

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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Legislative Document

No. 1678

S. P. 660

In Senate, May 24, 1967

Reported by Senator Hoffses of Knox, from the Committee on Inland Fisheries and Game. Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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**AN ACT to Clarify Errors and Inconsistencies in the Fish and Game Laws.**

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

**Sec. 1. R. S., T. 7, § 3601, amended.** The 2nd paragraph of section 3601 of Title 7 of the Revised Statutes is amended to read as follows:

The owner or keeper of said dog found roaming-at-large shall be punished by a fine of not less than ~~\$10~~ \$20 nor more than \$50.

**Sec. 2. R. S., T. 7, § 3602, amended.** The first paragraph of section 3602 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

It shall be unlawful for any dog to hunt, chase, kill, wound or pursue any moose, caribou or deer at any time or any other wild animal in closed season. The owner or keeper of any dog hunting, chasing, killing, wounding or pursuing any moose, caribou or deer at any time or any other wild animal in closed season shall be punished by a fine of not less than \$25 nor more than \$100.

**Sec. 3. R. S., T. 12, § 1901, sub-§ § 5, 12 and 15, amended.** Subsections 5, 12 and 15 of section 1901 of Title 12 of the Revised Statutes, as revised, are amended to read as follows:

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

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

coastal rivers, "jigging" shall mean fishing with hook or hooks so as to pierce and hook a fish in any part of the body other than the mouth.

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

**Sec. 4. R. S., T. 12, § 1960, amended.** The 3rd paragraph of section 1960 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

Hearings shall be held on all prospective changes in regulations during the months of **January and February**, and **August and September** of each year, before the commissioner, or such other officer of the department as the commissioner may designate in his stead, at a date and place to be designated by the commissioner but in the county affected. Petitions shall be filed in the office of the commissioner as follows: Not later than January 1st for hearing in **January and February**; and not later than August 1st for hearing in **August and September**.

**Sec. 5. R. S., T. 12, § 1960, amended.** The last sentence of the 5th paragraph of section 1960 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

Such regulations shall become effective on April 1st following the **January and February** hearings and on January 1st of the year following the **August and September** hearings.

**Sec. 6. R. S., T. 12, § 1965-A, additional.** Title 12 of the Revised Statutes, as revised, is amended by adding a new section 1965-A, to read as follows:

**§ 1965-A. Commissioner or agent may establish a line of demarcation**

**The commissioner, through an agent designated by him, may establish a line of demarcation between a lake or pond and its outlet or tributaries in areas where it is deemed by him necessary.**

**Sec. 7. R. S., T. 12, § 2001, amended.** The 2nd paragraph of section 2001 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

It shall be the duty of the inland fish and game wardens to enforce all laws relating to inland fisheries and game and all rules and regulations pertaining thereto, Title 7, chapter 707 and sections 3601, 3602, Title 17, sections 2794 and 2798, Title 32, chapter 65; all regulations ~~adopted and approved pursuant to~~ of the Federal Migratory Bird Treaty Act, Act of Congress approved July 3, 1918, **as amended**; all rules and regulations promulgated by the State Park and Recreation Commission relating to hunting, fishing and trapping; to arrest all violators thereof, and to prosecute all offenses against the same.

**Sec. 8. R. S., T. 12, § 2001, amended.** Section 2001 of Title 12 of the Revised Statutes, as revised, is amended by inserting after the 2nd paragraph, a new paragraph to read as follows:

**In addition to their specified duties and powers, the wardens are vested with the same powers and duties throughout the several counties of the State as sheriffs have in their respective counties.**

**Sec. 9. R. S., T. 12, § 2004, amended.** The first sentence of section 2004 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

Any warden of the department making an arrest for any violation of any provision of chapters 301 to 335, **Title 38, chapter 1, subchapter VI and Title 17, chapter 79, section 2251**, at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizances of the prisoner in the sum of not exceeding \$250 for his appearance before the nearest District Court on a specified date and a deposit in money to the amount of said recognizance.

