



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 142

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H.P. 98

House of Representatives, January 21, 2021

**An Act To Give the Commissioner of Inland Fisheries and Wildlife  
Rule-making Authority To Establish a Bear Season Framework and  
Bag Limits**

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Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.  
Received by the Clerk of the House on January 19, 2021. 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 "R 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2 **Sec. 1. 12 MRSA §10902, sub-§6, ¶E**, as repealed and replaced by PL 2011, c.  
3 691, Pt. A, §7, is amended to read:

4 E. ~~Buying or selling bear, hunting or trapping bear after having killed 2 or exceeding~~  
5 ~~the bag limit on bear, in violation of section 11217, or hunting or trapping bear or~~  
6 ~~exceeding the bag limit on bear in violation of section 11351 or 12260;~~

7 **Sec. 2. 12 MRSA §11151, sub-§1**, as affected by PL 2003, c. 614, §9 and amended  
8 by c. 655, Pt. B, §118 and affected by §422, is further amended to read:

9 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person  
10 may not hunt for bear without a valid permit ~~from the first Monday preceding September~~  
11 ~~1st to the day preceding the open firearm season on deer~~ during the open season on hunting  
12 bear established pursuant to section 11251. A person may hunt for bear without a valid  
13 permit during the open firearm season on deer under section 11401. This section does not  
14 apply to trapping for bear.

15 Each day a person violates this subsection that person commits a Class E crime for which  
16 a minimum fine of \$50 and an amount equal to twice the applicable license fee must be  
17 imposed.

18 **Sec. 3. 12 MRSA §11151, sub-§3**, as amended by PL 2009, c. 213, Pt. OO, §6, is  
19 further amended to read:

20 **3. Issuance; permit fee.** The commissioner, through the commissioner's authorized  
21 agent, shall issue a bear hunting permit or permits to an eligible person. When the bag limit  
22 on bear is more than one, a bear hunting permit is required for each bear. The annual fee  
23 for each permit issued is ~~\$27~~ \$10 for residents and \$74 for nonresidents.

24 **Sec. 4. 12 MRSA §11151-A, sub-§3**, as enacted by PL 2007, c. 168, §4 and  
25 affected by §8, is amended to read:

26 **3. Issuance; permit fee.** The commissioner, through the commissioner's authorized  
27 agent, shall issue a nonresident late season bear hunting permit or permits to an eligible  
28 person. When the bag limit on bear is more than one, a bear hunting permit is required for  
29 each bear. The annual fee for each permit issued is \$40.

30 **Sec. 5. 12 MRSA §11251, sub-§1**, as amended by PL 2017, c. 357, §1, is further  
31 amended to read:

32 **1. Open season on bear; commissioner's authority.** This subsection governs the  
33 open and closed seasons on bear.

34 A. ~~There is an open season on hunting bear from the first Monday preceding~~  
35 ~~September 1st to November 30th annually. The commissioner shall by rule establish~~  
36 ~~an open season on hunting bear beginning no earlier than the 2nd Monday preceding~~  
37 ~~September 1st and ending no later than November 30th annually.~~ The commissioner  
38 may, pursuant to section 10104, subsection 1, adopt rules prohibiting the use of bait or  
39 a dog or dogs to hunt black bear during any portion of the open bear hunting season.

40 B. There is an open season on using a dog or dogs in conjunction with bear hunting  
41 ~~from the first Monday preceding September 1st to the day preceding the open firearm~~

1 ~~season on deer provided in sections 11401 and 11402 during the open season on~~  
2 ~~hunting bear established by the commissioner in accordance with paragraph A.~~

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

5 **Sec. 6. 12 MRSA §11301, sub-§1, ¶E,** as repealed and replaced by PL 2011, c.  
6 691, Pt. A, §9, is amended to read:

7 E. The bait is placed not more than 30 days before the opening day of the season, and  
8 not more than 30 days before the first Monday preceding September 1st and not after  
9 October 31st;

10 **Sec. 7. 12 MRSA §11351,** as amended by PL 2011, c. 309, §§2 and 3, is repealed  
11 and the following enacted in its place:

12 **§11351. Bear bag limit**

13 The commissioner shall establish by rule limits on the number of bears a person may  
14 hunt, trap and possess in a season, which may not exceed 2 bears in total and may not  
15 exceed one bear by trapping in a calendar year, except a person may keep more than 2  
16 legally obtained bears in that person's home as otherwise provided in law or rule. Rules  
17 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter  
18 375, subchapter 2-A.

19 **1. Hunting or trapping bear; limit.** A person may not in one calendar year:

20 A. Hunt bear after that person has killed or registered the least of:

21 (1) Two bears by means of hunting;

22 (2) One bear by means of hunting and one by means of trapping during the open  
23 season on trapping bear under section 12260; and

24 (3) The maximum number established by rule under this section; or

25 B. Trap bear after that person has killed or registered the least of:

26 (1) Two bears by means of hunting;

27 (2) One bear by means of trapping during the open season on trapping bear under  
28 section 12260; and

29 (3) The maximum number established by rule under this section.

30 The daily bag limit on bear taken by hunting is one bear.

31 **2. Exceeding limit on bear.** A person may not possess more than 2 bears in any  
32 calendar year, or the maximum number of bears established by rule under this section,  
33 whichever is less, except a person may keep more than 2 legally obtained bears in that  
34 person's home or as otherwise provided in law or rule.

35 **3. Penalty.** A person who violates this section commits a Class D crime for which the  
36 court shall impose a sentencing alternative of not less than 3 days for the first offense and  
37 of not less than 10 days for each succeeding offense; the court also shall impose a fine of  
38 not less than \$1,000.

39 **Sec. 8. 12 MRSA §12260, sub-§4,** as amended by PL 2011, c. 309, §5, is repealed.



- 1           6. It establishes a daily bag limit of one bear by hunting.
- 2           7. It provides that, beginning January 1, 2022, to obtain a bear trapping permit, a person
- 3 must either have successfully completed a bear trapping education course or have
- 4 previously held a valid Maine bear trapping permit in any year prior to 2022.
- 5           8. It provides that a resident may hunt bear without a valid permit during the open
- 6 firearm season on deer.
- 7           9. It allows a person who holds a license authorizing hunting big game to obtain a bear
- 8 trapping permit.
- 9           10. It provides that a bear hunting permit is required for each bear when the bag limit
- 10 on bear is more than one.