

## Office of Policy and Legal Analysis

Date: February 18, 2021  
To: Joint Standing Committee on Inland Fisheries and Wildlife  
From: Rachel Olson, Legislative Analyst  
Re: LD 142, “An Act To Give Commissioner of Inland Fisheries and Wildlife Rule-making Authority To Establish a Bear Season Framework and Bag Limits” (Martin)

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### Summary

This bill does the following.

1. It requires the Commissioner of Inland Fisheries and Wildlife to establish by rule an open season on hunting bear beginning no earlier than the 2nd Monday preceding September 1st and ending no later than November 30th annually.
2. It clarifies that the commissioner may adopt rules to set the dates when dogs may be used to hunt black bear during any portion of the open bear hunting season.
3. It provides that a person may not set bear bait earlier than 30 days before the first Monday preceding September 1st.
4. It reduces the fee for a resident bear permit from \$27 to \$10.
5. It requires the commissioner to adopt rules governing the number of bears that may be hunted and trapped in a season, which may not be more than one by trapping or 2 in total.
6. It establishes a daily bag limit of one bear by hunting.
7. It provides that, beginning January 1, 2022, to obtain a bear trapping permit, a person must either have successfully completed a bear trapping education course or have previously held a valid Maine bear trapping permit in any year prior to 2022.
8. It provides that a resident may hunt bear without a valid permit during the open firearm season on deer.
9. It allows a person who holds a license authorizing hunting big game to obtain a bear trapping permit.
10. It provides that a bear hunting permit is required for each bear when the bag limit on bear is more than one.

### Testimony

**Proponents:** Rep. John Martin (Sponsor); Nate Webb, DIFW; Steve Wood, JS Guide; Robert Bryan, BHA; Don Kleiner, MPGA; Joseph Mullin, CSF; Harvey Calden, MSCA; James Cote, ME Trappers Assoc.; Eric Venturini, Wild Blueberry Commission of ME; David Trahan, SAM-ILA

**Opponents:** John Glowa, Sr., Don Loprieno, Esther Mechler, Wendy Andresen, Mary Throckmorton, Kristal Karatsanos, Susanna Richer, Mary Jane Whitney, Gina Garey, Sally O. Smyth, Anita Coupe

**Neither For Nor Against:** Katie Hansberry, Humane Society

### **Potential Issues or Technical Problems**

None identified

### **Information Requests**

1. *What is the percentage of hunters vs. trappers for bear hunting?*

The following was provided by Jen Vashon, IFW Bear Biologist:

Since a trapping permit was established in 2008, on average, we sell 10,810 permits to harvest a bear with an avg. of 538 trapping permits (high of 796 this yr.) accounting for 5% of total bear permits sold and 9,437 hunting permits (87%) sold to bear hunters accounting for 87% of permit sales annually.

The remaining 8% of permits are sold to NR deer hunters to have the opportunity to take a bear while deer hunting (on avg. 834 permits annually). The later permit (NR deer) could be included in the proportion of hunting permits (95%), but wanted to point out the difference between the two types of hunting permits sold to harvest a bear.

2. The Department of Inland Fisheries and Wildlife provided copies of the *Research and Management Report*, including the section that focuses on Game Management, and bear specifically. The links to those reports/sections are provided below.

### **Suggested Amendment**

- David Trahan from the Sportsman's Alliance of Maine suggested that if the committee can come to a unanimous agreement, to consider adding an emergency preamble so that the rulemaking process outlined in the bill could get started right away.

### **Fiscal Impact**

- Fiscal Status: Not Yet Determined
- Although not the fiscal note for this bill, the fiscal note from LD 1118 C-A is linked below.

### **Repealed Language for Reference**

**12 MRSA §11351. Bear bag limit**

**1. Hunting or trapping bear; 2-bear limit.** A person may not hunt or trap bear after that person has killed or registered one during an open season under section 11251 and one during the open season on trapping bear under section 12260.

**2. Exceeding bag limit on bears.** A person may not possess more than 2 bears in any calendar year, except a person may keep more than one legally obtained bear in that person's home or as otherwise provided in law.

**3. Penalty.** A person who violates subsection 1 or 2 commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days; the court also shall impose a fine of not less than \$1,000, none of which may be suspended.

## **12 MRSA §12260. Trapping bear**

**4. Trapping bear after having killed one.** A person may not trap a bear after that person has killed or registered one trapped pursuant to this section. A person who violates this subsection commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days and a fine of not less than \$1,000, none of which may be suspended.

**5. Exceeding bag limit on bears.** Except as otherwise provided in this Part, a person may not possess more than 2 bears in any calendar year. A person who violates this subsection commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days and a fine of not less than \$1,000, none of which may be suspended.

## **Links**

[Testimony](#)

[Department's Research and Management Report](#)

[Game Management Section \(of the report\)](#) (black bears begin on p. 28)

[LD 1118 Original \(129<sup>th</sup>\)](#)

[LD 1118 Amended \(129<sup>th</sup>\)](#)

[LD 1118 Amended Fiscal Note \(129<sup>th</sup>\)](#)

## **Current Laws for Reference**

[12 MRSA §10902](#) (Suspension or revocation of or refusal to issue license or permit)

[12 MRSA §11151](#) (Bear Hunting Permit)

[12 MRSA §11151-A](#) (Nonresident late season bear hunting permit)

[12 MRSA §11251](#) (Open and closed seasons [bear])

[12 MRSA §11301](#) (Placing of bear bait)

[12 MRSA §11351](#) (Bear bag limit)

[12 MRSA §12260](#) (Trapping bear)

[12 MRSA §12260-A](#) (Bear trapping permit)