

# MAINE STATE LEGISLATURE

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INLAND FISH AND GAME

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CHAPTER 301

GENERAL PROVISIONS

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**§ 1901. Definitions**

Each word or term defined in this section has the meaning indicated in this section for the purposes of chapters 301 to 335, unless a different meaning is plainly required by the context.

**1. Aliens.** All aliens shall be classified as nonresidents. Any alien who has resided in this State continuously for one year and in addition thereto is assessed and pays taxes on real

estate in the municipality in which he resides may purchase any resident license issued under chapters 301 to 335.

1963, c. 116.

**2. Citizens of United States.** Any citizen of the United States shall be eligible for any resident license required under chapters 301 to 335, providing such person is domiciled in Maine with the intention to reside here, and who has resided in this State during the 3 months next prior to the date an application is filed for any license under chapters 301 to 335.

**3. Closed season.** "Closed season" shall mean the time during which it is unlawful to hunt, pursue, shoot, wound, trap, destroy or possess any bird or animal, to fish for or catch any fish.

1963, c. 279, § 8.

**4. Firearm.** "Firearm" shall include all instruments used in the propulsion of shot, shell or bullets by the action of gunpowder exploded within it.

1963, c. 279, § 14.

**5. Fly.** "Fly" means a hook dressed with feathers, hair, thread, tinsel or any similar material to which no additional weights, hook, spinner, spoon or similar device is added.

1963, c. 279, § 8.

**6. Fly fishing.** "Fly fishing" means to cast upon water and retrieve in the usual and ordinary manner an unbaited, unweighted artificial fly attached to a line to which no extra weight has been added.

1963, c. 279, § 8.

**7. Game management.** "Game management" is the art or science of producing wild animals and birds and of improving wildlife conditions in the State. It may specifically include the following:

- A.** Regulation of hunting, fishing and trapping;
- B.** Environmental controls (control of water, food or cover, special features and animal diseases);
- C.** Research or investigations to provide a basis for sound management in Maine;
- D.** Manipulation of hunting pressure;
- E.** Establishment of game lands (parks, forests, refuges, game management areas, etc.);

- F. Predator control;
- G. Artificial replenishment (game farming and restocking);
- H. Introduction of exotic species of wild animals or birds where needed.

1955, c. 290, § 12; 1963, c. 279, § 15.

**8. Game management area.** A "game management area" is any tract of land or body of water owned or leased by the Department of Inland Fisheries and Game for the purposes of game management as defined in subsection 7 or created by an Act of the Legislature.

1955, c. 290, § 13.

**9. Hunting.** "Hunting" means to hunt for, pursue, catch, take, kill, wound or destroy wild birds and wild animals.

**10. Inland waters.** "Inland waters" means all waters within the State above the rise and fall of the tide and wholly or partly within the territorial limits of the State and excepting private ponds as defined in section 2557.

1963, c. 279, § 8.

**11. Jack-light.** "Jack-light" means any artificial light used while hunting, except lights used and permitted under section 2358, subsection 4.

**12. Jigging.** "Jigging" shall mean the use of any fishing tackle or device used in an attempt to snag or snare fish.

**13. Landlocked salmon and salmon.** "Landlocked salmon" and "salmon" shall be construed to mean the same species of fish.

**14. Open season.** "Open season" means the time during which it shall be lawful to take animals, birds and fish as specified and limited by law.

1963, c. 279, § 8.

**15. Sunrise and sunset.** "Sunrise" and "sunset" shall be the time given in the Maine Farmers Almanac.

1955, c. 290, § 13.

**16. Trap, the verb.** The words "to trap" shall mean to trap for wild animals, or the act of trapping or attending to traps.

**17. Tributary.** "Tributary" means a brook or stream flowing directly or indirectly into a lake, pond or another stream.

A lake or great pond shall not be construed to mean "tributary." The tributary to a great pond shall not be considered a tributary to the outlet of that great pond.

1963, c. 279, § 8.

**18. Water thoroughfare.** A "water thoroughfare" means a waterway without flowage, as distinguished from a stream or river, connecting 2 bodies of water. All thoroughfares and bogs shall be covered by the same laws applicable to lakes and ponds except as provided.

**19. Wild bird.** "Wild bird" means a species of bird wild by nature, whether or not bred or reared in captivity, as distinguished from common domestic birds. (1963, c. 279, § 8.)

