

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-276)

COMMITTEE AMENDMENT "A" to S.P. 363, L.D. 1224, Bill,
"AN ACT to Repeal Certain Laws Relating to Conservation."

Amend the Bill by striking out all of the title and inserting
in its place the following:

'AN ACT to Revise the Fish and Game Laws.'

Further amend the Bill by striking out everything after
the enacting clause and inserting in its place the following:

'Sec. 1. 7 MRSA §3455, first ¶, as enacted by PL 1973, c.
45, §1, is repealed and the following enacted in its place:

It shall be unlawful for any dog, licensed or unlicensed,
to run at large, except when used for hunting. The owner or
keeper of any dog found running at large shall be subject to
the penalties provided in Title 12, section 3060.

Sec. 2. 7 MRSA §3551, as amended by PL 1975, c. 249, §1,
is repealed and the following enacted in its place:

§3551. Training of dogs

Except as provided for in section 3552, it shall be lawful to
train dogs on foxes, rabbits and raccoons from August 1st to the
following April 30th. It shall be unlawful for any person to possess
any firearm while training any dog outside of the open season on the
above-mentioned animals.

Sec. 3. 7 MRSA §3551-A, as amended by PL 1975, c. 772, §1, is repealed.

Sec. 4. 12 MRSA §1901, sub-§12, as amended by PL 1967, c. 404, §3, is repealed.

Sec. 5. 12 MRSA §1960, 8th ¶, first sentence, is amended to read:

If unusual conditions should affect any one of the waters in this State, so that the supply of fish in those waters might be depleted by angling, the commissioner may declare an emergency and order a hearing held, at a time and place to be designated by him, and shall cause notice thereof to be published at least 5 7 days prior to the hearing in a newspaper published in the county where the water is situated, and if no newspaper is published in that county, then the notice shall appear in a newspaper having state-wide circulation.

Sec. 6. 12 MRSA §1960-A, 3rd ¶ from the end, first sentence, as enacted by PL 1971, c. 231, §2, is amended to read:

If the commissioner deems that unusual conditions affect any of such upland game or fur-bearing animals, he may declare an emergency with respect to the same and order a hearing held, at a time and place to be designated by him, and shall cause notice thereof to be published at least 5 7 days prior to the hearing in a newspaper having state-wide circulation.

Sec. 7. 12 MRSA §1972, first paragraph, next to last sentence,
as amended by PL 1975, c. 772, §3, is further amended to read:

The nonresident registration fee shall be credited as follows:
~~§4-75~~ §10.75 of each fee shall be credited to the Department of
Inland Fisheries and Wildlife and 50¢ of each fee shall be credited
to the Parks and Recreation Snowmobile Trail Fund.

Sec. 8. 12 MRSA c. 304-A, as last amended by PL 1975, c. 497,
§3, is repealed.

Sec. 9. 12 MRSA §2052, next to the last ¶, as amended by
PL 1971, c. 598, §11, is repealed and the following enacted in
its place:

All candidates must be between the ages of 14 and 18 years
and those who pass the required examinations shall be presented
with appropriate certificates signed by the commissioner.

Sec. 9-A. 12 MRSA §2061, sub-§2, as enacted by PL 1973, c. 734,
§1, is amended to read:

2. Division. "Division" means the Division of Watercraft
Registration and Safety, a part of the Department of Inland
Fisheries and Wildlife.

Sec. 10. 12 MRSA §2101, 25th ¶, first sentence, which relates
to Prout's Neck, Richmond's Island and Cape Elizabeth Sanctuary,
as amended by PL 1971, c. 171, §1, is further amended to read:

No person shall, except as herein provided, at any time, hunt, pursue,
shoot at or kill any wild animal or any game or other wild bird
within the following described territory: On the 112 acres of land,
more or less, comprising Prout's Neck, so called, in the Town of
Scarboro, in the County of Cumberland; or on Richmond's Island, so
called, in the Town of Cape Elizabeth, in said County of Cumberland;

or on the tract of land comprising 1,600 acres, more or less, situated in said Town of Cape Elizabeth, and bounded as follows: Southeasterly and southerly by the low low water mark of the Atlantic Ocean, westerly by the low low watermark of the Spurwink River, northerly by the Spurwink Road, so called, leading from Spurwink Bridge to Bowery Beach, easterly by a certain private road or way which runs in a southerly direction from the aforesaid Spurwink Road to said Bowery Beach, being the road which runs in front of the dwelling house of one Charles L. Jordan and along the easterly boundary of land of said Charles L. Jordan, and along the westerly boundary of land of the Great Pond Club, but not including any portion of said Bowery Beach.

Sec. 11. 12 MRSA §2153, first sentence is amended to read:

The commissioner may authorize, alter and remove the screening of any inland waters ~~and shall, upon application, make suitable provisions for the passage of logs, lumber and pulpwood in any floatable waters of the State so screened.~~

Sec. 12. 12 MRSA §2154-A, as amended by PL 1973, c. 562, §4, is further amended to read:

§2154-A. State-owned wildlife management areas

The following areas shall be classified as state-owned wildlife management areas:

Augusta - Augusta, Windsor - Kennebec County.

