

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 98 - L.D. 142

An Act To Give the Commissioner of Inland Fisheries and Wildlife Rule-making Authority To Establish a Bear Season Framework and Bag Limits

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

Sec. 1. 12 MRSA §10902, sub-§6, ¶E, as repealed and replaced by PL 2011, c. 691, Pt.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 hunting or trapping bear or exceeding the bag limit on bear in violation of section 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.

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

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a nonresident late season 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 \$40.

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

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

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

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

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

Sec. 6. 12 MRSA §11301, sub-§1, ¶E, as repealed and replaced by PL 2011, c. 691, Pt.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

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

Sec. 7. 12 MRSA §11351, as amended by PL 2011, c. 309, §§2 and 3, is repealed and the following enacted in its place:

§11351. Bear bag limit

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

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

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

(1) Two bears by means of hunting;

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

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

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

- (1) Two bears by means of hunting;
- (2) One bear by means of trapping during the open season on trapping bear under section 12260; and
- (3) The maximum number established by rule under this section.

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

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

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

Sec. 8. 12 MRSA §12260, sub-§4, as amended by PL 2011, c. 309, §5, is repealed.

Sec. 9. 12 MRSA §12260, sub-§5, as amended by PL 2011, c. 309, §6, is repealed.

Sec. 10. 12 MRSA §12260-A, sub-§2, as enacted by PL 2007, c. 168, §7 and affected by §8, is amended to read:

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

Sec. 11. 12 MRSA §12260-A, sub-§3, as enacted by PL 2007, c. 168, §7 and affected by §8, is amended to read:

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a bear trapping permit to an eligible person. The annual fee for each permit issued is ~~\$27~~ \$10 for residents and \$67 for nonresidents.

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

4. Bear trapping education course requirements; proof of bear trapping permit. Beginning January 1, 2022, a person who applies for a bear trapping permit must submit proof of having successfully completed a bear trapping education course as provided by the department or satisfactory evidence of having previously held a valid Maine bear trapping permit in any year prior to 2022. When proof of competency cannot otherwise be provided, the applicant may substitute a signed affidavit stating that the applicant has successfully completed the required bear trapping education course or held a valid Maine bear trapping permit prior to 2022.

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

For the purposes of this subsection, "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, citizen band radios or electronic communication systems.

Sec. 13. Effective date. This Act takes effect January 1, 2022.