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Drafter: JM
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LD 116

POSSIBLE COMMITTEE AMENDMENT
For public hearing comment
(draft of DIFW recommendations in its report)

Changes to bill highlighted

Amend the title to read:

An Act Relating to the Hunting of Antlerless Deer

Amend the bill as follows:

Add a new Sec. 1 before Sec. 1 of the bill as follows:

Sec. 1. 12 MRSA § 10264 is amended to read:

§ 10264. Maine Deer Management Fund

The Maine Deer Management Fund, referred to in this section as "the fund," is established within the department as a no lapsing fund to be used by the commissioner to fund or assist in funding predator control and to acquire or enhance deer habitat. The commissioner shall establish on the department's online licensing system checkoff options that allow a person to donate money for predator control or deer habitat acquisition or enhancement. The checkoff options must be prominently displayed and contain web links to information about how the checkoff revenues have been and will be used. The commissioner shall also print in a prominent place on every paper application for a hunting license checkoff options that allow a person to donate money to the fund for predator control or deer habitat acquisition or enhancement. Revenues from the checkoffs must be deposited in the fund and used for purposes indicated by the checkoffs.

Notwithstanding section 10801, subsection 4, \$2 of each deer registration fee collected under section 12301A, subsection 3, paragraph C must be deposited in the fund. Fifty percent of the funds deposited in the fund from the deer registration fees must be used for predator control purposes and 50% of the deposited fees must be used to acquire or enhance deer habitat. In addition, the revenue from each antlerless deer permit fee collected under §11152, after administrative costs must be deposited in the fund. 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. The department shall report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the fund and its utilization.

Renumber Sec 1 as Sec 2:

Sec. 1-2. 12 MRSA §10902, sub-§6, ¶F, is further amended to read:

F. Buying or selling deer, exceeding the bag limit on deer or hunting deer after having killed one, in violation of section 11217 or 11501 or unlawfully hunting or possessing an antlerless deer in a wildlife management district ~~for which no antlerless deer permits have been issued~~ in which the taking of antlerless deer is not allowed in violation of section 11152, subsection 1-A;

Insert the following new sections after renumbered Sec. 2 of the bill:

Sec. 3. 12 MRSA §10953 sub- §1, ¶E and F are repealed:

E. ~~The restriction in section 11403 to hunting with bow and arrow only, hunt deer with a crossbow during the 2020, 2021 and 2022 archery-only hunting season on deer established by the commissioner in accordance with rules adopted pursuant to section 11403. Except as provided in subsection 1C and section 10853, subsection 11, a person may not take an antlerless deer with a crossbow under this paragraph during an open archery season on deer unless that person possesses an antlerless deer permit in accordance with section 11152. A person 65 years of age or older who hunts deer with a crossbow pursuant to this paragraph and subsection 1C and a person who holds a permit under section 10853, subsection 11 and hunts deer with a crossbow pursuant to this paragraph may not take an antlerless deer in a wildlife management district for which antlerless deer permits have not been issued.~~

~~This paragraph is repealed January 1, 2023; and~~

F. ~~Notwithstanding the prohibition on hunting wild turkey with a crossbow during the fall open season on hunting wild turkey in section 11701 and also notwithstanding paragraph B, hunt wild turkey with a crossbow during the 2020, 2021 and 2022 fall open season on hunting wild turkey established by the commissioner in accordance with rules adopted pursuant to section 11701.~~

~~This paragraph is repealed January 1, 2023.~~

Sec. 4. 12 MRSA §10953 sub- §1-C is amended to read:

1-C. Hunting with a crossbow; 65 years of age or older. A person 65 years of age or older who meets the eligibility requirements of sections 11105, 11106 and 11162 may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal subject to this Part ~~and may take an antlerless deer with a crossbow during the regular archery-only deer hunting season without an antlerless deer permit issued in accordance with section 11152.~~

Sec. 5. 12 MRSA § 11109-A, sub§ 2-A is amended to read:

2-A. Antlerless deer permit. A super pack license includes:

A. An antlerless deer permit as provided under section 11152, except that it is valid only for antlerless deer in wildlife management districts in which at least ~~3,500~~ **2,000** antlerless deer permits are issued. No more than 2.5% of those antlerless deer permits may be in the form of a super pack license. The commissioner shall implement a system for issuing antlerless deer permits under this paragraph; and

B. An opportunity to enter a **bonus** antlerless-~~only~~ deer permit lottery established by the commissioner by rule pursuant to section 11152.