Brownfield - Brownfield, Denmark, Fryeburg - Oxford County.

Chesterville - Chesterville - Franklin County.

Coast of Maine - certain coastal islands in Washington, Hancock, Knox, Lincoln and Cumberland Counties.

Fahi Pond - Embden - Somerset County.

Frye Mountain - Montville, Knox, Morrill - Waldo County.

Great Works - Edmunds Twp. - Washington County.

Jonesboro - Jonesboro - Washington County.

Long Lake - St. Agatha - Aroostook County.

All of Long Lake within the Town of St. Agatha.

Lyle Frost - (formerly Scammon), Eastbrook, Franklin - Hancock County.

Madawaska - Palmyra - Somerset County.

Manuel - Hodgdon, Cary Plt., Linneus - Aroostook County.

Mercer Bog - Mercer - Somerset County.

Merrymeeting Bay - Dresden and Bowdoinham - Lincoln and Sagadahoc Counties.

Newfield - Newfield-Shapleigh - York County.

Old Pond Farm - Maxfield-Howland - Penobscot County.

Orange River - Whiting - Washington County.

Peaks Island - Portland - Cumberland County.

Pennamaquam - Pembroke-Charlotte - Washington County.

Ruffingham - Montville-Searsmont - Waldo County.

St. Albans - St. Albans - Somerset County.

Sandy Point - Stockton Springs - Waldo County.

Scarborough - Scarborough-Old Orchard Beach-Saco - Cumberland
and York Counties.

~~Swan-Island--~~ Steve Powell - Perkins Twp. - Sagadahoc County.

The Being the islands in the Kennebec River near Richmond
known as Swan Island and Little Swan Island formerly known
as Alexander Islands.

Weskeag Marsh - South Thomaston, Thomaston, Rockland and Owl's
Head - Knox County.

Such other areas as the commissioner designates, by regulations
adopted in accordance with section 2155, as state-owned wildlife
management areas.

Sec. 13. 12 MRSA §§2251 and 2252 are repealed.

Sec. 14. 12 MRSA §2352, 3rd ¶, last 2 sentences, as repealed
and replaced by PL 1971, c. 71, §2, are repealed and the
following enacted in their place:

If, as a result of the hearing, the commissioner promulgates any
regulations, they shall be reduced to writing and published once
a week for 2 successive weeks in newspapers having state-wide
circulation, the last publication being prior to the effective
date of said regulations.

Sec. 15. 12 MRSA §2354, sub-§10 is enacted to read:

10. Coyotes. The commissioner may cause department personnel to take coyotes at any time and in any manner that he may prescribe.

Sec. 16. 12 MRSA §2355, sub-§7, last sentence, as last amended by PL 1973, c. 562, §11, is further amended to read:

This deer transportation tag shall cost ~~640.50~~ \$53.50, 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. 17. 12 MRSA §2401-B, sub-§ 3, ¶H is enacted to read:

H. No license may be exchanged for another license, except as allowed in paragraphs C and G.

Sec. 18. 12 MRSA §2401-B, sub-§10, last sentence, as enacted by PL 1971, c. 409, §2, is amended to read:

Such license will be valid ~~for any and all leaves or furloughs~~ during the year of issue.

Sec. 19. 12 MRSA §2451, last ¶, as enacted by PL 1971, c. 403, §27, is amended to read:

It shall be unlawful for any person, other than a law enforcement officer in the line of duty, to disturb or take any trap or disturb or take any fur-bearing animal from any trap other than his own without the consent of the owner of such trap, except that a landowner or occupant on land to which he is legally entitled to possess may remove any trap found thereon where permission has not been granted in accordance with section 2351.

Sec. 20. 12 MRSA §2452, as last repealed and replaced by PL 1973, c. 739, §9, is repealed.

Sec. 21. 12 MRSA §2455, 3rd ¶, 2nd sentence, as repealed and replaced by PL 1975, c. 262, is amended to read:

Any person convicted of a violation under this section and section 2467 shall be punished by a fine of not less than \$500 nor more than \$1,000 and by imprisonment of not less than 3 nor more than 5 days for the first offense, and by a fine of not less than \$500 nor more than \$1,000 and by imprisonment of not less than 10 nor more than 15 days for each succeeding offense.

Sec. 22. 12 MRSA §2466, 3rd ¶, as amended by PL 1977, c. 78, §78, is further amended to read:

The English or European house sparrow 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 337 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, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowle ^{including} columbidae or pigeons, /doves and wild pigeons.

Sec. 23. 12 MRSA §2556, as amended by PL 1977, c. 78, §81, is repealed.

Sec. 24. 12 MRSA §2602, as last amended by PL 1977, c. 78, §83, is repealed.

Sec. 25. 12 MRSA §2701, first ¶, as last amended by PL 1975, c. 590, §19-A, is repealed and the following enacted in its place:

It shall be lawful to take by dip net or single hook and line no more than one bushel of alewives daily from the inland waters of the State not under the exclusive jurisdiction of a city or town except the commissioner may grant permits to take suckers, eels, hornpouts, alewives and yellow perch, by means of eel pots, traps, spears or nets, in inland waters frequented by these fish, under such terms, rules and regulations as he may establish. It shall be unlawful for any person, firm or corporation to take any of the above-mentioned fish until he has obtained a permit to do so from the commissioner.

