

MAINE STATE LEGISLATURE

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New Draft of: S. P. 8, L. D. 15
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1637

S. P. 573

In Senate, May 23, 1979

Reported by Senator Usher of Cumberland from the Committee on Fisheries and Wildlife and printed under Joint Rules No. 2.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Revise the Inland Fisheries and Wildlife Laws.

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

Sec. 1. 12 MRSA Pt. 10 is enacted to read:

**PART 10
INLAND FISHERIES AND WILDLIFE
CHAPTER 701
GENERAL PROVISIONS**

§ 7001. **Definitions**

As used in this chapter and chapters 703 to 721, unless the context otherwise indicates, the following terms shall have the following meanings.

1. **Alien.** "Alien" means a person who is not a citizen of the United States.
2. **Boundary waters between Maine and New Brunswick.** "Boundary waters between Maine and New Brunswick" means the following:
 - A. **In the County of Aroostook:** St. Francis River; Glazier Lake; St. John River; Monument Brook; North Lake; the thoroughfare between North and East Grand Lake; and East Grand Lake; and

B. In the County of Washington: East Grand Lake; Mud Lake; St. Croix River; Spednic Lake and Grand Falls flowage.

3. Closed season. “Closed season” means the time during which it is unlawful to hunt or trap or possess any wild animal or wild bird or to fish for or possess any fish.

4. Commissioner. “Commissioner” means the Commissioner of Inland Fisheries and Wildlife.

5. Department. “Department” means the Department of Inland Fisheries and Wildlife.

6. Drive deer. To “drive deer” means to intentionally pursue, drive, chase or otherwise frighten or cause a deer to move in the direction of any person or persons known to be waiting for the deer.

7. Endangered species. “Endangered species” means any species of fish or wildlife which has been determined by the Secretary of the Interior of the United States pursuant to the United States Endangered Species Act of 1973 Public Law 93-205, as amended, or the commissioner pursuant to this chapter to be in danger of extinction throughout all or a significant portion of its range.

8. Firearm. “Firearm” includes any instrument used in the propulsion of pellets, shot, shells, or bullets by action of gunpowder, compressed air or gas exploded or released within it.

A. “Autoloading firearm” means a firearm that reloads itself after each shot and requires that the trigger be pulled for each shot.

B. “Automatic firearm” means a firearm that will continue to fire as long as the trigger is held back.

9. Fish, the noun. “Fish” means any cold-blooded, completely aquatic vertebrate characteristically having gills, fins and an elongated streamlined body usually covered with scales, and includes any physical part of a fish. The term refers to fish living predominately in inland waters, and anadromus and catadromus fish while in inland waters. Whenever the name of any fish, such as bass or trout, is used, it shall mean the named fish or any of its physical parts.

10. Fish, the verb. To “fish” means to take, catch, kill, molest or destroy, or to attempt to take, catch, kill, molest or destroy any fish.

11. Fly. “Fly” means a single pointed hook dressed with feathers, hair, thread, tinsel, or any similar material to which no additional weights, hook, spinner, spoon or similar device is added.

12. Fly fishing. “Fly fishing” means casting upon water and retrieving in the usual and ordinary manner an unbaited, unweighted artificial fly attached to a line to which no extra weight has been added.

13. Guide. “Guide” means any person who receives any form of

remuneration for his services in accompanying or assisting any hunter, camper or fisherman in the fields, forests or on the inland waters of the State.

14. He. "He" means, where appropriate, she or an organization.

15. Hunt. To "hunt" means to hunt for, pursue, molest, shoot, catch, take, kill, wound or destroy wild animals and wild birds.

16. Hunter orange. "Hunter orange" means a daylight fluorescent orange color with a dominant wave length between 595 and 605 nanometers, excitation purity not less than 85% and luminance factor of not less than 40%.

17. Indian. "Indian" means any person who is on the membership list of the Penobscot Tribe, the Passamaquoddy Tribe or the Association of Aroostook Indians and who has resided in the State of Maine for at least 5 years.

18. Inland waters. "Inland waters" means all waters within the State above the rise and fall of the tide and wholly or partially within the territorial limits of the State, except private ponds as defined in subsection 30.

19. Jacklight. "Jacklight" means any artificial light used while hunting, except lights used and permitted under rules regarding raccoons under the authority of section 7035, subsection 1.

20. Landlocked salmon. "Landlocked salmon" means the same as salmon.

21. Merrymeeting Bay. "Merrymeeting Bay" means the waters of the Kennebec River bounded as follows: From the high tension wires at Chop's Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset and Eastern Rivers, and to the Richmond-Dresden Bridge on the Kennebec River, being in the Counties of Cumberland, Sagadahoc and Lincoln.

22. Migratory game bird. "Migratory game bird" means any of the following birds:

- A. Anatidae or waterfowl, including brant, wild ducks, geese and swans;
- B. Columbidae or pigeons, including doves and wild pigeons;
- C. Gruidae or cranes, including little brown, sandhill and whooping cranes;
- D. Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs; and
- E. Rallidae or rails, including coots, gallinules and sora or other rails.

23. Motor vehicle. "Motor vehicle" means any motor-driven vehicle, except motorboats.

24. Nonresident. "Nonresident" means a person who does not fall within the definition of resident in subsection 32.

25. **Open season.** “Open season” means the time during which it is lawful to hunt, trap or possess wild animals and wild birds and to fish for or possess any fish, as specified and limited by law or rule.

26. **Organization.** “Organization” means a corporation, partnership or unincorporated association.

27. **Paved way.** “Paved way” means any public road treated with bituminous or concrete material.

28. **Person.** “Person” means a human being or an organization.

29. **Premises.** “Premises” includes lands, private ways and any buildings and structures thereon.

30. **Private Pond.** “Private pond” includes all artificially constructed ponds impounded within the limits of the riparian owner, even though the water is not supplied directly from a brook, stream or river. A natural pond or lake having a surface area of more than 10 acres is not considered to be a private pond under this definition.

31. **Raptor.** “Raptor” means any bird of the order Strigiformes and of the families Accipitridae and Falconidae commonly called buteos, accipiters, falcons and owls.

32. **Resident.** “Resident” means a citizen of the United States who has been domiciled in this State continuously during the 3 months next prior to the date on which he applies for any license or permit under chapter 707, or an alien who has been so domiciled for one year. No person shall be considered a resident if he has not:

A. If registered to vote, registered in Maine;

B. If licensed to drive a motor vehicle, made application for a Maine motor vehicle operator’s license;

C. If owning a motor vehicle or vehicles located within the State, registered each such vehicle in Maine; and

D. Complied with the state income tax laws.

33. **Roadside menagerie.** “Roadside menagerie” means any place where wildlife is kept in captivity either in an enclosure or by tether, upon any street or highway, or upon land, public or private, in the vicinity of any commercial establishment for the evident purpose of exhibition or attracting trade. The term “menagerie” does not include the showing of any animal in connection with any theatrical exhibition, circus or agricultural fair.

34. **Sunrise.** “Sunrise” means the time computed and established for sunrise for Augusta, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

35. **Sunset.** "Sunset" means the time computed and established for sunset for Augusta, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

36. **Threatened species.** "Threatened species" means any species of fish or wildlife which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

37. **Trap.** "Trap" means to trap or attend to traps for wild animals or to aid or assist another in trapping or attending to traps.

38. **Tributary.** "Tributary" means a brook or stream flowing directly or indirectly into a lake, pond or another stream. A lake or great pond shall not be construed to mean tributary. The tributary to a great pond shall not be considered a tributary to the outlet of that great pond.

39. **Water set.** "Water set" means a trap so set that it is completely covered by water at all times.

40. **Wild animal.** "Wild animal" means a species of mammal, wild by nature, whether or not bred or reared in captivity, as distinguished from the common domestic animals, and includes any physical part of that species of animal. Whenever the name of any wild animal, such as deer or bear, is used, it shall mean the named wild animal or any of its physical parts.

41. **Wild bird.** "Wild bird" means a species of bird wild by nature, whether or not bred or reared in captivity, as distinguished from common domestic birds, and includes any physical part of that species of bird. Whenever the name of any wild bird, such as pheasant or eagle, is used, it shall mean the named wild bird or any of its physical parts.

42. **Wildlife.** "Wildlife" means any species of the animal kingdom, except fish, including any part, egg or offspring thereof, or the dead body or parts thereof. Wildlife includes wild animals and wild birds.

43. **Wildlife management.** "Wildlife management" means the art or science of producing wild animals and birds and of improving wildlife conditions in the State. It may specifically include the following:

- A. Regulation of hunting and trapping;
- B. Environmental controls, such as control of water, food, cover, special features and animal diseases;
- C. Research or investigations to provide a basis for sound management in Maine;
- D. Manipulation of hunting pressure;
- E. Establishment of game lands, such as parks, forests, refuges, game management areas, etc.;

- F. Predator control;
- G. Artificial replenishment, such as game farming and restocking; and
- H. Introduction of exotic species of wild animals or birds where needed.

44. Wildlife management area. "Wildlife management area" means any tract of land or body of water owned or leased by the Department of Inland Fisheries and Wildlife for the purposes of wildlife management as defined in subsection 43 or created by an Act of the Legislature with the landowner's permission, and subject to the commissioner's authority under section 7653.

CHAPTER 703 COMMISSIONER

§ 7031. Appointment

The commissioner shall be appointed by the Governor, subject to review by the Joint Standing Committee on Fisheries and Wildlife and to confirmation by the Legislature. The commissioner shall serve during the pleasure of the Governor.

§ 7032. Office

1. Facilities The commissioner shall have an office at the State Capitol and adequate facilities for the transaction of the business of the department.

2. Traveling expenses. The commissioner shall receive all necessary traveling expenses.

§ 7033. Advisory council

1. Composition. An advisory council, as appointed by the Governor in accordance with subsection 2, shall consist of 7 members chosen in the following manner:

- A. One member to represent Oxford and York Counties;
- B. One member to represent Cumberland County;
- C. One member to represent Sagadahoc, Androscoggin and Franklin Counties;
- D. One member to represent Hancock, Waldo, Knox and Lincoln Counties;
- E. One member to represent Kennebec and Somerset Counties;
- F. One member to represent Piscataquis and Penobscot Counties; and
- G. One member to represent Aroostook and Washington Counties.

2. Appointment. Appointments shall be for a term of 6 years and until successors are appointed and qualified. Upon the death, resignation or removal from office of any person so appointed, the Governor shall appoint a member to serve for the unexpired term.

3. Expenses. The members of the advisory council shall receive \$25 per day

for their services, and the council shall be allowed actual expenses not to exceed \$2,000 for each fiscal year.

4. Duties.

A. The council shall render to the commissioner information and advice concerning the administration of the department.

B. The council shall hold regular meetings with the commissioner or his deputy in December and May of each year, and special meetings at such other times and places as would seem advisable.

5. Officers. At the meeting held in May of each year, the council may elect one of its members as chairman and one as vice-chairman.

§ 7034. Duties

In addition to other duties set out in chapters 701 to 721, the commissioner shall have the following duties.

1. Appointment of deputy. The commissioner shall appoint, to serve at his pleasure, a Deputy Commissioner of Inland Fisheries and Wildlife, who shall be qualified by training and experience in fisheries and wildlife management and conservation law enforcement. Under the commissioner's direction, the deputy commissioner shall assist him in the performance of his duties, particularly in:

- A. Field work, including the inspection of hatcheries and similar property;
- B. Supervision of wardens; and
- C. Inspection of warden service.

2. Administration and enforcement. Except as provided by existing statute, the commissioner shall have general supervision of the administration and enforcement of the inland fisheries and wildlife laws and shall have the responsibility for the management of all inland fish and wildlife in the State.

3. Report to Governor. The commissioner shall make a report to the Governor on or before the 31st day of December of each year for the year ending the previous June 30th.

4. Code of operating procedure of warden service. The commissioner shall prepare a written code covering the operating procedure of the warden service which becomes effective when approved by the Personnel Board.

5. Copies of laws for town clerks or agents. The commissioner shall keep on hand at all times sufficient copies of abstracts of the inland fisheries and wildlife laws to furnish to all town clerks or agents authorized to issue licenses, so that they will have copies available to issue with every license.

6. Biennial revision of fish and wildlife laws. As soon as practicable after the adjournment of the Legislature, the Director of Legislative Research, with the assistance of the commissioner, shall issue a revision of all the public laws

relating to inland fisheries and wildlife. The revision shall be printed in a pamphlet of the same size pages as the Maine Revised Statutes Annotated, and its printing and distribution shall be the same as that of the biennial laws, except that the commissioner may issue as many extra copies of chapters 701 to 721 in whatever size pamphlet seems best to inform the people about the fish and wildlife laws.

7. Availability of financial statement. The commissioner shall make the annual financial statement for the department available for public inspection within 180 days after the close of the fiscal year which is the subject of the report.

§ 7035. Powers

In addition to other powers granted in chapters 701 to 721, the commissioner shall have the following powers.

1. Rules. The commissioner may, in conformity with the Administrative Procedure Act, Title 5, Part 18, and except as otherwise provided, adopt, amend and repeal reasonable rules, including emergency rules, necessary for the proper administration, implementation, enforcement and interpretation of any provision of law that he is charged with the duty of administering. These rules duly promulgated shall have the full force and effect of law and shall be effective upon filing with the Secretary of State, unless a later date is required by statute or specified in the rule.

A. Fishing rules as set forth in the 1976 Open Water Fishing Regulations folder and the 1977 Ice Fishing Regulations folder, as printed and distributed to the public, are declared to be official consolidations of fishing rules. Each subsequent annual revision of these publications shall constitute an official consolidation as printed.

B. No municipality or political subdivision of the State shall enact any ordinance, law or rule regulating the hunting, trapping or fishing for any species of fish or wildlife, the operation, registration or numbering of watercraft or snowmobiles, or any other subject matter of chapter 715, subchapters I and II. Nothing in this paragraph is to be construed to prohibit the following:

- (1) The enactment of any ordinance generally regulating the discharge of firearms in a municipality or any part of a municipality; and
- (2) The adoption of rules as authorized in section 7792.

2. Filing of rules. The commissioner may file certified copies of all rules promulgated by him and any and all amendments thereto with the clerk of all District Courts and Superior Courts in the State in which these rules are applicable. These certified copies shall be considered official publications of the State for all purposes, including, but not limited to, the Maine Rules of Civil Procedure, Rule 44(a)(1) and the Maine Rules of Criminal Procedure, Rule 27, and judicial notice shall be taken accordingly.

3. Destruction of fish or wildlife. Whenever he deems it necessary for the accomplishment of his statutory duties, the commissioner may, in conjunction with such persons as he may designate to assist him, take and destroy any wildlife.

4. Search for lost persons.

A. Whenever it comes to the attention of the commissioner or his deputy that any person or persons have gone upon a hunting, fishing or other trip in the woodlands of the State and have not returned within a reasonable time after departure, the commissioner may summon any person in the State to assist in finding the lost person or persons.

B. Each person so summoned shall be paid at a rate set by the commissioner with the approval of the Governor and shall be provided with subsistence during the search.