**Sec. 10. R. S., T. 12, § 2101, amended.** The 16th paragraph of section 2101 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

**Limington, Hollis and Waterboro:** The following described territory situated in the Towns of Limington, Hollis and Waterboro, in York County; beginning at a point where the Little Ossipee River joins the Saco River in the Town of Limington, thence westerly and southerly along said Little Ossipee River to the highway at Edgcomb's bridge, so called, in Waterboro, thence southerly and easterly along said highway to North Hollis, in the Town of Hollis, thence easterly and northerly along the road next west of Killick Brook to the road leading from Nason Mills to Bonney Eagle, thence northeasterly along said Bonney Eagle road to the town line between Limington and Hollis, thence northerly along said town line to the Saco River, thence northerly along said Saco River to the point of beginning ~~including such portions of the highways herein mentioned as serve to bound the tract herein described.~~ **All roads which serve to bound said Limington, Hollis and Waterboro game preserve shall be a part of said preserve and it shall be unlawful for any person to carry any loaded firearm on any of said bounds.** This paragraph shall not prohibit the commissioner from regulating the taking of fur-bearing animals thereon. It shall be unlawful for any person to have in possession at any time any wild bird or wild animal taken in violation of any provision of this paragraph.

**Sec. 11. R. S., T. 12, § 2103, amended.** Section 2103 of Title 12 of the Revised Statutes, as revised, is amended by adding at the end the following sentence:

**It shall be unlawful to hunt on a state game farm or licensed menagerie at any time.**

**Sec. 12. R. S., T. 12, § 2106, amended.** Section 2106 of Title 12 of the Revised Statutes, as revised, is amended by adding at the end of the 7th paragraph the following new sentence:

**It shall be unlawful for any person, firm or corporation to engage in the business of propagating or rearing white-tailed deer at any time.**

**Sec. 13. R. S., T. 12, § 2301, sub-§ 3, amended.** The first sentence of subsection 3 of section 2301 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

The commissioner shall issue a hunting, trapping and fishing license to any Indian over the age of ~~16~~ **10** years of the Passamaquoddy and Penobscot tribes without any charge or fee, providing the Indian presents a certificate from the

Commissioner of ~~Health and Welfare~~ **Indian Affairs** stating that the person described is an Indian and a member of that tribe.

**Sec. 14. R. S., T. 12, § 2352, amended.** The last sentence of the 4th paragraph of section 2352 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

It shall not be deemed to be a violation of chapters 301 to 335 to hunt, capture, kill, take, possess, transport, buy or sell any migratory game bird or part thereof at the times, in the manner and numbers, and by the means specifically permitted by regulations ~~adopted and approved pursuant to~~ of the Federal Migratory Bird Treaty Act, Act of Congress approved July 3, 1918, **as amended.**

**Sec. 15. R. S., T. 12, § 2355, sub-§ 7, amended.** The last sentence of subsection 7 of section 2355 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

This deer transportation tag shall cost ~~\$20.25~~ **\$25.25**, 25c to be retained by the issuing agent, except that no fee shall be required of any resident of this State who is serving in the Armed Forces of the United States.

**Sec. 16. R. S., T. 12, § 2355-A, amended.** Section 2355-A of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

**§ 2355-A. Closed time on bear**

There shall be a closed season on bear from January 1st to ~~June 1st~~ **May 31st** in each calendar year. **Any person who kills a black bear shall report the same within 7 days thereafter to the commissioner on forms provided by said commissioner.**

**Sec. 17. R. S., T. 12, § 2356, amended.** The first paragraph of section 2356 of Title 12 of the Revised Statutes, as revised, is repealed and the following enacted in place thereof:

**There shall be an open season on wild hares or rabbits from October 1st to the following February 28th in the Counties of Cumberland, Androscoggin and Sagadahoc.**

**There shall be an open season on wild hares or rabbits from October 1st to the following March 31st in the Counties of Aroostook, Penobscot, Piscataquis, Somerset, Franklin, Oxford, Kennebec, Knox, Lincoln, Waldo and Hancock.**

**There shall be an open season on wild hares or rabbits from October 1st to the following March 20th in the County of York.**

**There shall be an open season on wild hares or rabbits from October 1st to the following March 31st in the County of Washington. It shall be unlawful to hunt wild hares or rabbits in the County of Washington with dogs from November 1st to November 30th.**

**Sec. 18. Effective date of section 17.** Section 17 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 19. R. S., T. 12, § 2358, amended.** The first sentence of the 2nd paragraph of section 2358 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

~~Fur-bearing Game and fur-bearing~~ animals taken during any open season shall not be kept alive into or during closed season periods except in accordance with section 2106.

