

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

Chapter 409

AN ACT Relating to Hunting and Fishing Licenses and Fees Therefor.

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

Sec. 1. R. S., T. 12, § 2401, repealed and replaced. Section 2401 of Title 12 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 2401. Hunting; residents and nonresidents; fees

No person shall hunt or have in possession wild birds, or parts thereof, or wild animals, or parts thereof, except in accordance with the following provisions:

1. Resident to hunt without license in certain cases. Any resident over 10 years of age and members of his immediate family over 10 years of age may hunt without a license on any single plot of land in excess of 10 acres to which they are legally entitled to possession, and on which they are actually domiciled and which land is used exclusively for agricultural purposes.

2. Resident and nonresident license. Any resident domiciled in this State and over 10 years of age and any nonresident over 10 years of age may hunt wild birds and animals provided he has first procured from the commissioner or his authorized agent a written license which shall be kept on the person while hunting or transporting birds, or parts thereof, and animals, or parts thereof, and which shall be exhibited to any warden, employee of the department, guide or landowner, upon request.

3. Resident and nonresident license fee; agents. For the purpose of issuing licenses, the commissioner may appoint clerks of towns or such other agents as he deems necessary and shall determine the period during which they shall act.

Such appointed clerk or other agent shall receive a fee of 50¢ for each license issued.

The license may be issued to a resident by the clerk or agent in the town in which applicant resides, or if domiciled in an unorganized territory, then by the clerk or agent in the nearest town.

The following schedule of fees is established:

A. Resident junior hunting 10-16 years of age	\$1.50
B. Resident hunting 16 years of age or older	\$6.50

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| C. | Junior nonresident hunting
10-16 years of age
Permits hunting of all species except deer
and bear.
Application shall be accompanied by the
written consent of his or her parent or
guardian. | \$12.50 |
| D. | Resident combination hunting and fishing | \$10.50 |
| E. | Nonresident small game hunting
Permits hunting of all species except bear
and deer. | \$20.50 |
| F. | Nonresident big game hunting
Permits hunting for all species including
bear and deer. | \$42.50 |

4. Hunters between ages of 10 and 16 to be accompanied. Any resident or nonresident hunter between the ages of 10 and 16 may hunt with firearms only if accompanied at all times while hunting by parent or guardian or by an adult person approved by parent or guardian.

No resident or nonresident under the age of 10 may hunt wild birds or animals with firearms at any time.

5. Mentally ill individuals. No license specified in this section shall be issued to any person who is a mentally ill individual as defined in Title 34, section 2251, or has a mental deficiency or mental illness as those terms are defined in Title 34, section 2562.

Sec. 2. R. S., T. 12, § 2401-B, additional. Title 12 of the Revised Statutes is amended by adding a new section 2401-B, to read as follows:

§ 2401-B. Fishing; residents and nonresidents; fees

No person shall fish in any inland waters of the State, except in accordance with this section.

1. Resident to fish without license in certain cases. Any resident of the State and his or her immediate family may, without license, fish in open waters in accordance with the laws of the State, from land to which he or she is legally entitled to possession, on which he or she is actually domiciled, and which is exclusively for agricultural purposes.

2. Application for license. Any resident of this State domiciled in this State and over 16 years of age and any nonresident over 12 years of age shall purchase a fishing license, which shall be kept upon the person while fishing or transporting fish, and shall be exhibited upon request to any warden, employee of the department, guide or landowner upon request.

Any resident under 16 years of age and any nonresident under 12 years of age may fish without a license.

3. Resident and nonresident license fee; agents. For the purpose of issuing licenses, the commissioner may appoint agents as provided in section 2401, subsection 3.

The following schedule of fees is established:

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| A. Junior nonresident fishing
12-16 years of age. | \$2.50 |
| B. Resident fishing
16 years of age or older. | \$6.50 |
| C. Resident or nonresident 3-day fishing
Any resident of the State who procures a 3-day license may exchange the same for an annual resident fishing license in the town in which he resides upon the payment of 50¢ to the clerk or issuing agent. | \$6.50 |
| D. Nonresident 7-day fishing
Valid for 7 days from date as indicated on license. | \$7.50 |
| E. Nonresident 15-day fishing
Valid for 15 days from date as indicated on license. | \$10.50 |
| F. Nonresident season fishing
16 years of age or older. | \$15.50 |
| G. A 15-day license may be exchanged for an annual license upon the additional payment of \$5.50. | |

4. Employees of Veterans Administration Center; complimentary licenses. All employees of the Veterans Administration Center residing in Maine and employed by the Togus Facility are classified as residents of this State for the purpose of obtaining fishing licenses, and shall pay the same fees and be held to the same laws, rules and regulations as residents of this State. The Governor may issue complimentary fishing and hunting licenses to members of the Canadian Immigration Customs Forces who serve in such capacity on the Maine border. The Governor may grant 2-year complimentary hunting and fishing licenses to holders of the Congressional Medal of Honor, upon their application therefor.

