

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 1395

Short Title: Amend Bear Baiting Prohibition.

(Public)

Sponsors: Representative Faison.

Referred to: Wildlife Resources.

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.1(b) reads as rewritten:

"(b) No wild animals or wild birds may be taken:

(1) From or with the use of any vehicle; vessel, other than one manually propelled; airplane; or other conveyance except that the use of vehicles and vessels is authorized:

a. As hunting stands, subject to the following limitations. No wild animal or wild bird may be taken from any vessel under sail, under power, or with the engine running or while still in motion from such propulsion. No wild animal or wild bird may be taken from any vehicle if it is in motion, the engine is running, or the passenger area of the vehicle is occupied. The prohibition of occupying the passenger area of a vehicle does not apply to a disabled individual whose mobility is restricted.

b. For transportation incidental to the taking.

(2) With the use or aid of any artificial light, net, trap, snare, electronic or recorded animal or bird call, or fire, except as may be otherwise provided by statute[;] provided, however, that crows and coyotes may be taken with the aid of electronic calling devices. No wild birds may be taken with the use or aid of salt, grain, fruit, or other bait. No black bear or wild boar may be taken with the use or aid of any salt, salt lick, grain, fruit, honey, sugar-based material, animal parts or products, or other bait, and no wild turkey may be taken from an area in which bait has been placed until the expiration of 10 days after the bait has been consumed or otherwise removed. The taking of wild animals and wild birds with poisons, drugs, explosives, and electricity is governed by G.S. 113-261, G.S. 113-262, and Article 22A of this Subchapter.

1 Upon finding that the placement of processed food products in
2 areas frequented by black bears is detrimental to the health of
3 individual black bears or is attracting and holding black bears in an
4 area to the extent that the natural pattern of movement and distribution
5 of black bears is disrupted and bears' vulnerability to mortality factors,
6 including hunting, is increased to a level that causes concern for the
7 population, the Wildlife Resources Commission may adopt rules to
8 regulate, restrict, or prohibit the placement of those products and
9 prescribe time limits during which hunting is prohibited in areas where
10 those products have been placed.

11 Any person who is convicted of unlawfully ~~take~~taking bear or
12 wild boar with the use or aid of any type of bait as provided by this
13 subsection or by rules adopted pursuant to this subsection is
14 punishable as provided by G.S. 113-294(c1)."

15 **SECTION 2.** This act becomes effective October 1, 2005, but the Wildlife
16 Resources Commission may make findings and adopt rules on and after the date that
17 this act becomes law.