

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 228

H. P. 170

House of Representatives, January 19, 1971

Referred to Committee on Fisheries and Wildlife. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Kelley of Southport.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Certain Penalties Under 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. 12, § 1962, amended.** Section 1962 of Title 12 of the Revised Statutes is amended to read as follows:

**§ 1962. Defacement of notices**

Whoever willfully mutilates, defaces or destroys any notice, rule or regulation of the commissioner, posted in conformity with chapters 301 to 335, shall be ~~punished by a fine of not more than \$50~~ subject to the penalties provided in section 3060.

**Sec. 2. R. S., T. 12, § 1984, amended.** The first sentence of section 1984 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

Any person who violates this chapter or any rules or regulations promulgated by the Commissioner of Inland Fisheries and Game shall be ~~punished by a fine of not less than \$10 nor more than \$100~~ subject to the penalties provided in section 3060 for each offense.

**Sec. 3. R. S., T. 12, § 2101, amended.** The last sentence of the 2nd paragraph of section 2101 of Title 12 of the Revised Statutes, under the caption Back Bay Sanctuary, Portland, is repealed as follows:

~~Whoever violates any provision of this paragraph shall be punished by a fine of not less than \$10 nor more than \$40, and costs, for each offense.~~

**Sec. 4. R. S., T. 12, § 2101, amended.** The last sentence of the 8th paragraph of section 2101 of Title 12 of the Revised Statutes, under the caption Glencove Sanctuary; Rockport, is repealed as follows:

~~Whoever violates any provision of this paragraph shall be punished by a fine of not less than \$5 nor more than \$50, and costs for each offense, or by imprisonment for 30 days, or by both.~~

Sec. 5. R. S., T. 12, § 2101, amended. The last sentence of the 12th paragraph of section 2101 of Title 12 of the Revised Statutes, under the caption Kineo Point Sanctuary, is repealed as follows:

~~Whoever violates the provisions of this paragraph shall pay a fine of not less than \$10 nor more than \$40, and costs, for each offense.~~

Sec. 6. R. S., T. 12, § 2101, amended. The last sentence of the 14th paragraph of section 2101 of Title 12 of the Revised Statutes, under the caption Megunticook Lake and Vicinity Sanctuary, is repealed as follows:

~~Whoever violates any provision of this paragraph shall be punished by a fine of not less than \$10 nor more than \$30, and costs, for each offense.~~

Sec. 7. R. S., T. 12, § 2101, amended. The last sentence of the 22nd paragraph of section 2101 of Title 12 of the Revised Statutes, under the caption Prout's Neck; Richmond's Island; Cape Elizabeth Sanctuary, is repealed as follows:

~~Whoever violates any provision of this paragraph shall be punished by a fine of not less than \$10 nor more than \$40, and costs, for each offense.~~

Sec. 8. R. S., T. 12, § 2101, amended. The last sentence of the 25th paragraph of section 2101 of Title 12 of the Revised Statutes, under the caption Rangeley Lake Sanctuary, is repealed as follows:

~~Whoever violates any provision of this paragraph shall be punished by a fine of not less than \$10 nor more than \$300, and costs for each offense, or by imprisonment for 60 days, or by both.~~

Sec. 9. R. S., T. 12, § 2202, amended. Section 2202 of Title 12 of the Revised Statutes is amended to read as follows:

#### § 2202. Tampering with, injuring or destroying fishways

Whoever without authority from the commissioner tampers with a fishway, closes a fishway to fish migration, introduces foreign objects into a fishway, or damages or destroys a fishway, shall be punished by a fine of not more than \$100 subject to the penalties provided in section 3060.