5. Patients at Veterans Administration Center authorized to fish without license. The commissioner is authorized to permit in-patients at the Veterans Administration Hospital at Togus to fish without license in the inland waters within a 25-mile radius of Togus. Patients not under the direct supervision of hospital staff or volunteer supervisors shall have in their possession while fishing a valid pass issued by the Veterans Administration Hospital.

6. Free permits for patients at Pineland Hospital and Training Center. The commissioner is authorized to issue free fishing permits covering groups

of patients at the Pineland Hospital and Training Center. These permits shall be issued on request of the Superintendent of the Pineland Hospital and Training Center, shall be effective while such groups are being conducted by a representative of the Pineland Hospital and Training Center and while such groups are fishing within a 25-mile radius of New Gloucester.

7. Licenses for Indians. The commissioner shall issue a hunting, trapping and fishing license to any Indian over the age of 10 years of the Passamaquoddy and Penobscot tribes without any charge or fee, providing the Indian presents a certificate from the Commissioner of Indian Affairs stating that the person described is an Indian and a member of that tribe. For the purpose of this section, an Indian shall be any member on the tribal lists of the Penobscot and Passamaquoddy tribes of Indians. Holders of such licenses shall be subject to all of the laws, rules and regulations of chapters 301 to 335.

A. Nothing in said chapters shall be construed to encroach upon the right of said Indians to take wild life for their own sustenance on their own reservation lands.

After having had full consultation with and the consent of the Commissioner of Inland Fisheries and Game, the tribal governor and council of each reservation shall have the right to govern by tribal ordinance hunting, fishing and trapping by Indians on their respective reservation lands. Copies of the text of any ordinances adopted shall be filed with the Commissioner of Inland Fisheries and Game and in any and all instances not covered by tribal ordinance the inland fish and game laws of Maine shall apply.

8. Reciprocity with New Hampshire. When similar legislation is enacted by the State of New Hampshire, fishing licenses issued to any person by either this State or New Hampshire shall be recognized as meeting all requirements of the law when used on any lake or pond which is partly in both the States of Maine and New Hampshire.

9. Licenses for members of Armed Forces, spouses and children. A license to hunt or fish shall be issued, at the resident license fee, to any member of the Armed Forces of the United States of America who is a citizen of the United States and stationed at some military or naval post, station or base within the State, or his or her spouse or minor child who is at least 16 years of age. Said member of the Armed Forces, desiring a hunting or fishing license, must present certification from the commander of said post, station or base, or his designated agent, that the person mentioned in the certification is stationed at or attached to said post, station or base. Licenses may be issued by the clerk or agent in the town in which said military or naval post, station or base is situated. Holders of such licenses shall be subject to all the laws of the State and the rules and regulations of the commissioner regulating hunting and fishing. For violations of said laws or rules and regulations, such license shall be revoked in the same manner as provided in chapters 301 to 335 for the revocation of hunting and fishing licenses.

10. Licenses for Maine residents in Armed Forces. A combination fishing and hunting license shall be issued upon payment of \$2, plus the issuing fee, to a Maine resident in the Armed Forces of the United States who is stationed outside the State of Maine. Such license will be valid for any and all leaves or furloughs during the year of issue.

11. Employees residing on military bases. A license to hunt or fish shall be issued, at the resident license fee, to any civilian employee and immediate family, residing on any military or naval post, station or base within the State. Said civilian employee and immediate family, desiring a hunting or fishing license, must present certification from the commander of said military or naval post, station or base or his designated agent, that the person mentioned in the certification is such a civilian employee and immediate family, and has resided on said military or naval post, station or base for a period of 3 months.

Licenses shall be issued by the clerk of the town in which said military or naval post, station or base is situated.

12. Complimentary licenses to state, national and international leaders. The department shall be permitted to issue complimentary nonresident fishing and hunting licenses, not to exceed 500 in total, under the following provisions:

These licenses are to be issued to newspaper or magazine writers and photographers; radio and television writers and photographers; others who will assist in publicizing the State of Maine; and visiting dignitaries from other states or of national or international importance. The persons qualified to receive these licenses shall be passed upon by a committee composed of the Commissioner of Inland Fisheries and Game and the Commissioner of Economic Development, or a member of his department whom he shall designate, and a member designated by the Governor.

The purpose of this project would be to increase the income of the department, to increase the income to the vacation travel business, and to honor state and national or international leaders who are likely to mention our State favorably to others.

13. Complimentary licenses to persons over 70 years of age. A complimentary license to fish shall be issued to any resident of Maine who is over 70 years of age and applies therefor to the Commissioner of Inland Fisheries and Game. Such application shall be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency.

14. Complimentary licenses to blind persons. A complimentary license to fish shall be issued to any resident of Maine who is over 16 years of age and blind and applies therefor to the Commissioner of Inland Fisheries and Game. Such application shall be accompanied by certified evidence that the applicant is blind. For the purpose of this subsection, blind persons shall mean a person whose visual acuity for distant vision is 20/200 or less in the better eye with best correction, or visual acuity of more than 20/200 if the widest diameter of field of vision subtends an angle no greater than 20 degrees.

