

Date: (Filing No. H- )

INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 844, L.D. 1226, Bill, "An Act To Establish a Comprehensive Hunting License"

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

'An Act To Establish a Hunting Permit Package'

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

Sec. 1. 12 MRSA §10201, sub-§5, as amended by PL 2009, c. 340, §7, is repealed.

Sec. 2. 12 MRSA §10206, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4. Migratory waterfowl revenues. All revenues Not less than \$83,000 of revenues derived from the sale of permits and art in conjunction with the permits under section 10201, subsection 5 and section 11157 permit packages issued under section 11161 must be deposited into a special account within the department, and that account must be used for acquisition of waterfowl habitat and waterfowl management activities.

Sec. 3. 12 MRSA §10206, sub-§10, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

10. Pheasant hunting permit revenues. Revenues Not less than \$22,000 of revenues generated from the sale of pheasant hunting permits permit packages issued under section 11161 must be deposited into a separate account within the department, to be known as the Pheasant Fund and referred to in this subsection as the "fund." The fund is nonlapsing. The fund may be used only for costs directly related to the administration of the pheasant program, including grants to a qualified rod and gun club or qualified hunting-oriented organization to help defray the costs of purchasing and raising pheasants in accordance with an agreement with the commissioner entered into in accordance with section 10108, subsection 9.

COMMITTEE AMENDMENT

1           **Sec. 4. 12 MRSA §10260**, as enacted by PL 2007, c. 168, §1 and affected by §8,  
2 is amended to read:

3           **§10260. Black Bear Research Fund**

4           The Black Bear Research Fund, referred to in this section as "the fund," is established  
5 within the department as a nonlapsing fund to be used by the commissioner to fund or  
6 assist in funding studies related to the management of black bears. ~~Revenue from the~~  
7 ~~nonresident late season bear hunting permit under section 11151-A and the~~ Not less than  
8 \$31,000 of revenues generated from the sale of permit packages under section 11161 and  
9 all revenues generated from the sale of bear trapping permit permits under section 12260-  
10 A must be deposited in the fund. The commissioner may accept and deposit into the fund  
11 monetary gifts, donations or other contributions from public or private sources for the  
12 purposes specified in this section. The fund must be held separate and apart from all  
13 other money, funds and accounts.

14           **Sec. 5. 12 MRSA §10853, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
15 affected by c. 614, §9, is amended to read:

16           **1. Residents over 70 years of age.** A complimentary license to hunt, trap or fish,  
17 including an archery license under section 11109, subsection 7, ~~a pheasant hunting permit~~  
18 ~~under section 11156, a muzzle loading hunting license under section 11109, subsection 4,~~  
19 ~~a migratory waterfowl permit under section 11157 and a bear hunting permit under~~  
20 ~~section 11151 and a permit package under section 11161,~~ must be issued to a resident  
21 who is 70 years of age or older upon application to the commissioner.

22           A. A resident who applies for a complimentary license under this section at any time  
23 during the calendar year of that resident's 70th birthday must be issued a license upon  
24 application, regardless of the actual date during that calendar year in which that  
25 resident attains 70 years of age. A guide license may be renewed without charge for  
26 a resident who is 70 years of age or older upon application to the commissioner. The  
27 application must be accompanied by a birth certificate or other certified evidence of  
28 the applicant's date of birth and residency.

29           B. Beginning January 1, 2006, the department may not issue a complimentary  
30 license to a resident over 70 years of age. A complimentary license issued to a  
31 resident over 70 years of age prior to January 1, 2006 is valid as long as the license  
32 holder satisfies the residency requirements set out in section 10001, subsection 53.

33           C. A complimentary license issued under this subsection remains valid for the  
34 remainder of the life of the license holder, as long as the license holder continues to  
35 satisfy the residency requirements set out in section 10001, subsection 53 and the  
36 license is not revoked or suspended.

37           **Sec. 6. 12 MRSA §10853, sub-§1-A**, as enacted by PL 2005, c. 75, §1, is  
38 amended to read:

39           **1-A. Residents 100 years of age or older.** ~~A~~ Notwithstanding section 11161, a  
40 complimentary antlerless deer permit under section 11152 may be issued to a resident of  
41 the State who is 100 years of age or older upon application to the commissioner.