Sec. 10. R. S., T. 12, § 2204, amended. Section 2204 of Title 12 of the Revised Statutes, as amended by section 8-A of chapter 448 of the public laws of 1965, is further amended to read as follows:

#### § 2204. Tampering with, injuring or destroying dams

Whoever with authority from the commissioner tampers with any dam owned or operated by the department, including dams in a fish hatchery or rearing station, opens or closes gates or sluiceways, adds or removes flashboards, or otherwise damages or destroys such dams, shall be punished by a fine of not more than \$100 subject to the penalties provided in section 3060.

Sec. 11. R. S., T. 12, § 2205, amended. Section 2205 of Title 12 of the Revised Statutes is amended to read as follows:

§ 2205. Bulldozing of rivers, streams and brooks

Whoever bulldozes or causes to be bulldozed between the banks of a river, stream or brook in excess of 500 feet in length in any one mile, measured along the thread of the stream, without first obtaining permission therefor from the commissioner, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than ~~\$500~~ \$1,000.

Sec. 12. R. S., T. 12, § 2253, amended. The last paragraph of section 2253 of Title 12 of the Revised Statutes is amended to read as follows:

Any person who fails to comply with this section shall, on conviction, be ~~punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 30 days, or by both~~ subject to the penalties provided in section 3060.

Sec. 13. R. S., T. 12, § 2254, amended. The last paragraph of section 2254 of Title 12 of the Revised Statutes is amended to read as follows:

Any violation of any provision of this section shall be ~~punishable by a fine of \$50 and costs~~ subject to the penalties provided in section 3060.

Sec. 14, R. S., T. 12, § 2352, amended. The last paragraph of section 2352 of Title 12 of the Revised Statutes, as enacted by chapter 29 of the public laws of 1969, is amended to read as follows:

Any person convicted of violating any of the provisions of this section shall be ~~punished by a fine of not less than \$50 subject to the penalties provided in section 3060~~ and in addition thereto by a fine of \$25 for each bird illegally killed, taken or possessed, and such fines shall not be suspended, or by imprisonment for not less than 30 nor more than 90 days, or by both fine and imprisonment.

Sec. 15. R. S., T. 12, § 2353, amended. The last paragraph of section 2353 of Title 12 of the Revised Statutes is amended to read as follows:

Any person convicted of violating any of the provisions of this section shall be ~~punished by a fine of not less than \$100 and costs, which fine and costs shall not be suspended, or by imprisonment for not more than 90 days, or by both~~ in accordance with the penalty provided in section 2455.

Sec. 16. R. S., T. 12, § 2453, amended. The last sentence of section 2453 of Title 12 of the Revised Statutes is amended to read as follows:

Whoever violates any provision of this section shall, upon conviction, be ~~punished by a fine of not less than \$10 nor more than \$300, or by imprisonment for not less than 30 days nor more than 6 months~~ subject to the penalties provided in section 3060.

Sec. 17. R. S., T. 12, § 2455, amended. The last sentence of section 2455 of Title 12 of the Revised Statutes is amended to read as follows:

Any person convicted of a violation under this section shall be punished ~~for the first offense~~ by a fine of not less than ~~\$200~~ \$300 ~~and costs~~ nor more than ~~\$400~~ \$2,000 ~~and costs~~, which fine ~~and costs~~ shall not be suspended, and an additional penalty of not more than 30 days in jail, at the discretion of the court; ~~and for a 2nd or subsequent offense, by a fine of not less than \$400 and costs nor more than \$800 and costs, and 30 days in jail, which fine, costs and jail sentence shall not be suspended, and an additional penalty of not more than 60 days in jail, at the discretion of the court.~~ of not more than 60 90 days in jail, at the discretion of the court.

Sec. 18. R. S., T. 12, § 2460, amended. The last sentence of section 2460 of Title 12 of the Revised Statutes is amended to read as follows:

Whoever violates any of the provisions of this section shall be ~~punished by a fine of not more than \$300 and costs or by imprisonment for not more than 90 days, or by both~~ subject to the penalties provided in section 3060.