15. Licenses for Canadian soldiers stationed in Maine. A license to hunt or fish shall be issued, at the resident license fee, to any member of the Armed Forces of Canada stationed at some military or naval post, station or base within the State. Said member of the Armed Forces, desiring a hunting or fishing license, must present certification from the commander of said post, station or base, or his designated agent, that the person mentioned in the certification is stationed at or attached to said post, station or base.

Licenses shall be issued by the clerk of the town in which said military or naval post, station or base is situated.

Holders of such licenses shall be subject to all the laws of the State and the rules and regulations of the commissioner regulating hunting and fishing; and for violations of said laws or rules and regulations, such license shall be revoked in the same manner as provided in chapters 301 to 335 for the revocation of hunting and fishing licenses.

16. Application. The following provisions shall apply to section 2401 and this section.

A. Poll tax receipt. No resident hunting or fishing license or combination of same shall be issued unless the applicant shall present a poll tax receipt from the town where he resided in the year immediately preceding the date of the application, or the applicant must exhibit a certificate from the taxing authority that he was exempted from paying a poll tax, or that the same has been abated or that the applicant is not required by law to pay a poll tax.

B. Willful issuing of resident license to nonresident. It shall be unlawful for a town clerk or agent to willfully issue any resident license to a person not a resident of the municipality in which the license is issued.

C. License illegally obtained. Any person obtaining any license authorized in chapters 301 to 335 through fraud, misstatement or misrepresentation shall be subject to the penalties set forth in section 3060.

D. Agent to report to commissioner. Each agent shall forward to the commissioner on the first day of each calendar month all of the funds collected by him during the previous calendar month, together with a list of the persons and the kind of license issued to them. The funds received by the commissioner shall be deposited in the State Treasury.

E. Use of license fees. All funds derived from the sale of licenses under chapters 301 to 335 shall be used for the management, propagation and protection of all birds, animals, fish life, conservation education and other expenses incident to the administration of these functions.

If any of such funds are not expended during the year in which they were collected the unexpended balance shall not lapse, but shall be carried as a continuing account available for the purposes specified, until expended.

F. Failure to produce license. Failure to produce such license within a reasonable time when requested by any authorized person shall be prima facie evidence of a violation of this section.

G. Expiration date. Each license issued in accordance with this section shall expire at midnight December 31st of the calendar year for which it is issued. Licenses may be issued prior to the date upon which such license may be in force. Application blanks and licenses shall be furnished by the commissioner in such form as he shall designate.

H. Duplicates; fees. The commissioner may appoint agents who shall issue a duplicate license to any resident who has accidentally lost or destroyed any license issued to him under chapters 301 to 335 upon payment of a fee of \$1, 50¢ of which shall be retained by the clerk or agent. All duplicates issued to residents shall be issued by the agent or clerk who issued the original license.

All duplicates issued to nonresidents who have lost or destroyed any license shall be issued by the Department of Inland Fisheries and Game.

Sec. 3. R. S., T. 12, § 2053, amended. The 3rd paragraph from the end of section 2053 of Title 12 of the Revised Statutes, as repealed and replaced by section 2 of chapter 241 of the public laws of 1969, is amended to read as follows:

A fee of ~~\$15~~ \$25 shall be paid annually for a resident guide's license. Nonresidents may be so licensed upon payment of a fee of ~~\$50~~ \$100. Persons licensed under this section may hunt and fish by virtue of their guide's license.

Sec. 4. R. S., T. 12, § 2502, amended. The first sentence of section 2502 of Title 12 of the Revised Statutes, as last amended by section 29 of chapter 404 of the public laws of 1967, is further amended to read as follows:

An archery license shall be issued by the commissioner to take deer under this chapter, the fee for which shall be ~~\$5.25~~ \$6.50 for hunting deer by residents of this State and ~~\$15.25~~ \$42.50 for hunting deer by nonresidents; the fee of 25¢ to be retained by the issuing agent; except that such archery licenses shall also permit the hunting of such wild birds and animals which can be legally hunted from October 1st to October 14th of each calendar year in the Northern Zone and during the month of October in the Southern Zone.

Sec. 5. R. S., T. 12, § 2301, repealed. Section 2301 of Title 12 of the Revised Statutes, as amended, is repealed.

Sec. 6. R. S., T. 12, § 2601, repealed. Section 2601 of Title 12 of the Revised Statutes, as amended, is repealed.

Sec. 7. Effective date. This Act shall take effect January 1, 1972.

Effective January 1, 1972

Chapter 410

AN ACT Relating to Habitual Offenders of Motor Vehicle Laws.

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

R. S., T. 29, c. 18, additional. Title 29 of the Revised Statutes is amended by adding a new chapter 18 to read as follows: