

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 447

H. P. 354

House of Representatives, February 16, 1977

On motion of Mr. Dow of West Gardiner, referred to the Committee on Fisheries and Wildlife. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Dow of West Gardiner.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Clarify the Powers of the Department of Inland Fisheries and  
Wildlife.**

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

**Sec. 1.** 12 MRSA § 1952, 1st sentence, as last amended by PL 1975, c. 497, § 2, is further amended to read:

The commissioner shall have general supervision of the administration and enforcement of the inland fisheries and wildlife laws and shall have exclusive responsibility for the management of all fish and wildlife in the State.

**Sec. 2.** 12 MRSA § 2470 is enacted to read:

§ 2470. Municipal ordinances prohibited

No municipality of the State shall enact any ordinances regulating the hunting or trapping of any species of wildlife, except that this section shall not be interpreted to prohibit the enactment of any ordinance generally regulating the discharge of firearms in a municipality or any part thereof.

**Sec. 3.** 12 MRSA § 2757 is enacted to read:

§ 2757. Municipal ordinances prohibited

No municipality of the State shall enact any ordinance regulating fishing.

STATEMENT OF FACT

This bill, proposing amendments to the Inland Fisheries and Wildlife laws, is intended to make it clear that the powers of the Department of Inland Fisheries and Wildlife with regard to the management of fish and wildlife

are exclusive to those of other agencies of State Government and those of the municipalities of the State. Thus, under section 1, no other state agency may engage in fish and wildlife management activities, and under sections 2 and 3, no municipality may enact an ordinance regulating hunting, trapping or fishing, which it may presently do under its "home rule" powers, unless expressly prohibited. See Opinion of the Attorney General of March 19, 1976, with regard to ordinances regulating trapping and hunting for bear with dogs.