Sec. 19. R. S., T. 12, § 2463, amended. The last paragraph of section 2463 of Title 12 of the Revised Statutes is amended to read as follows:

Any person convicted of violating any provision of this section shall be ~~punished by a fine of not less than \$50 nor more than \$300~~ subject to the penalties provided in section 3060.

Sec. 20. R. S., T. 12, § 2557, amended. The last sentence of section 2557 of Title 12 of the Revised Statutes, as repealed and replaced by section 23 of chapter 448 of the public laws of 1965 and amended by section 13 of chapter 494 of the public laws of 1967, is further amended to read as follows:

Any violation of this section shall be ~~punishable by a fine of not less than \$200 nor more than \$300 for each offense~~ subject to the penalties provided in section 3060.

Sec. 21. R. S., T. 12, § 2560, amended. Section 2560 of Title 12 of the Revised Statutes, as last amended by chapter 181 of the public laws of 1967, is further amended to read as follows:

#### § 2560. Penalties

Whoever violates any provision of sections 2552 and 2553 shall ~~pay a fine of not less than \$20 nor more than \$30~~ be subject to the penalties provided in section 3060, and costs of prosecution, for each offense; and in addition thereto, \$5 for each fish taken, caught, killed or had in possession in violation of any provision of said sections.

Sec. 22. R. S., T. 12, § 2751, amended. The last paragraph of section 2751 of Title 12 of the Revised Statutes, as amended by section 39 of chapter 404 of the public laws of 1967, is further amended to read as follows:

A violation of this section shall be ~~punishable by a fine of not less than \$20 or more than \$50~~ subject to the penalties provided in section 3060, and costs, for each offense, and in addition thereto, \$1 for each fish sold or purchased.

Sec. 23. R. S., T. 12, § 2751-A, amended. The last paragraph of section

2751-A of Title 12 of the Revised Statutes, as enacted by section 29 of chapter 448 of the public laws of 1965, is amended to read as follows:

A violation of this section shall be ~~punishable by a fine of not less than \$100~~ subject to the penalties provided in section 3060.

**Sec. 24. R. S., T. 12, § 2752, amended.** The last sentence of the first paragraph of section 2752 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

**A violation shall be subject to the penalties provided in section 3060.**

**Sec. 25. R. S., T. 12, § 2752, amended.** The next to last paragraph of section 2752 of Title 12 of the Revised Statutes, as amended by section 31 of chapter 448 of the public laws of 1965, is further amended to read as follows:

Any violation of this section shall be ~~punishable by a fine of not less than \$20 nor more than \$300~~ subject to the penalties provided in section 3060, and costs of prosecution, for each offense, and in addition thereto, \$1 for each fish unlawfully taken, caught, killed or in possession of any violator of this section.

**Sec. 26. R. S., T. 12, § 2754, amended.** The 2nd paragraph of section 2754 of Title 12 of the Revised Statutes is amended to read as follows:

Any violation of this section shall be punishable by a fine of not less than \$100 nor more than ~~\$300~~ \$1,000, and costs, which fine and costs shall not be suspended. On the 2nd offense the fine shall be not less than \$100 nor more than ~~\$300~~ \$1,000, and costs, and not less than 15 days nor more than ~~60~~ 90 days in jail, which fine, costs and jail sentence shall not be suspended.

**Sec. 27. R. S., T. 12, § 2755, amended.** Section 2755 of Title 12 of the Revised Statutes is amended to read as follows:

**§ 2755. Stocking of lakes and streams without consent**

Whoever introduces fish of any kind into any waters of the State by means of live fish, or otherwise, except upon written permission of the commissioner, shall be ~~punished by a fine of not less than \$30 nor more than \$500~~ subject to the penalties provided in section 3060.

