



SPORTSMAN'S ALLIANCE OF MAINE
205 Church Hill Road, Suite 1, Augusta, Maine 04330-8210
(207) 688-4966 o
(207) 831-7228 c
e-mail: bhhunt@maine.rr.com
bob@bobhumphrey.com
www.samofmaine.org

Senator Baldacci, Representative Roberts and members of the Joint Standing Committee On Inland Fisheries and Wildlife:

My name is Bob Humphrey. I live in Pownal, Maine and I am Vice President of the Sportsman's Alliance of Maine.

I would like to provide comment in support of LD 964 - An Act to Change the Definitions of "Sunrise" and "Sunset" in the Inland Fisheries and Wildlife Laws to Better Allow for Variations in Timing Across the State.

The purpose of proposed language and modifications is to clarify definitions, reduce confusion and unfair conditions, prevent unintentional violations and enhance safety with regard to legal hunting hours.

Currently under Title 12
Part 13: INLAND FISHERIES AND WILDLIFE
Subpart 1: GENERAL DEFINITIONS
Chapter 901: DEFINITIONS

“Sunrise and Sunset mean the time computed and established for Bangor, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.”

However, actual sunrise and sunset - and therefore twilight - as computed and established for by the Nautical Almanac Office of the United States Naval Observatory can vary by as much as 30 minutes on a north-south and east-west gradient within the State.

Proposed Action: Modify

60. Sunrise. "Sunrise" means the time computed and established for sunrise for any given location by the Astronomical Applications Department of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

61. Sunset. "Sunset" means the time computed and established for sunset for any given location by the Astronomical Applications Department of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

Rationale:

Consistency

The Astronomical Applications Department of the United States Naval Observatory was selected as this is the source used by U.S. government agencies to determine official sunrise and sunset. The Nautical

Almanac Office of the United States Naval Observatory is used for navigational purposes.

Safety

Target identification is a priority. There is an entire section devoted to it on the first page of General Hunting Laws (page 11) in the Summary of **Maine Hunting Laws**. The Department has determined that the period from ½ hour before sunrise to ½ after sunset (civil twilight) is appropriate for proper target identification for most game species. However, due to the variation in sunrise and sunset times across the State, under current regulations, hunters in some areas of the State are permitted to continue hunting well past, or begin hunting well before civil twilight (dusk and dawn.), when there may not be adequate light for proper target identification.

Fairness

Most people know, and extensive research bears out that most game species, particularly white-tailed deer, are most active around civil twilight. Under current regulations, hunters in some areas of the State are required to cease hunting well before the dusk. Others cannot begin hunting until well after dawn.

For example: On November 15, 2024, the end of civil twilight was at:

4:36 pm in Bangor;

4:19 pm in Eliot;

4:08 pm in Sandy Bay Township and

4:00 pm in Allagash

Under current regulations, a person could legally hunt more than 30 minutes after the end of civil twilight in Allagash. Conversely, a person in Eliot must cease hunting 17 minutes before the end of civil twilight. If you are a hunter you know how important those 17-30 minutes are.

Access to Information

The Astronomical Applications Department of the United States Naval Observatory is the datum used by most hunting and weather applications that are readily available to anyone with a cell phone or computer. A tap or two on a smartphone icon provides an accurate readout of sunrise and sunset, and in some cases civil twilight for the user's precise location.

Clarity

In December, 2023, Daniel Bell contacted the MDIFW on behalf of the 50,000-member Facebook Group, Maine Deer Hunters, through their social media portal inquiring about the correct method to determine legal shooting times and received the following response from the Department:

“Hunters would want to adjust themselves for where they are hunting.”

A follow up question: “So, then really based off ½ hour before/after based on location?”

Response: “Correct.”

Clearly, this information was inaccurate, but it is a common question in social media forums, which suggests more effort may be warranted to ensure hunters have the right answer.

Compliance

The Code of Federal Regulations, which applies to the hunting of migratory waterfowl states:

“No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in this part, however, nothing in this part shall be construed to prevent the several States from making and enforcing laws or regulations not inconsistent with these

regulations and the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act, or which shall give further protection to migratory game birds.”

Title 50 Chapter I Subchapter B Part 20: “No person shall take migratory game birds except during the hours open to shooting as prescribed in subpart K of this part and 50 CFR 21.180 and 21.183 of this chapter.”

Those hours are defined as: “Shooting and hawking hours are one-half hour before sunrise until sunset.”

The Federal Register further defines these as: (88 FR 54830) “Official sunrise or official sunset means the time of sunrise or sunset as determined for the date and location in The Nautical Almanac, prepared by the U.S. Naval Observatory.”

No specific geographic location is specified. Therefore, any person hunting migratory waterfowl in a location where local sunset occurs before the specified time for Bangor could be deemed in compliance of State law but in violation of Federal law. In the above example of Allagash, that could be by up to 30 minutes. This also raises the question as to whether or not Maine laws are consistent with these regulations and the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act.

Bob Humphrey
Vice President, Sportsman’s Alliance of Maine
727 Poland Range Road
Pownal, ME 04069
(207) 688-4966 o
(207) 831-7228 c
bhhunt@maine.rr.com
bob@bobhumphrey.com