

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**670 BUREAU OF PARKS AND LANDS****Chapter 54: BEAR BAITING ON PUBLIC LANDS**

PREAMBLE

In accordance with 5 MRS § 8052 and 12 M.R.S. § 1802 the Department of Conservation, Bureau of Parks and Lands adopted rules to regulate bear baiting on Public Lands in 1991. The rules permitted bear baiting on public reserved lands and nonreserved public lands in a manner consistent with the Bureau's land management responsibilities. The rules, last amended in 2002, set bear bait site permit fees, permit application requirements, the lottery process for assigning sites to applicants, the size of bait sites, and other standards.

SUMMARY

There are a disproportionately large number of hunters competing for limited bear baiting stations on Public Lands. These rules provide a process to efficiently and equitably issue permits for bait sites, while minimizing or avoiding land management conflicts and risks to public safety in certain high-use recreation areas. Fees are established to support the Bureau's administrative costs.

These rules also clarify procedures which allow bear baiting on public reserved lands and nonreserved public lands in a manner that will not conflict with land management activities, will ensure safety to all users of these lands and will streamline administration of the bear baiting permit process.

Sec. 1: AUTHORITY AND PURPOSE

12 M.R.S. § 11301 allows bait to be placed for the purpose of hunting bear. 12 M.R.S. § 1847 directs rules to be adopted to permit bear baiting on public reserved lands.

Sec. 2: DEFINITIONS

Bait – Has the same meaning as in 12 M.R.S § 11227.

Bait Sites - Any location where bait is placed to attract bear for the purpose of hunting or trapping them. The bait site has a diameter of 150 yards around a center point defined by GPS coordinates.

Bureau - Shall mean the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry.

Commercial Bear Bait Sites - Bait sites permitted to licensed guides for use by hunters paying the guide to hunt the bait site.

Director – Shall mean the Director of the Bureau of Parks and Lands.

Personal Bear Bait Sites - Bait sites intended solely for the non-commercial use of no more than 2 individuals.

Public Lands - Shall include only the public reserved lands and nonreserved public lands of the State as defined by 12 M.R.S. § 1801. For purposes of this rule, public lands does not include state parks, historic sites, memorials and the Allagash Wilderness Waterway, or lands jointly managed by the Bureau and another state agency.

Sec. 3: PERMIT REQUIRED

No person may place bait for bear on Public Lands without a valid permit from the Bureau of Parks and Lands

Sec 4. PERMIT APPLICATIONS AND RENEWALS

A. **Application Submission Period.** The Bureau will accept applications between the first and last business days of February of the first year of each permit period, beginning in 2025. Applications received after the deadline will remain on file and considered for future vacancies. Successful applicants will be notified of their permit sites by the third Friday in March. Successful applicants must provide payment and any remaining proof of license and insurance by the third Friday in April. Failure to provide payment within this timeframe will result in sites being forfeited and re-allocated. Permits will be issued by the second Friday in July.

B. Commercial Bear Bait Sites:

1. Applicants possessing a guide license with a hunting classification are eligible for commercial bear bait sites only, are subject to the commercial bear bait site fee, and must comply with the insurance requirements of Section 6(B)4.
2. An application for a commercial bear bait site must include the following information: the name of any guide, sporting camp, or other hunting related business with which the applicant has a business or financial relationship that pertains to the sites listed on the application form.
3. All applicants for commercial bear bait site permits must provide a valid, current guide license number at the time they submit an application, as such license(s) are required for such activities.
4. All applicants for commercial bear bait sites must possess and provide on request a current certificate of insurance evidencing that they have secured at their expense liability insurance issued by a company fully licensed or designated as an eligible surplus lines insurer to do business in this State by the Maine Department of Professional & Financial Regulation, Bureau of Insurance, which policy includes the activity to be covered by the bear bait site permit with limits of not less than \$500,000 per occurrence single limit and an annual aggregate limit of not less than \$1,000,000.
5. All applicants shall also list the name and phone number of anyone authorized to place bait at permitted bait site(s) if other than the applicant.

