

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 975

S. P. 295

In Senate, February 25, 1969

Referred to Committee on Inland Fisheries and Game. Sent down for concurrence and 1,000 ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Hoffses of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

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

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

Sec. 1. R. S., T. 7, § 3601, amended. The first paragraph of section 3601 of Title 7, of the Revised Statutes, as amended by section 1 of chapter 448 of the public laws of 1965, is repealed and the following enacted in place thereof :

It shall be unlawful for any dog to roam-at-large in any area frequented by deer from December 1st of each calendar year to June 30th of the following year.

Sec. 2. R. S., T. 12, § 1901, sub-§ 9, amended. Subsection 9 of section 1901 of Title 12 of the Revised Statutes is amended to read as follows :

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

Sec. 3. R. S., T. 12, § 2053, amended. The first paragraph of section 2053 of Title 12 of the Revised Statutes is amended to read as follows :

A guide is any person who receives any form of remuneration for his services in accompanying or assisting any hunter, fisherman or camper in the fields, forests or inland waters of the State.

Sec. 4. R. S., T. 12, § 2101, amended. That part of section 2101 of Title 12 of the Revised Statutes, which relates to Swan Island Game Management Area, is repealed.

Sec. 5. R. S., T. 12, § 2154, amended. Section 2154 of Title 12 of the Revised Statutes, as amended, is further amended by adding in alphabetical order the following :

Swan Island Game Management Area: It shall be unlawful to hunt, chase, trap, kill or pursue any wild animals or birds above high-water mark within the following described tract or territory situated in the County of Sagadahoc, to wit: The islands in the Kennebec River, near Richmond, known as Swan Island and Little Swan Island, formerly known as Alexander Islands. Such game management area, being bordered by tidal flats, shall be regulated by the commissioner to the high-water mark on said flats, except at Maxwell's Cove, so called, where he shall regulate to low water on the tidal flats to be marked with red posts.

Sec. 6. R. S., T. 12, § 2302, amended. The last paragraph of section 2302 of Title 12 of the Revised Statutes, as enacted by section 12 of chapter 448 of the public laws of 1965, is amended to read as follows:

It shall be unlawful for any person to ~~alter, tamper or mutilate~~ have in his possession any license issued under chapters 301 to 335 or Title 32, chapter 65, which has been altered, tampered or mutilated in any manner.

Sec. 7. R. S., T. 12, § 2353, amended. The 7th and 8th paragraphs from the end of section 2353 of Title 12 of the Revised Statutes are amended to read as follows:

It shall be unlawful for any person to hunt deer after he has killed or registered one during the open season of that calendar year.

There shall be a continual closed season on deer in the Town of Islesboro, located in the County of Waldo, except that it shall be ~~lawful~~ unlawful to hunt with bow and arrow in accordance with chapter 321 during the month of October and the month of November of each calendar year.

Sec. 8. R. S., T. 12, § 2353, amended. The 2nd paragraph from the end of section 2353 of Title 12 of the Revised Statutes is amended to read as follows:

A person lawfully killing a deer during the open season may have the same in his possession ~~during a closed season~~ until May 31st of the following year provided the deer has been properly registered in accordance with section 2355.

Sec. 9. R. S., T. 12, § 2354, sub-§ 3, repealed. Subsection 3 of section 2354 of Title 12 of the Revised Statutes is repealed.

Sec. 10. R. S., T. 12, § 2355, sub-§ 3, ¶ B, repealed and replaced. Paragraph B of subsection 3 of section 2355 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

B. Prior to presenting a deer for registration it shall be unlawful for any person to possess or to leave in the fields or forests a deer which he has killed which does not have securely attached thereto, and plainly visible, the deer tag portion of his hunting license bearing his full name and address.

Sec. 11. R. S., T. 12, § 2358, amended. The 2nd paragraph of section 2358 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

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. The commissioner may issue a permit to any individual to keep in captivity a skunk, fox or raccoon and may revoke any permit so issued at any time. All permits so issued shall be valid only for the calendar year in which they were issued and the fee for same shall be \$10.

Sec. 12. R. S., T. 12, § 2358, sub-§ 1, amended. The 2nd and 3rd paragraphs of subsection 1 of section 2358 of Title 12 of the Revised Statutes, as amended, are further amended to read as follows:

The open season on mink and muskrat shall be during the month of November in each calendar year; except that the open season on muskrat in Somerset County shall be during the month of April of each year; in, Penobscot County south of the Canadian Pacific Railroad tracks and Washington and Franklin Counties shall be from April 1st to April 30th of each year and in York County and that portion of Cumberland County which borders on the Saco River from Route 35 north to the Oxford County line shall be only from March 20th to April 20th in each year; and except that the open season on muskrat in Aroostook County and in Penobscot County north of the Canadian Pacific Railroad tracks shall be during the period from April 15th to May 15th and except that the open season on muskrat in Piscataquis County shall be during the month of April only in each year; and except that the open season on muskrat within the watershed of Saco River in Oxford County, and on all lakes, ponds, marshes and streams tributary thereto, and within said county, shall be only from the first day of November to the 25th day of April in the following year.

The open season on otter shall be the months of November, ~~December and~~ January and February of each calendar year.

Sec. 13. R. S., T. 12, § 2358, sub-§ 4, amended. The first paragraph of subsection 4 of section 2358 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

~~Skunks may be hunted during the period from August 15th to December 15th of each year and raccoons~~ Raccoons may be hunted during the period from September 15th 1st to December 15th of each year. Hunting of raccoons and skunks from ½ hour after sunset to ½ hour before sunrise during said period may be done under the following conditions:

Sec. 14. R. S., T. 12, § 2361, amended. Section 2361 of Title 12 of the Revised Statutes is amended to read as follows:

§ 2361. Digging out foxes and skunks

It shall be lawful to dig out foxes and skunks at any time and to hunt foxes and skunks at any time, except Sunday and in the nighttime. It shall be lawful to trap foxes and skunks or to cause to have foxes and skunks trapped at any time on one's own land, within a distance of 100 yards from a shelter or range where poultry is raised or kept.