R.S.1954, c. 37, §§ 38, 68; 1955, c. 290, §§ 12, 13; 1963, c. 116; c. 279, §§ 8, 14, 15.

### § 1902. Care of walls and fences; closing of gates

No person shall tear down or destroy any fence or wall, or leave open any gate or bars, or trample or destroy any crop on the land of another person while taking, trapping, hunting or pursuing any wild animal, wild bird or fish. In addition to the penalties of section 3060, the commissioner shall have authority to revoke and forfeit the hunting or fishing license of the person so doing.

R.S.1954, c. 37, § 83.

### § 1903. Lost persons

Whenever it shall come to the attention of the commissioner or his deputy commissioner, that any person or persons known to have gone upon a hunting or fishing trip, or a trip for any other purpose, in the woodlands of the State and have not returned within a reasonable time after his or their departure, the commissioner is authorized to summon any person found within the State to assist in finding the lost person or persons, and each person so summoned shall be paid at a rate set by the said commissioner, with the approval of the Governor and Council, and be provided with subsistence during such service. The expenses of the commissioner in attempting to find lost persons shall be charged to the General Fund. The commissioner shall have authority to terminate the search by members of his department.

R.S.1954, c. 37, § 26.



**§ 1904. Wild animals in captivity**

As used in this section, the following terms shall have the following meanings:

**1. Roadside menagerie.** "Roadside menagerie" shall mean any place where one or more wild animals are kept in captivity, either in an enclosure or by tether, upon any street or highway, or upon land, public or private, in the vicinity of any commercial establishment for the evident purpose of exhibition or attracting trade.

**2. Wild animal.** "Wild animal" is defined as a species of animal wild by nature, whether bred or reared in captivity, as distinguished from the common domestic animals.

It shall be unlawful for any person to keep any wild animal in captivity for exhibition, or the evident purpose of attracting trade or to have any wild animal in his custody or control for such purpose, except that the commissioner may grant permits for a "roadside menagerie." Applications therefor shall be made on forms prepared and furnished by the commissioner. The applications shall show the name and address of the applicant, the location or proposed location of the roadside menagerie, the approximate number and kinds of wild animals being or to be kept, space and method of housing and confinement measures taken to protect the public from injury by any wild animal, and such further information as the commissioner shall prescribe. Each application shall be accompanied by a fee of \$50. The terms "exhibition" or "menagerie" will not include the showing of any animal in connection with any theatrical exhibition, circus or agricultural fair.

No permit shall be granted by the commissioner until he is satisfied that the provisions for housing and caring for the wild animals and for protecting the public are proper and adequate and in accordance with the standards established by him.

All permits shall expire with the calendar year and may be revoked by the commissioner at any time prior thereto for failure to comply with the rules and regulations of the commissioner adopted pursuant to this section.

The commissioner is charged with the enforcement of this section and shall adopt, publish and enforce rules and regulations for the housing, care, treatment, feeding and sanitation of wild animals kept in roadside menageries, and for the protection of the public from injury by such wild animals.

Each day during which a roadside menagerie is maintained without a permit shall constitute a separate offense.

R.S.1954, c. 37, § 18.

**§ 1905. Importation of wild birds and animals; consent of commissioner**

No person shall introduce or import any wild bird or wild animal, or part thereof, of any kind or species into the State or receive or have in possession such wild bird or wild animal, or part thereof, so introduced or imported, without written permission of the commissioner.

The commissioner may grant permits to import live or dressed pheasants. No pheasants, either alive or dead, shall be imported without the written permission of the commissioner. Importers shall, when requesting a permit, provide the commissioner with information as to the number of pheasants to be imported, the name and address of the seller, and whether or not said birds are live or dressed. Importers of live pheasants or pheasant eggs shall furnish the commissioner with a statement from an approved veterinarian, the State Department of Agriculture or the conservation department of the state from which the pheasants are imported, certifying that they are from flocks which have been tested for pullorum and typhoid, show no evidence of tuberculosis, or other infectious or contagious disease, and have not been exposed to such disease during the 6 months prior to importation. Such statement shall accompany each request for permission to import live pheasants.

Upon receipt of shipment, importers of pheasants shall attach securely to each bird a metallic seal, the type and design of which shall be designated by the commissioner. Such seal shall remain attached to said birds until they are finally prepared for consumption. Such seal shall be supplied by the commissioner at a cost of 5¢ each.

R.S.1954, c. 37, § 84; 1957, c. 392, § 19.