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No. 142

H.P. 98

House of Representatives, January 21, 2021

**An Act To Give the Commissioner of Inland Fisheries and Wildlife
Rule-making Authority To Establish a Bear Season Framework and
Bag Limits**

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Received by the Clerk of the House on January 19, 2021. Referred to the Committee on
Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint
Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Eagle Lake.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §10902, sub-§6, ¶E**, as repealed and replaced by PL 2011, c.
3 691, Pt. A, §7, is amended to read:

4 E. ~~Buying or selling bear, hunting or trapping bear after having killed 2 or exceeding~~
5 ~~the bag limit on bear,~~ in violation of section 11217; or hunting or trapping bear or
6 exceeding the bag limit on bear in violation of section 11351 or 12260;

7 **Sec. 2. 12 MRSA §11151, sub-§1**, as affected by PL 2003, c. 614, §9 and amended
8 by c. 655, Pt. B, §118 and affected by §422, is further amended to read:

9 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
10 may not hunt for bear without a valid permit ~~from the first Monday preceding September~~
11 ~~1st to the day preceding the open firearm season on deer~~ during the open season on hunting
12 bear established pursuant to section 11251. A person may hunt for bear without a valid
13 permit during the open firearm season on deer under section 11401. This section does not
14 apply to trapping for bear.

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

18 **Sec. 3. 12 MRSA §11151, sub-§3**, as amended by PL 2009, c. 213, Pt. OO, §6, is
19 further amended to read:

20 **3. Issuance; permit fee.** The commissioner, through the commissioner's authorized
21 agent, shall issue a bear hunting permit or permits to an eligible person. When the bag limit
22 on bear is more than one, a bear hunting permit is required for each bear. The annual fee
23 for each permit issued is ~~\$27~~ \$10 for residents and \$74 for nonresidents.

24 **Sec. 4. 12 MRSA §11151-A, sub-§3**, as enacted by PL 2007, c. 168, §4 and
25 affected by §8, is amended to read:

26 **3. Issuance; permit fee.** The commissioner, through the commissioner's authorized
27 agent, shall issue a nonresident late season bear hunting permit or permits to an eligible
28 person. When the bag limit on bear is more than one, a bear hunting permit is required for
29 each bear. The annual fee for each permit issued is \$40.

30 **Sec. 5. 12 MRSA §11251, sub-§1**, as amended by PL 2017, c. 357, §1, is further
31 amended to read:

32 **1. Open season on bear; commissioner's authority.** This subsection governs the
33 open and closed seasons on bear.

34 A. ~~There is an open season on hunting bear from the first Monday preceding~~
35 ~~September 1st to November 30th annually.~~ The commissioner shall by rule establish
36 an open season on hunting bear beginning no earlier than the 2nd Monday preceding
37 September 1st and ending no later than November 30th annually. The commissioner
38 may, pursuant to section 10104, subsection 1, adopt rules prohibiting the use of bait or
39 a dog or dogs to hunt black bear during any portion of the open bear hunting season.

40 B. There is an open season on using a dog or dogs in conjunction with bear hunting
41 ~~from the first Monday preceding September 1st to the day preceding the open firearm~~

1 ~~season on deer provided in sections 11401 and 11402 during the open season on~~
2 ~~hunting bear established by the commissioner in accordance with paragraph A.~~

3 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
4 chapter 375, subchapter 2-A.

5 **Sec. 6. 12 MRSA §11301, sub-§1, ¶E,** as repealed and replaced by PL 2011, c.
6 691, Pt. A, §9, is amended to read:

7 E. The bait is placed not more than 30 days before the opening day of the season, and
8 not more than 30 days before the first Monday preceding September 1st and not after
9 October 31st;

10 **Sec. 7. 12 MRSA §11351,** as amended by PL 2011, c. 309, §§2 and 3, is repealed
11 and the following enacted in its place:

12 **§11351. Bear bag limit**

13 The commissioner shall establish by rule limits on the number of bears a person may
14 hunt, trap and possess in a season, which may not exceed 2 bears in total and may not
15 exceed one bear by trapping in a calendar year, except a person may keep more than 2
16 legally obtained bears in that person's home as otherwise provided in law or rule. Rules
17 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter
18 375, subchapter 2-A.