1 A. A resident who applies for a complimentary antlerless deer permit under this  
2 subsection at any time during the calendar year of that resident's 100th birthday may  
3 be issued the permit regardless of the actual date during that calendar year in which  
4 that resident attains 100 years of age. The application must be accompanied by a birth  
5 certificate or other certified evidence of the applicant's date of birth and proof of  
6 residency.

7 B. A complimentary antlerless deer permit issued under this subsection remains valid  
8 for the remainder of the life of the permit holder, as long as the permit holder  
9 continues to satisfy the residency requirements set out in section 10001, subsection  
10 53 and the permit is not revoked or suspended.

11 **Sec. 7. 12 MRSA §11106-A**, as amended by PL 2015, c. 136, §4, is repealed and  
12 the following enacted in its place:

13 **§11106-A. Eligibility for crossbow hunting license**

14 A person who holds a valid permit package issued pursuant to section 11161 may  
15 hunt with a crossbow.

16 **Sec. 8. 12 MRSA §11107**, as amended by PL 2015, c. 136, §5, is repealed and the  
17 following enacted in its place:

18 **§11107. Eligibility for hunting with muzzle-loader**

19 A person who holds a valid permit package issued pursuant to section 11161 may  
20 hunt with a muzzle-loader.

21 **Sec. 9. 12 MRSA §11108, sub-§1**, as amended by PL 2015, c. 136, §6, is further  
22 amended to read:

23 **1. On certain land.** Notwithstanding section 11109, subsection 1 as it applies to this  
24 subchapter, a resident and a member of the resident's immediate family, as long as the  
25 hunter's license to hunt is not under suspension or revocation, may hunt without a license,  
26 including, but not limited to, an archery hunting license, ~~a crossbow hunting license and a~~  
27 ~~muzzle-loading license~~, on a single plot of land:

- 28 A. To which they are legally entitled to possession;
- 29 B. On which they are actually domiciled;
- 30 C. That is used exclusively for agricultural purposes; and
- 31 D. That is in excess of 10 acres.

32 **Sec. 10. 12 MRSA §11109, sub-§3, ¶E-1**, as amended by PL 2009, c. 213, Pt.  
33 OO, §2, is further amended to read:

34 E-1. A resident apprenticeship hunter license, which includes a ~~bear hunting permit~~  
35 ~~and a wild turkey hunting permit under sections 11151 and 11155 respectively~~ permit  
36 package under section 11161, is \$25.

37 **Sec. 11. 12 MRSA §11109, sub-§3, ¶P**, as amended by PL 2009, c. 213, Pt. OO,  
38 §2, is further amended to read:

1 P. A nonresident big game apprenticeship hunter license, which permits the hunting  
2 of all legal species and includes a ~~bear hunting permit and a wild turkey hunting~~  
3 ~~permit under sections 11151 and 11155 respectively~~ permit package under section  
4 11161, is \$114.

5 **Sec. 12. 12 MRSA §11109, sub-§4**, as amended by PL 2005, c. 397, Pt. E, §6, is  
6 repealed.

7 **Sec. 13. 12 MRSA §11109, sub-§5**, as amended by PL 2009, c. 213, Pt. OO, §3,  
8 is repealed.

9 **Sec. 14. 12 MRSA §11109, sub-§8**, as enacted by PL 2005, c. 419, §5 and  
10 affected by §12, is repealed.

11 **Sec. 15. 12 MRSA §11109, sub-§9**, as amended by PL 2009, c. 213, Pt. OO, §5,  
12 is repealed.

13 **Sec. 16. 12 MRSA §11151**, as amended by PL 2009, c. 213, Pt. OO, §6, is further  
14 amended to read:

15 **§11151. Bear hunting permit**

16 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person  
17 may not hunt for bear without a valid permit package issued pursuant to section 11161  
18 from the first Monday preceding September 1st to the day preceding the open firearm  
19 season on deer. This section does not apply to trapping for bear.

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

23 ~~**2. Eligibility; big game license required.** A person who possesses a valid license to~~  
24 ~~hunt big game may obtain a permit to hunt for bear from the commissioner or an~~  
25 ~~authorized agent.~~

26 ~~**3. Issuance; permit fee.** The commissioner, through the commissioner's authorized~~  
27 ~~agent, shall issue a bear hunting permit to an eligible person. The annual fee for each~~  
28 ~~permit issued is \$27 for residents and \$74 for nonresidents.~~

29 **Sec. 17. 12 MRSA §11151-A**, as enacted by PL 2007, c. 168, §4 and affected by  
30 §8, is repealed.