**Sec. 28. R. S., T. 12, § 2756, amended.** Section 2756 of Title 12 of the Revised Statutes, as amended by section 32 of chapter 448 of the public laws of 1965, is further amended to read as follows:

**§ 2756. Advance baiting**

Whoever deposits any meat, bones, dead fish, or parts of the same, or other food for fish in any of the inland waters of the State for the purpose of luring fish, known as "advance baiting," shall be ~~punished by a fine of not less than \$20 nor more than \$30~~ subject to the penalties provided in section 3060, and costs of prosecution, for each offense.

**Sec. 29. R. S., T. 12, § 2801, amended.** Section 2801 of Title 12 of the Revised Statutes is amended by adding at the end the following new paragraph:

Any person convicted of violating any of the provisions of this section shall be punished in accordance with the penalty provided in section 2455.

Sec. 30. R. S., T. 12, § 2953-A, amended. The first sentence of section 2953-A of Title 12 of the Revised Statutes, as enacted by chapter 116 of the public laws of 1969, is amended to read as follows:

Whoever, while on a hunting trip or in the pursuit of wild game or game birds, negligently or carelessly or willfully shoots and wounds, or kills any domestic animals or birds, shall be ~~punished by a fine of not less than \$50 nor more than \$200 or by imprisonment for not more than 30 days, or by both~~ subject to the penalties provided in section 3060.

Sec. 31. R. S., T. 12, § 2955, amended. The last paragraph of section 2955 of Title 12 of the Revised Statutes, as enacted by chapter 315 of the public laws of 1967, is amended to read as follows:

Any person violating any of the provisions of this section shall, upon conviction, be ~~punished by a fine of \$200~~ subject to the penalties provided in section 3060 and in addition thereto shall be denied the right to hunt or trap anywhere in this State, with or without a license, for a period of 10 years.

Sec. 32. R. S., T. 12, § 3060, amended. The first paragraph of section 3060 of Title 12 of the Revised Statutes, as amended by section 42 of chapter 404 of the public laws of 1967, is further 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 ~~\$20~~ \$50 nor more than ~~\$300~~ \$1,000 and costs, or by imprisonment for not more than 90 days, or by both, except as hereafter noted:

Sec. 33. R. S., T. 12, § 3060, sub-§ 1, amended. Subsection 1 of section 3060 of Title 12 of the Revised Statutes, as amended by section 43 of chapter 404 of the public laws of 1967, is further 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~~ subject to the penalties provided by this section and costs and \$50 additional for each beaver or skin involved, or by imprisonment for not more than 90 days, or by both.

Sec. 34. R. S., T. 12, § 3060, sub-§ 1-A, amended. Subsection 1-A of section 3060 of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 199 of the public laws of 1967, is amended to read as follows:

1-A. **Mink and otter.** Whoever violates section 2362 shall be ~~punished by a fine of not less than \$50~~ subject to the penalties provided by this section

and costs and \$50 additional for each mink and otter skin involved, or by imprisonment for not more than 90 days, or by both.

**Sec. 35. R. S., T. 12, § 3060, sub-§ 2, amended.** Subsection 2 of section 3060 of Title 12 of the Revised Statutes is amended to read as follows:

2. **Violation of § 2451.** Whoever violates any of the provisions of the first 2 paragraphs of section 2451 shall be punished by a fine of not less than \$200 nor more than ~~\$300~~ \$1,000 and costs, or by imprisonment for not more than 90 days, or by both.

**Sec. 36. R. S., T. 12, § 3061, amended.** The last paragraph of section 3061 of Title 12 of the Revised Statutes is amended to read as follows:

Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, or rule or regulation, or any fees for licenses issued by authority of any inland fish and game law and shall neglect for more than 30 days to pay the same as provided, shall be ~~punished by a fine of not less than \$50 nor more than \$100~~ subject to the penalties provided in section 3060 and costs of prosecution for each offense.

#### STATEMENT OF FACT

The purpose of this bill by Title 12, section 3060 is to increase the general penalty for fish and game violations. Any other penalties in the fish and game laws which are less than the general penalty have been increased accordingly.