An Act To Establish 2 Comprehensive Licenses for Hunting and for Hunting and Fishing

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

Presented by Representative HILLIARD of Belgrade.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §10001, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 2. 12 MRSA §10001, sub-§53, as amended by PL 2009, c. 415, Pt. A, §8, is further amended to read:

53. Resident. "Resident" means a citizen of the United States or an alien a person who is not a citizen who has been domiciled in the State for one year who:

A. If registered to vote, is registered in this State;
B. If licensed to drive a motor vehicle, has made application for or possesses a motor vehicle operator's license issued by the State;
C. If owning a motor vehicle located within the State, has registered each such vehicle in the State; and
D. Is in compliance with the state income tax laws.

A person who is a full-time student at a college or university in the State and has satisfied the requirements of paragraphs A to D is rebuttably presumed to be a resident in the State during that period.

Sec. 3. 12 MRSA §10263, as enacted by PL 2011, c. 370, §2, is amended to read:

§10263. Moose Research and Management Fund

The Moose Research and Management Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the research and the management of moose. One hundred dollars from each nonresident or alien moose hunting permit issued under section 11154, subsection 3 must be deposited in the fund. In addition, up to $25,000 may be deposited in the fund from the revenues generated by moose hunting application and permit fees to carry out the department's documented moose research. 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.

Sec. 4. 12 MRSA §10752, sub-§3, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 5. 12 MRSA §11109, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Hunting licenses; agent's fee. The commissioner may appoint clerks or other agents to issue licenses and permits under this Part. Clerks or other agents appointed by the commissioner to issue licenses and permits shall charge a fee of $2 for each hunting license issued. The commissioner shall charge a fee of $1 for each hunting license issued by department employees.
Sec. 6. 12 MRSA §11109, sub-§3, as repealed and replaced by PL 2015, c. 494, Pt. D, §2, is amended to read:

3. Hunting licenses; combination licenses; fees. Hunting licenses, combination licenses and fees are as follows.

A. A resident junior hunting license, for a person under 16 years of age, is $8 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must be issued one antlerless deer permit and one either-sex permit. A resident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

B. A resident hunting license, for a person 16 years of age or older, is $26 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

B-1. Effective January 1, 2018, a resident comprehensive hunting license, for a person 16 years of age or older, is $38 and permits hunting of all legal species, subject to the permit requirements of sections 11152, 11153, 11154, 11156 and 11157.

C. A resident small game hunting license, for a person 16 years of age or older, which permits hunting for all legal species except deer, bear, moose, raccoon and bobcat, is $15.

D. A resident combination hunting and fishing license is $43 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

D-1. Effective January 1, 2018, a resident comprehensive combination hunting and fishing license is $55 and permits hunting of all legal species, subject to the permit requirements of sections 11152, 11153, 11154, 11156 and 11157.

E. A resident combination archery hunting and fishing license is $43 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

E-1. A resident apprenticeship hunter license, which includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155, respectively, is $26 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

F. A nonresident junior hunting license, for a person under 16 years of age, is $35 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter 3, a nonresident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must be issued one antlerless deer permit and one either-sex permit. A nonresident junior hunting license does not
exempt the holder of the license from lottery-related application requirements under this Part.

G. A nonresident small game hunting license, which permits hunting of all legal species except deer, bear, moose, raccoon and bobcat, is $75.

H. A nonresident 3-day small game hunting license, valid for 3 consecutive hunting days, which permits hunting of all legal species except deer, bear, moose, raccoon and bobcat for the 72-hour period specified on the license, is $50.

I. A nonresident hunting license, which permits hunting of all legal species subject to the permit requirements in subchapter 3, is $115.

I-1. Effective January 1, 2018, a nonresident comprehensive hunting license, for a person 16 years of age or older, is $143 and permits hunting of all legal species, subject to the permit requirements of sections 11152, 11153, 11154, 11156 and 11157.

J. A nonresident combination hunting and fishing license is $150.

J-1. Effective January 1, 2018, a nonresident comprehensive combination hunting and fishing license is $178 and permits hunting of all legal species, subject to the permit requirements of sections 11152, 11153, 11154, 11156 and 11157.

K. An alien small game hunting license, which permits hunting of all species except deer, bear, moose, raccoon and bobcat, is $80.

L. An alien hunting license, which permits hunting of all legal species subject to the permit requirements in subchapter 3, is $140.

M. An alien combination hunting and fishing license is $191.

O. A nonresident small game apprenticeship hunter license, which permits the hunting of all legal species except deer, bear, moose, raccoon and bobcat, is $75.

P. A nonresident apprenticeship hunter license, which permits the hunting of all legal species and includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155, respectively, is $115.