C. Available bait sites will be allocated to applicants as described below:

1. One-half of the available bear bait sites will be reserved for use as personal bear bait sites.
2. Personal bear bait sites may be renewed annually for up to 2 years after the first year of the permit period. Commercial bait sites may be renewed annually for up to 5 years after the first year of the permit period. Notice of renewal option will be made by the first business day in February of each renewal year. Acceptance of the renewal option will be due by the last business day in February, after which the site will be forfeited and reallocated. Proof of license, insurance and payment will be due by the third Friday in April, with permit issued by the second Friday in July provided that the applicant has a record of previous compliance with all rules/laws. Sites for which required documentation and payment are not made by the third Friday in April will be forfeited and re-allocated.
3. If bait sites become available after permits are issued, sites will be allocated based on applications from the first year of the permit period. Permits issued after the first year of the permit period will be valid only for the remainder of that permit period.
4. When applications for bear bait sites exceed the number of available sites the Bureau will award bear bait sites by lottery.

Sec. 5. PERMIT FEES

An application for a bear bait site must be accompanied by the requisite permit fee. Permit fees for bait sites will be established by the Bureau and will be stated in the application. The Bureau may adjust permit fees every three years before the beginning of the application period. There will be no refunds of fees once submitted unless the Bureau determines in its sole discretion that a site(s) is unusable after permit(s) have been issued.

Sec. 6. BAIT SITE STANDARDS

- A. Permits for bear bait sites will include GPS coordinates for each approved site. A bait site is considered to have a radius of no greater than 150 yards within which all bait must be placed. Bait sites along a traveled way must be located at least 50 yards from the traveled way but not more than 150 yards from the GPS coordinates. Bait sites on a navigable water body must be located within 150 yards of the GPS coordinates.
- B. Each bear bait site must be tagged by the permittee as follows: Bait site tags provided by the permittee must be placed at a distance no greater than 100 feet from the bait when bait is present at the site. Bait site tags must be placed in such a manner that they are conspicuous when approaching the bait site.
- C. All commercial bear bait site permittees must maintain a valid guide license for the duration of the permit period, including any renewal period.
- D. Bait site permits may not be transferred, assigned, bartered, exchanged, or sold.
- E. Permits are valid for only the bear hunting season for which they are issued and for the

- specific bait site locations approved by the Bureau and listed on the permit.
- F. The Bureau may deny an application for any bear bait site that is considered unsafe or that is inconsistent with other management activities or objectives.
 - G. Personal bear bait sites may only be used only by the individuals named in the permit for that specific bait site. No more than two (2) individuals may be named on a single personal bear bait site permit.
 - H. Permittees must abide by all applicable state laws, rules and regulations governing bear baiting, tree stands and other hunting, trapping, and guiding activities.

Sec. 7: REVOCATION, RECONSIDERATION, AND APPEAL

- A. **Revocation of the permit.** A bear bait permit is a revocable license and does not create any real property interest in public lands. The Director, in his sole discretion, may revoke a bear bait permit for any reason including, without limitation, any violation of these rules or any conviction or adjudication for a violation of any provision of 12 M.R.S. Part 13. When revoked, permits must be surrendered to the Director on demand. If the revocation is based on an action of the permittee, the permittee will be ineligible to apply for a permit during the next period.
- B. **Reconsideration.** Any person whose permit has been revoked may request reconsideration of the revocation from the Bureau. The request for reconsideration under this paragraph must be submitted to the Director of the Bureau in writing within 30 days of receipt of the notice of revocation of the permit and must set forth in detail all bases for the request. The Bureau will endeavor to respond to reconsideration requests within 30 days.
- C. **Appeal.** The Bureau's decision to revoke a bear baiting permit pursuant to this section may be appealed to the Superior Court within 30 days of the decision. If the revocation is appealed to the Superior Court, the revocation remains in effect and enforceable during the pendency of the appeal, except as otherwise provided by the Director or as ordered by the Superior Court.

EFFECTIVE DATE (as 04-063, Bureau of Public Lands, Chapter 4):
February 12, 1991

AMENDED:
March 21, 1993

EFFECTIVE DATE (ELECTRONIC CONVERSION):
May 4, 1996

NON-SUBSTANTIVE CORRECTIONS:
January 21, 1997

AMENDED:

November 6, 1999; also converted to MS Word.

RENUMBERED (to 04-059, Bureau of Parks and Lands, Chapter 54):
December 28, 1999

AMENDED:

June 23, 2002

August 15, 2006 – filing 2006-363

CORRECTIONS;

February, 2014 – agency names, formatting

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