

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1543

S. P. 464

In Senate, May 22, 1969

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

JERROLD B. SPEERS, Secretary

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section 3601 of Title 7, of the Revised Statutes, as amended by section 1 of chapter 448 of the public laws of 1965, is repealed and the following enacted in place thereof: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, § 2101, amended. The catchline of that part of section 2101 of Title 12 of the Revised Statutes which relates to Back Bay, Portland is repealed and the following enacted in place thereof:

Back Bay Sanctuary, Portland:

Sec. 4. R. S., T. 12, § 2101, amended. The catchline of that part of section 2101 of Title 12 of the Revised Statutes which relates to Beauchamp Point is repealed and the following enacted in place thereof:

Beauchamp Sanctuary:

Sec. 5. R. S., T. 12, § 2101, amended. That part of section 2101 of Title 12 of the Revised Statutes which relates to Drake's Island Game Preserve is amended to read as follows:

Drake's Island Game Sanctuary: All that part of Drake's Island, so called, in the Town of Wells, which is bounded as follows: Northerly by the game ~~preserve~~ **sanctuary** established by chapter 31 of the public laws of 1927;

easterly by the Atlantic Ocean; southerly by the Wells River; and westerly by said river and creek flowing under Dyke's Bridge, so called.

Sec. 6. R. S., T. 12, § 2101, amended. The catchline of that part of section 2101 of Title 12 of the Revised Statutes which relates to Dry Pond is repealed and the following enacted in place thereof:

Dry Pond Sanctuary:

Sec. 7. R. S., T. 12, § 2101, amended. The catchline of that part of section 2101 of Title 12 of the Revised Statutes which relates to Fairfield is repealed and the following enacted in place thereof:

Fairfield Sanctuary:

Sec. 8. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Glencove; Rockport is repealed and the following enacted in place thereof:

Glencove Sanctuary; Rockport:

Sec. 9. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Gray Game Preserve is repealed and the following enacted in place thereof:

Gray Game Sanctuary:

Sec. 10. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Jefferson and Whitefield is repealed and the following enacted in place thereof:

Jefferson and Whitefield Sanctuary:

Sec. 11. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Kineo Point is repealed and the following enacted in place thereof:

Kineo Point Sanctuary:

Sec. 12. R. S., T. 12, § 2101, amended. The catchline and the 2nd sentence of section 2101 of Title 12 of the Revised Statutes which relates to Limington, Hollis and Waterboro are repealed and the following enacted in place thereof:

Limington, Hollis and Waterboro Sanctuary:

All roads which serve to bound said Limington, Hollis and Waterboro game sanctuary shall be a part of said sanctuary and it shall be unlawful for any person to carry any loaded firearm on any of said bounds.

Sec. 13. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Megunticook Lake and Vicinity is repealed and the following enacted in place thereof:

Megunticook Lake and Vicinity Sanctuary:

Sec. 14. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Monroe Island Game Preserve is repealed and the following enacted in place thereof:

Monroe Island Game Sanctuary:

Sec. 15. R. S., T. 12, § 2101, amended. The catchline of section 2101 of

Title 12 of the Revised Statutes which relates to Moosehead Lake Game Preserve is repealed and the following enacted in place thereof:

Moosehead Lake Game Sanctuary:

Sec. 16. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Moosehorn Game Preserve is repealed and the following enacted in place thereof:

Moosehorn Game Sanctuary:

Sec. 17. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Ocean Park Game Preserve and Bird Sanctuary is repealed and the following enacted in place thereof:

Ocean Park Game and Bird Sanctuary:

Sec. 18. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Orrington Game Preserve and the last sentence are repealed and the following enacted in place thereof:

Orrington Game Sanctuary:

The commissioner may add adjacent property to said game sanctuary upon application of said adjacent property owners.

Sec. 19. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Pittston Farm is repealed and the following enacted in place thereof:

Pittston Farm Sanctuary:

Sec. 20. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Prout's Neck; Richmond's Island; Cape Elizabeth and the 3rd sentence are repealed and the following enacted in place thereof:

Prout's Neck; Richmond's Island; Cape Elizabeth Sanctuary:

This paragraph shall not prohibit any person residing within the limits of either of the above described reservations or sanctuaries from shooting at or destroying any wild bird, except ruffed grouse or Hungarian partridge, or any wild animal, when found destroying his property.

