

Notice of Agency Rule-making Proposal

ADVERTISE: June 17, 2020

AGENCY: Inland Fisheries and Wildlife

CHAPTER NUMBER AND TITLE: Chapter 16.09 – Bear Hunting

PROPOSED RULE NUMBER (*leave blank; assigned by Secretary of State*):

CONTACT PERSON FOR THIS FILING: Becky Orff, Inland Fisheries & Wildlife, 41 State House Station, 284 State Street, Augusta, ME 04333; Tel: 207-287-5202; becky.orff@maine.gov

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different):

PUBLIC HEARING (if any): Wednesday, July 8, 2020 @ 4:00pm – via video conference (Microsoft Teams). Contact the Agency Contact Person by close of business on July 7, 2020 for details.

COMMENT DEADLINE: July 20, 2020

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife, at the request of 5 or more members of the public, will be holding a virtual (Microsoft Teams) public hearing to discuss a proposal that was advertised in a previous notice on May 6, 2020. The previous notice advertised that the Department had received a valid petition to consider amending Chapter 16 rules as they pertain to bear hunting. The petitioner has requested rules be modified to establish a bear feeding season, establish a bear feeding permit and set limits on the number of bear feeding permits issued annually. Please contact the agency contact person for a complete copy of the proposed rule. **Persons who have already commented on the previously advertised rule proposal are not required to resubmit those comments.**

NOTICE: Due to the state of emergency that has been declared by the Governor, public hearings are now closed to the public physically attending. If you have not previously submitted comment on the proposal, the public is strongly encouraged to submit any comments in writing to the Agency Contact Person. However, if you would like to submit comment via video conference, please contact Becky Orff at 207-287-5202 or becky.orff@maine.gov by close of business on July 7, 2020 for details. Thank you for your understanding while we are experiencing this state of emergency.

IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact is anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRSA, Section 10104

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Becky.Orff@maine.gov

* *Check one of the following two boxes.*

The above summary is for use in both the newspaper and website notices.

The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____

(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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RULEMAKING FACT SHEET
(5 M.R.S.A., Section 8057-A)

AGENCY: Inland Fisheries and Wildlife

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street, 41 State House Station, Augusta, ME 04333; Tel: 207-287-5202

CHAPTER NUMBER AND RULE TITLE: Chapter 16.09 – Bear Hunting

STATUTORY AUTHORITY: 12 MRSA, Section 10104

TYPE OF RULE: Routine Technical Major Substantive

DATE AND PLACE OF PUBLIC HEARING: Wednesday, July 8, 2020 @ 4:00pm – via video conference (Microsoft Teams). Contact the Agency Contact Person by close of business on July 7, 2020 for details.

COMMENT DEADLINE: July 20, 2020

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

The Department received a valid petition to consider the proposed rule and it was initially advertised on May 6, 2020. The Department received a request from 5 or more public members to hold a public hearing on the proposal during the comment period so the notice is being readvertised with the requested hearing.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

If adopted, the petitioner's requested rule change would establish a bear feeding season; prohibit the intentional feeding of bears without first obtaining a permit from IFW; prohibit the intentional feeding of bears with anything that is toxic or harmful to bears, e.g. chocolate, refined sugar; require that anyone who wishes to feed bears for the purpose of hunting them have a bear feeding permit for each and every feeding site; require the gps coordinates for each and every bear feeding site; allow continued scent baiting of bears without a feeding permit as long as all bait is placed in a bear proof container that prevents access to the bait; continue to allow the use of non-food scent baits and physical attractants, e.g shiny objects, etc.; and, decrease the number of bear feeding permits by ten percent annually until 2029, when the last bear feeding permits will be issued.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (INCLUDING UP TO 3 PRIMARY SOURCES):

The proposed rule is the result of the petitioner's request. A valid petition was received with the required number of signatures requesting the rule change.

FISCAL IMPACT OF THE RULE: No fiscal impact anticipated.

Note: If necessary, additional pages may be used.

AMEND CHAPTER 16.09 AS FOLLOWS:

09-137

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

Chapter 16: HUNTING

16.09 Bear Hunting

1. **General Season**
2. **Youth Bear Hunting Day**
3. **Bear ~~Baiting~~ Feeding Season**
4. **Bear Hunting Season with the use of Dogs**

1. **General Bear Hunting Season:** In accordance with Title 12 M.R.S. §11251-1 there shall be an open season on hunting bear annually from the first Monday preceding September 1st to the last day of the regular firearm season on deer.
2. **“Youth Bear Hunting Day”:** There shall be a youth bear hunting day on the Saturday prior to the opening day of the bear hunting season established under Title 12 §11251 subsection 1, paragraph A.
 - A. **Who may participate and methods allowed:** On the designated youth bear hunting day, holders of a junior hunting license may hunt bear with either a firearm, bow and arrow or crossbow and must be in the presence of and under the effective control of an adult supervisor as defined by Title 12 § 11108-C.
 - B. **Supervision of a youth hunter:** An adult supervisor, parent or guardian accompanying a youth on youth bear hunting day may not possess a firearm, bow and arrow or crossbow while the youth is participating in the bear hunt except that the supervisor may carry a handgun pursuant to 25 M.R.S. §2001-A, sub-§2, ¶A-1 but it may not be for the purpose of hunting. The use of dogs is prohibited.
 - C. **Laws that apply on this day:** Except as otherwise provided, all laws pertaining to the general bear hunting season established within these rules apply on this day.
3. **Bear ~~Baiting~~ Feeding Season:** There shall be an open season during which ~~bait may be used to hunt bear food may be fed to bears for the purpose of hunting~~ annually from the first Monday preceding September 1st running for 4 weeks. For the purposes of this rule, hunting bear with the use of ~~bait food~~ includes hunting from an observation stand, blind or other location which overlooks ~~any bait or~~ food; except standing crops and foods that have been left as a result of normal agricultural operations or natural occurrence.
 - A. The intentional feeding of bears for any purpose without first obtaining a bear feeding permit is prohibited.
 - B. The intentional feeding of bears with any food that is toxic or harmful to bears, e.g. chocolate, products containing refined sugar, is prohibited.
 - C. Anyone who wishes to feed bears for the purpose of hunting them must first apply for and receive from the Department, a bear feeding permit for every bear feeding site. The application shall include the gps coordinates of every feeding site.
 - D. Anyone who wishes to bait bears for the purpose of hunting them, without feeding them, may do so without first obtaining a feeding permit and shall place all bait in a bearproof container that prevents bears from coming into physical contact with the bait under all conditions. Hunters may also use

scent baits, e.g. anise, scent lures and physical attractants, e.g. shiny objects hung in trees, without a feeding permit.

- E. The number of bear feeding permits issued in 2020 shall not exceed the number of bear feeding sites used for hunting during the 2019 bear hunting season. If the number of applications exceeds the number of bear feeding permits that may be issued, there will be a lottery to determine who will receive the permits.
- F. Beginning in 2021, and continuing through the 2029 bear hunting season, the number of bear feeding permits issued will decline by ten percent annually from the 2020 baseline. The last year that bear feeding permits will be issued is 2029. After that date, baiting bears for the purpose of attracting them by sight and scent may continue if permitted in statute, but all intentional feeding of bears for any purpose shall cease.

4. **Bear Hunting Season with the Use of Dogs:** In accordance with Title 12 M.R.S. §11251-2 there shall be an open season on using a dog or dogs in conjunction with bear hunting starting on the 3rd Monday of the open bear hunting season and running through the Friday preceding the regular deer hunting season.