2   Date: (Filing No. H-   )

3   **INLAND FISHERIES AND WILDLIFE**

4   Reproduced and distributed under the direction of the Clerk of the House.

5   **STATE OF MAINE**

6   **HOUSE OF REPRESENTATIVES**

7   **127TH LEGISLATURE**

8   **FIRST REGULAR SESSION**

9   COMMITTEE AMENDMENT " " to H.P. 214, L.D. 320, Bill, "An Act
10   Regarding Retrieving Wounded Bear"

11   Amend the bill by striking out the title and substituting the following:

12   **'An Act Regarding the Tracking of Wounded Animals with a Leashed Dog'**

13   Amend the bill by striking out everything after the enacting clause and before the
14   summary and inserting the following:

15   **'Sec. 1. 12 MRSA §11109, sub-§3, ¶N,** as amended by PL 2005, c. 12, Pt. III,
16   §4, is repealed.

17   **Sec. 2. 12 MRSA §11111,** as enacted by PL 2003, c. 655, Pt. B, §117 and affected
18   by §422, is repealed and the following enacted in its place:

19   **§11111. Tracking wounded animals with a leashed dog**

20   **1. Permit required.** Except as provided in section 12862 or otherwise authorized
21   pursuant to this Part, a person may not use a leashed dog to track a wounded animal
22   without a valid permit issued pursuant to this section. For purposes of this section,
23   "wounded animal" means a lawfully wounded bear, deer or moose.

24   **2. Eligibility; license fee.** A person who holds a valid big game hunting license may
25   obtain from the commissioner a permit to use a leashed dog to track a wounded animal.
26   The fee for a 3-year permit to use a leashed dog to track a wounded animal is $81.

27   **3. Dog tracking services.** A person who holds a valid permit issued pursuant to this
28   section may charge a fee for dog tracking services. Notwithstanding section 10001,
29   subsection 28, a person is not a guide if the only services that person charges a fee for are
30   dog tracking services pursuant to this subsection.

31   **4. Penalties.** Each day a person violates subsection 1, that person commits a Class E
32   crime for which a minimum fine of $50 and an amount equal to twice the applicable
33   permit fee must be imposed.

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1 **5. Tracking a wounded animal after legal hunting hours.** Notwithstanding
2 sections 11205 and 11206, a person who holds a valid permit issued pursuant to this
3 section may use a leashed dog to track a wounded animal outside of legal hunting hours.

4 **6. Rules.** The commissioner may adopt rules to implement the provisions of this
5 section, which may include, but are not limited to, training requirements, the type and
6 number of dogs used, leash requirements and the time and manner in which a wounded
7 animal may be tracked and dispatched. Rules adopted pursuant to this subsection are
8 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

9 **Sec. 3. 12 MRSA §11214, sub-§1, ¶¶K to M,** as enacted by PL 2003, c. 414, Pt.
10 A, §2 and affected by c. 614, §9, are amended to read:

11 K. Use a dog to hunt deer or moose, except as provided in section ~~11109, subsection~~
12 ~~3, paragraph N~~ 11111 or 12862;

13 L. Use an artificial light, snare, trap or set gun to hunt deer or moose. This
14 paragraph does not affect or restrict the legitimate possession and sale of flashlights
15 or the lawful use of an artificial light to aid in the tracking of a wounded animal
16 pursuant to section 11111 or 12862;

17 M. Use artificial lights between 1/2 hour after sunset and 1/2 hour before sunrise the
18 next day to illuminate, jack, locate, attempt to locate or show up wild animals or wild
19 birds from September 1st to December 15th of each calendar year. This paragraph
20 does not affect chapter 921, ~~or~~ any rule issued in accordance with section 10104,
21 subsection 1 or the lawful use of an artificial light to aid in the tracking of a wounded
22 animal pursuant to section 11111 or 12862;

23 **Sec. 4. 12 MRSA §11225,** as enacted by PL 2007, c. 168, §6, is repealed.

24 **Sec. 5. 12 MRSA §12862** is enacted to read:

25 **§12862. Retrieval of wounded or killed bear, deer or moose after hours**

26 Notwithstanding sections 11205, 11206 and 11111, the commissioner may authorize
27 a person licensed to guide hunters under section 12853 whose client during a guided hunt
28 wounds or kills a bear, deer or moose to track and dispatch that animal outside of legal
29 hunting hours. A licensed guide authorized to track a wounded animal pursuant to this
30 section may use one leashed dog for tracking purposes. The commissioner may place
31 conditions and restrictions on tracking activities conducted pursuant to this section to
32 ensure its proper administration and the humane treatment of a wounded animal.'

33 **SUMMARY**

34 Current law provides for a license to use leashed dogs to track wounded animals and
35 allows a person who holds such a license to provide dog tracking services to others for a
36 fee without being licensed as a guide. This amendment consolidates those provisions and
37 makes the following changes.

38 1. It converts the license to use leashed dogs to track wounded animals from an
39 annual license for $27 to a 3-year permit for $81.

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1   2. It provides that a person must hold a big game hunting license to be eligible to
2   obtain the permit to use a leashed dog to track a wounded animal and specifies that the
3   permit only allows the tracking of a lawfully wounded animal.

4   3. It allows the permit holder to track a wounded animal outside of legal hunting
5   hours.

6   4. It expressly gives the Commissioner of Inland Fisheries and Wildlife rule-making
7   authority to regulate activities conducted pursuant to the permit.

8   Current law allows a licensed hunting guide to track and dispatch a client's wounded
9   bear, deer or moose after legal hunting hours without a license to use leashed dogs to
10   track wounded bear, deer or moose. This amendment relocates and changes that
11   provision of law to provide that the hunting guide must obtain authorization from the
12   Commissioner of Inland Fisheries and Wildlife to track and dispatch a client's wounded
13   bear, deer or moose after legal hunting hours. It also specifies that a guide authorized to
14   track a wounded bear, deer or moose may use one leashed dog for tracking purposes.

15   **FISCAL NOTE REQUIRED**

16   **(See attached)**

COMMITTEE AMENDMENT