If a super pack licensee obtains an antlerless deer permit pursuant to paragraph A, that person is not eligible to obtain an antlerless deer permit through an antlerless deer permit lottery established by the commissioner pursuant to section 11152.

3. Harvest of 5 deer. Notwithstanding section 11501, a super pack license authorizes the holder to take:

A. One deer during either the regular open firearm season or the regular archery-~~only~~ season or the special muzzle-loading season in accordance with sections 11401, **11403** and 11404, respectively;

B. One deer in accordance with subsection 2-A, paragraph A; and

C. Three antlerless deer during the special archery season in accordance with section 11402, subsection 4.

Sec. 6. 12 MRSA §11110 sub-§1 is amended to read:

1. Transfer permitted. A person who has been assigned a designated hunting area, zone or season by the department for purposes of hunting a ~~game animal, moose,~~ may exchange that designated zone, area or season with another person assigned a different hunting zone, area or season ~~for the same game animal~~ for purposes of hunting ~~that same game animal~~ **moose**. The department may assist in the exchange to ensure that the permit holders meet the requirements of section 10756, but the State bears no responsibility for enforcing the terms of the exchange between the permit holders. The commissioner may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Renumber Sec. 2 of the bill and further amend as follows:

Sec. ~~2.~~ 7. 12 MRSA §11152, amended to read:

§11152. Antlerless deer; regulation and authority to issue permits

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt antlerless deer as authorized in this section unless that person has a valid permit

issued under this section or is hunting in an area that is designated by rule as open to the hunting of antlerless deer or either-sex deer without an antlerless deer permit.

A. 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.

1-A. Antlerless deer in wildlife management districts ~~with no permits issued.~~

Except as otherwise provided in this Part, a person may not hunt or possess an antlerless deer in a wildlife management district or a portion of a wildlife management district ~~that does not have permits issued~~ in which the taking of antlerless deer is not allowed. A person may possess in one of those districts an antlerless deer that has been lawfully-~~registered~~ taken in another district where ~~permits have been issued~~ antlerless deer may be legally taken.

A person that violates this subsection commits a Class D crime for which a minimum fine of \$1,000 must be imposed, and the court shall impose a sentencing alternative involving a term of imprisonment of at least 3 days, none of which may be suspended.

2. Authority to regulate taking of antlerless deer. The commissioner may regulate the taking of antlerless deer by rule within an area of the State as necessary to maintain deer populations in balance with available habitat if the demarcation of each area follows recognizable physical boundaries such as rivers, roads and railroad rights-of-way. This subsection does not apply to a person with a special antlerless deer permit under subsection 7.

~~**2-A. Authority to regulate taking of antlerless deer in certain areas within wildlife management districts where no permits are issued.**~~ The commissioner may by rule issue permits in a designated geographical area within a wildlife management district where ~~no antlerless deer permits are issued to maintain balanced deer populations.~~ A designated geographical area under this subsection may consist of an entire town or other area but must have a demarcation of the area that follows recognizable physical boundaries such as rivers, roads and railroad rights-of-way.

3. Rulemaking. If the commissioner establishes by rule a lottery system for issuing antlerless deer permits to eligible persons, the commissioner may also allow for the direct purchase of additional antlerless deer permits in certain wildlife management districts or portions of wildlife management districts as the commissioner finds necessary to maintain balanced deer populations.

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~~ lottery 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 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 hunters.

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

4. Landowner consideration. An antlerless deer permit ~~system~~ lottery 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. As part of the special consideration to those landowners, the commissioner shall provide at least 25% of the available antlerless deer permits in a wildlife management district to eligible landowners that apply for an antlerless deer permit in that district. 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 subsection.

