

## STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

—  
S.P. 423 - L.D. 1225

**An Act To Strengthen Maine's Wildlife Laws**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the feeding of bear, moose and wild turkey is creating a public safety hazard and having a detrimental effect on the bear, moose and wild turkey populations; and

**Whereas,** the open season on hunting bear begins on August 26th, bait to hunt bear may be placed beginning July 27th and hunters may train dogs on bear beginning July 1st; and

**Whereas,** Maine guides rely on bear hunting for their individual livelihoods, and communities in rural regions of the State depend on bear hunting for economic activity to help sustain their local economies; and

**Whereas,** migratory game bird hunting begins in October; and

**Whereas,** the importation and possession of wildlife requires immediate study; and

**Whereas,** the 90-day period will not end before the first events begin; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §10001, sub-§39,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**39. Migratory game bird.** "Migratory game bird" means any of the following birds:

- A. Anatidae, or waterfowl, including brant, wild ducks, geese and swans;
- B. Columbidae, ~~or pigeons~~, including doves ~~and wild pigeons~~, but not including rock doves, also known as rock pigeons;
- C. Gruidae, or cranes, including little brown, ~~and sandhill and whooping~~ cranes;
- D. Limicolae, or shorebirds, including ~~avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, Wilson's snipe, stilts, surf birds, turnstones, willet, and American~~ woodcock ~~and yellowlegs~~; and
- E. Rallidae, or rails, including coots, gallinules and sora or other rails.

**Sec. 2. 12 MRSA §10105, sub-§14**, as enacted by PL 2011, c. 668, §1, is amended to read:

**14. Regulating the feeding of deer, bear, moose and wild turkey.** The commissioner may by rule:

- A. Prohibit the feeding of deer, ~~bear, moose and wild turkey~~ at any location if there is documented evidence of chronic wasting disease, as defined in Title 7, section 1821, subsection 1, in the State; ~~and~~
- B. Prohibit or otherwise limit the feeding of deer, ~~bear, moose and wild turkey~~ if the department has reason to believe that the type or location of feed is creating a public safety hazard or having a detrimental effect on the deer, ~~bear, moose and wild turkey~~; ~~and~~
- C. Prohibit or otherwise limit the placement of garbage or other known attractants for deer, bear, moose and wild turkey if the department has reason to believe the placement creates a public safety hazard.

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

**Sec. 3. 12 MRSA §10902, sub-§6, ¶G**, as amended by PL 2011, c. 253, §16, 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. 4. 12 MRSA §10902, sub-§6, ¶H**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §99 and affected by §422, 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. 5. 12 MRSA §10902, sub-§6, ¶I** is enacted to read:

- I. Hunting bear over another person's bait without written permission of that person in violation of section 11301, subsection 1-A.

**Sec. 6. 12 MRSA §11301, sub-§1-A** is enacted to read:

**1-A. Prohibition.** During the open season on hunting bear, a person may not within 50 yards of a bait site established by another person in accordance with 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; 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. 7. 12 MRSA §11302, sub-§2**, as amended by PL 2009, c. 390, §3, is further amended to read:

**2. Nonresidents hunting with dogs.** A nonresident may not hunt bear with the use of a dog or dogs unless that nonresident employs and hunts ~~with~~ in the presence of a resident Maine guide. For purposes of this subsection, "in the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars, citizen band radios or electronic communication systems.

A. The total number of clients with a resident Maine guide may not be more than 5 in order to satisfy the requirements of this subsection.

This subsection does not apply to nonresidents who hold a valid Maine guide license.

**Sec. 8. 12 MRSA §11851**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §184 and affected by §422, is further amended to read:

#### **§11851. Hunting wild birds**

**1. Unlawfully hunting wild birds.** A person may not hunt a wild bird, other than the English or European house sparrow, the rock dove and the European starling, except as provided in this Part.

**2. Unlawful possession of wild birds.** A person may not possess, alive or dead, a wild bird, other than the English or European house sparrow, the rock dove and the European starling, except as provided in this Part.

**3. Penalty.** A person who violates this section commits a Class E crime.

**Sec. 9. 12 MRSA §11852**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

#### **§11852. Reopening season**

Whenever a section of the State is closed to hunting by proclamation of the Governor during the open season on birds, the commissioner, after the proclamation has been annulled, with the consent of the Governor, may extend the open season for bird hunting in that section of the State for a period not to exceed the number of days lost as permitted

by regulations of the federal Migratory Bird Treaty Act, 16 United States Code, Sections 703 to 712.

**Sec. 10. 12 MRSA §11854**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**§11854. Nest or eggs of wild birds**

A person may not take, possess or needlessly destroy the nest or eggs of a wild bird, except the English or European house sparrow, the rock dove and the European starling. A person who violates this section commits a Class E crime.

**Sec. 11. 12 MRSA §11857** is enacted to read:

**§11857. Unlawful possession of ruffed grouse**

**1. Daily bag limit.** A person may not take more than the daily bag limit of ruffed grouse during any open season on ruffed grouse as established by the commissioner.

**2. Possession limit.** A person may not possess more than the possession limit of ruffed grouse taken during any open season on ruffed grouse as established by the commissioner.

**3. Duty to label ruffed grouse.** A person shall label any ruffed grouse that the person has taken, before the next calendar day begins, with the name of the person who harvested the ruffed grouse and the date it was taken if that person is within or travelling through the unorganized territory.

**4. Penalty.** A person who violates this section commits a Class E crime for which a fine of not less than \$100 plus \$25 for each ruffed grouse taken in violation may be adjudged.

**Sec. 12. 12 MRSA §12051, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 13. Wildlife Importation and Possession Task Force established.** The Commissioner of Inland Fisheries and Wildlife shall establish a task force to consider the effect of the importation and possession of wildlife and the issues of possession and exhibition of wildlife in the State. The task force must include a representative of the Department of Agriculture, Conservation and Forestry, a representative of the Department of Inland Fisheries and Wildlife, Bureau of Warden Service and 3 members of the public invited by the commissioner. The duties of the task force include developing recommendations for a list of restricted, unrestricted and banned species; amendments to current permit structures and fees; and the establishment of appropriate penalties for noncompliance with requirements. The commissioner shall submit a report by January 14, 2014 that includes the findings and recommendations of the task force, including suggested legislation, for presentation to the Second Regular Session of the 126th Legislature. The Joint Standing Committee on Inland Fisheries and Wildlife is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 126th Legislature upon receipt of the report.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.