

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Prohibit the Use of Dogs, Bait or Traps When Hunting Bears Except under Certain Circumstances**

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

**Sec. 1. 12 MRSA §10902, sub-§6, ¶E**, as repealed and replaced by PL 2011, c. 691, Pt.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

E. Buying or selling bear in violation of section 11217, hunting ~~or trapping~~ bear after having killed 2 or exceeding the bag limit on bear; in violation of section 11217, 11351 or 12260~~hunting, enticing or attracting bear in violation of section 11301, 11302-A or 12259-A;~~

**Sec. 2. 12 MRSA §10902, sub-§6, ¶G**, as amended by PL 2013, c. 280, §3, is further amended to read:

G. Buying or selling moose, unlawfully hunting moose or unlawfully possessing moose, in violation of section 11154, 11217, 11601, 11651-A, 11652, 12302-A, 12304-A, 12305 or 12403; or

**Sec. 3. 12 MRSA §10902, sub-§6, ¶H**, as amended by PL 2013, c. 280, §4, is further amended to read:

H. Buying or selling wild turkeys, unlawfully hunting wild turkeys, unlawfully possessing wild turkeys or using unlawful methods to hunt wild turkeys, in violation of section 11217, subsection 1; section 11751-A; section 11801; or section 12306, subsection 1; ~~or.~~

**Sec. 4. 12 MRSA §10902, sub-§6, ¶I**, as enacted by PL 2013, c. 280, §5, is repealed.

**Sec. 5. 12 MRSA §11151, sub-§1**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §118 and affected by §422, is further amended to read:

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

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

**Sec. 6. 12 MRSA §11218, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**1. Gate fees.** Gate fees or other access fees that are unrelated to the taking of game; or

**Sec. 7. 12 MRSA §11218, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**2. Guiding fees.** Fees charged by licensed guides or other fees that are unrelated to access to land; ~~or.~~

**Sec. 8. 12 MRSA §11218, sub-§3,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 9. 12 MRSA §11251,** as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §155 and affected by §422, is further amended to read:

### **§ 11251. Open and closed seasons**

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

A. There is an open season on hunting bear from the first Monday preceding September 1st to November 30th annually. ~~The commissioner may, pursuant to section 10104, subsection 1, adopt rules prohibiting the use of bait to hunt black bear during any portion of the open bear hunting season. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

~~B. There is an open season on using a dog or dogs in conjunction with bear hunting from the first Monday preceding September 1st to the day preceding the open firearm season on deer provided in sections 11401 and 11402.~~

C. The commissioner may shorten the open ~~seasons~~season on bear as established in ~~paragraphs~~paragraph A and ~~B~~ in any part of the State as long as:

- (1) The demarcation of the areas with a shortened season follows recognizable physical boundaries such as rivers and railroad rights-of-way; and
- (2) The decision is made and published prior to February 1st of any year.

D. The commissioner may terminate the open season on bear as established in ~~paragraphs~~paragraph A and ~~B~~ at any time in any part of the State if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or severe hunting ~~or trapping~~ pressure.

**Sec. 10. 12 MRSA §11301, sub-§1,** as repealed and replaced by PL 2011, c. 691, Pt. A, §9, is repealed.

**Sec. 11. 12 MRSA §11301, sub-§1-A,** as enacted by PL 2013, c. 280, §6, is amended to read:

**1-A. Prohibition.** ~~During the open season on hunting bear~~Unless expressly permitted by this section, a person may not within 50 yards of undertake any of the following activities related to a bait site established by another person in accordance with~~under this section 11227 without the written permission of the person who established the bait site:~~

A. ~~Hunt, trap, molest or harass bear or release a dog or dogs for the purpose of hunting bear or training dogs to hunt bear~~within 50 yards of the bait site; or

B. Disturb the bait site through the use of chemicals or take other action intended to interfere with the hunting of bear at the bait site by the person who established the bait site.

**Sec. 12. 12 MRSA §11301, sub-§1-B** is enacted to read:

**1-B. Bear baiting.** A person may not place bait to entice, hunt or attract black bear unless:

A. The person is a state or federal employee acting in the state or federal employee's official capacity and only when using the bait is necessary to attract a specific offending bear for the purpose of protecting, and in response to a bona fide threat to, livestock, domestic animals, threatened or endangered wildlife or public safety;

B. The bait is used in conjunction with the operation of a feeding station for bear in order to prevent damage to commercial timberland, as long as the bait is used by owners or operators of that land, or their employees, pursuant to a permit granted by the department, but in no event for the purpose of killing bear; or

C. The bait is used by the department for scientific or research purposes or pursuant to a permit granted by the department to an accredited university for scientific or research purposes, but in no event for the purpose of killing bear.

The bait must be placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or lessee.

**Sec. 13. 12 MRSA §11302**, as amended by PL 2013, c. 280, §7, is repealed.

**Sec. 14. 12 MRSA §11302-A** is enacted to read:

**§ 11302-A. Hunting bear with dogs**

**1. Hunting bear with dogs prohibited.** A person may not use one or more dogs to hunt or pursue bear, except as provided in subsection 2.

