

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Clarify and Enhance Maine's Fish and Wildlife Laws

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

Sec. 1. 12 MRSA §10151, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

5. Meetings. All regular and special meetings of the advisory council must be public meetings and must be held in a public meeting place convenient for the public. Public comment must be accepted at regular and special meetings of the advisory council. Comments may be restricted to subjects before the advisory council at the meeting and consistent with any applicable requirements and limitations of the Maine Administrative Procedure Act. Public notice of all regular and special advisory council meetings must be published in a daily newspaper of general circulation in the geographic area where the meeting is scheduled at least 7 days and not more than 21 days prior to the meeting except in circumstances when emergency rulemaking is necessary. That notice must include an agenda or statement of purpose of the meeting. That notice may be combined with any other notice of the meeting required by law.

Sec. 2. 12 MRSA §11108-B, sub-§1, as amended by PL 2019, c. 324, §1, is further amended to read:

1. Youth hunter Apprentice supervisor required. A holder of an apprentice hunter license may not hunt other than in the presence of a ~~youth hunter~~ apprentice supervisor.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 3. 12 MRSA §11108-B, sub-§1-A, ¶A-1 is enacted to read:

A-1. "Apprentice supervisor" means a person who is 18 years of age or older and holds a valid adult hunting license under this subchapter.

Sec. 4. 12 MRSA §11108-B, sub-§1-A, ¶C, as enacted by PL 2019, c. 324, §1, is repealed.

Sec. 5. 12 MRSA §11108-B, sub-§2, as amended by PL 2019, c. 324, §1, is further amended to read:

2. ~~Youth hunter~~Apprentice supervisor responsibility. ~~A youth hunter~~An apprentice supervisor must have held a valid hunting license for the prior 3 consecutive years to be qualified to supervise a holder of an apprentice hunter license. ~~A youth hunter~~An apprentice supervisor shall ensure that the holder of an apprentice hunter license follows safe and ethical hunting protocol and adheres to the laws under this Part. ~~A youth hunter~~An apprentice supervisor may not intentionally permit a person hunting under an apprentice hunter license with that ~~youth hunter~~apprentice supervisor to violate subsection 1.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$500 must be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 6. 12 MRSA §11108-C, as amended by PL 2015, c. 281, Pt. D, §2, is further amended to read:

§ 11108-C. Eligibility and restrictions for a junior hunting license

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "~~Adult~~Junior hunter supervisor" means:

(1) The parent or guardian of the junior hunter who holds or has held a valid Maine hunting license or successfully completed a hunter safety course that meets the requirements of section 11105; or

(2) A person 18 years of age or older who:

(a) Is approved by the parent or guardian of the junior hunter; and

(b) Holds or has held a valid Maine hunting license or successfully completed a hunter safety course that meets the requirements of section 11105.

B. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.

2. Eligibility Junior hunter eligibility. A resident or nonresident who is under 16 years of age may obtain a junior hunting license, which allows that person to hunt subject to the conditions set out in this section.

3. Supervision of junior hunters Junior hunter supervisor required. A hunter who is at least 10 years of age and under 16 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of ~~an adult~~ a junior hunter supervisor. A hunter who is under 10 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of ~~an adult~~ a junior hunter supervisor who remains at all times within 20 feet of that hunter.

4. Supervision of junior hunters 16 years of age. A hunter 16 years of age who obtained a junior hunting license before that person reached 16 years of age may not hunt with that license unless the person is in the presence of and under the effective control of ~~an adult~~ a junior hunter supervisor or the person has successfully completed a hunter safety course acceptable under section 11105. The following penalties apply to a violation of this subsection:

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and

B. A person who violates paragraph A after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

5. Expiration of junior hunting license issued to person 15 years of age. A junior hunting license issued to a person who is 15 years of age is valid through the calendar year for which the license is issued. Beginning January 1, 2016, for those persons who obtain a junior hunting license and turn 16 years of age during the same calendar year, a pheasant hunting permit, an archery hunting license and a migratory waterfowl permit are included even after the person has turned 16 years of age as long as that person is hunting on that person's valid junior hunting license and not longer than the remainder of the calendar year for which the license is issued. In addition to the requirements of subsection 4, all other permit requirements applicable to a person who is 16 years of age or older apply to a person who continues to hunt with a junior hunting license under this subsection after reaching that person's 16th birthday.

6. Penalties for supervisors of junior hunters. A person who is the ~~adult~~ junior hunter supervisor of a holder of a valid junior hunting license when that junior hunter violates any provision of this Part pertaining to hunting:

A. Commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and

B. After having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period, commits a Class E crime.

Sec. 7. 12 MRSA §12152, sub-§3-A, ¶A, as enacted by PL 2015, c. 374, §7, is amended to read:

A. Possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section ~~11601, 11602~~, 12401, 12402 or 12404; or

SUMMARY

This bill makes the following changes to the laws governing inland fisheries and wildlife.

1. It waives the 7-day notice requirement for meetings of the Inland Fisheries and Wildlife Advisory Council in cases of emergency rulemaking.
2. It changes the name of the supervisor of an apprentice hunter from a youth hunter supervisor to an apprentice supervisor and changes the name of the supervisor of a junior hunter from an adult supervisor to a junior hunter supervisor.
3. It removes 2 cross-references in the laws governing permits to possess wildlife in captivity.