5. Hunter permit transfers. ~~A resident may take an antlerless deer if another resident who holds a valid antlerless deer permit transfers the permit to that resident by identifying the name 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. A nonresident may take an antlerless deer if another nonresident who holds a valid antlerless deer permit transfers the permit to that nonresident by identifying the name 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 a transfer under this subsection and return the permit to the transferee. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer.~~

5-A. Permit transfer to junior hunter. ~~Notwithstanding subsection 5, a junior hunter may take an antlerless deer if another person who holds a valid antlerless deer permit transfers that permit to that junior hunter by identifying the name 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 at least 48 hours prior to the junior hunter's hunting antlerless deer. Upon transfer of the antlerless deer permit to a junior hunter, the transferor may not hunt an antlerless deer pursuant to the transferred permit but remains eligible, unless otherwise prohibited, to take a deer other than an antlerless deer in accordance with this Part.~~

The commissioner shall record a transfer under this subsection and return the permit to the transferee. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer.

7. Special antlerless deer permit. The commissioner shall issue a special antlerless deer permit to an eligible person who has lost all or part of one or more lower limbs, not including a partial foot amputation, or is suffering from the permanent loss of use of both lower limbs. The commissioner shall issue a permit upon application and after the applicant verifies that person's ambulatory disability with a letter signed by a physician confirming the person's condition. A person who is issued a special antlerless deer permit under this subsection may take an antlerless deer in any part of the State open to the taking of antlerless deer pursuant to subsection 3.

8. Junior hunter consideration. An antlerless deer permit ~~system~~ lottery adopted by the commissioner pursuant to this section may include a provision giving special consideration to persons with a valid junior hunting license. As part of the special consideration to junior hunters, the commissioner shall provide at least 25% of the available antlerless deer permits in a wildlife management district to persons with a valid junior hunting license who apply for an antlerless deer permit in that district.

9. Fee. An antlerless deer permit is \$12 for residents and nonresidents.

Insert the following new sections after renumbered Sec. 2 (now Sec 7) of the bill

Sec. 8. 12 MRSA §11403, sub§2 is amended to read:

2. Open archery season on deer. The commissioner shall by rule establish a regular archery-~~only~~ season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 11401, subsection 1, paragraph A, for the purpose of hunting deer only with bow and arrow or crossbow. During the regular archery-~~only~~ season on deer the following restrictions apply.

A. A person may not take a deer during a regular archery-~~only~~ season unless that person uses a hand-held bow and broadhead arrow in accordance with section 11214, subsection 1, paragraph P or a crossbow in accordance with section 10953, subsection 3.

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow or crossbow during the regular archery-~~only~~ season on deer. This paragraph may not be construed to prohibit a person from carrying a concealed weapon in accordance with Title 25, section 2001A.

C. Except as provided in section 11109-A, subsection 3, if a person takes a deer with bow and arrow or crossbow during the regular archery-~~only~~ season on deer, that person is precluded from further hunting for deer during that year except as otherwise provided in law or rule.

D. Except as provided in this subsection, the provisions of this Part concerning deer are applicable to the taking of deer with bow and arrow and crossbow, including the transportation, registration and possession of deer taken by this method.

A person who violates this subsection commits a Class E crime.

Sec. 9. 12 MRSA §11701, first ¶ is amended to read:

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource. The rules must permit the use of a crossbow during an open season for hunting wild turkey, ~~except that a person may not hunt wild turkey with a crossbow during the fall open season on hunting wild turkey~~ as established by the commissioner.

Sec. 10. Examination of crossbow laws. The Department of Inland Fisheries and Wildlife shall determine the statutory changes necessary to remove the distinction between hunting with a bow and arrow and crossbow. The department shall report the department's findings and recommendations on the necessary changes as well as the cost, timeline and impact of the changes to the Joint Standing Committee having jurisdiction over inland fisheries and wildlife matters by January 3, 2023. The committee may report out a bill related to crossbows to the First Regular Session or any special session of the 131st Legislature.