Sec. 26. 12 MRSA §2751-A, first ¶, last sentence, as amended by PL 1977, c. 191, §2, is further amended to read: This shall not apply to tropical fish which are for aquarium purposes, except piranhas (Genus Serrasalmus), walking catfish and white amur (grass carp) nor to the chemically preserved eggs of either the Atlantic sea run salmon or landlocked salmon.

Sec. 27. 12 MRSA §2951, 2nd sentence is amended to read:

The warden shall investigate and, if he finds the damage has been done as alleged, he shall give a certificate to such person entitling such person to the ownership of the carcass ~~to be possessed and consumed only within the immediate family of the owner of said vehicle.~~

Sec. 28. 12 MRSA §3060, sub-§4, as last amended by PL 1977, c. 78, §97, is repealed and the following enacted in its place:

4. Lack of license. Whoever is convicted of not having a license issued under chapters 301 to 337 shall be guilty of a Class E crime.'

Statement of Fact

The purpose of this amendment, as it relates to each section is as follows.

Sec. 1. This amendment clarifies the law regarding dogs running at large and specifies that the owner of any dog found running at large shall be subject to the penalties provided in Title 7, section 3060.

Sec. 2. This amendment makes it lawful to train dogs on raccoons as well as foxes and rabbits; changes the season from September 1st to October 15th, to August 1st to April 30th; removes the provision that dogs must be under the personal supervision of the owner or trainer; and specifies that it shall be unlawful to have a firearm while training dogs outside the open season on foxes, rabbits or raccoons.

Sec. 3. This amendment repeals 7 MRSA § 3551-A pertaining to the training of coon hounds, which would be covered by § 3551 as amended.

Sec. 4. This amendment repeals language now covered by rule and regulation regarding "digging."

Secs. 5 & 6. These amendments require that notice of hearing pertaining to emergency closing of fishing or hunting seasons be published 7 days before the hearing.

Sec. 7. This amendment corrects an error in the original legislation.

Sec. 8. This amendment repeals the statute pertaining to airmobiles.

Sec. 9. This amendment repeals the provision requiring payment of \$1.00 to obtain a Junior Guide License. This will result in no significant loss of revenue.

Sec. 9-A. This amendment clarifies that the Division of Watercraft is a part of the Department of Inland Fisheries & Wildlife.

Sec. 10. This makes the boundary line of the Cape Elizabeth Sanctuary more consistent and better defined.

Sec. 11. This amendment repeals a provision pertaining to the passage of logs.

Sec. 12. This amendment corrects the name of one Wildlife Management Area and adds new Management Areas which have been recently acquired.

Sec. 13. This amendment repeals 12 MRSA § 2251 and 2252, pertaining to the prohibition of any fish or game in camps used wholly or in part for lumbering operations or construction.

Sec. 14. This makes the regulatory procedure for migratory birds consistent and the same as other regulatory procedures within the Department, concerning furbearers and other species of wildlife.

Sec. 15. This amendment will enable the commissioner to implement a coyote control program.

Sec. 16. This increases the cost of the deer transportation tag so that it equals the total cost of a nonresident big game license. This might increase revenues by \$100 to the Department annually.

Sec. 17. This amendment will clarify the existing statutes to only allow for the exchange of a 3-Day License for a Resident Fishing License and the exchange for a 15-Day Nonresident Fishing License for a Season Nonresident Fishing License.

Sec. 18. This amendment would make the serviceman's license valid for the entire calendar year in which purchased.

This would result in the loss of approximately \$500 in revenues to the Department.

Sec. 19. This amendment clarifies the present law and provides additional protection to traps.

Sec. 20. This authority has been transferred by recent legislation to the Pesticides Board within the Department of Agriculture.

Sec. 21. This would provide the same penalties and fines for the illegal killing of moose as are now in effect for the illegal killing of deer.

Sec. 22. This change makes the law consistent with endangered species laws.

Sec. 23. This amendment repeals the provision pertaining to transportation of a person's daily limit of fish by a common carrier.

Sec. 24. 12 MRSA § 2602 was replaced by § 2401-B, sub-§ 16 H, but has not been repealed. This would repeal § 2602.

Sec. 25. This bill clarifies and liberalizes the present law and would provide for better control of a commercial fishery.

Current revenues are about \$500 annually and this new bidding process may increase revenues to \$2,000.

Sec. 26. This amendment clarifies language by providing the specific species name.

Sec. 27. This amendment repeals the provision of 12 MRSA § 2951 which limits possession and consumption of animals, killed by automobile, to the immediate family of the owner of the car.

Sec. 28. This will provide that violations of this section will continue to be classed as misdemeanors rather than infractions of the law.

Reported by the Committee on Fisheries and Wildlife.

Reproduced and distributed pursuant to Senate Rule 11-A.

June 17, 1977

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