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Legislative Document

No. 768

H.P. 548

House of Representatives, March 2, 2017

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.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HILLIARD of Belgrade.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: BICKFORD of Auburn, BRADSTREET of Vassalboro, HARVELL of
Farmington, LYFORD of Eddington, Senator: SAVIELLO of Franklin.

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

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3 affected by c. 614, §9, is repealed.

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

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

8 A. If registered to vote, is registered in this State;

9 B. If licensed to drive a motor vehicle, has made application for or possesses a motor
10 vehicle operator's license issued by the State;

11 C. If owning a motor vehicle located within the State, has registered each such
12 vehicle in the State; and

13 D. Is in compliance with the state income tax laws.

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

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

18 **§10263. Moose Research and Management Fund**

19 The Moose Research and Management Fund, referred to in this section as "the fund,"
20 is established within the department as a nonlapsing fund to be used by the commissioner
21 to fund or assist in funding the research and the management of moose. One hundred
22 dollars from each nonresident ~~or alien~~ moose hunting permit issued under section 11154,
23 subsection 3 must be deposited in the fund. In addition, up to \$25,000 may be deposited
24 in the fund from the revenues generated by moose hunting application and permit fees to
25 carry out the department's documented moose research. The commissioner may accept
26 and deposit into the fund monetary gifts, donations or other contributions from public or
27 private sources for the purposes specified in this section. The fund must be held separate
28 and apart from all other money, funds and accounts.

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

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

33 **2. Hunting licenses; agent's fee.** The commissioner may appoint clerks or other
34 agents to issue licenses and permits under this Part. Clerks or other agents appointed by
35 the commissioner to issue licenses and permits shall charge a fee of \$2 for each hunting
36 license issued. The commissioner shall charge a fee of \$1 for each hunting license issued
37 by department employees.

1 **Sec. 6. 12 MRSA §11109, sub-§3**, as repealed and replaced by PL 2015, c. 494,
2 Pt. D, §2, is amended to read:

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

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

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

17 B-1. Effective January 1, 2018, a resident comprehensive hunting license, for a
18 person 16 years of age or older, is \$38 and permits hunting of all legal species,
19 subject to the permit requirements of sections 11152, 11153, 11154, 11156 and
20 11157.

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

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

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

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

31 E-1. A resident apprenticeship hunter license, which includes a bear hunting permit
32 and a wild turkey hunting permit under sections 11151 and 11155, respectively, is
33 \$26 and permits hunting of all legal species, subject to the permit requirements in
34 subchapter 3.

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

1 exempt the holder of the license from lottery-related application requirements under
2 this Part.

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

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

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

10 I-1. Effective January 1, 2018, a nonresident comprehensive hunting license, for a
11 person 16 years of age or older, is \$143 and permits hunting of all legal species,
12 subject to the permit requirements of sections 11152, 11153, 11154, 11156 and
13 11157.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **7. Archery hunting licenses; combination licenses; fees.** Archery hunting
38 licenses, combination licenses and fees are as follows:

- 1 A. A resident archery license is \$26;
- 2 B. A resident combination archery hunting and fishing license is \$43; and
- 3 C. A nonresident archery license is \$75; ~~and.~~
- 4 ~~D. An alien archery license is \$85.~~

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

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

- 8 A. A resident crossbow permit is \$26; and
- 9 B. A nonresident crossbow permit is \$56; ~~and.~~
- 10 ~~C. An alien crossbow permit is \$80.~~

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

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

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

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

- 29 B. No more than 15% of the antlerless deer permits issued in any one district or in
30 any one zone may be issued to nonresident ~~and alien~~ hunters.

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

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

35 **2. Issuance of moose hunting permits.** In accordance with section 11552, the
36 commissioner may issue moose hunting permits and may establish the number of moose
37 hunting permits to be issued for each wildlife management district established by the

1 commissioner by rule open to moose hunting. No more than 10% of the moose hunting
2 permits may be issued to nonresident ~~and alien~~ hunters.

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

5 **3. Moose hunting permit fee.** The fee for a moose hunting permit is \$52 for a
6 resident and \$585 for a nonresident ~~or alien~~.

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

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

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

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

17 **5. Eligibility.** Except as provided in this subsection, a resident, or nonresident ~~or~~
18 ~~alien~~ who is eligible to obtain a Maine hunting license or who will be eligible to obtain a
19 Maine hunting license by the opening day of the open moose season is eligible to apply
20 for a moose hunting permit. Beginning in 2011, a person who has obtained a moose
21 hunting permit is ineligible to obtain another permit until 3 years have elapsed after the
22 issuance of the last permit. This limitation does not apply to subpermittees under
23 subsection 7.

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

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

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

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

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

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

36 C. A resident under 10 years of age may trap all legal species, except bear, without
37 a license.

1 D. A nonresident is eligible to purchase a nonresident trapping license.

2 ~~Nonresident aliens are ineligible to purchase a trapping license.~~

3 **Sec. 18. 12 MRSA §12501, sub-§6, ¶1**, as amended by PL 2009, c. 213, Pt. OO,
4 §11, is repealed.

5 **SUMMARY**

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

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

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