

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES & WILDLIFE

IN OPPOSITION TO L.D. 2194

**“An Act to Clarify When a Wounded Game Animal
May Be Dispatched by an Authorized Licensed Guide”**

Presented by: Senator STEWART of Aroostook

Cosponsored by: Senators BLACK of Franklin, TIMBERLAKE of Androscoggin.

DATE OF HEARING: February 14, 2024

Good afternoon, Senator LaFountain, Representative Landry and Members of the Inland Fisheries and Wildlife Committee, I'm Dan Scott, Colonel of the Maine Warden Service, speaking on behalf of the Department, in opposition to LD 2194.

This bill seeks to expand the ability of a licensed hunting guide whose client wounds or kills a bear, deer or moose during a guided hunt to track and dispatch the wounded animal during any hour of the day.

Current law allows a guide, whose client has wounded a deer, bear or moose, to dispatch the animal after legal hunting hours. This law was enacted in 2007 in response to the number of instances when bears are located after dark and are still alive and need to be dispatched, permitting the guide to dispatch the animal in place of the client. The statute was drafted such that it included bear, deer and moose.

In 2015, legislation was introduced to permit guides to use a leashed tracking dog to assist with the tracking of big game without having to obtain a leashed tracking dog license. A guide tracking a bear, deer or moose under this authority is permitted to dispatch an animal which has been wounded by a client. This activity is subject to conditions established in Rule by the Commissioner and permits the dispatch during or after legal shooting hours.

IFW Rule Chapter 25.06 states:

“During legal hunting periods, the person who has engaged the permittee must dispatch the wounded deer, moose or bear by methods that are lawful during the season in which it was wounded (and in a lawful manner reduce the animal to legal possession). However, the permittee must dispatch the wounded animal if the legal hunting period has ended, when the hunter is not present, or, when in the judgment of the permittee it is unsafe or otherwise inappropriate for the hunter to do so.”

Our concern is that LD 2194 is proposing such broad authority, it will result in the guide becoming “an extra gun,” or serving as an extra hunter on big game hunts. Depending on the interpretation of “tracking”, this law could make it legal for a guide to shoot “follow-up” shots at any big game animal that doesn’t immediately fall down. Resulting in the shooting of big game animals for clients, that would otherwise not have been harvested by the client. We are currently investigating several of those situations from this fall.

Currently, in some situations, guides reach out to wardens in advance of hunts to understand circumstances in which a guide may dispatch a wounded animal for a client during any time of day without first obtaining permission from a warden.

Typically, these situations include a guide tracking an animal which has run off after being shot (during what I would term the recovery phase of the hunt) and the animal is:

1. Found to be mortally wounded;
2. Is suffering unnecessarily; and
3. The client is not capable of delivering a killing shot (either because they are not present or are physically incapable of shooting the animal).

There is a distinct line between a guide and hunter and every time we create exemptions to hunting requirements that allow a guide to shoot the animal, we are blurring that line. A guide should only step into to finish the hunt when absolutely necessary, in situations where the animal will suffer unnecessarily and when the sport is physically incapable.

In conclusion, we feel that there are ample, legal opportunities for a guide to address situations in which a hunter will be challenged to track, find and dispatch a big game animal.