C. The expenses of the commissioner in attempting to find lost persons shall be charged to the General Fund.

D. The commissioner may terminate the search by members of his department.

5. Boundary waters with New Hampshire and Canada. The commissioner may prescribe bag limits, size limits, open or closed seasons, and methods of taking fish from the inland boundary waters between the States of Maine and New Hampshire and provinces of Canada. These rules and regulations shall be mutually agreed upon by the commissioners of Maine and New Hampshire and the Canadian fishery authorities and approved by the advisory council.

6. Establishing line of demarcation. The commissioner, through an agent designated by him, may establish a line of demarcation between a lake or pond and its outlet or tributaries in areas where he deems it necessary.

7. Sale of arms and ammunition. The commissioner may sell all arms and ammunition held or confiscated by the State for violation of laws relating to the protection of inland fisheries and wildlife. He shall transmit all moneys received by the sales forthwith to the Treasurer of State to be credited to the department.

8. Sale of publications. If the commissioner deems it advisable for the more effective dissemination of factual information, information of public interest or information tending to promote better public relations, he may fix the price, if any, of certain publications and materials of the department, and sell and deliver them. Publications and materials included within this authority are all publications, articles, biological and statistical data, professional and technical service reports by departmental personnel and other materials in the department's possession and pertaining to the department, except publications of the laws in whatever form. These publications shall not carry any commercial advertising.

9. Sale of unneeded property. The Governor, on recommendation of the commissioner, may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under chapters 701 to 721 and deemed no longer necessary for the purposes of those chapters. The proceeds from these sales shall be credited to the funds of the department.

10. Training minors in firearm safety.

A. The commissioner may establish a program for training minors in the safe handling of firearms and for this purpose may cooperate with any public or private association or organization having as one of its objectives the promotion of safety in firearms handling.

B. If the commissioner establishes such a program:

(1) He shall prescribe the qualifications of instructors. Each instructor authorized by the commissioner to conduct these programs shall be covered by liability insurance protecting him from liability for damages during the time when instruction is being given. The cost of this insurance shall be borne by the State and shall be a charge against the funds credited to the department;

(2) He shall prescribe the type and course of instruction and the time and place of examinations; and

(3) He shall issue a certificate of competency to minors who successfully complete the examination.

§ 7036. Prohibited acts

1. Violation of rule. A person is guilty, except as provided in subsection 3, of a violation of a rule if he violates any provision of any rule of the commissioner promulgated in accordance with chapters 701 to 721.

2. Defacement of notices. A person is guilty of defacement of notices if he willfully mutilates, defaces or destroys any notice or rule of the commissioner posted in conformity with chapters 701 to 721.

3. Exceptions. Notwithstanding the provisions of subsection 1, as it applies to chapter 713, subchapter V, the commissioner may:

A. Under such terms and conditions as he may prescribe, permit any act prohibited by rule, for educational or scientific purposes or to enhance the propagation or survival of an endangered or threatened species; and

B. Under such terms and conditions as he may prescribe, permit any endangered or threatened species which enters the State and is being transported to a point outside the State to be so entered and transported without restriction in accordance with the terms of any federal or state permit.

CHAPTER 705
LAW ENFORCEMENT OFFICERS
SUBCHAPTER I
WARDENS

§ 7051. Appointment

1. **Qualifications.** The commissioner shall appoint as game wardens persons who have qualified under the written code prepared by the commissioner and approved by the Personnel Board.

2. **Assistants.** The commissioner may appoint, on a temporary basis, as assistant game wardens, duly retired game wardens, in accordance with rules and regulations established by the Personnel Board.

§ 7052. Office

1. **Conflicts.** Wardens appointed under the authority of section 7051 may hold no other governmental office from which they receive compensation.

2. **Compensation.** The compensation of the wardens shall be determined under the Personnel Law.

§ 7053. Duties and powers

1. **Duties.** In addition to other duties set out in chapters 701 to 721, game wardens shall:

A. Enforce the following:

(1) Chapters 701 to 721;

(2) All rules promulgated by the commissioner; and

(3) The United States Federal Migratory Bird Treaty Act, Public Law, July 3, 1918, chapter 128, as amended, and all rules and regulations promulgated in pursuance thereof;

B. Be and act as state fire wardens:

(1) Wardens shall when possible, while in and about the woods, caution all sportsmen of the danger from fires in the woods and, if within their power, extinguish all fires left burning by anyone; and

(2) Wardens shall when possible, give notice to all interested parties of fires raging and beyond their control, in order that the fires may be controlled and extinguished.

2. **Powers.** In addition to other powers granted in chapters 701 to 721, game wardens may:

A. Arrest and prosecute all violators of the following:

- (1) Chapters 701 to 721;
- (2) All rules promulgated by the commissioner; and
- (3) The United States Federal Migratory Bird Treaty Act, Public Law, July 3, 1918, chapter 128, as amended, and all rules and regulations promulgated in pursuance thereof.

A game warden shall, without unnecessary delay, take any person so arrested before the District Court nearest the place of violation;

B. Serve criminal processes on offenders of the law and serve all processes pertaining to the enforcement of chapters 701 to 721;

C. Accept personal recognizances in accordance with the following procedures:

- (1) Any game warden making an arrest for any violation of chapters 701 to 721 and Title 38, chapter 3, subchapter I, Article I-A, at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizance of the prisoner in an amount not to exceed \$500 for his appearance before the nearest District Court on a specified date and a deposit in money to the amount of that recognizance;
- (2) The warden shall report forthwith all those recognizances and forward all those deposits to the court to which the recognizance is returnable; and
- (3) Recognizances and deposits shall be handled by the court in accordance with section 7910;

D. If in uniform, and if they have reason to believe that a violation of chapters 701 to 721 has occurred or is taking place, stop any motor vehicle or other conveyance to arrest or question its operator or occupant, or to search that motor vehicle or conveyance;

E. Stop any watercraft to inspect the craft, its equipment and its documents or certificates; board all watercraft when necessary to enforce chapter 715, subchapter I; and order any watercraft ashore to correct a violation or to protect the safety of its occupants, if in the opinion of the warden their safety is in jeopardy;

F. Stop and examine any snowmobile to ascertain whether it is being operated in compliance with chapter 715, subchapter II; demand and inspect the operator's certificate of registration; and examine the identification numbers of the snowmobile and any marks on it; and

G. Do anything otherwise prohibited by chapters 701 to 721 if necessary to carry out their duties and powers.

3. Same duties and powers as sheriffs. In addition to their specified duties and powers, wardens have the same duties and powers throughout the several counties of the State as sheriffs have in their respective counties.

A. Wardens have the same rights as sheriffs to require aid in executing the duties of their offices.

B. Wardens are entitled to the same fees as sheriffs and their deputies for like services, except before the District Court. All the fees shall be paid to the commissioner.

SUBCHAPTER II

OTHER LAW ENFORCEMENT OFFICERS

§ 7055. Officials with full powers of game wardens

Sheriffs, deputy sheriffs, police officers, constables and coastal wardens shall have the powers of game wardens, and shall receive for similar services the same fees as those of game wardens.

§ 7056. Officials with certain powers and duties of game wardens

1. Watercraft laws. All harbormasters shall have the same powers and duties as game wardens to enforce chapter 715, subchapter I.

2. Snowmobile laws. All foresters, wardens of the Bureau of Forestry and supervisors and rangers of the State Bureau of Parks and Recreation and Allagash Wilderness Waterway shall have the same powers and duties as game wardens to enforce chapter 715, subchapter II.

3. Airmobile laws. All foresters and rangers shall have the same powers and duties as game wardens to enforce chapter 715, subchapter III.

§ 7057. New Hampshire officers

Whenever a violation of the marine resources laws or the inland fish and wildlife laws of the State of New Hampshire or the State of Maine is committed or attempted to be committed by any person or persons fishing in any waters or portion thereof lying between New Hampshire and Maine, any warden or other person, who is authorized to make arrests for violations of the marine resources laws and the inland fish and wildlife laws of New Hampshire may make arrests on any part of the waters between New Hampshire and Maine or the shores thereof and to take the person or persons arrested for trial to the state in which the violation was committed and there to prosecute that person or persons according to the laws of that state.

SUBCHAPTER III

PROHIBITED ACTS

§ 7060. Failure to stop for a law enforcement officer

A person is guilty of failure to stop for a law enforcement officer if he:

1. Motor vehicle or conveyance. Fails or refuses to stop a motor vehicle or other conveyance immediately upon request or signal of any officer in uniform whose duty it is to enforce chapters 701 to 721;

2. **Watercraft.** Fails to stop or move his watercraft upon being ordered or directed to do so by any law enforcement officer in uniform whose duty it is to enforce chapter 715, subchapter I; or

3. **Snowmobile.** Fails or refuses to stop any snowmobile on request or signal of any law enforcement officer in uniform whose duty it is to enforce chapter 715, subchapter II.

§ 7061. Impersonating a game warden

A person is guilty of impersonating a game warden if he impersonates or represents himself as being a game warden.

§ 7062. Nonfeasance

A person is guilty of nonfeasance if he fails to perform any act, duty or obligation enjoined upon him by chapters 701 to 721.

§ 7063. Failure to pay over moneys received

A person is guilty of failure to pay over moneys received if he receives any fine or penalty, or part thereof, for the violation of chapters 701 to 721 or any fee for a license or permit issued by authority of chapters 701 to 721 and neglects for more than 30 days to pay the moneys over as provided in section 7910.

CHAPTER 707

LICENSES AND PERMITS

SUBCHAPTER I

GENERAL PROVISIONS

§ 7071. Eligibility

1. **Residents.** Any resident is eligible for any resident license or permit under this chapter.

2. **Nonresidents.** Any nonresident is eligible for any nonresident license or permit under this chapter.

3. **Aliens.** Any alien is eligible for any alien license or permit under this chapter.

4. **Servicemen permanently stationed in Maine.** The following persons are eligible for any fishing, hunting or combination fishing and hunting license at the resident fee:

A. 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; and

B. The spouse and children of that person, provided that the spouse and children permanently reside with that person.

Such a member of the Armed Forces desiring a hunting, fishing or combination license shall present certification from the commander of his post, station or base, or from the commander's designated agent, that the person mentioned in the certificate is permanently stationed at that post, station or base. Licenses shall be issued by the clerk or agent of the town in which that military or naval post, station or base is situated.

5. Persons convicted of certain offenses. Persons found guilty of the following offenses are not eligible to obtain any license or permit issued by the department:

- A. Burglary or criminal trespass of a building located within the unorganized territories;
- B. Theft of any equipment used for trapping, hunting or fishing; or
- C. Theft of any animal which has been obtained by trapping or hunting and which was in the possession or control of the person who trapped or hunted the animal.

If the conviction for burglary, criminal trespass or theft was a first conviction, the person convicted is not eligible to obtain any license or permit issued by the department within 2 years of the date of that first conviction.

§ 7072. Appointment of agents

The commissioner may appoint clerks of towns or such other agents as he deems necessary to issue licenses and permits. The commissioner shall determine the period during which the agents shall act.

§ 7073. Application and issuance

1. Form. The commissioner shall furnish application blanks, licenses and permits in such form as he may designate.

2. Identification number. The commissioner may require an identification number and any other pertinent information on any licenses or permits issued by the department as he deems necessary.

3. Proof of residency. The applicant is responsible for submitting proof of residency to the agent or the department, or both.

4. Preissue. A license or permit may be issued prior to the date upon which it goes into force.

5. Duplicates. The commissioner's appointed agents shall issue a duplicate license or permit to any resident who has accidentally lost or destroyed any license or permit issued to him under this chapter upon payment of a fee of \$1, all of which shall be retained by the clerk or agent. The agent or clerk who issued the original license or permit shall issue duplicates to residents. The department shall issue duplicates to nonresidents who have lost or destroyed any license or permit.

§ 7074. Use of license and permit fees

1. **Agent's duties.** Each agent shall forward to the commissioner, on or before the 15th day of each calendar month, all of the funds collected by him during the pervious calendar month, together with a list of the persons and the kind of license or permit issued to them.

2. **Deposit.** The commissioner shall deposit these funds in the State Treasury.

3. **Purposes.** All funds derived from the sale of licenses or permits under this chapter shall be used only for the following purposes:

A. The administration of the department;

B. The protection, propagation, preservation and investigation of fish and wildlife;

C. Conservation education; and

D. Other expenses incident to the administration of these functions.

4. **Unexpended funds.** If any of these funds are not expended during the year in which they were collected, the unexpended balance shall not lapse, but shall be carried as a continuing account available for the purposes specified until expended.

§ 7075. Expiration

All licenses and permits issued under this chapter shall expire at midnight on December 31st of the calendar year for which the license or permit was issued, unless specifically provided for otherwise.

§ 7076. Special privileges

1. **Residents over 70 years of age.** A complimentary license to hunt or fish, or a combination hunting and fishing license, shall be issued to any resident of Maine who is 70 years of age or older and applies for it to the commissioner. The application shall be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. Each license shall remain valid for 3 calendar years from the date of issue.

2. **Blind residents.** A complimentary license to fish shall be issued to any resident of Maine who is over 16 years of age or older and blind and applies for it to the commissioner. The application shall be accompanied by certified evidence that the applicant is blind. For the purpose of this subsection, blind person means a person whose visual acuity for distant vision is 20/200 if the widest diameter of field of vision subtends an angle no greater than 20 degrees.

3. Paraplegics.

A. The commissioner may issue, upon application, complimentary resident hunting and fishing licenses to a resident of Maine who is suffering from paraplegia or suffering from the loss of, or the loss of the use of, both lower extremities.

B. The commissioner may issue, upon application, complimentary nonresident hunting and fishing licenses to a person from another state who is similarly suffering, provided that the state where the person resides provides a reciprocal privilege for residents of this State.

C. On or before January 15th in each year in which the Legislature convenes, the commissioner shall submit a complete list to both the House and Senate chairmen of the Joint Standing Committee on Fisheries and Wildlife containing the names and legal residences of all persons to whom these complimentary licenses have been issued.

4. Resident disabled war veterans. A complimentary license to hunt or fish, or a combination hunting and fishing license, shall be issued to any resident of Maine who:

A. Is a veteran, as defined in Title 37-A, section 28;

B. Has a service connected disability of 75% or more as a result of honorable military service;

C. Has served in a combat zone during either World War I, World War II, the Korean War or the Viet Nam War; and

D. Applies for that license to the commissioner.

This application shall be accompanied by a or photo copy of the applicant's final DD form 214 or other evidence satisfactory to the commissioner that the applicant meets the requirements of this subsection. Each license issued under this subsection shall remain valid for 3 calendar years from the date of its issue.

5. Holders of the Congressional Medal of Honor. Upon application, the Governor may grant 2-year complimentary hunting and fishing licenses to holders of the Congressional Medal of Honor.

6. Residents in Armed Forces. A combination fishing and hunting license shall be issued upon payment of \$3, plus the issuing fee, to a Maine resident in the Armed Forces of the United States who is stationed outside the State of Maine. The license will be valid during the year of issue.

7. Patients at Veterans Administration Hospital. The commissioner may permit inpatients at the Veterans Administration Hospital at Togus to fish without license in the inland waters within a 25-mile radius of Togus. Patients not under the direct supervision of hospital staff or volunteer supervisors shall have in their possession while fishing a valid pass issued by the Veterans Administration Hospital.

