

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2121

H. P. 1933

House of Representatives, January 28, 1976

Approved for Introduction by a Majority of the Committee on Reference of Bills Pursuant to Joint Order S. P. 635 as Amended. Referred to Committee on Fisheries and Wildlife. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Mills of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

AN ACT to Clarify the Fish and Game Laws.

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

**Sec. 1.** 7 MRSA § 3551-A, first sentence, as enacted by PL 1975, c. 249, § 2, is amended to read:

The commissioner may issue to any licensed hunter a permit for training ~~coon hounds~~ dogs on ~~game~~ raccoons during the closed season upon application and the payment of a \$3 fee.

**Sec. 2.** 12 MRSA § 1955, first and 3rd sentences are amended to read:

An advisory council, as heretofore appointed by the Governor, ~~with the advice and consent of the Council~~ shall consist of 7 members ~~chosen one from each of the Councillor districts~~ chosen in the following manner. One member to represent Oxford and York Counties; one member to represent Cumberland County; one member to represent Sagadahoc, Androscoggin and Franklin Counties; one member to represent Kennebec and Somerset Counties; one member to represent Hancock, Waldo, Knox and Lincoln Counties; one member to represent Piscataquis and Penobscot Counties and one member to represent Aroostook County.

Upon the death, resignation or removal from office of any person so appointed, the Governor ~~with the advice and consent of his Council~~ shall appoint a member to serve for the unexpected term.

**Sec. 2-A.** 12 MRSA § 2070, sub-§ 10, as enacted by PL 1973, c. 734, § 1, is amended to read:

10. Notice to assessors. ~~Within 30 days of receipt of an application for a certificate of number, the division shall comply with the following:~~ Where the legal residence of the applicant is a municipality within the State, the division shall mail annually a ~~copy of the application or~~ list of registrations issued to the assessors or assessor of such municipality. Where the legal residence is outside of the State and the boat is situated within a municipality in the State, the division shall mail annually a ~~copy of the application or~~ list of registrations issued to the assessors or assessor of such municipality. In all other cases, the division shall ~~transfer a copy of the application or~~ send a list of registrations issued annually to the Bureau of Taxation.

Sec. 3. 12 MRSA § 2401, sub-§ 6 is enacted to read:

6. Hunting stamp required. It shall be unlawful for any person who has attained the age of 16 years to hunt or have in possession any pheasant unless at the time of such hunting or possession he has on his person an unexpired Maine pheasant hunting stamp, validated by his signature written across the face of the stamp in ink. Such stamp shall be issued by the commissioner or his authorized agent for a fee of \$3.25, 25¢ of which shall be retained by the agent and shall be exhibited to any warden or employee of the department upon request.

Sec. 4. 12 MRSA § 2401-B, sub-§ 17, as enacted by PL 1975, c. 623, § 8-C, is amended to read:

17. Servicemen permanently stationed in Maine. Any person serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State, that person's spouse and that person's children, provided that the spouse and children permanently reside with that person, shall be eligible for any ~~fishing or hunting license, fishing, hunting or combination fishing and hunting license which may be issued to a Maine resident under this Title, and those licenses issued to persons eligible under this subsection shall be issued for the statutory fees charged Maine residents.~~ at the resident fee. Said member of the Armed Forces, desiring a hunting, fishing or combination license, must present certification from the commander of said post, station or base, or his designated agent, that the person mentioned in the certificate is permanently stationed at or attached to said post, station or base. Licenses shall be issued by the clerk or agent of the town in which said military or naval post, station or base is situated.

Sec. 5. 12 MRSA § 2402, next to the last ¶, as enacted by PL 1973, c. 739, § 8, is repealed.

Sec. 6. 12 MRSA § 2552, § 6, as amended, is repealed as follows:

6. Black bass. ~~In any waters where the bag limit on black bass has been removed by rule and regulation of the commissioner, the method of fishing for black bass shall be the same as for trout and salmon~~

Sec. 6-A. 12 MRSA § 2552, sub-§ 7, ¶ A, as last amended by PL 1973, c. 314, is further amended to read:

A. Resident and nonresident stamps; fee. An Atlantic salmon stamp shall be issued by the commissioner to fish for Atlantic salmon. ~~under this~~

~~chapter, the~~ The fee for ~~which~~ such stamp shall be \$1 for any resident of this State, excluding members of Maine's Indian tribes who shall be exempt from the fee, 16 years of age or older, and \$15 for any nonresident, 16 years of age or older. The commissioner may also appoint clerks of towns or other agents to issue ~~said~~ such stamp. Any clerk or agent so appointed shall retain 25¢ for each stamp issued. Immediately after issuance of such stamp, the purchaser shall sign that stamp across its face and affix the same to the back of a current valid fishing license. ~~Such stamp shall be issued for use to fish for Atlantic salmon in the same manner as a regular license to fish, except that said stamp shall be in addition to a regular license to fish in this State and all~~ All proceeds, except for necessary expenses for issuing, shall be paid to the Atlantic Sea Run Salmon Commission for the purposes of developing the Atlantic Sea Run Salmon Restoration Program.