**Sec. 20. R. S., T. 12, § 2358, sub-§ 1, amended.** The 2nd paragraph of subsection 1 of section 2358 of Title 12 of the Revised Statutes, as revised, is repealed as follows:

~~No muskrats shall be hunted or trapped in Lake Alamoosook and Dead River and its tributaries in the Town of Orland situated in Hancock County.~~

**Sec. 21. R. S., T. 12, § 2358, sub-§ 1, amended.** The 3rd paragraph from the end of subsection 1 of section 2358 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

There shall be no open season on sable (marten) and Canada lynx.

**Sec. 22. R. S., T. 12, § 2358, sub-§ 1, amended.** The last 2 paragraphs of subsection 1 of section 2358 of Title 12 of the Revised Statutes, as revised, are amended to read as follows:

The open season on all other wild or fur-bearing animals, excepting bobcats ~~loupcevrier, Canada lynx~~ and beaver, shall be from November 1st of each calendar year to February 15th in the next following year.

Animals may be trapped with common ordinary steel traps and only size No. ~~7~~ 110 and 120 killer-type traps. Killer-type traps larger than No. ~~7~~ 120 may be used only under water. Killer-type traps shall include the so-called Conibear trap and all other traps of that type.

**Sec. 23. R. S., T. 12, § 2358 sub-§§ 3, 5, amended.** Subsections 3 and 5 of section 2358 of Title 12 of the Revised Statutes, as revised, are amended to read as follows:

3. **Hedgehog or bobcat.** It shall be lawful to trap ~~bear~~, hedgehogs or bobcats at any time anywhere in the State, and it shall be lawful to hunt ~~bear~~, hedgehogs or bobcats at any time anywhere in the State except during Sundays and in the nighttime, except as otherwise provided. ~~Any person who kills a black bear shall report the same within 7 days thereafter to the commissioner on forms provided by said commissioner.~~

5. **Wild bird or animal destroying property.** Any person may lawfully kill any wild animal, excepting beaver, or any wild bird, ~~except a bald eagle~~, found in the act of destroying that person's property.

**Sec. 24. R. S., T. 12, § 2401, sub-§§ 1, 2, amended.** Subsections 1 and 2 of section 2401 of Title 12 of the Revised Statutes, as revised, are amended to read as follows:

1. **Resident to hunt without license in certain cases.** Any resident over ~~16~~ 10 years of age and members of his immediate family over ~~16~~ 10 years of age

may hunt without a license on land 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 license.** Any resident domiciled in this State, 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 or guide, upon request.

**Sec. 25. R. S., T. 12, § 2401, sub-§ 3, amended.** Subsection 3 of section 2401 of Title 12 of the Revised Statutes, as revised, is amended by inserting before the last sentence of the 2nd paragraph the following new sentence:

**A hunting license issued to a resident under 16 years of age shall be considered valid through the calendar year in which the applicant reaches his 16th birthday, providing said birthday falls after July 1st of said year.**

**Sec. 26. R. S., T. 12, § 2401, sub-§ 10, additional.** Section 2401 of Title 12 of the Revised Statutes, as revised, is amended by adding a new subsection 10, to read as follows:

**10. 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. 27. R. S., T. 12, § 2463, amended.** The first paragraph of section 2463 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

**No person shall use an airplane in driving or molesting any wild birds or animals. It shall be unlawful for any person to hunt or molest any wild bird or wild animal with an aircraft, a motor boat or a power-driven snow traveling vehicle.**

**Sec. 28. R. S., T. 12, § 2501, amended.** The 2nd paragraph of section 2501 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

There shall be an annual open season from October 1st to October ~~20th~~ **14th** in the ~~Central~~ **Northern** Zone as described in section 2353 for the purpose of hunting deer with bow and arrow only.