8. Patients and inmates at certain state institutions. The commissioner may issue free fishing permits covering groups of patients or inmates at any state institution under the control of the Department of Mental Health and Corrections except:

- A. The Maine Correctional Center;
- B. The Maine State Prison;
- C. Other correctional programs operated by the Department of Mental Health and Corrections for adults;
- D. Groups of full-time patients at a nursing home, as defined in Title 22, section 1812-A; and
- E. Groups of full-time residents of a facility licensed under Title 22, chapter 1663.

These permits shall be issued on request of the head of the state institution, nursing home or licensed facility and are effective while the group is being conducted by a representative of the group's institution, nursing home or licensed facility and while the group is fishing within a 25-mile radius of the group's institution, nursing home or licensed facility.

9. Indians.

A. The commissioner shall issue a hunting, trapping and fishing license to any Indian, 10 years of age or older, of the Passamaquoddy, Penobscot, Maliseet or Micmac Tribes without any charge or fee, providing the Indian presents a certificate from the respective reservation governor or the President of the Association of Aroostook Indians stating that the person described is an Indian and a member of that tribe. Holders of these licenses shall be subject to chapters 701 to 721.

B. Nothing in chapters 701 to 721 is to be construed to encroach upon the right of Indians to take fish and wildlife for their own sustenance on their own reservation lands. After having had full consultation with and the consent of the commissioner, the tribal governor and council of each reservation may govern by tribal ordinance, hunting, fishing and trapping on his respective reservation lands. Copies of the text of any ordinance adopted shall be filed with the commissioner. In any instances not covered by tribal ordinance, the inland fish and wildlife laws of Maine shall apply.

10. Children's camps. Upon application, the commissioner shall issue to a boys' or girls' camp a camp fishing license which will permit any of the boys or girls, under 16 years of age, to fish in the lake or pond adjacent to the main camp.

A. The fee for this license shall be \$38 for those camps with an enrollment of less than 50 campers, \$63 for those camps with an enrollment of not less than 50 campers but not more than 75 campers, and \$94 for those camps with an enrollment of more than 75 campers.

B. Persons who fish under a camp fishing license, as provided in this subsection, shall be subject to chapters 701 to 721.

11. Foreign exchange students. A resident license to hunt or fish shall be

issued, at a fee equal to the resident license fee for a person of like age and status, to any citizen of a foreign nation under 21 years of age who is domiciled with a family within the State pursuant to any cultural or educational exchange program conducted by any governmental, educational, cultural or religious organization.

§ 7077. Suspension or revocation of license or permit

1. **Conviction of violation.** If any person holding a license or permit issued under chapters 701 to 721 is convicted of the violation of any provision of chapters 701 to 721, the commissioner may revoke any license or permit held by the person for a period of not less than 3 months nor more than one year.

2. **Conviction of violation of Title 17-A while hunting.** If any person holding a license or permit under this chapter is convicted of the violation of any provision of Title 17-A while on a hunting trip or in the pursuit of wild animals or wild birds, the commissioner may revoke the license or permit held by that person for a period not to exceed one year, except where the killing or wounding of a human being has occurred, in which case the commissioner may revoke the license or permit for up to 5 years.

3. **Hunting license.** The suspension and revocation of a hunting license are further governed by section 7101, subsection 8.

4. **Conviction of 2nd violation.** If a license or permit holder as described in subsection 1 is convicted of a 2nd violation of any provision of chapters 701 to 721, the commissioner may revoke the license or permit of the offender for a period of 2 years.

5. **Hearing.** Any person whose license or permit has been revoked under this section may request a hearing by the commissioner. At the hearing, all the facts concerning the violation shall be presented and the license or permit may be reinstated.

6. **Effective date.** If a person's license or permit is revoked for one or more years, the revocation shall become effective on January 1st of the next calendar year following the date of final disposition of the case.

§ 7078. Refusal to issue license or permit

If, at the time of committing a violation of any provision of chapters 701 to 721, the offender does not hold a valid license or permit to conduct the particular activity in which he was engaged at the time of the violation, the commissioner may refuse to issue any license or permit to that person for the next calendar year following the date of final determination of any complaint or legal proceedings instituted as a result of the violation.

SUBCHAPTER II

HUNTING

§ 7101. General hunting license

1. **Eligibility.**

A. Any resident or nonresident over 10 years of age may obtain a written license to hunt wild animals and wild birds from the commissioner or his authorized agent. No resident or nonresident under 10 years of age may hunt wild animals or wild birds with firearms at any time.

B. No hunting license of any kind may be issued to any person who is a mentally ill individual, as defined in Title 34, section 2251, or has a mental deficiency or mental illness, as those terms are defined in Title 34, section 2562.

2. Agent’s fee. Clerks or other agents appointed by the commissioner to issue licenses and permits shall retain a fee of 50¢ for each hunting license issued.

3. Application and issuance.

A. An applicant may obtain a resident license only from the clerk or agent in the town in which the applicant resides.

B. An applicant domiciled in an unorganized territory may obtain a resident license from the clerk or agent in the nearest town.

C. An application for a nonresident junior hunting license shall be accompanied by the written consent of the applicant’s parent or guardian.

4. Expiration. A junior hunting license issued to a person who has passed his 15th birthday is valid through the calendar year for which the license is issued.

5. Schedule of fees.

- A. Resident junior hunting license\$ 1.50
(10 years of age or older and under 16)
- B. Resident hunting license.....\$ 7.50
(16 years of age or older)
- C. Resident combination hunting and fishing
license\$ 12.50
- D. Resident combination archery hunting
and fishing license.....\$ 12.50
- E. Nonresident junior hunting license\$ 15.50
(10 years of age or older and under 16)
(Permits hunting of all species, except deer and bear)
- F. Nonresident small game hunting license.....\$ 30.50
(Permits hunting of all species, except deer and bear)
- G. Nonresident big game hunting license\$ 60.50
(Permits hunting of all species, including deer and bear)

H. Alien big game hunting license\$100.00
(Permits hunting of all species, including deer and bear)

6. Printing on nonresident and alien licenses. There shall be printed upon the back of the deer tag portion of a nonresident or alien license the words THIS DEER WAS SHOT IN THE STATE OF MAINE. The first 8 words shall be printed in 18-point caps and the word "MAINE" in 96-point Gothic type.

7. Restrictions. Any resident or nonresident hunter 10 years of age or older and under 16 may hunt with firearms only if accompanied at all times while hunting by his parent or guardian or by an adult person approved by his parent or guardian.

8. Suspension and revocation.

A. The commissioner, upon receiving a report of the wounding or killing of a human being, may bring a complaint in the Administrative Court seeking to revoke or suspend the current hunting license or the privilege to obtain a hunting license of any person who, while on a hunting trip or in the pursuit of wild animals or wild birds, is alleged to have shot and wounded or killed that human being. The Administrative Court shall suspend the person's license or privilege for a period not to exceed 5 years, if it finds that the public safety will be endangered by the person's retention of his license or privilege.

B. Any person described in paragraph A whose hunting license has been revoked or suspended, or whose right to hunt or the right to obtain a hunting license for a period not to exceed 5 years has been denied, may, after the expiration of one year from the date of the revocation or suspension, petition the commissioner for restoration of his privilege to procure such a license.

C. The commissioner, after hearing, may restore the petitioner's privilege if he determines that the public safety will not be endangered by it.

D. If the commissioner disallows the petition and thereby refuses to grant the restoration of his privilege, the petitioner may appeal to the commissioner's advisory council which, after hearing on the petition, may allow it and restore the privilege.

§ 7102. Archery hunting license

1. Eligibility.

A. Any resident 10 years of age or older may obtain an archery license to hunt with bow and arrow from the commissioner. Any resident 10 years of age or older and under 16 who hunts under this section shall present the written consent of a parent or guardian before he purchases an archery license.

B. Any nonresident 12 years of age or older may obtain an archery license to hunt with bow and arrow from the commissioner. Any nonresident 12 years of age or older and under 16 who hunts under this section shall present the written consent of a parent or guardian before he purchases an archery license.

C. No resident under the age of 10 years and no nonresident under the age of 12 years may hunt with bow and arrow at any time.

2. Issuance. The commissioner, through his agents, shall issue an archery license to eligible persons. The issuing agent shall retain a fee of 50¢ for each license issued.

3. Schedule of fees.

- A. Resident archery license\$7.50
- B. Resident combination archery hunting and fishing license (available from the department in Augusta only) \$12.50
- C. Nonresident archery license..... \$30.50

4. Open season.

A. It is legal to hunt any wild animal by bow and arrow during any open season on that animal.

B. There shall be a special open season from the first Monday of October to the beginning of the regular deer hunting season, as described in section 7457, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only.

5. Restrictions.

A. Archery deer tags shall be issued for use in the same manner as regular deer tags.

B. If a person takes a deer with bow and arrow during the open season on deer, he is precluded from further hunting for deer during that year.

C. Any resident 10 of age or older and under 16 shall be accompanied at all times while hunting by a parent or guardian or by an adult approved by a parent or guardian.

D. Any nonresident 12 years of age or older and under 16 shall be accompanied at all times while hunting by a parent or guardian or by an adult approved by a parent or guardian.

E. Deer may be taken under this section only by means of hand bow and broad head arrow.

F. Bows shall be strong enough to shoot an arrow at least 150 yards.

G. Arrow heads shall be not less than 7/8 inch in width.

H. A person shall not use a crossbow or set bow.

I. A person shall not use arrows with either poisonous or explosive tips.

J. A person shall not carry firearms of any kind while hunting with a bow and arrow during the special archery season on deer, as described in subsection 4, paragraph B.

K. Except as provided in this section, the provisions of chapters 701 to 721 relating to deer shall be applicable to the taking of deer with bow and arrow.

L. Section 7377, subsection 1, allowing persons to hunt without a license on their own land under certain conditions shall not apply to archery.

§ 7103. Falconry license

1. Eligibility. To qualify for a falconry license, a person shall comply with all requirements prescribed by rule of the commissioner.

2. Issuance. The commissioner may issue licenses to qualified persons to engage in the practice of falconry.

3. Fee. The fee for a falconry license shall be \$13.

4. Restrictions.

A. Licensees may take, possess and use all raptors, except Golden Eagles, Bald Eagles, Ospreys, Peregrine Falcons, Red-Shouldered Hawks and raptors classified as “endangered” by the United States Department of the Interior.

B. Properly licensed persons engaged in the practice of falconry are subject to all the rules pertaining to seasons and bag limits of wild animals and wild birds.

C. No person may, at any time, possess, capture, transport, train, or use for hunting more than 2 raptors except as allowed by rule.

D. No person may engage in the practice of falconry without a valid hunting license.

§ 7104. Commercial shooting area license

1. Issuance. The commissioner may issue licenses authorizing the establishment and operation of commercial shooting areas to qualified applicants.

2. Eligibility. In order to qualify for a commercial shooting area license:

A. The land for the proposed commercial shooting area shall not be located in a county which already contains 2 commercial shooting areas;

B. The land shall be at least 5 miles from another commercial shooting area;

C. The land shall contain not less than 200 acres nor more than 400 acres;

D. The land shall be contiguous. Property bisected by a road or highway is considered to be contiguous for purposes of this paragraph; and

E. The land may be owned or leased by the operator of the commercial shooting area.

3. Fees.

A. The operator of a commercial shooting area shall pay an initial license fee of \$325 for the first year of operation.

B. The operator of a commercial shooting area shall pay a fee of \$125 before July 1st of each successive year of operation.

4. Restrictions.

A. The operator of a commercial shooting area shall maintain and keep open to inspection by representatives of the department a register of:

- (1) The name, address and commercial shooting area hunting license number of each person shooting on the area;**
- (2) The date or dates when that person hunted on the area; and**
- (3) The number and type of birds killed by that person.**

B. The operator of a commercial shooting area shall mark the boundary of the shooting area in a manner prescribed by the commissioner and shall post the boundary conspicuously with signs or other markings approved by the commissioner. The signs or markings shall be of a color, size and wording prescribed by the commissioner and shall be placed not more than 250 feet apart facing the outside of the area.

C. Enforcement of the trespass laws of a commercial shooting area shall be the responsibility of the owner and shall not in any manner be deemed an obligation of the department.

D. A schedule of fees to be charged by the operator of a commercial shooting area shall be approved by the commissioner.

§ 7105. Commercial shooting area hunting license

1. Issuance. The commissioner or his authorized agent may issue a special commercial shooting area hunting license authorizing a person to hunt on a commercial shooting area.

2. Fee. The fee for a special commercial shooting area hunting license is \$7.

3. Open season. The annual open season for commercial shooting areas is July 1st to November 30th.

4. Restrictions. No wild animal or wild bird other than mallard ducks, pheasants, quail and Chukar partridge may be shot on a commercial shooting area, except during the regular open season on those other wild animals and wild birds.

§ 7106. Pheasant hunting permit

1. Issuance. The commissioner or his authorized agent shall issue a pheasant hunting permit in the form of a stamp to applicants 16 years of age or older permitting them to hunt or possess pheasant. Persons under 16 years of age may, without such a permit, hunt or possess pheasant in accordance with chapters 701 to 721.

2. Fee. The fee for a pheasant hunting permit shall be \$3.25, 25¢ of which shall be retained by the agent.

3. Validation. A pheasant hunting permit is validated by the permittee's writing his signature across the face of the stamp in ink.

4. Restrictions.

A. A pheasant hunting permit shall be exhibited to any warden or employee of the department upon request.

B. Permittees shall keep an unexpired, validated pheasant hunting permit on their persons when hunting or possessing any pheasant.

SUBCHAPTER III

TRAPPING

§ 7131. Trapping license

1. Schedule of fees.

A. Resident trapping \$13

B. Nonresident trapping\$250

2. Restrictions. Residents under 16 years of age may trap for any wild animal, except beaver, without a trapping license in the municipalities. In the unorganized townships, a license is required.

§ 7132. Pole trap permit

1. Issuance. The commissioner may issue a pole trap permit permitting a person to set or use any steel trap on the top of a pole, constituting a device commonly known as a "pole trap," for the purpose of catching any wild bird. The permit shall be issued only when found by the commissioner to be necessary for the protection of poultry, wild birds or fish, where raised by a private person or by the State.

SUBCHAPTER IV

FISHING

§ 7151. General fishing license

1. Eligibility.

A. Any resident 16 years of age or older is eligible to purchase a resident fishing license.

B. Any nonresident 12 years of age or older is eligible to purchase a nonresident fishing license.

C. Any resident under 16 years of age and any nonresident under 12 years of age may fish without a license.

2. Agent's fee. Clerks or other agents appointed by the commissioner to issue licenses shall retain a fee of 50¢ for each license issued.

3. Application and issuance.

A. An applicant may obtain a resident license other than a 3-day license only from the clerk or agent in the town in which the applicant resides.

B. An applicant domiciled in an unorganized territory may obtain a license from the clerk or agent in the nearest town.

C. Any resident who procures a 3-day license may exchange it for an annual resident fishing license in the town in which he resides upon the payment of 50¢ to the clerk or issuing agent.

D. A 15-day nonresident license may be exchanged for an annual nonresident license upon the additional payment of \$10.50.

4. Expiration. A nonresident junior fishing license issued to a nonresident who has passed his 15th birthday is valid through the calendar year for which the license was issued.