19 **1. Hunting or trapping bear; limit.** A person may not in one calendar year:

20 A. Hunt bear after that person has killed or registered the least of:

21 (1) Two bears by means of hunting;

22 (2) One bear by means of hunting and one by means of trapping during the open
23 season on trapping bear under section 12260; and

24 (3) The maximum number established by rule under this section; or

25 B. Trap bear after that person has killed or registered the least of:

26 (1) Two bears by means of hunting;

27 (2) One bear by means of trapping during the open season on trapping bear under
28 section 12260; and

29 (3) The maximum number established by rule under this section.

30 The daily bag limit on bear taken by hunting is one bear.

31 **2. Exceeding limit on bear.** A person may not possess more than 2 bears in any
32 calendar year, or the maximum number of bears established by rule under this section,
33 whichever is less, except a person may keep more than 2 legally obtained bears in that
34 person's home or as otherwise provided in law or rule.

35 **3. Penalty.** A person who violates this section commits a Class D crime for which the
36 court shall impose a sentencing alternative of not less than 3 days for the first offense and
37 of not less than 10 days for each succeeding offense; the court also shall impose a fine of
38 not less than \$1,000.

39 **Sec. 8. 12 MRSA §12260, sub-§4,** as amended by PL 2011, c. 309, §5, is repealed.

1 **Sec. 9. 12 MRSA §12260, sub-§5**, as amended by PL 2011, c. 309, §6, is repealed.

2 **Sec. 10. 12 MRSA §12260-A, sub-§2**, as enacted by PL 2007, c. 168, §7 and
3 affected by §8, is amended to read:

4 **2. Eligibility; trapping license required.** A person who possesses a valid trapping
5 license or a license that authorizes the hunting of bear, deer, moose, bobcat and raccoon
6 may obtain a permit to trap bear from the commissioner or the commissioner's authorized
7 agent.

8 **Sec. 11. 12 MRSA §12260-A, sub-§3**, as enacted by PL 2007, c. 168, §7 and
9 affected by §8, is amended to read:

10 **3. Issuance; permit fee.** The commissioner, through the commissioner's authorized
11 agent, shall issue a bear trapping permit to an eligible person. The annual fee for each
12 permit issued is ~~\$27~~ \$10 for residents and \$67 for nonresidents.

13 **Sec. 12. 12 MRSA §12260-A, sub-§4** is enacted to read:

14 **4. Bear trapping education course requirements; proof of bear trapping permit.**
15 Beginning January 1, 2022, a person who applies for a bear trapping permit must submit
16 proof of having successfully completed a bear trapping education course as provided by
17 the department or satisfactory evidence of having previously held a valid Maine bear
18 trapping permit in any year prior to 2022. When proof of competency cannot otherwise be
19 provided, the applicant may substitute a signed affidavit stating that the applicant has
20 successfully completed the required bear trapping education course or held a valid Maine
21 bear trapping permit prior to 2022.

22 A person who is trapping for bear under the supervision of and in the presence of a licensed
23 guide who has successfully completed the bear trapping education course is exempt from
24 this subsection.

25 For the purposes of this subsection, "in the presence of" means in visual and voice contact
26 without the use of visual or audio enhancement devices, including but not limited to
27 binoculars, citizen band radios or electronic communication systems.

28 **Sec. 13. Effective date.** This Act takes effect January 1, 2022.

29 **SUMMARY**

30 This bill does the following.

31 1. It requires the Commissioner of Inland Fisheries and Wildlife to establish by rule
32 an open season on hunting bear beginning no earlier than the 2nd Monday preceding
33 September 1st and ending no later than November 30th annually.

34 2. It clarifies that the commissioner may adopt rules to set the dates when dogs may
35 be used to hunt black bear during any portion of the open bear hunting season.

36 3. It provides that a person may not set bear bait earlier than 30 days before the first
37 Monday preceding September 1st.

38 4. It reduces the fee for a resident bear permit from \$27 to \$10.

39 5. It requires the commissioner to adopt rules governing the number of bears that may
40 be hunted and trapped in a season, which may not be more than one by trapping or 2 in
41 total.

- 1 6. It establishes a daily bag limit of one bear by hunting.
- 2 7. It provides that, beginning January 1, 2022, to obtain a bear trapping permit, a person
- 3 must either have successfully completed a bear trapping education course or have
- 4 previously held a valid Maine bear trapping permit in any year prior to 2022.
- 5 8. It provides that a resident may hunt bear without a valid permit during the open
- 6 firearm season on deer.
- 7 9. It allows a person who holds a license authorizing hunting big game to obtain a bear
- 8 trapping permit.
- 9 10. It provides that a bear hunting permit is required for each bear when the bag limit
- 10 on bear is more than one.