragraph. Any rules adopted by the commissioner that provide for permits to be issued to nonresident or alien hunters must provide that:

(a) The percentage of antlerless deer permits issued to nonresident and alien hunters may not exceed the average percentage of applicants for antlerless deer permits over the previous 3 years who were nonresidents or aliens; and

(b) No more than 15% of the antlerless deer permits issued in any one district or in any one zone may be issued to nonresident and alien hunters.

(5) An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public. Any 2 or more areas of land owned by the same person that are open for hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purposes of determining landowner eligibility for special consideration under this subparagraph.

A junior hunter or a person 65 years of age or older may take an antlerless deer, if an adult who holds a valid antlerless deer permit transfers the permit to the junior hunter or person 65 years of age or older by identifying the name, age and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. The commissioner shall record the transfer and return the permit to the junior hunter or person 65 years of age or older. A valid permit must be in the possession of the transferee to take an antlerless deer. If the adult transfers the permit to the junior hunter or person 65 years of age or older, that adult is prohibited from taking an antlerless deer.

**Sec. 2. 12 MRSA §7468, sub-§4**, as enacted by PL 1985, c. 95, §1, is amended to read:

**4. Hunting permits.** The commissioner may establish the number of wild turkey permits for each wild turkey hunting zone and may issue those permits annually. ~~No more than 10% of the~~ The percentage of

total wild turkey permits ~~may be~~ issued to nonresident ~~or~~ and alien hunters may not exceed the average percentage of applicants for wild turkey permits over the previous 3 years who were nonresidents and aliens and may not be more than 10% of the total wild turkey permits issued statewide. A person whose application is selected may obtain a wild turkey hunting permit upon presentation of proof that ~~he~~ the person possesses:

A. A valid Maine hunting license, if ~~he~~ the person is a resident of the State; or

B. A valid Maine big game hunting license, if ~~he~~ the person is a nonresident or alien.

**Sec. 3. Effective date.** This Act takes effect January 1, 2000.

Effective January 1, 2000.

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## CHAPTER 324

### S.P. 256 - L.D. 751

#### An Act to Amend the Moose Hunting Laws

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the moose lottery drawing in April 1999 requires immediate rectification of age-related deficiencies in the moose permit application process; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §7463-A, sub-§5**, as amended by PL 1985, c. 120, §§1 and 2, is further amended to read:

**5. Eligibility.** Except as provided in this subsection, any Maine resident, nonresident or alien who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening day of the open moose season is eligible to apply for a moose hunting permit. ~~No~~ A person who has obtained a moose hunting permit may not obtain another permit until 2 years have elapsed since the