

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1094

S. P. 368

In Senate, February 27, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Anderson of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

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. 12, § 1960, amended. The 5th paragraph of section 1960 of Title 12 of the Revised Statutes, as last repealed and replaced by section 4-B of chapter 403 of the public laws of 1971, is repealed and the following enacted in place thereof:

Such regulations shall specify the effective date thereof and shall become effective on that date.

Sec. 2. R. S., T. 12, § 1960-A, sub-§ 3, amended. Subsection 3 of section 1960-A of Title 12 of the Revised Statutes, as amended by section 2 of chapter 231 of the public laws of 1971, is further amended to read as follows:

3. **Public hearings; regulations establishing open seasons for hunting and trapping of upland game and fur-bearing animals.** The commissioner, with the advice and approval of the advisory council, shall, by regulations, establish open seasons for the hunting or trapping in this State of upland game and fur-bearing animals, and make such other regulations, including bag limits, with regard to the same, as may be deemed advisable. He may, from time to time, with the advice and approval of the advisory council, change or close such open seasons with respect to any species of upland game or fur-bearing animals, and may change such existing regulations or issue such new regulations as may be deemed advisable.

Sec. 3. R. S., T. 12, § 2355, sub-§ 6, amended. The last sentence of subsection 6 of section 2355 of Title 12 of the Revised Statutes is amended to read as follows:

This deer transportation tag shall cost ~~\$2.25, 25¢~~ \$2.50, 50¢ to be retained by the issuing agent.

Sec. 4. 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 amended by section 15 of chapter 404 of the public laws of 1967, is further amended to read as follows:

This deer transportation tag shall cost ~~\$25.25, 25¢~~ \$37.50, 50¢ 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. 5. R. S., T. 12, § 2401, sub-§ 3, amended. The 3rd paragraph of subsection 3 of section 2401 of Title 12 of the Revised Statutes, as repealed and replaced by section 1 of chapter 409 of the public laws of 1971, is amended by adding at the end 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.

Sec. 6. R. S., T. 12, § 2401-B, sub-§ 16, ¶¶ D and H, amended. Paragraphs D and H of subsection 16 of section 2401-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 409 of the public laws of 1971, are amended to read as follows:

D. Agent to report to commissioner. Each agent shall forward to the commissioner on ~~the first~~ or before the 15th day of each calendar month all of the funds collected by him during the previous calendar month, together with a list of the persons and the kind of license issued to them. The funds received by the commissioner shall be deposited in the State Treasury.

H. Duplicates; fees. The commissioner may appoint agents who shall issue a duplicate license to any resident who has accidentally lost or destroyed any license issued to him under chapters 301 to 335 upon payment of a fee of \$1, ~~50¢~~ all of which shall be retained by the clerk or agent. All duplicates issued to residents shall be issued by the agent or clerk who issued the original license.

All duplicates issued to nonresidents who have lost or destroyed any license shall be issued by the Department of Inland Fisheries and Game.

Sec. 7. R. S., T. 12, § 2402, amended. The 12th paragraph of section 2402 of Title 12 of the Revised Statutes, as repealed and replaced by section 9 of chapter 231 of the public laws of 1971, is repealed.

Sec. 8. R. S., T. 12, § 2402, amended. The 16th, 17th and 18th paragraphs of section 2402 of Title 12 of the Revised Statutes, as enacted by section 24 of chapter 403 of the public laws of 1971, are repealed.

Sec. 9. R. S., T. 12, § 2402, amended. The 20th paragraph of section 2402 of Title 12 of the Revised Statutes, as enacted by section 42 of chapter 622 of the public laws of 1971, is repealed.

Sec. 10. R. S., T. 12, § 2455, amended. The first sentence of the 2nd paragraph of section 2455 of Title 12 of the Revised Statutes, as amended by section 43 of chapter 622 of the public laws of 1971, is further amended to read as follows:

It shall be unlawful to hunt wild animals from $\frac{1}{2}$ hour after sunset until $\frac{1}{2}$ hour before sunrise of the following morning, except raccoons, as provided in ~~section 2358~~ chapters 301 to 335.

Sec. 11. R. S., T. 12, § 2466, amended. The first sentence of the 2nd paragraph of section 2466 of Title 12 of the Revised Statutes, as amended by chapter 76 of the public laws of 1965, is further amended to read as follows: No person shall hunt, kill or have in his possession, living or dead, any wild bird, including turkeys, except as provided in ~~section 2352~~ chapters 301 to 335.

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

Nothing in this section shall be construed to affect in any way the protection of ~~game birds or~~ migratory game birds as provided in section 2352.

