

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
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NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Lewiston, Maine
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points of reference. For purposes of this subsection, the term "clearly defined physical boundaries" includes but is not limited to roads, waterways and utility corridors. After January 1, 2000, a municipality that adopts or amends a firearm discharge ordinance shall provide the Commissioner of Inland Fisheries and Wildlife with a copy of the new or amended firearm discharge ordinance and a copy of any maps that show the areas in the municipality affected by the new or amended ordinance within 30 days from the date that the ordinance is enacted or amended. A municipality may not include bows and arrows in any firearms discharge ordinance.

See title page for effective date.

CHAPTER 333

H.P. 801 - L.D. 1083

An Act To Encourage Hunting by Simplifying Hunting Laws

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

Sec. 1. 12 MRSA §7001, sub-§§34 and 35, as enacted by PL 1979, c. 420, §1, are amended to read:

34. Sunrise. "Sunrise" means the time computed and established for sunrise for ~~Augusta~~ Bangor, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

35. Sunset. "Sunset" means the time computed and established for sunset for ~~Augusta~~ Bangor, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

Sec. 2. 12 MRSA §7072, sub-§5 is enacted to read:

5. Agent fee cap. A clerk or agent appointed by the commissioner under this section to issue licenses or permits may charge agent fees as provided in this Part up to a maximum of \$6 during a single transaction. For purposes of this subsection, "transaction" means a single event in which one or more licenses or permits are issued to a person in that person's name.

Sec. 3. 12 MRSA §7101-A is enacted to read:

§7101-A. Hunting without a license

Notwithstanding section 7371, subsection 3, a person may assist in a hunt without a license or permit for that activity as long as that person does not carry

hunting equipment or engage in driving deer as described in section 7458, subsection 10.

Sec. 4. 12 MRSA §7102-A, sub-§6, ¶C, as amended by PL 2001, c. 387, §9, is further amended to read:

C. The commissioner shall by rule establish a special archery season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 7457, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the special archery season on deer, the following restrictions apply.

(1) Deer may be taken only by means of a hand-held bow and broadhead arrow:

(a) Bows must have a minimum draw weight of 35 pounds; and

(b) Arrowheads, including mechanical broadheads when open, must be at least 7/8 inch in width.

(2) A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the special archery season on deer, except that any person who holds a license that allows hunting with firearms may carry a handgun.

(3) If a person takes a deer with bow and arrow during the special archery season on deer, that person is precluded from further hunting for deer during that year.

(4) Except as provided in this subsection, the provisions of chapters 701 to 721 concerning deer are applicable to the taking of deer with bow and arrow, including the transportation, registration and possession of deer taken by this method.

Sec. 5. 12 MRSA §7406, sub-§5, as amended by PL 1991, c. 443, §23, is further amended to read:

5. Night hunting. ~~A- Except as otherwise provided in this Part, a person is guilty of night hunting if that person may not:~~

A. ~~Hunts~~ Hunt wild birds or wild animals from 30 minutes after sunset to ~~1/2 hour~~ 30 minutes before sunrise of the following day; ~~or.~~

B. ~~Hunts~~ do not hunt wild animals, except raccoons and coyotes as provided in chapters 701 to 721, from ~~1/2 hour after sunset until 1/2 hour before sunrise~~ the following day.

Sec. 6. 12 MRSA §7406, sub-§6, as amended by PL 1999, c. 457, §1, is repealed.

Sec. 7. 12 MRSA §7406, sub-§10, as amended by PL 1999, c. 127, Pt. D, §1, is further amended to read:

10. Illegal possession. A person is guilty of illegal possession of wild animals or wild birds if that person possesses any wild animal or wild bird taken in violation of subsection 4, 5, ~~6~~, 7, 9-A, 9-B, 13, 16 or 17 or Title 17-A, section 402, except as otherwise provided in chapters 701 to 721.

Sec. 8. 12 MRSA §7406, sub-§13, as amended by PL 1983, c. 215, is further amended to read:

13. Discharging firearm near dwelling. Unless a relevant municipal ordinance provides otherwise and except as provided in ~~section~~ sections 7501 and 7502, a person is ~~guilty of discharging a firearm near a dwelling if he discharges~~ may not discharge a firearm within 100 yards of a residential dwelling without the permission of the owner or, in ~~his~~ the owner's absence, of an adult occupant of that dwelling. Nothing in this subsection may be construed to prohibit a person from killing or taking a wild animal in accordance with sections 7501 and 7502.

Sec. 9. 12 MRSA §7406, sub-§20, ¶A, as amended by PL 2001, c. 387, §20, is further amended to read:

A. Notwithstanding the provisions of subsection 9-A:

- (1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;
- (2) A person who has a valid Maine permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by that permit;
- (3) Paraplegics and single or double amputees of the legs may shoot from motor vehicles that are not in motion; and
- (4) A person may shoot from a motorboat ~~when the motor is shut off and the boat is drifting, beached, moored, resting at anchor or is being propelled solely by paddle, oars or pole if that boat is not being propelled by its motor.~~

Sec. 10. 12 MRSA §7451, sub-§2, ¶B, as repealed and replaced by PL 1989, c. 913, Pt. A, §8, is repealed.