Sec. 7. 12 MRSA § 2553, 4th ¶, as enacted by PL 1965, c. 192, § 2, is repealed as follows:

~~No person shall take, catch or kill in any one day or have in possession at any time more than 7½ pounds or 5 fish in the aggregate of trout, salmon, togue and black bass, unless the last fish caught increases the combined weight to more than 7½ pounds. This paragraph shall apply only to Sebago Lake, Cumberland County~~

Sec. 8. 12 MRSA § 2553, sub-§ 1, as last amended by PL 1971, c. 143, § 2, is further amended to read:

1. Salmon or togue. A salmon or togue less than 14 inches in length, except that the length limit on salmon taken from any of the waters in Aroostook County shall be 12 inches ~~and except that the legal length of salmon taken from Green Lake in Dedham and Ellsworth, Hancock County, Alligator Lake in T34 MD and T28 MD, Spring River Lake in Tro SD, Hancock County and Upper Middle Branch Pond in Aurora and T28 MD, Hancock County, shall be 12 inches;~~

Sec. 9. 12 MRSA § 2553, sub-§ 2, as amended by PL 1969, c. 169, and PL 1975, c. 516, § 20 and repealed and replaced by PL 1975, c. 401, § 6, is repealed and replaced by the following:

2. Trout. A trout less than 6 inches in length, a brown trout or rainbow trout less than 12 inches in length, except that there shall be no length limit for brook trout, brown trout or rainbow trout taken from brooks, streams and rivers.

Sec. 10. 12 MRSA § 2553-A, as enacted by PL 1965, c. 346, is repealed.

Sec. 11. 12 MRSA § 2554-B, as enacted by PL 1967, c. 544, § 31, is repealed.

Sec. 12. 12 MRSA § 2558, 4th ¶, is amended to read:

Persons having a bait dealer's license under this section may take smelts in accordance with section 2704, and a license bait dealer may possess more than 4 quarts of ~~bait~~ smelts at any time providing the taking was legal.

Sec. 13. 12 MRSA § 2558-A, as enacted by PL 1969, c. 245, is repealed.

Sec. 14. 12 MRSA § 2951, first sentence, as amended by PL 1975, c. 277, is amended to read:

The resident owner of every motor vehicle which has been substantially damaged by accidental collision with a deer or moose shall, ~~within 24 hours thereafter~~ by the quickest means, report the accident to a game warden.

Sec. 15. 12 MRSA § 2951, last sentence, as enacted by PL 1975, c. 277, is repealed and replaced by the following:

Such person shall then take possession and immediately remove the entire carcass from the scene of the collision.

Sec. 16. 12 MRSA § 2953-A, as amended by PL 1975, c. 306, is repealed and replaced by the following:

§ 2953-A. Shooting domestic animals, dogs or birds; penalty

Whoever, while on a hunting trip or in the pursuit of wild animals or game birds or migratory game birds, negligently or carelessly or willfully shoots and wounds, or kills any domestic animals, including dogs, or domestic birds shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment for not more than 90 days, or by both.

Sec. 17. 12 MRSA § 3060, sub-§ 2, as amended by PL 1971, c. 85, § 30, is amended to read:

2. Violation of § 2451. Whoever violates any of the provisions of the ~~first or first, 2nd or 5th~~ paragraphs of section 2451 shall be punished by a fine of not less than \$200 nor more than \$1,000 and costs, or by imprisonment for not more than 90 days, or by both.

#### STATEMENT OF FACT

This bill clarifies the Fish and Game Laws by:

1. Making the manner of appointing the Commissioner's Advisory Council consistent with the abolition of the Executive Council;
2. Adding a statutory provision to help defray the cost of raising pheasants;
3. Making certain changes to the statutes governing the taking of inland fish;
4. Eliminating the special license for dealers in live smelts;
5. Clarifying the statute governing hunting and fishing licenses for servicemen permanently stationed in Maine;
6. Reallocating the provision governing the penalty for molesting furs or traps;
7. Reinstating a statutory paragraph inadvertently repealed; and
8. Clarifying statutory provisions governing collisions of motor vehicles with deer or moose, governing negligent shooting of domestic animals and governing the training of dogs used to hunt raccoons in order to make these provisions more enforceable.
9. Prohibiting the swapping of stamps that is now a very common practice.