5. Schedule of fees.

- A. Resident fishing \$ 7.50
(16 years of age or older)
- B. Resident combination hunting and fishing..... \$12.50
- C. Resident combination archery hunting and fishing \$12.50
- D. Junior nonresident fishing \$ 4.00
(12 years of age or older and under 16)
- E. Resident or nonresident 3-day fishing..... \$ 7.50
(Valid for 3 days from date indicated on license)
- F. Nonresident 7-day fishing..... \$12.50
(Valid for 7 days from date indicated on license)
- G. Nonresident 15-day fishing \$15.50
(Valid for 15 days from date indicated on license)
- H. Nonresident season fishing \$25.50
(16 years of age or older)

6. Reciprocity with New Hampshire. When similar legislation is enacted by the state of New Hampshire, fishing licenses issued to any person by either this State or New Hampshire shall be recognized as meeting all requirements of the law when used on any lake or pond which is partly in both the States of Maine and New Hampshire.

7. Restrictions.

- A. A fishing license shall be kept upon the person while fishing or transporting fish.**
- B. A fishing license shall be exhibited upon request to any warden, employee of the department, guide or landowner upon request.**
- C. No license may be exchanged for another license except as allowed in subsection 3, paragraphs C and D.**

§ 7152. Atlantic salmon permit

1. Issuance. The commissioner shall issue, in the form of a stamp, an Atlantic salmon permit to fish for Atlantic salmon in inland waters.

2. Agent's fee. Any clerk or agent appointed by the commissioner to issue Atlantic salmon permits shall retain 25¢ for each permit issued.

3. Schedule of fees.

A. The fee for an Atlantic salmon permit shall be \$1 for any resident 16 years of age or older.

B. The fee for an Atlantic salmon permit shall be \$15 for any nonresident 16 years of age or older.

C. Members of Maine's Indian tribes are exempt from any fee.

4. Use of permit fees. 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.

5. Signing and affixing stamp. Immediately after issuance of an Atlantic salmon permit, the purchaser shall sign it across its face and affix it to the back of a current valid fishing license.

§ 7153. Alewife, cusk, eel, hornpout, sucker and yellow perch permit

1. Issuance. The commissioner may issue permits to fish for or possess alewives, cusk, eel, hornpout, suckers and yellow perch by means of eel pots, traps, spears or nets in inland waters, under such rules as he may establish, provided these permits do not interfere with rights granted under section 6131.

2. Fee. The minimum fee for these permits shall be \$32.

§ 7154. One-day bass tournament permit

1. Application. Any Maine bass club seeking approval to conduct a one-day bass tournament pursuant to this section may make application to the commissioner in a manner and form to be designated by the commissioner. The application shall include the club's tournament rules, any amendments or changes to the rules and a schedule of the dates, places and times of the proposed tournament.

2. **Issuance.** The commissioner, following a determination that the club has complied with all rules promulgated pursuant to this section, may issue a permit to the applicant club authorizing the club to conduct the tournament during open season for black bass in waters free of ice.

3. **Fee.** The commissioner shall promulgate a rule establishing a fee of \$25 for a permit to conduct a tournament under this section.

4. **Restrictions.** The commissioner shall promulgate all rules necessary to carry out the purposes of this section, including, but not limited to:

A. Requiring that precautions be taken so that, if possible, all fish caught may be retained alive and, following the close of the tournament, be released into the body from which they were taken; and

B. Fixing the maximum total value of prizes which may be awarded at each tournament.

SUBCHAPTER V

LIVE BAIT

§ 7171. Live bait dealer's license

1. **Issuance.** The commissioner may issue a live bait dealer's license to deal in live bait.

2. **Fee.** The fee for a live bait dealer's license shall be \$13 for each calendar year.

3. **Restrictions.**

A. The holder of a live bait dealer's license may use the ordinary commercial type minnow seine or bag net not to exceed 8 feet in depth by 150 feet in length in the taking of minnows and other unprotected fish commonly used for bait purposes.

B. The holder of a live bait dealer's license may take smelts in accordance with section 7552, subsection 5, paragraph A and section 7554, subsection 1, paragraph C.

C. The holder of a live bait dealer's license may possess more than 4 quarts of smelts at any time providing the taking was legal.

D. Any bait trap used for the taking of bait in accordance with this section shall bear the name and address of the person who is taking the bait.

§ 7172. Live smelt bait dealer's license

1. **Issuance.** The commissioner may issue a live smelt bait dealer's license permitting a person to:

A. Deal in live smelt bait; and

B. Take at any time with a dip net, drop net or hook and line, from inland waters designated by the commissioner, smelts for resale.

2. Fee. The fee for a live smelt bait dealer's license shall be \$60 for each calendar year.

3. Restrictions. The daily limit for holders of a live smelt bait dealer's license shall be 8 quarts, and they may possess more than 8 quarts provided the taking was legal.

§ 7173. Permit to take minnows for bait purposes

1. Issuance. The commissioner may issue permits to take minnows for bait purposes from certain inland waters at any time.

§ 7174. Eel permit for licensed trappers

1. Issuance. The commissioner may issue a permit to any licensed trapper to take eels for baiting traps.

2. Restrictions. A licensed trapper with an eel permit may take not more than 20 pounds of eels annually for use in baiting traps.

SUBCHAPTER VI

SELLING, IMPORTING, STOCKING AND CULTIVATING FISH

§ 7201. License to sell commercially grown or imported fish

1. Issuance. The commissioner may issue a license to sell fish which have been either commercially grown within the State or imported from without the State.

2. Fee. The fee for a license to sell commercially grown or imported fish shall be \$15.

3. Restrictions.

A. Licenses shall be kept constantly and publicly posted in the office or place of business of the licensee.

B. Whenever any person sells these fish in more than one wholesale or retail outlet, each outlet shall be licensed.

C. Fish, whether commercially grown within the State or imported from without the State, shall be packaged at the original source. The name and address of the source shall be printed on the outside of the package. The fish shall not be removed from the original package, except by the ultimate purchaser.

D. All licensees shall keep invoices of fish sold and purchased under this section so that the invoices are available at all times for inspection by the commissioner or his duly authorized agent.

§ 7202. Permit to import live freshwater fish or eggs

1. **Issuance.** The commissioner may grant permits to introduce, import or transport any live freshwater fish or eggs into the State or to receive or have in possession fish or eggs so introduced, imported or transported.

2. **Application.** Importers shall, when requesting a permit, provide the commissioner with the following information:

A. The number and species to be imported;

B. The name and address of the source; and

C. A statement from a recognized fish pathologist, from a college or university, from a state conservation department or from the United States Fish and Wildlife Service, certifying that the fish or eggs 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.

§ 7203. Permit to stock inland waters

1. **Issuance.** The commissioner may issue a written permit allowing a person to introduce fish of any kind into any inland waters by means of live fish or otherwise.

§ 7204. Permit to introduce fish or fish spawn into a private pond

1. **Issuance.** The commissioner may issue a written permit to introduce fish or fish spawn into a private pond.

§ 7205. License to cultivate or harvest fish in private ponds

1. **Issuance.** The commissioner may issue a license to cultivate or harvest fish in private ponds permitting the following:

A. A riparian proprietor may construct, within the limits of his own property, a dam across the waters of a nonnavigable brook, stream or river for the purpose of creating a private pond for cultivating or harvesting fish; and

B. The riparian proprietor of such a private pond, or his designee, may fish for, possess, transport or have transported fish cultivated in a private pond as set forth in this section. These fish may be taken regardless of existing regulations pertaining to manner, time, season, bag limit, length limit or fishing license requirements.

2. **Fee.** The fee for such a license shall be \$10.

3. **Restrictions.**

A. A riparian proprietor shall file a declaration of intent with the commissioner before constructing a dam as permitted in subsection 1, paragraph A. Existing private ponds are exempt from the requirement of filing a declaration of intent.

B. The commissioner, after investigating, may require a riparian proprietor of a private pond created under subsection 1, paragraph A to furnish suitable passage for fish frequenting these waters.

C. All fish taken from a private pond, or a portion thereof, used for commercial purposes shall, while transported or possessed at a place of storage, be tagged as provided by rules established by the commissioner.

SUBCHAPTER VII

POSSESSING, BREEDING, EXHIBITING, PURCHASING, SELLING, IMPORTING, AND TRANSPORTING OF WILD ANIMALS AND WILD BIRDS

§ 7231. Roadside menagerie permit

1. Issuance.

A. The commissioner may issue a roadside menagerie permit to any person, permitting him to:

- (1) Keep wildlife in captivity for exhibition;
- (2) Keep wildlife in captivity for the evident purpose of attracting trade;
- (3) Have any wildlife in his custody or control for exhibition or for the evident purpose of attracting trade;
- (4) Purchase, sell and transport any wildlife kept by virtue of this section; and
- (5) Purchase moose and caribou from the commissioner, who may take moose and caribou into captivity and sell them to holders of a roadside menagerie permit.

B. No permit may be granted by the commissioner until he is satisfied that the provisions for housing and caring for the wildlife and for protecting the public are proper and adequate and in accordance with such rules as he may promulgate.

2. Application. Applications for roadside menagerie permits shall be made on forms prepared and furnished by the commissioner and shall show:

- A. The name and address of the applicant;
- B. The location or proposed location of the roadside menagerie;
- C. The approximate number and kinds of wildlife being or to be kept;
- D. The space and method of housing;
- E. The confinement measures taken to protect the public from injury by any wild animal; and

- F. Such further information as the commissioner may prescribe.
3. Fee. The fee for a roadside menagerie permit is \$63.
4. Expiration. All permits shall expire with the calendar year.
5. Restrictions. The commissioner may make rules for the keeping and disposing of live moose, caribou and bear and prescribe and furnish identification to be worn by them.

§ 7232. Permit to take or import moose and caribou

1. Issuance. The commissioner may issue a written permit to a holder of a roadside menagerie permit, permitting him to:

- A. Take from within the State of Maine or import live moose and caribou for keeping in captivity in his roadside menagerie; and
- B. Transport moose and caribou from place to place for display purposes.

2. Restrictions. The holder of the permit shall take or import moose and caribou in compliance with such rules as the commissioner may prescribe.

§ 7233. Breeder's permit for moose, caribou and bear

1. Issuance. The commissioner may issue a permit to a holder of a roadside menagerie permit, permitting him to breed moose, caribou and bear.

§ 7234. Permit to sell moose, caribou and bear

1. Issuance. The commissioner may issue a permit to a holder of a roadside menagerie permit, permitting him to sell moose, caribou and bear or their offspring.

§ 7235. Breeder's license for wild animals

1. Issuance. The commissioner may issue a license to any person, permitting him to:

- A. Engage in the business of propagating wild animals;
- B. Engage in the business of propagating wild rabbits on islands surrounded by open salt water or on any designated area all year under such rules as the commissioner may establish;
- C. Fence in land for the purpose of propagating wild animals or wild rabbits, provided that the fence shall be of a type which will prevent furbearing animals from entering or leaving the fenced-in area;
- D. Breed or rear any species of wild animal within such an enclosure or on such an island as described in paragraphs B and C; and
- E. Buy, sell, kill, transport or possess any wild animal or its skin, raised by virtue of the provisions of this section, under such rules as the commissioner may establish.

2. **Fee.** The annual fee for a wild animal breeder's license is \$13.

3. **Restrictions.**

A. No person may engage in the business of propagating or rearing white-tailed deer at any time.

B. Every person licensed to breed wild animals shall, on or before the 31st day of December of each year, make a detailed report to the commissioner of all he has done during the year by virtue of his license on blanks to be furnished by the commissioner.

C. No person may breed, rear or keep alive any wild animal taken in accordance with any provisions of chapter 709, subchapter IV.

§ 7236. **Breeder's license for migratory game birds, partridge, grouse and pheasant**

1. **Issuance.** The commissioner may issue a license to any person complying with this section, permitting him to:

A. Breed, rear or possess migratory game birds, partridge, grouse or pheasant;

B. Consume, sell, transport or kill and sell any migratory game bird, partridge, grouse or pheasant raised by virtue of this section. (Any person may purchase, possess, or transport such birds); and

C. Sell, live or dressed, migratory game birds, partridge, grouse or pheasant outside the State, subject to laws governing the importation of migratory game birds, partridge, grouse or pheasant of the state in which sold.

2. **Fee.** The annual fee for a breeder's license for migratory game birds, partridge, grouse and pheasant is \$15.

3. **Restrictions.**

A. The licensee shall fence in land for the purpose of breeding, rearing or possessing migratory game birds, partridge, grouse and pheasant and the fence shall be of a type which will prevent these birds from entering or leaving the fenced-in area.

B. No migratory game bird, partridge, grouse or pheasant may be removed from these fenced-in premises until a metallic seal has been securely attached to each bird.

(1) This metallic seal shall remain attached to the birds until they are finally prepared for consumption.

(2) The seal shall be supplied by the commissioner at a cost of 10c.

C. Every breeder licensed under this section shall, on or before the 31st day of December of each year, make a detailed report to the commissioner on blanks to be furnished by the commissioner.

§ 7237. Importation permit for wildlife

1. **Issuance.** The commissioner may issue a written permit to any person, permitting him to:

- A. Introduce or import any wildlife into the State; and
- B. Receive or possess wildlife so introduced or imported.

§ 7238. Importation permit for moose and caribou

1. **Issuance.** The commissioner may issue an importation permit for moose and caribou, permitting a person who has legally killed a moose or caribou beyond the limits of this State to possess in or import into this State such a moose or caribou.

2. **Restrictions.**

- A. The possession and importation of moose and caribou is allowed for the purpose of consumption or mounting, but not for sale.
- B. The permit shall set forth the inclusive dates within which possession of moose and caribou are legal.

§ 7239. Importation permit for mallard ducks, quail and Chukar partridge

1. **Issuance.** The commissioner may grant permits to import live mallard ducks, quail and Chukar partridge to operators of commercial shooting areas.

2. **Application.** When requesting permission to import these birds, an importer shall:

- A. Provide the commissioner with information on the number of the birds to be imported and the name and address of the seller; and
- B. Furnish the commissioner with a statement from an approved veterinarian, from the department of agriculture, or from the conservation department of the state from which the birds are imported, certifying that they are from flocks which have been tested for infectious or contagious disease and have not been exposed to that disease during the 6 months prior to importation.

3. **Restrictions.** Upon receipt of shipment, importers of mallard ducks, quail or Chukar partridge shall attach securely to each bird a metallic seal, the type and design of which shall be designated by the commissioner.

A. The seal shall be supplied by the department at a cost to be prescribed by the commissioner.

B. The seal shall remain attached to the birds until they are finally prepared for consumption.

§ 7240. Importation permit for pheasants

1. **Issuance.** The commissioner may issue a written permit to any person

permitting him to import pheasants, alive, dead or dressed.

2. **Application.** Importers shall, when requesting a permit, provide the commissioner with the following:

- A. Information as to the number of pheasants to be imported;
- B. The name and address of the seller;
- C. Information whether or not the birds are live or dressed; and
- D. A statement from an approved veterinarian, from the State Department of Agriculture, or from the conservation department of the state from which the pheasants are imported, certifying that they are from flocks which have been tested for pullorum and typhoid, show no evidence of tuberculosis or other infectious or contagious disease, and have not been exposed to such disease during the 6 months prior to importation.

3. **Restrictions.** Upon receipt of shipment, importers of pheasants shall attach securely to each bird a metallic seal, the type and design of which shall be designated by the commissioner.

