

Office of Policy and Legal Analysis

Date: 3-22-21
To: Joint Standing Committee on Inland Fisheries and Wildlife
From: Jon Clark, Deputy Director, OPLA
Re: [LD 309](#), “An Act To Require a Nonresident To Hire a Licensed Maine Guide To Hunt Big Game”
(Jackson)

Summary:

The bill prohibits a nonresident from hunting moose, deer or bear without being accompanied by a licensed Maine guide. It provides a limited exception if:

- The nonresident is from a US State or a province of Canada; and
- Maine has a reciprocity agreement with that State or province; and
- The reciprocity agreement allows Maine citizens to hunt without a guide:
 - moose,
 - deer *or*
 - bear

Testimony: 2-22-21

Pro

- level playing field, reciprocity with respect to guide requirements in other states and provinces

Con

- challenge to administer reciprocity agreements with all states and provinces
- fiscal impact
- communicates the wrong message about coming to hunt in Maine at the wrong moment.
- discouraging message to potential customers
- goes against democracy of hunting standard
- guide requirements elsewhere: hunting in Federal Wilderness area in Wyoming; hunting for brown/grizzly bear, Dall sheep, and mountain goat in Alaska, and hunting big game in some Canadian Provinces.

Neither for nor against

- safety reasons for guide requirements in other states – very remote areas and dangerous hunts
- language of bill problematic

Information Requests:

Information on license sales for big game hunting licenses for people from Canada. **DIFW response** (using 2019 data because hunters from Canada could not come to Maine in the fall of 2020):

Province	Hunting Licenses
QC	201
NB	96
NS	48
ON	15
PE	2
BC	1
YT	1

Drafting Issues:

As drafted:

- No exception to the guide requirement for persons from countries other than the U.S. and Canada. In terms of reciprocity, not clear if this is the intent.
- The reciprocity requirement may not reflect intent: As worded, a reciprocity agreement with a state regarding Maine citizens hunting moose without a guide in that state (but not regarding bear) would appear to be sufficient to allow a hunter from that state to hunt moose, deer or bear without a guide in Maine.

Additional information

- Legislation was enacted in 2007 ([ch 454](#)) that prohibited all aliens (persons not citizen of the US) from hunting deer, moose or bear without a guide.
- That law was repealed in 2009 ([ch 390](#)) and replaced with a law requiring a Canadian from New Brunswick or Quebec to have a guide to hunt big game or wild turkey unless the person owned land in the State and met other requirements.
- That law was repealed in 2011 ([ch 561](#))

Fiscal Impact:

Not yet determined