Sec. 21. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Rangeley Game Preserve, in the County of Franklin is repealed and the following enacted in place thereof:

Rangeley Game Sanctuary, in the County of Franklin:

Sec. 22. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Salmon Pond is repealed and the following enacted in place thereof:

Salmon Pond Sanctuary:

Sec. 23. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Standish and the last sentence are repealed and the following enacted in place thereof:

Standish Sanctuary:

All roads and the Maine Central railroad right-of-way which serve to bound said Standish Game Sanctuary shall be a part of said sanctuary, and it shall be unlawful for any person to carry any loaded firearm on any of said bounds.

Sec. 24. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Wells is repealed and the following enacted in place thereof:

Wells Sanctuary:

Sec. 25. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Wells and York Game Management Area is repealed and the following enacted in place thereof:

Wells and York Game Sanctuary:

Sec. 26. R. S., T. 12, § 2101, amended. The catchline of section 2101 of Title 12 of the Revised Statutes which relates to Willow Water Game Preserve and the last paragraph are repealed and the following enacted in place thereof:

Willow Water Game Sanctuary:

The owner of the properties included within the Willow Water Game Sanctuary shall enclose the same with a suitable fence and shall cause the erection of suitable signs on or near said sanctuary indicating that no hunting is permitted thereon. Near the center of said game sanctuary such owner is authorized to construct a 15-acre pond for the propagation of waterfowl, principally wood duck, teal and blacks.

Sec. 27. R. S., T. 12, § 2101, amended. The 3rd and 4th sentences of section 2101 of Title 12 of the Revised Statutes which relates to York Game Sanctuary, in the County of Franklin are amended to read as follows:

Any violations of the provisions of this paragraph relating to game ~~preserves~~ sanctuaries shall be punishable in accordance with section 3060, unless otherwise provided. This paragraph shall not be construed to prohibit a person residing within the limits of a game ~~preserve~~ sanctuary from killing any wild bird, except grouse, or any wild animal, except beaver, when found destroying his property.

Sec. 28. R. S., T. 12, § 2101, amended. That part of section 2101 of Title 12 of the Revised Statutes which relates to Somerset Game Preserve, as enacted by section 3 of chapter 104 of the public laws of 1969, is amended by repealing the catchline and inserting in place thereof the following:

Somerset Game Sanctuary:

Sec. 29. Effective date. Section 28 of this Act shall take effect 91 days after adjournment of this Legislature.

Sec. 30. R. S., T. 12, § 2101, amended. That part of section 2101 of Title 12 of the Revised Statutes which relates to Long Lake Game Management Area, Aroostook County, is repealed.

Sec. 31. 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. 32. R. S., T. 12, § 2102, amended. Section 2102 of Title 12 of the Revised Statutes is amended to read as follows:

§ 2102. Commissioner may create temporary game sanctuaries

The commissioner is empowered, upon the written consent of landowners, to create from any lands within the State, not to exceed 1,000 acres, a game ~~preserve sanctuary~~ or ~~preserves sanctuaries~~, for the purpose of liberating tame deer. The commissioner is authorized to release all or any part of such lands from the restrictions of a game ~~preserve sanctuary~~ or ~~preserves sanctuaries~~, whenever he deems it expedient.

Sec. 33. R. S., T. 12, § 3107, amended. Section 2107 of Title 12 of the Revised Statutes is amended to read as follows:

§ 2107. Hunting or possessing firearms restricted

No person shall at any time hunt, trap, chase, catch, kill or destroy any wild birds or wild animals or have in his possession firearms of any description within the limits of any game ~~preserve sanctuary~~ or closed territory except as provided in chapters 301 to 335, and except that the commissioner is authorized to regulate the trapping of wild animals thereon and to use such means as may seem necessary to exterminate vermin of any description in all game ~~preserves and sanctuaries~~ and in any other localities where damage is being done.

Sec. 34. R. S., T. 12, § 2154-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 2154-A to read as follows:

§ 2154-A. State-owned wildlife management areas

The following areas shall be classified as state-owned wildlife management areas:

Brownfield—Brownfield, Denmark, Fryeburg—Oxford County.

Chesterville—Chesterville—Franklin County.

Fahi Pond—Embden—Somerset County.

Frye Mountain—Montville, Knox, Morrill—Waldo County.

Great Works—Edmunds Twp.—Washington County.

Jonesboro—Jonesboro—Washington County.

Long Lake—St. Agatha—Aroostook County.

All of Long Lake within the Town of St. Agatha.