- A. This seal shall remain attached to the birds until they are finally prepared for consumption.
- B. The seal shall be supplied by the commissioner at a cost of 10¢ each.

§ 7241. Permit to transport live fish and wildlife for breeding and advertising

1. **Issuance.** The commissioner may issue a permit to anyone, permitting him to transport in and beyond the limits of the State, fish and wildlife taken in the State for breeding or advertising purposes.

§ 7242. Permit to hunt, trap, possess, band and transport wild animals and wild birds for scientific purposes

1. **Issuance.** The commissioner may issue a permit to anyone, permitting him to hunt, trap, possess, band and transport wild animals and wild birds for scientific purposes.

2. **Restrictions.** Every permittee under this section shall, on or before the 31st day of December of each year, make a detailed report to the commissioner of all he has done during the year, by virtue of his permit, on blanks to be furnished by the commissioner.

SUBCHAPTER VIII

GUIDES AND CAMP TRIP LEADERS

§ 7301. Guide license

1. **Examining board.** A Board of Examiners for the Licensing of Guides shall consist of the following:

- A. The commissioner or such subordinate officer of the department as the commissioner may designate;
 - B. Two wardens of the department; and
 - C. A representative of the public to be appointed by the Governor for a term of 3 years. The public member shall receive no compensation, but the department shall reimburse him for actual expenses incurred in carrying out his duties at the same rate as provided for state employees.
2. **Eligibility.** No person may act as a guide until he is 18 years of age or older and has procured a license to guide from the commissioner.
3. **Application.** Any person wishing to be licensed as a Maine guide after January 1, 1970, shall submit an application on such forms as the commissioner may provide. After receipt of the application, the commissioner may require the applicant to appear before a board of examiners to determine his qualifications.
4. **Hearing and notice.** Hearings shall be held in areas designated by the commissioner, and all area applicants shall be notified of the time and place at least 2 weeks before the hearing.
5. **Issuance.** The commissioner, upon receipt of the recommendation of the board of examiners, may issue guide licenses to qualified persons permitting them to act as a guide to hunt and to fish.
6. **Classification.** The commissioner may classify licensed guides as general guides or specialized guides and may, at his discretion, change the classification of guides from one class to another.
7. **Fee.** The annual fee for a resident guide license is \$32. The annual fee for a nonresident guide license is \$125. The annual fee for an alien guide license is \$150.
8. **Restrictions.** Guides shall be restricted in the use of motorboats while guiding on such waters as the commissioner may prescribe.
- A. Guides holding a valid United States Coast Guard license to carry passengers for hire or a valid superior United States Coast Guard license may use a motorboat for guiding on such Maine coastal waters as permitted by the United States Coast Guard licenses and on all inland waters of the State.
 - B. Guides holding a valid license to operate a motorboat carrying passengers for hire issued by the Division of Recreational Safety and Registration may use a motorboat for guiding on all inland waters of the State, except as prohibited by Title 12, section 665.

§ 7302. Junior guide permit

1. **Examining board.** The commissioner shall appoint a board of 4 members to be known as the "Junior Guides Examining Board." One member of the board shall be a Maine camp director. All members shall serve without compensation for 3 years or until successors are appointed.

2. **Requirements.** The Junior Guides Examining Board shall hold meetings when necessary and shall adopt rules and regulations establishing standards of requirements and methods of ascertaining fitness of candidates for junior guide permits.

3. **Eligibility.** To qualify as a junior guide, a person shall be 14 years of age or older and under 18 years and shall pass the required examinations. A junior guide permit shall be presented by the commissioner to those who qualify.

4. **Restrictions.**

A. No junior guide shall receive remuneration for services.

B. No junior guide shall compete in any way with regular Maine guides.

§ 7303. **Camp trip leader permit**

1. **When permit required.** Boys' and girls' summer camps located in Maine and duly licensed by the Department of Human Services or such camps located in another state and duly licensed in a similar manner, if the laws of the other state so require, having trips on waters other than those adjacent to the location of the main camp shall:

A. Provide at least 2 counselors at least 18 years of age or older for 10 or fewer campers;

B. Provide one additional counselor at least 18 years of age or older for each additional 10 campers; and

C. Ensure that one counselor on the trip is a holder of a camp trip leader's permit.

2. **Restrictions.** Camp trip leaders' permits, as approved and granted by the commissioner:

A. Are good only for the period of June 15th through September 15th of the year issued;

B. Are good only for a children's camp sponsored trip;

C. Specifically do not entitle the holder to be in charge of any group other than a group from boy's and girl's camps as described in subsection 1; and

D. Do not grant to the holder any rights to hunt or fish.

3. **Fee.** The fee for a camp trip leader's permit is \$5 for counselors of Maine camps and \$10 for camp counselors from other states.

SUBCHAPTER IX

DOG TRAINING AREAS AND FIELD TRIALS

§ 7331. **Special dog training area license**

1. Application and issuance. Upon application of any club or organization having 25 or more resident members, the commissioner may issue to the club or organization a license authorizing the following.

A. The licensee may establish and maintain on land owned by it, or over which it has legal control, a special dog training area in which and on which dogs may be trained at any time during the year.

B. The licensee may at any time during the year train its own dogs or the dogs of other persons on that area.

C. The licensee may hold field trials at any time on that area or permit, in writing, others to hold field trials on the area under such conditions as are mutually agreed on.

2. Fee. The fee for a special dog training area license is \$15.

3. Restrictions.

A. Each club so licensed may establish not more than 2 special dog training areas, each of which shall be not less than 100 acres.

B. No club shall control more than a total of 400 acres.

C. Licenses shall not be issued to more than 2 clubs in any one county.

D. The commissioner may, from time to time during each year, stock wild animals or wild birds and shall charge the licensees a reasonable price for them.

E. Nothing in this section is to be construed as authorizing licensees to liberate any wild bird or quadruped coming from outside of the State on a special dog training area.

F. Any person not a licensee may train his own dogs or the dogs of other persons on a special dog training area, unless the area is completely enclosed with rabbit-proof fence, under the following conditions.

(1) He shall apply in writing to the licensee and receive a permit to do so, for which a charge not to exceed \$1.10 may be made for residents, of which amount \$1 shall be paid to the commissioner, and for which a charge not to exceed \$5.10 may be made for nonresidents, of which amount \$5 shall be paid to the commissioner.

(2) Failure of a licensee to make reasonable provision for the use of a special dog training area, unless it is completely enclosed by rabbit-proof fence, by persons not licensees shall be deemed sufficient grounds for the department to deny a renewal of license.

G. The boundary line of a special dog training area shall be plainly and conspicuously posted prior to October 1st of each year with legible notices at least 11 inches square, placed not more than 100 yards apart, which shall bear the following warning:

“SPECIAL DOG TRAINING FIELD TRIAL AREA - HUNTING AND TRAPPING IS UNLAWFUL. This land is set aside under special license for the training of dogs and the holding of field trials. Entering on this land for the purpose of hunting or permitting dogs to enter without proper authorization is prohibited.”

The name and address of the licensee shall be printed on the notice.

§ 7332. License to hold field trials

1. Application and issuance. Upon application of any club or organization having 25 or more resident members, the commissioner may, at his discretion, issue to the club or organization a license authorizing the following.

A. The licensee may hold, at the time and place stated in the license, a field trial for sporting dogs for the purpose of demonstrating the skill of the dogs in retrieving dead or wounded wild birds. For purposes of this section, the term “sporting dogs” shall include sporting dogs as defined by the American Kennel Club, including pointers, retrievers, setters, spaniels, vizslas, weimaraners and wirehaired pointing griffons.

B. Members of the licensee club or organization may shoot and kill with firearms, under supervision of a representative of the commissioner, wild birds propagated or legally acquired by members of the licensee at the field trial held at the time and place specified in the license.

C. Persons may participate in a field trial pursuant to this section without a hunting license.

2. Fee. The fee for a license to hold field trials for sporting dogs is \$15.

3. Restrictions.

A. A separate application shall be filed for each field trial proposed to be held by a club or organization, as described in subsection 1.

B. Members may shoot and kill birds, as permitted in subsection 1, paragraph B, only during the daylight hours and only with the consent of the owner or person having legal control of the land on which the field trial is held.

C. Before any bird shot under subsection 1, paragraph B, is consumed or removed from the premises, a representative of the department shall attach a tag to it.

(1) The tag shall be furnished by the department for a reasonable fee and shall remain attached to the bird until it is prepared for consumption.

(2) Licensees shall pay the department for services of its representative at the field trials at a rate of \$15 per day.

SUBCHAPTER X

TAXIDERMISTS AND DEALERS IN SKINS AND FURS

§ 7351. Taxidermist license

1. **Issuance.** The commissioner may, upon application, issue a taxidermist license to any person who is skilled in that art and of good reputation, permitting the following.

A. The licensee may at all times possess, at his place of business, fish or wildlife lawfully caught in open season for the sole purpose of preparing and mounting them.

B. The fish or wildlife may be transported to the licensee and retained by him for the purposes of preparing and mounting, under such rules as the commissioner may promulgate.

2. **Fee.** Residents shall pay an annual fee of \$7 and alien residents shall pay an annual fee of \$32 for a taxidermist license.

3. **Restrictions.** Each licensed taxidermist shall, on or before the 31st day of December of each year, make a detailed report to the commissioner of all he has done during the year by virtue of his license.

§ 7352. Deer skin license

1. **Issuance.** The commissioner may issue a deer skin license permitting a person to:

A. Buy, sell, barter, take in trade or take in exchange for any services rendered any deer skin or deer head; and

B. Aid or assist another in the buying, selling, bartering, taking in trade or taking for any services rendered any deer skin or deer head.

2. **Fee.** The annual fee for a deer skin license shall be \$32.

3. **Restrictions.**

A. Each licensee shall keep a true and complete record setting forth the names and addresses of all persons from whom deer skins and deer heads were bought, sold, bartered, taken in trade or taken in exchange for services rendered and the date the deer skin or deer head was acquired.

B. The record shall be open for inspection to any agent of the commissioner and shall be filed with the commissioner, after being notarized, on or before the 31st day of March of each year.

§ 7353. Fur dealer license

1. **Issuance.** The commissioner may issue annually a fur dealer license permitting a person to:

A. Engage in the business of buying the skins of any fur-bearing animals; and

B. Aid or assist another in buying, sorting or grading the skins or fur-bearing animals.

2. Fee. The fee for a fur dealer license shall be \$32 for residents and \$63 for nonresidents, to be paid to the commissioner.

3. Restrictions.

A. Each licensee shall keep a complete record of all skins purchased in a book furnished to him by the commissioner.

B. Each licensee shall keep the record open to inspection at all times by the commissioner or his agent, and shall send each record, under oath, to the commissioner on or before the 31st day of December of each year.

**SUBCHAPTER XI
PROHIBITED ACTS**

§ 7371. License or permit violation

A person is guilty, except as provided in section 7377, of a license or permit violation each day that he:

1. Violates restriction. Violates any restriction of a license or permit issued in accordance with chapters 701 to 721;

2. Violates privilege. Violates the terms of any special privilege under section 7076; or

3. Fails to have license or permit. Engages in any activity for which a license or permit may be issued under chapters 701 to 721 and does not have a valid license or permit for that activity.

§ 7372. Intentional issuance of resident license or permit to nonresident

A town clerk or agent is guilty of intentional issuance of a resident license or permit to a nonresident if he intentionally issues a resident license or permit to a person not a resident of the municipality in which the license or permit is issued.

§ 7373. Fraudulently obtaining license or permit

A person is guilty of fraudulently obtaining a license or permit if he obtains any license or permit authorized in chapters 701 to 721 through fraud, misstatement or misrepresentation.

§ 7374. Possession of altered license or permit

A person is guilty of possession of an altered license or permit if he has in his possession any license or permit issued under chapters 701 to 721 which has been altered, tampered with or mutilated in any manner.

§ 7375. Violation of suspended or revoked license or permit

A person is guilty of violation of a suspended or revoked license or permit if, while his license or permit is under suspension or revocation under chapters 701 to 721, he engages in the particular activity permitted by the license or permit which has been suspended or revoked.

§ 7376. Purchase of suspended or revoked license or permit

A person is guilty of purchase of a suspended or revoked license or permit if he purchases or attempts to purchase any license or permit which has been suspended or revoked by the commissioner under chapters 701 to 721.

§ 7377. Exceptions

1. **Hunting.** Notwithstanding section 7371 as it applies to subchapter II, any resident over 10 years of age and any member of his immediate family over 10 years of age may hunt without a license on any single plot of land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled;
- C. Which is used exclusively for agricultural purposes; and
- D. Which is in excess of 10 acres.

2. **Trapping.** Notwithstanding section 7371 as it applies to subchapter III, any resident and any member of his family may trap for wild animals, except beaver, without a license on land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled;
- C. Which is used exclusively for agricultural purposes; and
- D. Which is within the limits of an organized township.

3. **Fishing.** Notwithstanding section 7371 as it applies to subchapter IV, any resident and any member of his immediate family may fish without a license in open inland waters from land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled; and
- C. Which is used exclusively for agricultural purposes.

4. **Fishing for alewives, cusk, eel, hornpout, suckers and yellow perch.** Notwithstanding section 7371 as it applies to section 7153:

- A. Any person may fish for cusk, eel, hornpout, suckers and yellow perch by use of a single hook and line for consumption by himself or members of his family without a permit;
- B. Any person may fish for alewives by use of a dip net or single hook and line for consumption by himself or members of his family, provided that the person takes or possesses no more than one bushel in any day and provided also that the alewives may not be taken from any waters in which a municipality or other person has been granted exclusive rights under section 6131;

C. A person licensed or otherwise entitled to fish in Maine waters may take suckers in all rivers, brooks and streams which are open to fishing between April 1st and June 30th of each calendar year by the use of a hand spear or bow and arrow. If suckers are taken by bow and arrow, the arrow shall have a barbed or prong point and shall be attached to the bow with a line; and

D. Any person may fish for or possess alewives from inland waters if he has been granted fishing rights under section 6131.

5. Importing live fresh-water fish or eggs. Notwithstanding section 7371 as it applies to section 7202, section 7371 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.

6. Breeding or rearing wild animals. Notwithstanding section 7371 as it applies to section 7235, section 7371 shall not apply to domestic rabbits and chinchillas.

7. Breeding or rearing wild birds. Notwithstanding section 7371 as it applies to section 7236, section 7371 shall not apply to migratory game birds, partridge, grouse or pheasant owned by the department.

8. Selling deer skins or heads. Notwithstanding section 7371 as it applies to section 7352, a person who lawfully registers a deer may sell its skin and head.

CHAPTER 709

HUNTING AND TRAPPING

SUBCHAPTER I

HUNTING

§ 7401. Open and closed season

1. General. Except as otherwise provided in chapters 701 to 721 and except as the commissioner may establish by rule which is not inconsistent with this chapter, there shall be a perpetual closed season on hunting any wild animal or wild bird.

2. Unity Utilities District. There shall be a continued closed season on all wild animals and wild birds on property owned by the Unity Utilities District located on Route 139 and Prairie Road in the municipality of Unity in Waldo County.

§ 7402. Archery hunting

Archery hunting is governed by the license provisions of section 7102.

