

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1160

H. P. 844

House of Representatives, February 25, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Tyndale of Kennebunkport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Revise the Hunting and Trapping 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 The first paragraph of section 3601 of Title 7 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 425 of the public laws of 1969, is amended to read as follows:

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~~ all year.

Sec. 2. R. S., T. 12, § 2351, amended. The first sentence of section 2351 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

Any person trapping in the State of Maine shall visit each trap or cause the same to be visited at least once in every calendar day, including Sunday, and remove therefrom or cause to be removed any animal found caught therein.

Sec. 3. R. S., T. 12, § 2354, sub-§ 1, amended. The first sentence of subsection 1 of section 2354 of Title 12 of the Revised Statutes is amended to read as follows:

The cultivator, owner, mortgagee or keeper of any orchard or growing crop, including legumes, except grass, or the owner or occupier of land whereon said crops or orchard are located, may take or kill deer or other protected wild animals, except beaver or birds, or any animal listed in the United States Fish and Wildlife Service's publication Rare and Endangered Fish and Wildlife of the United States, hereafter in this Part referred to as "USF&WS"

and "Red Book" respectively, and those species which are considered rare or endangered only in the State of Maine, night or day, on said land where substantial damage is being done by said deer or other protected wild animals to said orchard or crop.

Sec. 4. R. S., T. 12, § 2355-A, amended. Section 2355-A of Title 12 of the Revised Statutes, as enacted by chapter 274 of the public laws of 1965, is amended to read as follows:

§ 2355-A. Closed time on bear

There shall be closed season on bear cubs from January 1st to ~~May 31st~~ August 31st in each calendar year and adult bear from January 1st to June 1st.

Sec. 5. R. S., T. 12, § 2358, sub-§ 1, amended. The 10th paragraph of subsection 1 of section 2358 of Title 12 of the Revised Statutes, as amended by section 21 of chapter 404 of the public laws of 1967, is further amended to read as follows:

There shall be no open season on sable (marten) and, Canada lynx, cougar and those species listed in the USF&WS Red Book that are found in Maine, and also those species which are considered rare or endangered only in the State of Maine. These species shall be fully protected.

Sec. 6. R. S., T. 12, § 2358, sub-§ 1, amended. The first sentence of the 12th paragraph of subsection 1 of section 2358 of Title 12 of the Revised Statutes, as amended by section 22 of chapter 404 of the public laws of 1967, is further amended to read as follows:

Animals may be trapped with ~~common ordinary~~ steel traps with off-set jaws that leave an opening when closed of a minimum of $\frac{1}{4}$ inch, and limited to those traps with a jaw spread of no more than $7\frac{1}{2}$ inches and only size No. 110 and 120 killer-type traps.

Sec. 7. R. S., T. 12, § 2358, sub-§ 3, amended. The 2nd paragraph of subsection 3 of section 2358 of Title 12 of the Revised Statutes, as enacted by chapter 281 of the public laws of 1969, is repealed as follows:

~~The use of the so-called cable trap shall be lawful for use in trapping bear in the State during the open season on bear. The cable trap shall be exempt from the provisions of the 3rd paragraph of section 2357 relating to bear. Cable traps shall have a closing diameter of not less than $2\frac{1}{2}$ inches.~~

Sec. 8. R. S., T. 12, § 2358, sub-§ 5, amended. Subsection 5 of section 2358 of Title 12 of the Revised Statutes, as amended by section 23 of chapter 404 of the public laws of 1967, is further amended to read as follows:

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 and those species listed in the USF&WS Red Book that are found in Maine and those species which are considered rare or endangered only in the State of Maine, found in the act of destroying that person's property. All animals that are taken under this statute must be reported, along with proof that the

animals were doing damage, to the commissioner or other person who has been given authority by the commissioner.

Sec. 9. R. S., T. 12, § 2451, amended. The first paragraph of section 2451 of Title 12 of the Revised Statutes, as amended by section 17 of chapter 448 of the public laws of 1965, is further amended by adding at the end the following new sentence:

Control will be limited to only those animals doing damage.

Sec. 10. R. S., T. 12, § 2458-A, repealed and replaced. Section 2458-A of Title 12 of the Revised Statutes, as enacted by chapter 193 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 2458-A. Hunting deer and bear with certain weapons

It shall be unlawful to hunt deer and bear with any firearm that does not meet the following specifications:

1. **Rifles.** With rifles using center fire ammunition and cartridges having soft-nosed bullets of not less than 70 grains in weight. The muzzle velocity, as determined by the manufacturer, will be rated as no less than 1,000 foot pounds at 100 yards from the muzzle.

2. —**certain muzzle.** With muzzle loading rifles of .40 caliber or larger.

3. **Shotguns.** With shotguns of 16 gauge or larger, and firing a single slug.

Sec. 11. R. S., T. 12, § 2460, repealed and replaced. Section 2460 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2460. Pole traps

It shall be unlawful for any person to set or use any steel trap on the top of a pole, constituting a device commonly known as a "pole trap". Any trap in which an animal would be suspended would be considered a pole trap and thereby unlawful to use.

Sec. 12. 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. 13. R. S., T. 12, § 2465, amended. Section 2465 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

§ 2465. Use of artificial lights for lighting game

The use of artificial lights between ½ hour after sunset and ½ hour before

sunrise to illuminate, jack, locate, attempt to locate or show up wild birds or wild animals shall be unlawful ~~during any open season on deer~~ at any time of the year, except as provided in section 2354, and section 2358, subsection 4.

Sec. 14. R. S., T. 12, § 2466, amended. The 2nd paragraph of section 2466 of Title 12 of the Revised Statutes is amended to read as follows:

The English or European house sparrow, the common crow ~~the great horned owl, kingfishers, and cormorants or shag~~ and the European starling are not included among the birds therein protected; nothing herein contained shall be deemed to make it unlawful for the owner or occupant of land to kill hawks or owls when in the act of destroying poultry; and for the purpose of chapters 301 to 335 the partridge, grouse and pheasant, only, shall be considered game birds, and the following, only, shall be considered migratory game birds: Anatidae or waterfowl, including brant, wild ducks, geese and swans; gruidae or cranes, including little brown, sandhill and whooping cranes; rallidae or rails, including coots, gallinules, and sora and other rails; limicolae or shorebirds, including avocets, curlew, dowitchers, dogwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs; columbidae or pigeons, including doves and wild pigeons.

Sec. 15. R. S., T. 12, § 2503, amended. The 3rd sentence of section 2503 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

The arrow head shall not be less than 3 inches in length, less than $\frac{7}{8}$ inch in width and shall have cutting edges on the entire length of the head, and on both the fore and aft sides.

Sec. 16. R. S., T. 12, § 2503, amended. Section 2503 of Title 12 of the Revised Statutes is amended by adding at the end the following new paragraph:

The same regulations pertaining to the archery equipment for hunting deer shall apply for the hunting of wild bear.

Sec. 17. R. S., T. 12, § 2953-A, amended. Section 2953-A of Title 12 of the Revised Statutes, as enacted by chapter 116 of the public laws of 1969, is amended by inserting after the first sentence the following new sentence:

The owner of such domestic animals or birds that are wounded or killed shall be reimbursed for the loss.

STATEMENT OF FACT

The purpose of this bill is to revise the hunting and trapping laws.