Sec. 11. 12 MRSA §7451, sub-§3, ¶A, as amended by PL 1997, c. 432, §42, is further amended to read:

A. Bait may not be used to hunt or trap black bear, unless:

- (1) The bait is placed at least 50 yards from any travel way that is accessible by a conventional 2-wheel or 4-wheel drive vehicle;
- (2) The stand, blind or bait area is plainly labeled with a 2-inch by 4-inch tag with the name and address of the baiter;
- (3) The bait is placed more than 500 yards ~~from any dump a site permitted or licensed for the disposal of solid waste~~ or a campground;
- (4) The bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or leasee;
- (5) The bait is placed not more than 30 days before the opening day of the season and not after October 31st;
- (6) The bait areas will be cleaned up by November 10th, as defined by the state litter laws; and
- (7) The person hunting from any stand or blind of another person has permission of the owner of that stand or blind.

Sec. 12. 12 MRSA §7452, sub-§4, as enacted by PL 1979, c. 420, §1, is amended to read:

4. Exceeding bag limit on bears. Except as otherwise provided, a person is guilty of exceeding the bag limit on bears if ~~he that person~~ that person possesses more than one bear in any calendar year. A person may keep more than one legally obtained bear in that person's home at any time.

Sec. 13. 12 MRSA §7452, sub-§5, as repealed and replaced by PL 1987, c. 587, is amended to read:

5. Hunting or trapping bear near dumps. The commissioner, or the commissioner's agent, shall establish a line of demarcation at least ~~200~~ 500 yards from sites permitted or licensed for the disposal of solid waste. A person is ~~guilty of hunting or trapping bear near dumps if that person hunts, traps, molests or harasses bear or releases~~ may not hunt, trap, molest or harass a bear or release dogs for the purpose of hunting bear within this area. The commissioner, or the commissioner's agent, is exempt from this

prohibition for the purpose of live trapping nuisance bears.

Sec. 14. 12 MRSA §7452, sub-§8, as amended by PL 1999, c. 403, §20, is repealed.

Sec. 15. 12 MRSA §7452, sub-§12, as amended by PL 1999, c. 322, §1, is repealed.

Sec. 16. 12 MRSA §7457, sub-§2, ¶B, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 17. 12 MRSA §7458, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Exceeding bag limit. A person is guilty of exceeding the bag limit on deer if ~~he~~ that person possesses more than one deer during any open season, except as otherwise provided. A person may keep more than one legally obtained deer in that person's home at any time.

Sec. 18. 12 MRSA §7458, sub-§8, as repealed and replaced by PL 1993, c. 438, §31, is repealed.

Sec. 19. 12 MRSA §7458, sub-§15, ¶C, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 20. 12 MRSA §7463-A, sub-§9, as enacted by PL 1981, c. 118, §2, is amended to read:

9. Bag limit. The bag limit is one moose per permit holder. In the case of a permittee and a subpermittee, the permit ~~shall allow~~ allows one of them to take one moose. Except as provided in sections 7501 and 7502, a person may not shoot more than one moose in a calendar year. A person may keep more than one legally obtained moose in that person's home at any time.

Sec. 21. 12 MRSA §7464, sub-§7, as amended by PL 1993, c. 438, §34, is repealed.

Sec. 22. 12 MRSA §7464, sub-§8, as enacted by PL 1979, c. 723, §20, is repealed.

Sec. 23. 12 MRSA §7472 is enacted to read:

§7472. Possession of a gift bear, deer, moose or wild turkey

A person may not, except as provided in section 7531 and notwithstanding the provisions of section 7452, subsection 13, possess any part or parts of a bear, deer, moose or wild turkey given to that person unless that gift bear, deer, moose or wild turkey is labeled with the name of the person who registered it and the year the animal was registered by that person.

Sec. 24. 12 MRSA §7901-A, sub-§6, ¶C, as amended by PL 2001, c. 655, §18 and c. 667, Pt. B, §10, is repealed and the following enacted in its place:

C. Chapter 709, subchapter 3 violations:

(1) Hunting or trapping bear near a site permitted or licensed for the disposal of solid waste as described in section 7452, subsection 5;

(2) Failure to attach a bear tag to a bear as described in section 7452, subsection 11;

(3) Illegally transporting bear as described in section 7452, subsection 13;

(4) Transporting bear out of the State as described in section 7452, subsection 14;

(5) Hunting migratory game birds without certification as described in section 7456, subsection 1-A;

(6) Hunting waterfowl on Haley Pond as described in section 7456, subsection 2;

(7) Transporting deer out of the State as described in section 7458, subsection 12;

(8) Hunting deer with a .22 caliber rim fire cartridge as described in section 7458, subsection 13;

(9) Use of a firearm in the Town of Southport as described in section 7458, subsection 14;

(10) Possessing or transporting wild hares or rabbits as described in section 7462, subsection 4;

(11) Failure to attach a moose tag to a moose as described in section 7464, subsection 6;

(12) Use of illegal firearms as described in section 7464, subsection 8-A;

(13) Illegal hunting methods as described in section 7464, subsection 8-C;

(14) Failure to attach a wild turkey tag to a wild turkey as described in section 7469, subsection 7; and

(15) Taking of snakes and turtles from the wild for commercial purposes as described in section 7471;

See title page for effective date.