31 **Sec. 18. 12 MRSA §11153, sub-§1**, as amended by PL 2005, c. 12, Pt. III, §8, is  
32 further amended to read:

33 **1. Special season deer hunting permits; authority to issue for special season.**  
34 The commissioner may implement a permit system to regulate hunter participation in a  
35 special season established by the commissioner pursuant to section 11402, subsection 4,  
36 paragraph B and the number, sex and age of deer harvested. If permits other than  
37 expanded archery permits are issued, the fee for a deer permit other than an antlerless  
38 deer permit is \$32 and the fee for an antlerless deer permit is \$12. The commissioner  
39 may grant the authority to hunt during an expanded archery season for antlerless deer or  
40 deer of either sex only as part of a permit package issued pursuant to section 11161.

1           **Sec. 19. 12 MRSA §11155, sub-§1**, as amended by PL 2003, c. 552, §2 and  
2 affected by §15, c. 614, §9 and c. 655, Pt. C, §§2 and 6, is further amended to read:

3           **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person  
4 may not hunt or possess wild turkey unless that person has a valid permit package issued  
5 under ~~this~~ section 11161.

6 A person who violates this subsection commits a Class E crime for which the court shall  
7 impose a fine of not less than \$500, none of which may be suspended. The court also  
8 shall impose a fine of \$500 for each wild turkey unlawfully possessed, none of which  
9 may be suspended.

10           **Sec. 20. 12 MRSA §11155, sub-§1-A**, as amended by PL 2015, c. 127, §3 and  
11 affected by §6, is repealed.

12           **Sec. 21. 12 MRSA §11155, sub-§1-C**, as enacted by PL 2013, c. 387, §2, is  
13 repealed.

14           **Sec. 22. 12 MRSA §11156**, as amended by PL 2005, c. 12, Pt. III, §15, is further  
15 amended to read:

16           **§11156. Pheasant hunting permit**

17           **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person  
18 may not hunt pheasant in Cumberland County or York County unless that person has a  
19 valid permit package issued under ~~this~~ section 11161. Each day a person violates this  
20 subsection that person commits a Class E crime for which a minimum fine of \$50 and an  
21 amount equal to twice the applicable license fee must be imposed.

22           **2. Rules.** The commissioner may adopt rules necessary for the proper  
23 administration, enforcement and interpretation of this section. Rules adopted pursuant to  
24 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter  
25 2-A.

26           ~~**3. Issuance.** The commissioner or the commissioner's authorized agent may issue a~~  
27 ~~pheasant hunting permit to an applicant 16 years of age or older permitting the applicant~~  
28 ~~to hunt or possess pheasants in Cumberland County and York County. A person under 16~~  
29 ~~years of age may hunt or possess pheasants in accordance with this Part, except that a~~  
30 ~~person under 16 years of age is not required to purchase or carry a pheasant hunting~~  
31 ~~permit in order to hunt or possess pheasants.~~

32           ~~**4. Fee.** The fee for a pheasant hunting permit is \$18, \$1 of which is retained by the~~  
33 ~~commissioner's authorized agent.~~

34           **Sec. 23. 12 MRSA §11157**, as amended by PL 2005, c. 12, Pt. III, §16, is further  
35 amended to read:

36           **§11157. Migratory waterfowl permit**

37           **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person  
38 may not hunt migratory waterfowl unless that person has a valid permit package issued  
39 pursuant to ~~this~~ section 11161. Each day a person violates this subsection that person

1 commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice  
2 the applicable license fee must be imposed.

3 ~~2. Issuance of permit.~~ The commissioner or the commissioner's authorized agent  
4 shall issue a migratory waterfowl hunting permit to an applicant 16 years of age or older  
5 permitting the applicant to hunt or possess migratory waterfowl. A person under 16 years  
6 of age may, without a permit, hunt or possess migratory waterfowl in accordance with  
7 this Part.

8 ~~3. Fee.~~ The fee for a migratory waterfowl hunting permit is \$7.50, 25¢ of which  
9 must be retained by the agent.

10 ~~4. Expiration date.~~ Migratory waterfowl hunting permits expire on December 31st  
11 of the year issued.