**2. Exceptions.** The use of one or more dogs to hunt or pursue bear is permitted when the dog or dogs are used:

A. By a state or federal employee acting in the state or federal employee's official capacity and only when necessary to pursue a specific offending bear for the purpose of protecting, and in response to a bona fide threat to, livestock, domestic animals, threatened or endangered wildlife or public safety; or

B. By the department for scientific or research purposes or pursuant to a permit granted by the department to an accredited university for scientific or research purposes, but not for the killing of bear.

**Sec. 15. 12 MRSA §11303, sub-§2**, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 655, Pt. B, §160 and affected by §422, is amended to read:

**2. Prohibition.** A person may not within the area described in subsection 1:

A. Hunt bear; or

B. ~~Trap bear;~~

C. Molest or harass a bear; ~~or,~~

D. ~~Release dogs for the purpose of hunting a bear.~~

The commissioner, or the commissioner's agent, is exempt from this prohibition for the purpose of live-trapping nuisance bears.

**Sec. 16. 12 MRSA §11304**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §161 and affected by §422, is repealed.

**Sec. 17. 12 MRSA §11305** is enacted to read:

**§ 11305. Hunting bear using bait, dogs or traps prohibited**

**1. Prohibition against hunting with bait.** A person may not entice or attract bear through the use of bait, except as otherwise provided under this Part.

**2. Prohibition against hunting with dogs.** A person may not hunt bear with a dog, except as otherwise provided under this Part.

**3. Prohibition against hunting with traps.** A person may not trap bear, except as otherwise provided under this Part.

**Sec. 18. 12 MRSA §11351, sub-§1**, as amended by PL 2011, c. 309, §2, is further amended to read:

**1. Hunting bear; 2-bear limit.** A person may not hunt ~~or trap~~ bear after that person has killed or registered ~~one~~<sup>2</sup> during an open season under section 11251 and ~~one during the open season on trapping bear under section 12260.~~

**Sec. 19. 12 MRSA §11452, sub-§1, ¶B**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. Hunt from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to deer. This prohibition does not apply to hunting from an observation stand or blind overlooking:

(1) Standing crops;

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence; or

(3) Bear bait that is placed at a bear hunting stand or blind in accordance with section 11301, subsection ~~1~~1-B.

**Sec. 20. 12 MRSA §11605, sub-§1, ¶B**, as enacted by PL 2011, c. 253, §20, is amended to read:

B. Hunt from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to moose. This prohibition does not apply to hunting from an observation stand or blind overlooking:

(1) Standing crops;

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence; or

(3) Bear bait that is placed at a bear hunting stand or blind in accordance with section 11301, subsection ~~1~~1-B.

**Sec. 21. 12 MRSA §12051, sub-§1, ¶C**, as amended by PL 2011, c. 309, §4, is repealed.

**Sec. 22. 12 MRSA §12201, sub-§2, ¶C**, as amended by PL 2009, c. 69, §2, is further amended to read:

C. A resident under 10 years of age may trap all legal species, ~~except bear~~, without a license.

**Sec. 23. 12 MRSA §12201, sub-§7, ¶A**, as amended by PL 2009, c. 69, §3, is further amended to read:

A. A person under 10 years of age may not trap unless that person is accompanied at all times while trapping by a parent or guardian or by an adult at least 18 years of age approved by a parent or guardian. ~~A person under 10 years of age may not trap bear.~~

**Sec. 24. 12 MRSA §12204, sub-§7**, as enacted by PL 2011, c. 51, §1, is repealed.

**Sec. 25. 12 MRSA §12259-A** is enacted to read:

**§ 12259-A. Trapping bear**

**1. Trapping bear prohibited.** A person may not use or set a trap to hunt or capture bear, except as provided in subsection 2.

**2. Exceptions.** The use of a trap to hunt or capture bear is permitted when the trap is used:

A. By a state or federal employee acting in the state or federal employee's official capacity and only when necessary to hunt or capture a specific offending bear for the purpose of protecting, and in response to a bona fide threat to, livestock, domestic animals, threatened or endangered wildlife or public safety; or

B. By the department for scientific or research purposes or pursuant to a permit granted by the department to an accredited university for scientific or research purposes, but not for the killing of bear.

**Sec. 26. 12 MRSA §12260**, as amended by PL 2011, c. 253, §26 and c. 309, §§5 and 6, is repealed.

**Sec. 27. 12 MRSA §12260-A**, as enacted by PL 2007, c. 168, §7 and affected by §8, is repealed.

## **SUMMARY**

This initiated bill prohibits the use of dogs to hunt or pursue bear, the use of bait to hunt or attract bear and the setting of a trap to hunt or capture bear. The use of dogs, bait or a trap is permitted for certain scientific and research purposes or for state or federal employees when necessary to hunt or capture a specific offending bear that threatens livestock, domestic animals, threatened or endangered wildlife or public safety. Baiting is also permitted by owners or operators of commercial timberlands in order to prevent damage to commercial timberland.