§ 7403. Falconry

The practice of falconry is governed by the license provisions of section 7103.

§ 7404. Commercial shooting areas

Hunting on commercial shooting areas is governed by the license provisions of sections 7104 and 7105.

§ 7405. Pheasant hunting

Pheasant hunting is governed by the license and permit provisions of sections 7105 and 7106.

§ 7406. Prohibited acts

1. **Closed season violation.** A person is guilty of a closed season violation if he hunts or possesses any wild animal or wild bird or possesses any wild animal or wild bird taken during the closed season on that wild animal or wild bird, except that a person lawfully killing a deer during the open season may possess the deer during a closed season, provided that the deer has been properly registered in accordance with section 7457, subsection 2.

2. **Hunting without license on person.** A person is guilty of hunting without a license on his person if he:

A. Fails to keep his written hunting license on his person while hunting or transporting animals or birds; or

B. Fails to exhibit his license to any warden, employee of the department, guide or landowner, upon request.

3. **Hunting under the influence of liquor or drugs.** A person is guilty of hunting while under the influence of intoxicating liquor or drugs if he hunts wild animals or wild birds while under the influence of intoxicating liquor or drugs.

4. **Hunting on Sunday.** A person is guilty of hunting on Sunday if he hunts wild animals or wild birds on Sunday.

5. **Night hunting.** A person is guilty of night hunting if he:

A. Hunts wild birds from sunset to ½ hour before sunrise of the following day; or

B. Hunts wild animals, except raccoons as provided in chapters 701 to 721, from ½ hour after sunset until ½ hour before sunrise the following day.

6. **Twilight hunting.** A person is guilty of twilight hunting if he hunts wild animals, except raccoons as provided in chapters 701 to 721, between sunset and ½ hour after sunset during the open firearm season on deer.

7. **Hunting from paved way.** A person is guilty of hunting from a paved way if he hunts any wild animal or wild bird from any paved way, except that a person who has a valid permit to carry a concealed weapon may possess such a weapon provided it is not used for hunting wild animals or wild birds.

8. **Hunting from or having a loaded firearm in or on a motor vehicle.** A person

is guilty, except as provided in subsection 20, paragraph A, of hunting from or having a loaded firearm in or on a motor vehicle if he:

- A. Hunts any wild animal or wild bird from or with any motor vehicle or trailer;
- B. Hunts any wild animal or wild bird by aid or use of a light or lights carried on, carried in or attached to a motor vehicle or trailer; or
- C. Has in or on a motor vehicle or trailer any firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder.

9. Hunting from or having a loaded firearm in or on railways. A person is guilty of hunting from or having a loaded firearm in or on railways if he:

- A. Hunts any wild animal or wild bird from a hand car, flat car or any other car or vehicle capable of moving along rails under its own power or capable of being drawn along rails by an engine;
- B. Hunts any wild animal or wild bird by aid or use of any light or lights carried on or attached to a car or vehicle described in paragraph A; or
- C. Has a loaded firearm in or on a car or vehicle described in paragraph A.

10. Illegal possession. A person is guilty of illegal possession of wild animals or wild birds if he possesses any wild animal or wild bird taken in violation of subsections 5, 6, 7, 8 or 9, except as otherwise provided in chapters 701 to 721.

11. Shooting at or near wildfowl decoys. A person is guilty of shooting at or near wildfowl decoys if he:

- A. Shoots or shoots at any wildfowl decoy of another with a firearm; or
- B. Shoots within an area encompassed by a set of another person's wildfowl decoys, including the area 50 yards away from the outer perimeter of the set of decoys, with a firearm.

12. Hunting without hunter orange clothing. A person is guilty of hunting without hunter orange clothing if he hunts with firearms during the open firearm season on deer and fails to wear an article of hunter orange clothing which is in good and serviceable condition and which is visible from all sides, except that persons hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys need not wear hunter orange clothing.

13. Discharging firearm near dwelling. A person is guilty of discharging a firearm near a dwelling if he discharges a firearm within 100 feet of a residential dwelling without the permission of the owner or, in his absence, of an adult occupant of that dwelling.

14. Shooting domestic animals. A person is guilty of shooting domestic animals if, while on a hunting trip or in the pursuit of wild animals or wild birds, he intentionally, knowingly, recklessly or negligently shoots and wounds or kills any domestic animal, including a dog, cat or domestic bird.

15. Failing to aid injured person or to report a hunting accident. A person who knows that he has inflicted injury or has reason to know that he may have inflicted injury to another person by the use of firearms or bow and arrow is guilty of failing to aid an injured person or to report a hunting accident if he:

- A. Fails to make himself known to the victim;
- B. Fails to render such first aid and assistance as he is capable of rendering under the circumstances; or
- C. Fails to give notice of the event by the quickest means to a state police officer, sheriff, game warden or other law enforcement officer nearest the place where the event occurred.

16. Abuse of another person's property. A person is guilty of abuse of another person's property if, while hunting any wild animal or wild bird, he:

- A. Tears down or destroys any fence or wall on another person's land;
- B. Leaves open any gate or bars on another person's land; or
- C. Tramples or destroys any crop on another person's land.

17. Use or possession of prohibited implements or aids. A person is guilty, except as provided in subsection 20, paragraph B, of use or possession of a prohibited implement or aid if he:

- A. Uses for hunting or possesses any automatic firearm;
- B. Uses for hunting or possesses any auto-loading firearm having a magazine capacity of more than 5 cartridges. All auto-loading firearms having a magazine capacity in excess of 5 cartridges shall have the magazine permanently altered to contain not more than 5 cartridges before it may be used in this State;
- C. Sells, offers for sale, uses or possesses any firearm fitted or contrived with any device for deadening the sound of explosion;
- D. Uses cartridges containing tracer bullets;
- E. Uses cartridges containing explosive bullets;
- F. Hunts migratory game birds with a shotgun of any description originally capable of holding more than 3 shells, the magazine of which has not been cut off, altered or plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the gun to not more than 3 shells in the magazine and chamber combined;
- G. Hunts any wild animal or wild bird with a crossbow;
- H. Allows duck decoys to remain in waters of Merrymeeting Bay at any time during the period from one hour after legal shooting time until one hour before legal shooting time the next day;

I. Leaves or allows to remain in waters of Merrymeeting Bay, an artificial cover which is termed stationary blind or parts thereof, used for hunting purposes between one hour after legal shooting time and one hour before legal shooting time the next day;

J. Uses a dog to hunt deer or moose;

K. Uses an artificial light, snare, trap, swivel, pivot or set gun to hunt deer or moose;

L. Uses artificial lights between ½ hour after sunset and ½ hour before sunrise the next day to illuminate, jack, locate, attempt to locate or show up wild animals or wild birds from September 1st to December 15th of each calendar year; or

M. Hunts any wild animal or wild bird by any method other than the usual method of shooting with a firearm not larger than number 10-gauge, shooting with a long bow and arrow or by falconry.

18. Unlawful hunting on Penobscot lands. A person is guilty of unlawful hunting on Penobscot lands if he:

A. Hunts on the Penobscot Indian lands without permission of the landowners; and

B. Is not a Penobscot Indian as defined in Title 22, chapter 1353.

19. Unlawful hunting on Passamaquoddy lands. A person is guilty of unlawful hunting on Passamaquoddy lands if he:

A. Hunts on any reservation lands of that tribe without written permission from the governor and council of the appropriate Passamaquoddy reservation; and

B. Is not a member of the Passamaquoddy Tribe of Indians as defined in Title 22, sections 4701 and 4832.

20. Exceptions.

A. Notwithstanding the provisions of subsection 8:

(1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;

(2) A person who has a valid permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by such permit; and

(3) Paraplegics and single or double amputees of the legs may hunt from motor vehicles which are not in motion.

B. Notwithstanding subsection 17:

(1) Paragraphs A, B, C, D, E and F shall not apply to military organizations

authorized by law to bear arms or to the National Guard in the performance of its duty;

(2) Paragraphs B, D and E shall not apply to firearms using the .22 caliber rim fire cartridge or to any auto-loading pistol having a barrel less than 8 inches in length;

(3) Paragraph K does not affect or restrict the legitimate possession and sale of flashlights; and

(4) Paragraph L does not affect chapter 709, subchapter IV or any rule issued in accordance with section 7035, subsection 1.

SUBCHAPTER II

TRAPPING

§ 7431. Open and closed seasons

1. **General.** Except as otherwise provided in chapters 701 to 721 and except as the commissioner may establish by rule which is not inconsistent with this chapter, there shall be a perpetual closed season on trapping any wild animal or wild bird.

2. **Unity Utilities District.** There shall be a continued closed season on all wild animals and wild birds on property owned by the Unity Utilities District located on Route 139 and Prairie Road in the municipality of Unity in Waldo County.

§ 7432. Prohibited acts

1. **Closed season violation.** A person is guilty of a closed season violation if he traps any wild animal or wild bird or possesses any wild animal or wild bird taken during the closed season on that wild animal or wild bird.

2. **Failure to visit traps.** A person trapping in an organized or incorporated place is guilty of failure to visit traps if he fails to visit or to cause to be visited each trap, except beaver sets, at least once in every calendar day, including Sunday.

3. **Failure to remove animal from trap.** A person is guilty of failure to remove an animal or bird from his trap if he fails to remove or to cause to be removed any animal found caught in his trap.

4. **Trapping without consent.** A person trapping for any wild animal, except beaver, is guilty of trapping without consent if he traps without first obtaining the written consent of the owner or occupant:

A. On land in any organized or incorporated place; or

B. On the cultivated or pasture area of land that is used for agricultural purposes in any unorganized place and on which land there is an occupied dwelling.

5. **Trapping near occupied dwelling without consent.** A person trapping for any wild animal, except beaver, is guilty of trapping near an occupied dwelling without consent if he:

A. Traps within 200 yards of an occupied dwelling; and

B. Fails to first obtain the written consent of the owner or occupant of the land on which the trap is to be set.

6. **Trapping near compact, built-up portion of city or village.** A person is guilty, except as provided in subsection 14, paragraph A, of trapping near the compact, built-up portion of a city or village if he traps outside his own land within ½ mile of the compact, built-up portion of a city or village.

7. **Disturbing traps.** A person is guilty of disturbing traps if he disturbs or takes any trap, or any wild animal from any trap, other than his own, without the consent of the owner of the trap, except that a landowner or occupant on land which he is legally entitled to possess may remove any trap found on it if permission has not been granted under subsections 4 and 5 or under subsection 14, paragraph A, subparagraph (2).

8. **Illegally rigging traps.** A person is guilty of illegally rigging traps if he uses auxiliary teeth on any leg hold trap set on land.

9. **Failure to label traps.** A person is guilty of failure to label traps if he sets any trap for any wild animal without having the trap plainly labeled with his full name and address.

10. **Abuse of another person's property.** A person is guilty of abuse of another person's property if, while trapping any wild animal or wild bird, he:

A. Tears down or destroys any fence or wall on another person's land;

B. Leaves open any gate or bars on another person's land; or

C. Tramples or destroys any crop on another person's land.

11. **Use or possession of prohibited implements or aids.** A person is guilty, except as provided in subsection 14, paragraph B, of use or possession of a prohibited implement or aid if he:

A. Sets or tends a snare for the purpose of trapping any wild animal or wild bird;

B. Sets or tends a swivel, pivot or set gun for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild bird;

C. Deposits any poisonous or stupefying substance for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild bird; or

D. Sells, advertises, gives notice of the sale or keeps for sale any snare, swivel, pivot or set gun or poisonous substance for the taking of wild animals or wild birds.

12. **Unlawful trapping on Penobscot lands.** A person is guilty of unlawful trapping on Penobscot lands if he:

- A. Traps on the Penobscot Indian lands without permission of the landowners; and
- B. Is not a Penobscot Indian as defined in Title 22, chapter 1353.

13. **Unlawful trapping on Passamaquoddy lands.** A person is guilty of unlawful trapping on Passamaquoddy lands if he:

- A. Traps on any reservation lands of that tribe without written permission from the governor and council of the appropriate Passamaquoddy reservation; and
- B. Is not a member of the Passamaquoddy Tribe of Indians as defined in Title 22, sections 4701 and 4832.

14. **Exceptions.**

A. Notwithstanding subsection 6:

- (1) A person may trap within ½ mile of the built-up portion of a city or village by the use of water sets for mink and muskrat; and
- (2) A person who has a written permit from the landowner may trap on that landowner's land with water sets within ½ mile of the built-up portion of a city or village.

B. Notwithstanding subsection 11:

- (1) A landowner or member of his immediate family may use gas cartridges on his own land for woodchuck control; and
- (2) A person may sell, advertise, give notice of sale or keep for sale rodenticide for orchard mouse control and gas cartridges for woodchuck control.

SUBCHAPTER III SPECIFIC ANIMALS

§ 7451. **Bear**

1. **Open and closed season.**

- A. There shall be a closed season on hunting bear from the first Monday following Thanksgiving to April 30th of the next calendar year.
- B. There shall be a closed season on trapping bear from December 31st to April 30th of the next calendar year.
- C. There shall be a closed season on using a dog or dogs in conjunction with bear hunting from May 1st to July 31st and during the regular firearms season on deer.

2. **Registration.** The commissioner shall establish bear registration stations for the purpose of registering all bear killed.

A. The commissioner shall designate an agent to be in charge of each registration station.

B. The commissioner shall publish a list of registration stations in one or more daily newspapers of the State.

C. Agents shall register every bear legally presented for registration.

D. Agents shall attach a metal seal to each bear in the manner directed and with the materials furnished by the commissioner.

E. Agents shall receive, from the person registering a bear, 25¢ for each seal retained by that person.

§ 7452. Prohibited acts relating to bear

1. **Unlawfully hunting bear with dogs.** A person is guilty of unlawfully hunting bear with dogs if he, while either hunting alone or hunting with other persons, uses more than 4 dogs at any one time to hunt bear.

2. **Using an illegal bear trap.** A person is guilty, except as provided in subsection 9, of using an illegal bear trap if he sets a bear trap that does not conform to the following specifications.

A. The trap shall be enclosed by at least 2 strands of wire, one strand 2 feet from the ground and one strand 4 feet from the ground.

B. The wire shall be securely held in position.

C. The wire shall be not less than 5 yards nor more than 10 yards at any point from the enclosed trap.

D. The trap enclosure shall be marked by substantial signs with the words "BEAR TRAP" in letters not less than 3 inches in height.

E. The signs shall be spaced around each enclosure at intervals of not more than 20 feet.

F. Each sign shall be securely fastened to the top strand of wire.

3. **Hunting or trapping bear after having killed one.** A person is guilty of hunting or trapping bear after having killed one if he hunts or traps bear after he has killed or registered one during any open season.

4. **Exceeding the bag limit on bears.** Except as otherwise provided, a person is guilty of exceeding the bag limit on bears if he possesses more than one bear in any calendar year.

5. **Hunting bear near dumps.** A person is guilty of hunting bear near dumps if he hunts bear within 200 feet of any dumping area in the unorganized territories and plantations of this State.

6. Failure to register bear. A person is guilty of failure to register a bear if he:

A. Possesses a bear which has not been legally registered as provided in section 7451 except in accordance with chapter 709, subchapter IV;

B. Kills a bear and fails to present it for registration in his name at the first open bear registration station on the route taken by him; or

C. Keeps an unregistered bear at his home, or at any place of storage except a bear registration station, more than 12 hours.