12 **Sec. 24. 12 MRSA §11160**, as amended by PL 2005, c. 12, Pt. III, §18 and  
13 corrected by RR 2011, c. 1, §17, is further amended to read:

14 **§11160. Coyote night hunting permit**

15 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person  
16 may not hunt coyote at night unless that person has a valid permit package issued under  
17 this section 11161. Each night a person violates this subsection that person commits a  
18 Class E crime for which a minimum fine of \$50 and an amount equal to twice the  
19 applicable license fee must be imposed.

20 ~~2. Eligibility; hunting license required.~~ A person who possesses a valid hunting  
21 license is eligible to obtain a permit from the commissioner to hunt coyotes at night,  
22 except that a permit may not be issued to a person who has been convicted of a violation  
23 of section 11206 within 5 years of the date of application for the permit.

24 ~~3. Issuance.~~ The commissioner shall issue a permit to hunt coyotes at night to  
25 eligible persons at a fee of \$4.

26 **Sec. 25. 12 MRSA §11161** is enacted to read:

27 **§11161. Permit package**

28 A person must have a permit to hunt with a crossbow or muzzle-loader and to hunt  
29 for bear, wild turkey, pheasant, migratory waterfowl, coyote at night and under an  
30 expanded archery permit. A permit package authorizes a person to hunt using the  
31 following methods and for the following species:

32 **1. Hunting with a crossbow; requirements.** The holder of a permit package may  
33 hunt with a crossbow under the following circumstances.

34 A. A resident or nonresident 16 years of age or older who has satisfied the  
35 requirements of paragraph C and who holds a valid hunting license issued pursuant to  
36 section 11101 or an apprenticeship hunter license issued pursuant to section 11109,  
37 subsection 3, paragraphs E-1, O or P may hunt with a crossbow.

38 B. A resident or nonresident 10 years of age or older and under 16 years of age may  
39 hunt with a crossbow if that person holds a valid junior hunting license.

1           C. A person who has submitted proof of having successfully completed an archery  
2           hunting education program and a crossbow hunting education program as described  
3           in section 10108 or equivalent archery and crossbow hunting education programs or  
4           satisfactory evidence of having previously held a valid adult archery license or a  
5           license issued specifically for the purpose of hunting with a crossbow or bow and  
6           arrow in this State or any other state, province or country in any year after 1979 may  
7           hunt with a crossbow.

8           When proof or evidence cannot be otherwise provided, a person who applies for a permit  
9           package may substitute a signed affidavit that the person has previously held the required  
10           adult crossbow and archery hunting license or has successfully completed the required  
11           crossbow and archery hunting education programs under paragraph C.

12           A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation,  
13           the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs who presents  
14           certification from the respective reservation governor or the Aroostook Micmac Council  
15           stating that the person is an enrolled member of a federally recognized nation, band or  
16           tribe listed in this paragraph is exempt from the requirements of this subsection.

17           A member of the Armed Forces of the United States on active duty who is permanently  
18           stationed outside of the United States and who is home on leave is exempt from crossbow  
19           hunter education program requirements under paragraph C if that member shows proof to  
20           the department prior to hunting with a crossbow that that member's home state of record,  
21           as recorded in that person's military service records, is Maine. A person who no longer  
22           meets the requirements of this subsection must satisfy the conditions for exemption under  
23           paragraph C.

24           **2. Hunting with a muzzle-loader; requirements.** The holder of a permit package  
25           may hunt with a muzzle-loader if:

26           A. The person is 16 years of age or older at the beginning of the special season  
27           established pursuant to section 11404, subsection 1-A and holds a valid hunting  
28           license issued pursuant to section 11101;

29           B. The person is 10 years of age or older and under 16 years of age and holds a valid  
30           junior hunting license; or

31           C. The person holds an apprenticeship hunter license.

32           **3. Bear hunting.** The holder of a permit package and a hunting license issued  
33           pursuant to section 11101 may hunt for bear in accordance with section 11151.

34           **4. Wild turkey hunting.** The holder of a permit package and a hunting license  
35           issued pursuant to section 11101 may hunt for wild turkey subject to the wild turkey  
36           hunting seasons established by the commissioner by rule and in accordance with section  
37           11155.

38           **5. Pheasant hunting.** A person 16 years of age or older who holds a permit package  
39           and a hunting license issued pursuant to section 11101 may hunt pheasant in Cumberland  
40           County or York County in accordance with section 11156. A person under 16 years of  
41           age is not required to hold a permit to hunt or possess pheasants.