**Sec. 28-A. Effective date.** Section 28 shall become effective 91 days after the Legislature adjourns.

**Sec. 29. R. S., T. 12, § 2502, amended.** The first sentence of section 2502 of Title 12 of the Revised Statutes, as revised, is 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~~ **\$5.25** for hunting deer by residents of this State and \$15.25 for hunting deer by nonresidents; **the fee of 25c 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 ~~20th~~ 14th of each calendar year in the Northern Zone and during the month of October in the Southern Zone.

**Sec. 30. Application.** The increase in fees provided by section 29 shall become effective January 1, 1968 and the remaining portions of section 29 shall become effective 91 days after the Legislature adjourns.

**Sec. 31. R. S., T. 12, § 2552, sub-§§ 1, 3, 4 and 5 amended.** Subsections 1, 3, 4 and 5 of section 2552 of Title 12 of the Revised Statutes, as revised, are amended to read as follows:

1. **All fish except black bass in lakes and ponds.** The open season for all fish, except black bass, in waters or portions of waters naturally free of ice in lakes and ponds, shall be from April 1st to September 30th. ~~On brooks and streams, the open season for all fish shall be from the last Saturday in April to August 15th. In rivers the open season for all fish shall be from the last Saturday in April to September 15th.~~

3. **All fish except black bass in rivers.** There shall be an open season for all fish except black bass in all the rivers above tidewater in waters free of ice from April 1st ~~until~~ to September 15th, except that portion of Fish River between Fish River Lake and Round Pond in T. 14, R. 8, Aroostook County, which shall be open to fishing until September 20th.

4. **All fish except black bass in brooks and streams.** There shall be an open season for all fish except black bass in brooks and streams in waters free of ice from April 1st ~~until~~ to August 15th, except that portion of Fish River between Fish River Lake and Round Pond in T. 14, R. 8, Aroostook County, shall be open to fishing until September 30th in Aroostook County the open season shall be from May 1st to August 15th.

5. **Smelts.** It shall be lawful to take smelts in accordance with section 2704 at any time in waters or portions thereof which are naturally free of ice and where the taking of smelts is not prohibited by rules and regulations of the commissioner.

**Sec. 32. R. S., T. 12, § 2601, sub-§ 2, amended.** The first 3 sentences of subsection 2 of section 2601 of Title 12 of the Revised Statutes, as revised, are amended to read as follows:

~~Each~~ Any resident of Maine domiciled in this State over 16 years of age and ~~each~~ any nonresident over ~~10~~ 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, guide or employee of the department. Any resident under 16 years of age and any nonresident under ~~10~~ 12 years of age may fish without a license. A resident shall apply and obtain a license from the clerk or agent in the town in which he ~~has a residence~~ is domiciled, but if the applicant is a resident of the State and is domiciled in an unorganized territory, then the clerk or agent in the town nearest to the unorganized place may issue a license.

**Sec. 33. R. S., T. 12, § 2601, sub-§ 3, amended.** The last sentence of subsection 3 of section 2601 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:



No license shall be willfully issued to any person not a resident ~~of~~ **domiciled in** the municipality in which said license is issued, and the penalty of any violation of this provision shall be ~~\$10~~ **\$20** and costs.

**Sec. 34. R. S., T. 12, § 2601, sub-§ 5, amended.** The 5th sentence of subsection 5 of section 2601 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

A junior nonresident license, for persons between the ages of ~~10~~ **12** and 16 years, shall cost ~~\$4.25~~ **\$1.75** for a season.

**Sec. 35. R. S., T. 12, § 2601, sub-§ 8, amended.** Subsection 8 of section 2601 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

**8. 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 exhibits a valid unexpired State of Maine motor vehicle operator's license bearing the applicant's name,~~ 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.