7. False registration of bear. A person is guilty of false registration of bear if he presents a bear for registration or allows to be registered in his name any bear which he himself did not kill.

8. Leaving a bear in the woods. A person is guilty of leaving a bear in the woods if he:

A. Kills a bear in the woods;

B. Leaves the woods without taking the bear with him; and

C. Fails to notify a warden within 12 hours of the location of the bear and the circumstances necessitating his leaving the bear in the woods.

9. Exceptions. Notwithstanding subsection 2, a person may use a cable trap with a closing diameter of not less than 2½ inches to trap bear in the State during the open season on bear.

§ 7453. Beaver

1. Open and closed season. There shall be an open season for the trapping of beaver during the months of December, January and February of each year on all lands and islands belonging to the Passamaquoddy Tribe of Indians.

2. Tagging and marking.

A. All beaver skins shall be presented for tagging and marking, as directed by the commissioner, within 10 days from the closing of the open season on beaver.

B. Any beaver skins that come into this State in any manner from any other state, country or province of another country shall bear the official stamp, tag or seal of that state, country or province. If the state, country or province does not require an official stamp, tag or seal, these skins shall be tagged in accordance with this subsection by the person possessing the skins. The fee for tagging these skins shall be 25¢ for each tag issued.

§ 7454. Prohibited acts relating to beaver

1. Unlawfully trapping beaver on Passamaquoddy lands. A person is guilty of unlawfully trapping beaver on Passamaquoddy lands if he:

A. Traps for beaver on any land or island belonging to the Passamaquoddy Tribe of Indians; and

B. Is not a member of the Passamaquoddy Tribe of Indians.

2. Possessing, selling or transporting untagged and unmarked beaver. A person is guilty of possessing, selling or transporting untagged and unmarked beaver if he possesses, sells or transports a beaver which is not tagged and marked in accordance with section 7453, subsection 2, unless permitted to do so under sections 7035, subsection 3, 7235, 7241, 7242 or 7771, subsection 2.

3. Unlawful use of untagged and unmarked beaver. A person is guilty of unlawful use of an untagged and unmarked beaver if he sells, gives away, buys, accepts as a gift, offers for transportation or transports any beaver skin that has not been tagged and marked in accordance with section 7453, subsection 2.

4. Advance preparation for trapping beaver. A person is guilty of advance preparation for trapping beaver if he makes any advance preparation on the trapping grounds for the taking of beaver prior to the open season on beaver.

5. Nonresident trapping beaver. A nonresident is guilty of illegally trapping beaver, notwithstanding any other provision of law, if he traps beaver in this State.

§ 7455. Birds

1. Open and closed season. Whenever a section or sections of the State are closed to hunting by proclamation of the Governor during the open season on birds, the commissioner, after the proclamation has been annulled, with the consent of the Governor, may extend the open season for bird hunting in that section or those sections of the State for a period not to exceed the number of days lost.

§ 7456. Prohibited acts relating to birds

1. Illegal use of migratory game birds. A person is guilty of illegal use of migratory game birds if he hunts, possesses, transports, buys or sells any migratory game bird, except in the manner and numbers, and by the means specifically permitted by regulations of the United States Federal Migratory Bird Treaty Act, Public Law, July 3, 1918, chapter 128, as amended, or by rules promulgated by the commissioner in conformity with the Maine Administrative Procedure Act, Title 5, Part 18, except section 8052, subsection 3 of that Act.

2. Hunting waterfowl on Haley Pond. A person is guilty of hunting waterfowl on Haley Pond if he hunts any waterfowl on Haley Pond in the Town of Rangeley and Dallas Plantation in the County of Franklin.

3. Illegally hunting wild birds. A person is guilty of illegally hunting wild birds if he hunts any wild bird, except English or European house sparrow and the European starling, except as provided in chapters 701 to 721.

4. **Illegal possession of wild birds.** A person is guilty of illegal possession of wild birds if he possesses, alive or dead, any wild bird, except the English or European house sparrow and the European starling, except as provided in chapters 701 to 721.

5. **Selling wild birds.** A person is guilty of selling wild birds if he sells or possesses for sale any part of the plumage, skin or body of any wild bird, except the English or European house sparrow and the European starling.

6. **Destroying the nest or eggs of wild birds.** A person is guilty of destroying the nest or eggs of wild birds if he takes, possesses or needlessly destroys the nest or eggs of any wild bird, except the English or European house sparrow and the European starling.

§ 7457. **Deer**

1. **Open and closed season.**

A. There shall be an open season on deer in each calendar year in all counties of the State from the 5th Monday preceding Thanksgiving to the Saturday following Thanksgiving.

B. There shall be an open season on deer in the Town of Vinalhaven, and the islands within the confines of the Town of Vinalhaven, to conform with the open season on deer for Knox County.

C. There shall be an open season on deer in the Town of Southport, and the islands within the confines of the Town of Southport, to conform with the open season on deer in Lincoln County.

D. There shall be a continual closed season on deer in the following places:

- (1) Mount Desert Island;
- (2) Cross Island in Washington County;
- (3) Scotch Island in Washington County;
- (4) The Town of Isle au Haut and the islands within the confines of the Town of Isle au Haut in Knox County;
- (5) Wildlife sanctuaries which have been established by law, except as provided in section 7653;
- (6) All of Swan Island in the Town of Swan's Island in Hancock County;
- (7) The Town of Islesboro in Waldo County, except that a person may hunt deer in that town with bow and arrow during the month of October and the month of November of each calendar year;
- (8) The whole of Cranberry Isles in Hancock County; and
- (9) The whole of Long Island in Long Island Plantation in Hancock County.

E. The commissioner may shorten the open season on deer in any area of the State provided that:

- (1) The determination to shorten the season is made and published prior to September 1st of any year; and
- (2) In every county, the Saturday preceding the first day of open season on deer shall be an open day for residents of this State only.

F. The commissioner may terminate the open season on deer at any time in any area if, in his opinion, an immediate emergency action is necessary due to adverse weather conditions or severe hunting pressure.

G. Whenever a section or sections of the State are closed to hunting by proclamation of the Governor during the open season on deer, the commissioner, after the proclamation has been annulled, with the consent of the Governor, may extend the open season for deer hunting in that section or those sections of the State for a period not to exceed the number of days lost.

2. Registration. The commissioner shall establish deer registration stations for the purpose of registering all deer killed.

A. An agent designated by the commissioner shall be in charge of each deer registration station.

B. A list of deer registration stations shall be published in one or more daily newspapers of the State.

C. Deer registration agents shall:

- (1) Register every deer legally presented for registration;
- (2) Attach a metal seal to each deer in the manner directed and with the materials furnished by the commissioner;
- (3) Receive from the person registering a deer the sum of 25¢ for each seal; and
- (4) Retain the 25¢ for each seal.

D. All deer killed under section 7102 shall be inspected by a warden before being registered under this subsection. If the warden finds the deer to have been legally killed by bow and arrow, he shall approve the deer for registration.

§ 7458. Prohibited acts relating to deer

1. Exceeding bag limit. A person is guilty of exceeding the bag limit on deer if he possesses more than one deer during any open season, except as otherwise provided.

2. Hunting deer after having killed one. A person is guilty of hunting deer after having killed one if he hunts deer after he has killed or registered one during the open season of that calendar year, except as otherwise provided.

3. **Buying or selling deer.** A person is guilty, except as provided in subsection 15, paragraph A, of buying or selling deer if he:

- A. Buys, sells or offers for sale or barter any deer;
- B. Aids in buying, selling or offering for sale or barter any deer; or
- C. Counsels or otherwise aids in procuring a deer.

4. **Failure to register deer.** A person is guilty of failure to register a deer if he:

- A. Kills a deer and fails to present it for registration in his name at the first open deer registration station on the route taken by him; or
- B. Keeps an unregistered deer at his home, or at any place of storage except a deer registration station, more than 12 hours.

5. **Possessing unregistered deer.** A person is guilty, except as provided in subsection 15, paragraph B, of possessing unregistered deer if he possesses any deer which has not been legally registered as provided in section 7457, subsection 2.

6. **Failure to attach deer tag to deer.** A person is guilty of failure to attach a deer tag to a deer if, prior to presenting a deer for registration, he possesses or leaves in the fields or forests a deer which he has killed and which does not have securely attached to it and plainly visible the deer tag portion of his hunting license bearing his full name and address.

7. **False registration of a deer.** A person is guilty of false registration of a deer if he presents a deer for registration or allows to be registered in his name any deer which he himself did not lawfully kill.

8. **Illegal possession of a gift deer.** A person is guilty, except as provided in subsection 15, paragraph C, and notwithstanding the provisions of subsection 11, of illegal possession of a gift deer if he possesses any part or parts of a deer given to him and:

- A. Each part is not plainly labeled with the name and address of the person who registered the deer;
- B. Each part is not plainly labeled with the name and address of the person to whom it was given; or
- C. Each part is not plainly labeled with the name and address of the party transporting the part or parts, if a 3rd party transports a part or parts.

9. **Enticing deer.** A person is guilty of enticing deer if he places salt or any other bait or food in any place to entice deer to the place.

10. **Driving deer.** A person is guilty of driving deer if he participates in a joint hunt for deer, during which an effort is made to drive deer.

11. **Illegally transporting deer.** A person is guilty, except as otherwise provided in chapters 701 to 721 and except as provided in subsection 15, paragraph D, of illegally transporting deer if he, at any time and in any manner, moves or transports any deer, and:

A. The deer is not open to view;

B. The deer tag portion of the hunting license bearing the name and address of the person who killed the deer is not securely attached to the deer; or

C. The person who killed the deer does not accompany the deer while it is being moved or transported.

12. **Transporting deer out of state.** A person is guilty, except as provided in subsection 15, paragraphs E and F, of transporting deer out of this State if he transports or attempts to transport any deer beyond the limits of this State.

13. **Hunting deer with .22 caliber rim fire cartridge.** A person is guilty of hunting deer with a .22 caliber rim fire cartridge if he hunts deer with any firearms using the .22 caliber rim fire cartridge, except that the use of the .22 caliber rim fire magnum is not prohibited.

14. **Illegal use of firearm in Vinalhaven or Southport.** A person is guilty of illegal use of a firearm in Vinalhaven or Southport if he uses any firearm other than a shotgun in the Towns of Vinalhaven or Southport or the islands within their confines.

15. **Exceptions.**

A. Notwithstanding subsection 3, the heads and hides of any deer may be sold to a properly licensed taxidermist for the purpose of preserving and mounting as provided in section 7351, and to a dealer as provided in section 7352.

B. Notwithstanding subsection 5, a person may lawfully possess an unregistered deer in accordance with chapter 709, subchapter IV.

C. Notwithstanding subsection 8, that provision does not apply to any deer or parts of deer being transported by a Maine licensed transportation company, including common carriers, in accordance with other provisions of chapters 701 to 721.

D. Notwithstanding subsection 11, a resident of this State, who has legally killed and registered a deer may have the deer transported within the State, without accompanying the deer, by purchasing a deer transportation tag which shall be attached to the deer while being transported. The deer transportation tag shall cost \$3; 50¢ to be retained by the issuing agent.

E. Notwithstanding subsection 12, any resident of this State who has legally killed and registered a deer may transport the deer or have it transported beyond the boundaries of this State by purchasing a deer transportation tag which shall be attached to the deer while being transported. The deer

transportation tag shall cost \$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.

F. Notwithstanding subsection 12, any nonresident who has legally killed and registered a deer may have the deer or its parts transported beyond the boundaries of the State by a transportation company, including common carriers, whether or not licensed in Maine. If transported by other than a Maine licensed transportation company, the deer or its parts shall be accompanied by a nonresident transportation permit which may be obtained by the licensee from a game warden in whose district the deer was killed, or from any warden supervisor.

§ 7459. Fisher

1. Tagging and marking.

A. All fisher skins shall be presented for tagging and marking within 10 days from the closing of the open season on fisher.

B. Any fisher skins that come into this State in any manner from any other state, country or province of another country shall bear the official stamp, tag or seal of that state, country or province. If the state, country or province does not require an official stamp, tag or seal, those skins shall be tagged in accordance with this subsection by the person possessing the skins. The fee for tagging those skins shall be 25¢ for each tag issued.

§ 7460. Prohibited acts relating to fisher

1. Possessing, selling or transporting untagged and unmarked fisher. A person is guilty of possessing, selling or transporting untagged and unmarked fisher if he possesses, sells or transports a fisher or part of a fisher which is not tagged and marked in accordance with section 7459, subsection 1, unless permitted to do so under sections 7035, subsection 3, 7235, 7241, 7242 or 7771, subsection 2.

2. Unlawful use of untagged and unmarked fisher. A person is guilty of unlawful use of an untagged and unmarked fisher skin if he sells, gives away, buys, accepts as a gift, offers for transportation or transports any fisher skin that has not been tagged and marked in accordance with section 7459, subsection 1.

§ 7461. Hares and rabbits

1. Control of distribution and conservation. The commissioner may at any time take and transport live hares or rabbits by purchasing them from local trappers whenever he deems it necessary for the proper distribution and conservation of the hares and rabbits.

§ 7462. Prohibited acts relating to hares and rabbits

1. Hunting hares or rabbits with prohibited device. A person is guilty of hunting hares or rabbits with a prohibited device if he:

A. Sets or uses any snares, traps or other devices in the hunting of wild hares or rabbits, except that trappers may take wild hares or rabbits by box traps solely for the purpose of selling them to the commissioner under section 7461, subsection 1; or

B. Hunts wild hares or rabbits in any manner, except the ordinary method of shooting with guns, shooting with a long bow and arrow or falconry.

2. Buying or selling wild hares or rabbits. A person is guilty of buying or selling wild hares or rabbits if he buys, sells or offers for sale any wild hare or wild rabbit.

3. Transporting wild hares or rabbits out of state. A person is guilty of transporting wild hares or rabbits out of the State if he transports or offers for transportation at any time any wild hares or rabbits destined beyond the limits of the State.

4. Illegally possessing or transporting wild hares or rabbits. A person is guilty of illegally possessing or transporting wild hares or rabbits if he possesses or transports at any time any wild hares or rabbits taken:

A. During the closed season; or

B. By any method or with any device prohibited by subsection 1, paragraph A or section 7432, subsection 11, paragraphs A, B and C.

§ 7463. Moose and caribou

1. Possession and importation. The possession and importation of moose and caribou killed beyond the limits of this State is governed by section 7238.

§ 7464. Prohibited acts relating to moose and caribou

1. Hunting moose or caribou. A person is guilty of hunting moose or caribou if he hunts any moose or caribou.

2. Possessing moose or caribou. A person is guilty of possessing moose or caribou if he possesses any moose or caribou, except in accordance with section 7238 or 7503.

§ 7465. Muskrat

1. Open and closed seasons. There shall be an open season on muskrats from October 1st to May 10th on all lands and islands belonging to the Passamaquoddy Tribe of Indians.