Sec. 7. 12 MRSA §11109, sub-§5, as amended by PL 2009, c. 213, Pt. OO, §3, is further amended to read:

5. Muzzle-loading permits and fees. Muzzle-loading hunting permits and fees are as follows:

A. A resident muzzle-loading hunting permit is $13; and

B. A nonresident muzzle-loading hunting permit is $69; and

C. An alien muzzle-loading hunting permit is $79.

Sec. 8. 12 MRSA §11109, sub-§7, as amended by PL 2015, c. 245, §3, is further amended to read:

7. Archery hunting licenses; combination licenses; fees. Archery hunting licenses, combination licenses and fees are as follows:
A. A resident archery license is $26;

B. A resident combination archery hunting and fishing license is $43; and

C. A nonresident archery license is $75; and

D. An alien archery license is $85.

Sec. 9. 12 MRSA §11109, sub-§9, as repealed and replaced by PL 2015, c. 494, Pt. A, §7, is amended to read:

9. Crossbow permits and fees. Crossbow permits and fees are as follows:

A. A resident crossbow permit is $26; and

B. A nonresident crossbow permit is $56; and

C. An alien crossbow permit is $80.

Sec. 10. 12 MRSA §11109, sub-§10 is enacted to read:

10. Limitations. The commissioner or a clerk or other agent appointed by the commissioner to issue licenses may ask an applicant for a license issued under this section which wildlife species the applicant intends to hunt under the license and may limit the authority to hunt under the license to the species specified. A license with limitations applied under this subsection must clearly indicate to the holder and any law enforcement official which species may be hunted under the license.

Sec. 11. 12 MRSA §11152, sub-§3, as amended by PL 2011, c. 533, §3, is further amended to read:

3. Rulemaking. The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this section, except that the commissioner is not authorized to establish an antlerless deer permit system unless otherwise specified in this section. The commissioner may appoint clerks or agents under section 10801 to process applications for permits issued under this section. A clerk or agent appointed by the commissioner to process applications shall charge a fee of $2 for each application processed by that clerk or agent under this section. Rules adopted by the commissioner that provide for permits to be issued to nonresident or alien hunters must provide that:

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.

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

Sec. 12. 12 MRSA §11154, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Issuance of moose hunting permits. In accordance with section 11552, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the
commissioner by rule open to moose hunting. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters.

Sec. 13. 12 MRSA §11154, sub-§3, as amended by PL 2011, c. 370, §4, is further amended to read:

3. Moose hunting permit fee. The fee for a moose hunting permit is $52 for a resident and $585 for a nonresident or alien.

Sec. 14. 12 MRSA §11154, sub-§4, as amended by PL 2015, c. 281, Pt. E, §9, is further amended to read:

4. Hunting license required. While hunting moose, the permittee and the subpermittee shall each have in that person's possession a valid Maine resident, or nonresident or alien hunting or archery hunting license, whichever is applicable.

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.

Sec. 15. 12 MRSA §11154, sub-§5, as amended by PL 2011, c. 370, §5, is further amended to read:

5. Eligibility. Except as provided in this subsection, a resident, or 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. Beginning in 2011, a person who has obtained a moose hunting permit is ineligible to obtain another permit until 3 years have elapsed after the issuance of the last permit. This limitation does not apply to subpermittees under subsection 7.

Sec. 16. 12 MRSA §11158, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Eligibility. A resident of the State, or nonresident or alien who is eligible to obtain a state hunting license is eligible to be certified to hunt migratory game birds.

Sec. 17. 12 MRSA §12201, sub-§2, as amended by PL 2009, c. 69, §2, is further amended to read:

2. Eligibility. The following persons are eligible to purchase a trapping license, subject to the provisions of subsection 3.

A. A resident 16 years of age or older is eligible to purchase a resident trapping license.

B. A resident 10 years of age or older and under 16 years is eligible to purchase a resident junior trapping license.

C. A resident under 10 years of age may trap all legal species, except bear, without a license.
D. A nonresident is eligible to purchase a nonresident trapping license.

Nonresident aliens are ineligible to purchase a trapping license.

Sec. 18. 12 MRSA §12501, sub-§6, ¶I, as amended by PL 2009, c. 213, Pt. OO, §11, is repealed.

SUMMARY

This bill establishes resident and nonresident comprehensive hunting licenses that allow hunting of all legal species subject to the moose, pheasant, migratory waterfowl, special season deer and antlerless deer permit requirements. The fee for the resident comprehensive hunting license is $38 and the fee for the nonresident comprehensive hunting license is $143. The bill also establishes resident and nonresident comprehensive combination hunting and fishing licenses that allow fishing and hunting of all legal species, subject to the moose, pheasant, migratory waterfowl, special season deer and antlerless deer permit requirements. The fee for the resident comprehensive combination hunting and fishing license is $55 and the fee for the nonresident comprehensive combination hunting and fishing license is $178. The bill establishes January 1, 2018 as the effective date of these licenses.

This bill eliminates all alien licenses and permits and allows persons who are not citizens to purchase nonresident licenses and permits if they are not considered residents.

This bill allows the Commissioner of Inland Fisheries and Wildlife or a clerk or other agent appointed by the commissioner who issues licenses to inquire of a license applicant which species the applicant intends to hunt under the license and limit the license to the species specified. A license with this limitation must clearly indicate the limitation.