Sec. 13. R. S., T. 12, § 2751-A, repealed and replaced. Section 2751-A of Title 12 of the Revised Statutes, as enacted by section 29 of chapter 448 of the public laws of 1965 and as amended, is repealed and the following enacted in place thereof:

§ 2751-A. Importing fish

No person shall introduce, import or transport any live fresh-water fish or eggs into the State or receive or have in possession such fish or eggs, so introduced, imported or transported, without written permission of the commissioner. This shall not apply to tropical fish which are for aquarium purposes, except piranhas, walking catfish and white amur (grass carp).

The commissioner may grant permits and establish rules and regulations to import live fresh-water fish or eggs into the State. Importers shall, when requesting a permit, provide the commissioner with information as to the number and species to be imported, the name and address of the source and a statement from a recognized fish pathologist, from a college or university, a state conservation department, or the United States Fish and Wildlife Service, certifying that they are from sources which show no evidence of viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, Myxosoma cerebralis or other diseases which may threaten fish stocks within the State. Such statement or inspection report shall accompany each request for permission to import live fish or eggs.

A violation of this section shall be punishable by a fine of not less than \$100 nor more than \$500.

Sec. 14. R. S., T. 12, § 2901, amended. Section 2901 of Title 12 of the Revised Statutes, as amended by section 34 of chapter 448 of the public laws of 1965 and by chapter 198 of the public laws of 1967, is further amended to read as follows:

§ 2901. Bobcat

There shall be a bounty of \$15 for every bobcat which is killed within the State, to be paid by the Treasurer of State to the person killing the same upon compliance with the following conditions. No bounty shall be paid unless the claimant, within 10 days after he has killed such animal, exhibits to the warden or warden supervisor in whose district the animal was killed the entire skin thereof, with the ears, nose and tail thereon in as perfect a state as when killed, except for natural decay, and signs a certificate under oath stating that he killed such animal and the time and place within the State. Such certificate must be approved by and bear the signature of the warden or warden supervisor in whose district the animal was killed, stating that he believes the cat to have been killed at the time and place stated therein ~~and the person claiming the bounty shall thereupon cut off the whole of the tail from the skin and forward the same to the commissioner, together with the claimant's certificate in the following form.~~ Said warden or warden supervisor shall cut off the entire tail from the skin and destroy said tail. The person claiming the bounty shall forward to the commissioner the claimant's certificate in a form as prescribed by the commissioner. Any claim for a bounty must be made within 10 days after the killing of the animal.

Claimant's Certificate

To the Commissioner of Inland Fisheries and Game:

I hereby certify that on the _____ day of _____ A. D., 19____
 at _____ in the State of Maine, I killed the bobcat, the skin
 of which I now exhibit to you, and I claim the bounty allowed by law for
 killing the same

Dated at _____ this _____ day of _____ A. D., 19____
 (P. O. Address of Claimant) _____ Claimant

Subscribed and sworn to before me the day and year aforesaid
 _____ Notary Public _____ Justice of the Peace
 It is believed that the cat was killed at the time and place stated herein.
 This _____ day of _____
 _____ Game Warden

DEPARTMENT OF INLAND FISHERIES AND GAME
 Augusta, Maine 19____

I hereby certify that I have received from
 claimant, the tail of the bobcat described in the foregoing certificate
 For Inland Fish and Game Commissioner

Note Claim for the bounty must be made within 10 days after the killing of the animal

Upon receipt by the State Controller of a certificate from the Commissioner showing that said commissioner has received the tail of the bobcat from the

~~claimant~~, said controller shall audit the claim for bounty and the same shall be paid forthwith by the Treasurer of State to the claimant from fines and penalties recovered and money received or collected under any provision of the inland fish and game laws or amendments thereof, or for sale of any seized or confiscated articles. After the foregoing funds have been exhausted, any further bounties shall be paid from the revenues of the Department of Inland Fisheries and Game.

STATEMENT OF FACT

The purpose of this bill is :

1. Section 5. This change will enable a youngster who liked to hunt to only be required to purchase one license the year he reaches his 16th birthday. This would reduce revenue by less than \$500 per year.
2. Section 6. All duplicates issued to nonresidents who have lost or destroyed any license shall be issued by the Department of Inland Fisheries and Game. This would reduce revenue by less than \$750 per year. This change will give the clerks or agents ample time to prepare the list of persons and forward the same together with all funds to the department.
3. Sections 7, 8 and 9. The provisions of these sections are already covered by rules and regulations promulgated under section 1960-A.
4. Section 13. The purpose of this change is for clarification and to increase the penalty from \$20 to \$100.
5. Section 14. The purpose of this change would clarify the section and eliminate the sending of the animals' tails to the Fish and Game office.