Lyle Frost—(formerly Scammon), Eastbrook, Franklin—Hancock County.

Madawaska—Palmyra—Somerset County.

Manuel—Hodgdon—Aroostook County.

Mercer Bog—Mercer—Somerset County.

Newfield—Newfield-Shapleigh—York County.

Old Pond Farm—Maxfield-Howland—Penobscot County.

Orange River—Whiting—Washington County.

Pennamaquam—Pembroke-Charlotte—Washington County.

Ruffingham—Montville-Searsmont—Waldo County.

St. Albans—St. Albans—Somerset County.

Sandy Point—Stockton Springs—Waldo County.

Scarborough—Scarborough-Old Orchard Beach-Saco—Cumberland and York Counties.

Swan Island—Perkins Twp.—Sagadahoc County.

The islands in the Kennebec River near Richmond known as Swan Island and Little Swan Island formerly known as Alexander Islands.

Weskeag Marsh—South Thomaston, Thomaston, Rockland and Owl's Head—Knox County.

Sec. 35. 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 with or mutilated in any manner.~~

Sec. 26. R. S., T. 12, § 2353, amended. The 8th paragraph from the end of section 2353 of Title 12 of the Revised Statutes is 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.

Sec. 37. 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. 38. R. S., T. 12, § 2354, sub-§ 3, repealed. Subsection 3 of section 2354 of Title 12 of the Revised Statutes is repealed.

Sec. 39. R. S., T. 12, § 2355, sub-§ 3, ¶ B, repealed and replaced. Paragraph B of subsection 3 of the 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. Any

deer so found to which the deer tag portion of said license has not been attached, shall be seized and disposed of as directed by the commissioner.

Sec. 40. 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. 40-A. R. S., T. 12, § 2358, sub-§ 1, amended. The first sentence of the 3rd paragraph of subsection 1 of section 2358 of Title 12 of the Revised Statutes, as enacted by chapter 251 of the public laws of 1969, is amended to read as follows:

The open season on muskrats in that area of the State north of the CPRR tracks shall be from November 1st to May 15th of each year, **except that the open season on muskrats in that area of Somerset County north of the CPRR tracks shall be from October 21st to May 15th of each year.**

Sec. 40-B. Effective date. Section 40-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 41. R. S., T. 12, § 2358, sub-§ 1, amended. The 3rd paragraph of subsection 1 of section 2358 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

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

Sec. 42. 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. 43. 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. 44. 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. 45. 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 any trap or take any fur-bearing animal from any trap other than his own without the consent of the owner of such trap.

Sec. 46. 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. 47. 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. 48. 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. 49. R. S., T. 12, § 2458-B, additional. Title 12 of the Revised Statutes is amended by adding a new section 2458-B, to read as follows :

§ 2458-B. Firearms at lumbering operations

It shall be unlawful for any nonresident who is employed in a lumbering operation in any unorganized or unincorporated place within the jurisdiction of the State to have any firearm in his possession within the area of such lumbering operation.

Sec. 50. 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 seales may be hunted from a motorboat.**

Sec. 51. 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. 52. 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. 53. 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 chapter 301 to 335, upon payment of a fee of ~~25¢~~ **\$1.**

Sec. 54. 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. 55. 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. 56. 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. 57. 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.

Sec. 58. R. S., T. 12, § 2054, additional. Title 12 of the Revised Statutes is amended by adding a new section 2054 to read as follows:

§ 2054. Permits for camp trip leaders

Boys' and girls' summer camps located in Maine and duly licensed by the Department of Health and Welfare or located in another state and duly licensed in a similar manner if the laws or said other state so required, having trips other than on waters adjacent to the location of the main camp, shall have a counselor as a party member who is a holder of a camp trip leader's permit. Said camp trip leader's permits, as approved and granted by the commissioner, shall be good only for the period of June 15th through September 15th of the year issued, shall be good for only a children's camp sponsored trip and specifically shall not entitle the holder to be in charge of any group other than from said boys' and girls' camp; nor does it grant to said holder any rights to hunt or fish. A counselor to hold said camp trip leader's permit must be 18 years of age. The fee for said permit shall be \$5 for counselors of Maine camps and \$10 for counselors of camps from other states.

Sec. 59. P. L., 1969, c. 276, § 8, additional. Chapter 276 of the public laws of 1969 is amended by adding a new section 8, as follows:

Sec. 8. Effective date. This Act shall take effect on January 1, 1970.