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Date: (Filing No. S-)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 46, L.D. 98, Bill, “An Act To Eliminate Permits for Wild Turkey Hunting, Expand the Bag Limits and Expand Opportunities for Registering Wild Turkeys”

Amend the bill by striking out the title and substituting the following:

'An Act To Provide Greater Authority to the Department of Inland Fisheries and Wildlife over the Management of Wild Turkeys'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 12 MRSA §10953, sub-§1, ¶B, as enacted by PL 2013, c. 236, §3, is amended to read:

B. Hunt wild turkey with a crossbow ~~during the spring open season on wild turkey~~ in areas open to wild turkey hunting as established by rule in section 11701, except that a person may not hunt wild turkey with a crossbow from October 1st until the first day of the open season established by the commissioner in the following year;

Sec. 2. 12 MRSA §11155, sub-§1-C, as enacted by PL 2013, c. 387, §2, is amended to read:

1-C. Issuance; permit fee. Beginning January 1, 2014, the commissioner, through the commissioner's authorized agent, shall issue in wildlife management districts that are open by rule for wild turkey hunting a ~~combined fall and spring~~ wild turkey hunting permit that allows an eligible person to take wild turkeys ~~in the spring and fall seasons~~ in accordance with section 11701. The fee for a ~~combined fall and spring~~ wild turkey hunting permit is \$20 for residents and nonresidents.

Sec. 3. 12 MRSA §11701, as amended by PL 2015, c. 127, §§4 and 5 and affected by §6, is further amended to read:

COMMITTEE AMENDMENT

1 **§11701. Authority of commissioner; wild turkey hunting**

2 The commissioner may establish open seasons for hunting wild turkeys, designate
3 areas that are open to the taking of wild turkeys in any part of the State, prescribe the
4 form and regulate the number of permits to be issued, determine the number and sex of
5 the birds to be harvested, establish bag limits, establish permit eligibility requirements,
6 establish legal hunting times, specify the types of weapons to be used during any open
7 wild turkey hunting season and make any other rules that the commissioner considers
8 necessary for the protection of the wild turkey resource. The rules must permit the use of
9 a crossbow during ~~the spring~~ an open season for hunting wild turkey hunting season,
10 except that a person may not hunt wild turkey with a crossbow from October 1st until the
11 first day of the open season established by the commissioner in the following year.

12 ~~1. Spring season.~~ The commissioner shall establish by rule a spring open season for
13 ~~hunting wild turkeys. Unless the commissioner determines that sound management~~
14 ~~principles require otherwise, the rule must allow during the spring open season for~~
15 ~~hunting wild turkeys:~~

16 ~~A. A person to take up to 2 wild turkeys without any additional fee for the taking of~~
17 ~~the 2nd wild turkey;~~

18 ~~B. A person to hunt from 30 minutes before sunrise to 30 minutes after sunset; and~~

19 ~~C. A person to hunt wild turkeys using a crossbow, in addition to any other weapons~~
20 ~~allowed by the rule.~~

21 ~~2. Fall seasons.~~ Beginning with the 2016 fall open season, the commissioner shall
22 ~~establish by rule 2 fall open seasons for hunting wild turkeys. Unless the commissioner~~
23 ~~determines that sound management principles require otherwise, the rule must establish 2~~
24 ~~fall open seasons that include the month of October and a week in the month of~~
25 ~~November and allow a person to take up to a total of 2 wild turkeys over both seasons~~
26 ~~regardless of sex without any additional fee for the taking of a 2nd wild turkey.~~

27 **3. Youth day.** The commissioner shall establish by rule a spring youth hunting day
28 for hunting wild turkeys from 30 minutes before sunrise to 30 minutes after sunset. The
29 day must be the Saturday prior to the opening of the ~~spring~~ first open season for hunting
30 wild turkeys ~~under subsection 1~~ established by the commissioner in that year.

31 A person who violates this section commits a Class E crime for which the court shall
32 impose a fine of not less than \$500, none of which may be suspended. The court also
33 shall impose a fine of \$500 for each turkey unlawfully possessed, none of which may be
34 suspended.

35 **Sec. 4. 12 MRSA §11751-A, sub-§2,** as enacted by PL 2003, c. 552, §11 and
36 affected by §15 and c. 655, Pt. C, §§2 and 6, is amended to read:

37 **2. Exceeding bag limit.** A person may not possess more than ~~one wild turkey~~ the
38 number of wild turkey allowed by rule during any open season, except a person may keep
39 ~~more than one~~ legally obtained wild turkey in that person's home at any time or as
40 otherwise provided in law or rule.

41 **3. Hunting wild turkey after having killed maximum.** A person may not hunt
42 wild turkey after that person has killed or registered ~~one during any open season of that~~

1 ~~calendar year, except as otherwise provided in law or rule~~ the maximum number of wild
2 turkey allowed by rule during that season.

3 **Sec. 5. 12 MRSA §11802, sub-§1**, as enacted by PL 2015, c. 301, §25, is
4 amended to read:

5 **1. Prohibitions.** From September 1st to December 15th and during the ~~spring~~ first
6 open wild turkey hunting season established by the commissioner in that year pursuant to
7 section 11701, ~~subsection 1~~, a person may not:

- 8 A. Place any bait or food in a place to entice a wild turkey to that place; or
9 B. Hunt from an observation stand or blind overlooking bait or food known to be
10 attractive to wild turkey. This prohibition does not apply to hunting from an
11 observation stand or blind overlooking:
12 (1) Standing crops; or
13 (2) Foods that are left as a result of normal agricultural operations or as a result
14 of a natural occurrence.'

15 **SUMMARY**

16 This amendment replaces the bill and eliminates the spring and fall open seasons on
17 wild turkey and the bag limits for wild turkey in those seasons. Current law allows the
18 Commissioner of Inland Fisheries and Wildlife to establish open seasons for hunting of
19 wild turkey by rule. The amendment prohibits hunting of wild turkey with a crossbow
20 from October 1st until the first day of the open season established by the commissioner in
21 the following year. The amendment strikes the prohibition on killing or registering wild
22 turkey after having killed or registered one wild turkey in any open season of that
23 calendar year and instead prohibits killing or taking more than the number of wild turkey
24 allowed during an open season established by rule by the commissioner.