

Date:

(Filing No. S- )

**INLAND FISHERIES AND WILDLIFE**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**129TH LEGISLATURE**

**SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 338, L.D. 1118, Bill, “An Act To Give the Commissioner of Inland Fisheries and Wildlife Rule-making Authority To Establish a Bear Season Framework and Bag Limits”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 12 MRSA §10902, sub-§6, ¶E**, as repealed and replaced by PL 2011, c. 691, Pt. A, §7, is amended to read:

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

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

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

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.

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

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

**COMMITTEE AMENDMENT**

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

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

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

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

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

18           B. ~~There is an open season on using a dog or dogs in conjunction with bear hunting~~  
19 ~~from the first Monday preceding September 1st to the day preceding the open firearm~~  
20 ~~season on deer provided in sections 11401 and 11402~~ during the open season on  
21 hunting bear established by the commissioner in accordance with paragraph A.

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

24           **Sec. 6. 12 MRSA §11301, sub-§1, ¶E**, as repealed and replaced by PL 2011, c.  
25 691, Pt. A, §9, is amended to read:

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

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

31 **§11351. Bear bag limit**

32           The commissioner shall establish by rule limits on the number of bear a person may  
33 hunt, trap and possess in a season, which may not exceed 2 bears in total and may not  
34 exceed one bear by trapping in a calendar year, except a person may keep more than 2  
35 legally obtained bears in that person's home as otherwise provided in law or rule. Rules  
36 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter  
37 375, subchapter 2-A.

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

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

40           (1) Two bears by means of hunting;

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

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

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

5                   (1) Two bears by means of hunting;

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

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

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

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

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

18                  **Sec. 8. 12 MRSA §12260-A, sub-§2,** as enacted by PL 2007, c. 168, §7 and  
19                  affected by §8, is amended to read:

20                  **2. Eligibility; trapping license required.** A person who possesses a valid trapping  
21                  license or a license that authorizes the hunting of bear, deer, moose, bobcat and raccoon  
22                  may obtain a permit to trap bear from the commissioner or the commissioner's authorized  
23                  agent.

24                  **Sec. 9. 12 MRSA §12260-A, sub-§3,** as enacted by PL 2007, c. 168, §7 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 bear trapping permit to an eligible person. The annual fee for each  
28                  permit issued is \$27 ~~\$10~~ for residents and \$67 for nonresidents.

29                  **Sec. 10. 12 MRSA §12260-A, sub-§4** is enacted to read:

30                  **4. Bear trapping education course requirements; proof of bear trapping permit.**  
31                  Beginning January 1, 2021, a person who applies for a bear trapping permit must submit  
32                  proof of having successfully completed a bear trapping education course as provided by  
33                  the department or satisfactory evidence of having previously held a valid Maine bear  
34                  trapping permit in any year prior to 2021. When proof of competency cannot otherwise  
35                  be provided, the applicant may substitute a signed affidavit that the applicant has  
36                  successfully completed the required bear trapping education course or held a valid Maine  
37                  bear trapping permit prior to 2021.

1 A person who is trapping for bear under the supervision of and in the presence of a  
2 licensed guide who has successfully completed the bear trapping education course is  
3 exempt from this subsection.

4 For the purposes of this subsection, "in the presence of" means in visual and voice contact  
5 without the use of visual or audio enhancement devices, including but not limited to  
6 binoculars, citizen band radios or electronic communication systems.'

7 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
8 section number to read consecutively.

9 **SUMMARY**

10 This amendment makes the following changes to the bill.

11 1. It requires the Commissioner of Inland Fisheries and Wildlife to establish by rule  
12 an open season on hunting bear beginning no earlier than the 2nd Monday preceding  
13 September 1st and ending no later than November 30th annually.

14 2. It provides that the commissioner may adopt rules prohibiting the use of dogs to  
15 hunt black bear during any portion of the open bear hunting season.

16 3. It provides that a person may not set bait earlier than 30 days before the first  
17 Monday preceding September 1st.

18 4. It provides that, beginning January 1, 2021, to obtain a bear trapping permit, a  
19 person must either have successfully completed a bear trapping education course or have  
20 previously held a valid Maine bear trapping permit in any year prior to 2021.

21 5. It removes from the bill the provisions that provide that sentences for certain  
22 violations of bear hunting and trapping laws may not be suspended.

23 6. It provides that a person may hunt bear without a valid permit during the open  
24 firearm season on deer.

25 7. It provides that a bear hunting permit is required for each bear when the bag limit  
26 on bear is more than one.

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**