**Sec. 36. R. S., T. 12, § 2601, sub-§ 9, amended.** Subsection 9 of section 2601 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

**9. Reciprocity with New Hampshire.** When similar legislation is enacted by the state of New Hampshire, fishing licenses issued to ~~residents of either this State or New Hampshire~~ **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.~~ **the States of Maine and New Hampshire.**

**Sec. 37. R. S., T. 12, § 2652, amended.** Section 2652 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

**§ 2652. Reclaimed waters**

The commissioner is authorized and directed to issue a rule and regulation closing to ice fishing, **establishing a 5 fish limit and prohibiting the use or possession of live fish as bait,** such waters as have been reclaimed by the removal of rough fish.

**Sec. 38. R. S., T. 12, § 2653, amended.** The 2nd sentence of section 2653 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

When said structure is on the ice of any inland waters the owner's name **and address** shall be painted on the outside of said shack in 2-inch letters.

**Sec. 39. R. S., T. 12, § 2751, amended.** The last paragraph of section 2751 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

A violation of this section shall be punishable by a fine of not less than ~~\$10~~ **\$20** or more than ~~\$30~~ **\$50**, and costs, for each offense, and in addition thereto, \$1 for each fish sold or purchased.

**Sec. 40. R. S., T. 12, § 2752, amended.** The first sentence of the 4th paragraph of section 2752 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

All other devices, such as fish spawn, grapnel, spear, spear gun, trawl, weir, gaff, seine, gill net, trap or set lines, **electronic, sonic or battery powered devices**, except as otherwise provided, for the taking, catching, killing or destruction of fish shall be unlawful, except that it shall be lawful to take suckers, eels, horn-pouts, alewives, yellow perch, white fish and cusk in accordance with section 2701.

**Sec. 41. R. S., T. 12, § 2851, amended.** Section 2851 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

**§ 2851. Breeder's license**

The commissioner may issue a license at an annual fee of \$10 to any person, firm or corporation, permitting the licensee to breed, rear or keep ~~pheasants~~ **game birds or migratory game birds**. Said licensee shall fence in land for these purposes and such fence shall be of a type which will prevent ~~pheasants~~ **game birds or migratory game birds** from entering or leaving the fenced-in area.

No person shall breed, rear or keep any ~~pheasants~~ **game birds or migratory game birds**, except those that are owned by the department, at any time, without first having procured said license. No ~~pheasants~~ **game birds or migratory game birds**, either live or dressed, shall be removed from said premises until there shall have been securely attached to each bird a metallic seal. 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 5c. Such licensed breeders may, at any time, consume, sell, transport or kill and sell, and any person, firm or corporation, resident of the State, may purchase, have in possession or transport any ~~pheasants~~ **game birds or migratory game birds** raised, by virtue of this section. Such licensed breeders may also sell live or dressed ~~pheasants~~ **game birds or migratory game birds** outside the State, subject to regulations governing the importation of ~~pheasants~~ **game birds or migratory game birds** of the state in which sold.

Every licensed ~~pheasant~~ **game bird or migratory game bird** breeder shall, on or before the 31st day of December of each year make a detailed report to said commissioner, on blanks to be furnished by the commissioner.

A license shall only be issued to persons who comply with this section, and such license shall be revoked for any violation thereof.

**Sec. 42. R. S., T. 12, § 3060, amended.** The first paragraph of section 3060 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

Whoever violates any of the provisions of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, or rules and regulations promulgated thereunder, or rules and regulations heretofore promulgated and still in force and effect, excepting only those for the violation of which specific penalties have been provided, shall be punished by a fine of

not less than ~~\$75~~\$20 nor more than \$300 and costs, or by imprisonment for not more than 90 days, or by both, except as hereafter noted:

**Sec. 43. R. S., T. 12, § 3060, sub-§ 1, amended.** Subsection 1 of section 3060 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

**1. Beaver.** Whoever violates any provision of chapters 301 to 335 relating to beaver, except setting any trap within 25 feet of any beaver house, or setting any trap within 10 feet of any beaver dam **or the provision which prohibits setting a trap within 4 feet of a beaver trap which has already been set by another trapper**, shall be punished by a fine of not less than \$50 and costs and \$50 additional for each beaver or skin involved, or by imprisonment for not more than 90 days, or by both.