Sec. 15. R. S., T. 12, § 2363, amended. Section 2363 of Title 12 of the Revised Statutes, as enacted by section 29 of chapter 544 of the public laws of 1967, is amended to read as follows:

§ 2363. Hunting of mink and otter by Indians

It shall be lawful for members of the Penobscot or Passamaquoddy Indian Tribes to hunt ~~muskra~~ mink and otter ~~or fisher~~ with bow and arrow or firearms on lands or islands within their possession.

Sec. 16. R. S., T. 12, § 2401, sub-§ 1, amended. Subsection 1 of section 2401 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

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 ~~land~~ 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.

Sec. 17. R. S., T. 12, § 2451, amended. The last paragraph of section 2451 of Title 12 of the Revised Statutes is amended to read as follows:

It shall be unlawful for any person, other than a law enforcement officer in the line of duty, to disturb an animal or take any fur-bearing animal from any trap other than his own without the consent of the owner of such trap.

Sec. 18. R. S., T. 12, § 2452, amended. The last sentence of the first paragraph of section 2452 of Title 12 of the Revised Statutes is amended to read as follows:

The commissioner may grant permits to agents of the Federal Fish and Wildlife Service and to fruit, forest nursery and Christmas tree growers to use poison in the destruction of rodents.

Sec. 19. R. S., T. 12, § 2453, amended. The first sentence of section 2453 of Title 12 of the Revised Statutes is amended to read as follows:

No person shall hunt wild birds or wild animals while under the influence of intoxicating liquor or drugs.

Sec. 20. R. S., T. 12, § 2454, amended. Section 2454 of Title 12 of the Revised Statutes is amended to read as follows:

§ 2454. Hunting on Sunday

It shall be unlawful to hunt wild birds or wild animals on Sunday ~~and~~ possession. Possession of firearms in the fields and forests or on the waters or ice of this State or in a motor vehicle being operated on an unpaved highway located in an unorganized township on Sunday shall be prima facie evidence of such hunting unless such firearm is carried, securely wrapped in a complete cover, fastened in a case or carried in at least 2 separate pieces in such a manner that it cannot be fired unless the separate pieces are joined together again. For the purpose of this section a clip, magazine or cylinder of a firearm shall not be considered a piece of such firearm.

Sec. 21. R. S., T. 12, § 2463, amended. The first paragraph of section 2463 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

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, **except that migratory waterfowl may be hunted from a motorboat in accordance with federal regulations and except that shags and seals may be hunted from a motorboat.**

Sec. 22. R. S., T. 12, § 2501, amended. The last paragraph of section 2501 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

There shall be an annual open season during the month of October in the Southern Zone as described in section 2353 for the purpose of hunting deer with bow and arrow only, except that on the Island of Islesboro in Waldo County **and Swan Island in the Town of Swan's Island in Hancock County** there shall be an open season for hunting deer with bow and arrow during the months of October and November of each calendar year. During the month of October any person hunting deer on ~~Islesboro~~ **said islands** shall be licensed as provided in section 2502. During the month of November any person hunting deer on ~~Islesboro~~ **said islands** shall be licensed in accordance with section 2401.

Sec. 23. R. S., T. 12, §2558, amended. Section 2558 of Title 12 of the Revised Statutes, as amended, is further amended by adding at the end, a new paragraph, as follows:

Any bait trap used for the taking of bait in accordance with this section shall bear the name and address of the person who is taking such bait.

Sec. 24. R. S., T. 12, § 2602, amended. Section 2602 of Title 12 of the Revised Statutes is amended to read as follows:

§ 2602. Duplicates ; fees

The commissioner shall issue a duplicate license to any person, who has accidentally lost or destroyed any license issued to him under chapters 301 to 335, upon payment of a fee of ~~25c~~ **\$1.**

Sec. 25. R. S., T. 12, § 2751, amended. The 2nd paragraph of section 2751 of Title 12 of the Revised Statutes, as enacted by section 27-A of chapter 448 of the public laws of 1965, is amended to read as follows:

No person shall import or offer for sale any fresh or frozen ~~fresh water fish~~ **salmon, brook trout, brown trout, rainbow trout, lake trout or any member of the fish family salmonidae** whose source is outside of the continental United States or Canada.

Sec. 26. R. S., T. 12, § 2751, amended. The first sentence of the 3rd paragraph of section 2751 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

Anyone desiring to sell ~~such~~ fish which have been either commercially grown within the State or imported from without the State must first obtain a license from the commissioner who is authorized to issue such licenses, subject to such rules and regulations as he may deem necessary to carry out this section.

Sec. 27. R. S., T. 12, § 2751, amended. The 4th paragraph of section 2751 of Title 12 of the Revised Statutes is amended to read as follows:

~~Such fish~~ **Fish**, whether commercially grown within the State or imported from without the State, shall be packaged at the original source which said package shall bear the name and address of the source printed on the outside thereof and the fish shall not be removed from the original package, except by the ultimate purchaser.

Sec. 28. R. S., T. 32, § 4352, amended. Section 4352 of Title 32 of the Revised Statutes, as repealed and replaced by chapter 147 of the public laws of 1967, is amended by adding at the end, a new paragraph, as follows:

Notwithstanding this section, a person who lawfully registers a deer may sell the skin and head thereof.