§ 7466. Prohibited acts relating to muskrat

1. Unlawfully trapping muskrat on Passamaquoddy lands. A person is guilty of unlawfully trapping muskrat on Passamaquoddy lands if he:

A. Traps muskrat on any land or island belonging to the Passamaquoddy Tribe of Indians; and

B. Is not a member of the Passamaquoddy Tribe of Indians.

2. Trapping too near a muskrat house or den. A person is guilty of trapping too near a muskrat house or den if he sets or places a trap within 25 feet of a muskrat house or den.

3. Molesting or destroying a muskrat house or den. A person is guilty of molesting or destroying a muskrat house or den if he molests or destroys a muskrat house or den.

4. Advance preparation for trapping muskrat. A person is guilty of advance preparation for trapping muskrat if he makes any advance preparation on the trapping grounds for the taking of muskrat before the open season on muskrat.

SUBCHAPTER IV

ANIMALS CAUSING DAMAGE OR NUISANCE

§ 7501. Attacking domestic animals or destroying property

Except as provided in sections 7502 and 7504, any person may lawfully kill, or cause to be killed, any wild animal, night or day, found in the act of attacking, worrying or wounding that person's domestic animals or destroying that person's property.

§ 7502. Damage to crops or orchards

1. Permission to kill nuisance animals. Except as provided in section 7504, the cultivator, owner, mortgagee or keeper of any orchard or growing crop, except grass, clover and grain fields, or the owner or occupier of land on which such an orchard or crop is located, may take or kill deer or other wild animals, night or day, when they are doing substantial damage to the orchard or crop.

2. Employment of agents. That person may authorize a member of his immediate family or someone employed by him to take or kill those deer or other wild animals. When he employs someone not domiciled on the land where the damage is being done to take or kill the deer or other wild animals, he shall apply to the game warden in charge of the district in which the orchard or crop is located for permission to employ such a person and shall obtain permission from the warden in writing.

3. Report to warden; dressing of carcass. The person by whom or under whose direction the deer or other wild animal is wounded or killed shall:

A. Within 12 hours, report all the facts relative to the act to a game warden, stating the time and place of the wounding or killing; and

B. Immediately properly dress the carcass or carcasses and care for the meat.

4. Warden's certificate. The game warden shall immediately investigate the case and, if he is satisfied that the deer or other wild animal was taken as

provided in this section, he shall give the person who killed the deer a certificate of his finding in the matter. The certificate entitles the person to the ownership of the carcass or carcasses, to be possessed and consumed only within his immediate family.

§ 7503. Damage to motor vehicles by wild animals or wild birds

1. Claims. The State shall not pay any claims for damages to motor vehicles by a wild animal or wild bird.

2. Deer or moose.

A. The owner of every motor vehicle which has encountered apparent damage by accidental collision with a deer or moose shall, by the quickest means, report the accident to a game warden.

B. The warden shall investigate and, if he finds the damage has been done as alleged, he shall give a certificate to the person entitling him to the ownership of the carcass. The person may then take possession and immediately remove the entire carcass from the scene of the collision.

§ 7504. Specific animals

1. Bear. Section 7502 shall not prohibit the taking or killing of bear found doing damage to blueberry land.

2. Beaver.

A. Beaver may not be taken or killed under sections 7501 and 7502.

B. The commissioner may cause department personnel to take nuisance beaver at any time without the consent of the landowner.

3. Birds. Wild birds may not be taken or killed under sections 7501 and 7502.

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

5. Deer.

A. Whenever deer are doing damage to orchards and crops, including legumes, but excepting grass, the department shall furnish to the owner or agent of the orchards and crops suitable repellants without cost to the owner or agent. The commissioner may follow other good conservation practices to alleviate the damage.

B. Whenever the commissioner deems it impossible to keep deer from doing damage to young orchards, he may enter into an agreement with the owner of a young orchard whereby the department will assume $\frac{1}{2}$ the cost of fencing the orchard.

C. No person is authorized to kill deer on blueberry lands unless written permission is first given by a game warden for a stated period of 3 days.

6. Dogs.

A. Any game warden may kill any dog outside the enclosure or immediate care of its owner or keeper when he finds that dog doing any of the following:

- (1) Chasing, killing, wounding or pursuing any moose, caribou, deer or elk at any time;**
- (2) Chasing, killing, wounding or pursuing any other wild animal in closed season; or**
- (3) Worrying, wounding or killing any domestic animal, livestock or poultry.**

B. Any owner of domestic animals, livestock or poultry, any member of his family, or any person to whom is entrusted the custody of any domestic livestock or poultry, may kill any dog killing or attacking any of the domestic animals, livestock or poultry.

C. Any person having evidence of any dog chasing, killing, wounding or pursuing moose, caribou, deer or elk or any other wild animal in closed season may present that evidence to the commissioner or any game warden.

- (1) The commissioner or game warden shall give notice in writing to the owner or keeper of the dog, stating the acts committed by the dog.**
- (2) After the owner or keeper of the dog has received written notice that his dog has committed any act prohibited by this subsection or section 7505, subsection 3, anyone may kill the dog when found committing any of those prohibited acts.**

D. Any person having evidence of any dog chasing, killing, wounding or pursuing any moose, caribou, deer or elk, or any other wild animal in closed season, or of any dog kept and used for that purpose, or of any dog worrying, wounding or killing any domestic animal, livestock, poultry, fowl or furbearing animal legally in captivity, when the dog is outside of the enclosure or immediate care of his owner or keeper, may present that evidence to the District Court having jurisdiction.

- (1) The court may issue a warrant against the owner of the dog, ordering him to show cause why the dog should not be killed.**
- (2) Upon hearing the evidence in the case, the court may order the dog killed by any game warden.**
- (3) The costs of prosecution shall be paid by the owner or keeper of the dog.**

7. Muskrat. The commissioner may declare an open season on muskrats that are polluting water supplies or damaging property if the owner makes a written complaint to that effect to the commissioner.

8. Raccoons.

A. The commissioner may suspend the game laws relating to raccoons in such restricted localities and for such periods of time as he finds it advisable to relieve excessive damage being done by them to sweet corn or other crops.

B. The commissioner may suspend subsection 6 for the purpose only of allowing dogs to be used in hunting and killing raccoons, providing the dogs are under the personal supervision of the owner at all times, for such periods of time as the commissioner finds it advisable.

§ 7505. Prohibited acts

1. Failure to report accident with deer or moose. A person is guilty of failure to report an accident with a deer or moose if he fails to report such an accident in accordance with section 7503, subsection 2, paragraph A.

2. Illegally removing portion of carcass. A person entitled to ownership of a deer or moose carcass under section 7503, subsection 2, paragraph B, is guilty of illegally removing a portion of a deer or moose carcass if he takes possession of or removes any portion of the carcass without taking possession of or removing the entire carcass from the scene of the collision.

3. Failure to restrain or control a nuisance dog. The owner or keeper of a dog is guilty of failure to restrain or control a nuisance dog if:

A. His dog is found chasing or pursuing any moose, caribou, deer or elk at any time, or any other wild animal in closed season;

B. His dog is found killing or wounding any moose, caribou, deer or elk at any time, or any other wild animal in closed season;

C. His bird dog, retrieving dog or hound is found killing or wounding any moose, caribou, deer or elk during the period in which it is lawful to train dogs, as provided for in section 7863, subsection 1, while the dog is at a licensed dog training area or at a licensed trial for retrieving dogs; or

D. He has been notified under section 7504, subsection 6, paragraph C, and he permits any dog mentioned in the notice to leave his immediate control.

SUBCHAPTER V

TRANSPORTATION OF WILD ANIMALS AND WILD BIRDS

§ 7531. Transportation by residents

Any resident may transport to his home any wild animal or wild bird which he has killed and which is legally in his possession, provided he is properly licensed and has met all other requirements of chapters 701 to 721.

§ 7532. Transportation by nonresidents

1. Common carrier. Any nonresident may transport or have transported to his home by a common carrier any wild animal or wild bird which he has killed and which is legally in his possession, provided he is properly licensed and has met

all other requirements of chapters 701 to 721.

2. Without fee. The hunting license of any nonresident entitles him to have any wild animal or wild bird which he has legally killed, transported to his home without further fee to the State.

§ 7533. Method of transportation

Any wild animal or wild bird transported or offered for transportation shall be open to view and accompanied by the person who killed that animal or bird, except that a wild animal or wild bird transported for nonresidents by common carrier need not be accompanied by the owner if all other requirements of chapters 701 to 721 are met.

§ 7534. Common carriers

Any common carrier accepting any wild animal or wild bird for transportation shall:

1. Check license. Be satisfied that the person presenting that animal or bird for shipment is the person to whom the hunter's license offered for inspection was issued;

2. Affix tags. Securely affix any tags and identification required by this chapter; and

3. Make returns. Make such returns to the commissioner as he may require.

§ 7535. Prohibited acts

1. Illegal transportation of wild animal or wild bird. A person or carrier is guilty of illegal transportation of a wild animal or wild bird if:

A. A person transports or offers for transportation any wild animal or wild bird except as provided in this subchapter;

B. A person or carrier accepts for transportation or transports any wild animal or wild bird except as provided in this subchapter; or

C. A person or carrier transports any wild animal or wild bird in closed season, except that any person who has killed any wild animal or wild bird in open season shall have a reasonable time after the beginning of the closed season in which to transport the animal or bird to his home.

CHAPTER 711

FISHING

SUBCHAPTER I

GENERAL PROVISIONS

§ 7551. Application of laws

1. Waters covered by provisions relating to fish. Chapters 701 to 721 so far as

they relate to fish of all varieties and fishways apply to fish and fishways in the inland waters of the State.

2. **Great ponds.** Any person on foot may engage in any activity on the great ponds not inconsistent with any other law or regulation of the State or its political subdivisions.

3. **Ponds of 10 acres or less.** All ponds of 10 acres or less in area, formed on brooks, streams or rivers, shall be governed by the same laws or rules governing fishing that apply to the brook, stream or river on which they are situated, whether the pond be natural or artificial. This subsection shall not apply to private ponds as set forth in section 7205.

§ 7552. Open and closed seasons

Except as provided in subsection 5, and except as the commissioner may by rule provide, the following shall be the open seasons for fishing in the State. All opening and closing dates are inclusive.

1. **All fish in lakes and ponds.** The open season for all fish in waters or portions of waters naturally free of ice in lakes and ponds shall be from April 1st to September 30th.

2. **All fish in rivers.** The open season for all fish in the rivers above tidewater in waters free of ice shall be from April 1st to September 15th.

3. **All fish in brooks and streams.** The open season for all fish in brooks and streams in waters free of ice shall be from April 1st to August 15th.

4. **Boundary waters between Maine and New Brunswick.** The open water fishing season on boundary waters between Maine and New Brunswick shall be from April 15th to September 30th.

5. **Exceptions.** Notwithstanding this section:

A. A person may take smelts at any time by the use of a dipnet in the usual and ordinary way in inland waters or portions thereof which are naturally free of ice, and where the taking of smelts is not prohibited by rules of the commissioner;

B. There shall be an open season for black bass in inland waters free of ice from April 1st to June 20th, during which the restrictions in section 7554, subsection 2, paragraph F, shall apply. After June 20th, black bass may be taken under subsections 1, 2 and 3;

C. In any waters where the bag limit on black bass has been removed by rule of the commissioner, the season on black bass and the method of fishing for them shall be the same as for trout and salmon;

D. The commissioner may issue a rule establishing an annual opening date as the last Saturday of April on waters reclaimed by the removal of rough fish;

E. The Kennebec River, downstream from Indian Pond dam in T1 R6, Somerset County to tidewater in Augusta, Kennebec County, shall be open to fly fishing only for all fish with a one fish daily limit from September 15th to October 31st; and

F. The open season in Aroostook County for all fish in rivers, brooks and streams is May 1st to September 15th.

§ 7553. Waters closed to fishing

Except as provided in subsection 4, and except as the commissioner may by rule provide, the following waters are closed to fishing.

1. Fishway dams. The area within 150 feet of any dam in which a fishway is located, except:

A. At the following places, the fishway and the area within 50 feet of any part of the fishway shall be closed to fishing at all times:

(1) Upper Dam in Richardsontown, (T4 R1), at the outlet of Mooselookmeguntic Lake in Oxford County;

(2) Middle Dam in T C at the outlet of Lower Richardson Lake in Oxford County;

(3) East Outlet Dam in Sapling, (T1 R7), in Somerset County; and

(4) Big Squaw Mountain in Piscataquis County at the outlet of Moosehead Lake;

B. At the following places, the area within 75 feet of the mouth of the fishway shall be closed to fishing at all times:

(1) Woodland Dam and Grand Falls Powerhouse Dam on the St. Croix River in the Town of Baileyville;

(2) East Grand Lake Dam, T9 R4; and

(3) Spednic Lake Dam, Vanceboro; and

C. At the so-called ice control dam on the Narraguagus River in the Town of Cherryfield, the area within 100 feet of the dam shall be closed to fishing at all times.

2. Fish hatcheries or rearing stations. All waters within 200 feet of any fish hatchery or rearing station.

3. Unity Utilities District. The property owned by the Unity Utilities District located on Route 139 and Prairie Road in the municipality of Unity in Waldo County.

4. Exceptions. Notwithstanding this section, a person may take alewives and smelts in the manner provided under the laws regulating marine resources.

§ 7554. Number and amount limits

1. Specific fish. Except as provided in subsection 2, and except as the commissioner may by rule provide, the number and amount limits for one day of any open season on any of the inland waters of the State for the species of fish listed below are:

- A. Black bass, salmon, togue or trout 8 in the aggregate;
- B. Pickerel..... 10;
- C. Smelts4 quarts; and
- D. Whitefish 8.

2. Exceptions. Notwithstanding this section:

A. Whenever any waters have a special bag limit, that special limit shall supersede the general bag limit set by statute or rule;

B. If a person has fished in 2 or more counties during any one day, the bag limit is the maximum number of fish allowed in the county allowing the largest number to be taken under the rules of the commissioner;

C. On boundary waters between Maine and New Brunswick, the daily number limit for bass, salmon, togue or trout is 15 fish in the aggregate;

D. The commissioner may issue a rule establishing a 5 fish daily limit on waters reclaimed by the removal of rough fish;

E. The commissioner shall promulgate a rule limiting to 5 the number of black bass which any contestant may take, catch or kill during the scheduled hours of any one day bass trournament held in accordance with section 7154;

F. During the open season for black bass set out in section 7552, subsection 5, paragraph B, 3 black bass per day, on artificial lures only, may be taken, and no person shall have in his possession at any one time more than 3 black bass or 7½ pounds in the aggregate;

G. The number limits for black bass, salmon, togue or trout in Aroostook County shall be 12 in the aggregate; and

H. Subsection 1, paragraph B shall not apply in Washington County.

§ 7555. Weight limits

1. Specific fish. Except as provided in subsection 2, and except as the commissioner may by rule provide, the weight limit for one day for black bass, salmon, togue or trout is 7½ pounds in the aggregate.

2. Exceptions. Notwithstanding this section:

A. If a person has fished in 2 or more counties during any one day, the weight limit is the maximum weight of fish allowed in the county allowing the largest number to be taken under the rules of the commissioner;

B. On boundary waters between Maine and New Brunswick, the daily weight limit for bass, salmon, togue and trout is 7½ pounds in the aggregate; and

C. There shall be no weight restrictions on the taking or catching of black bass by contestants during one day bass tournaments sponsored by Maine bass clubs and approved by the commissioner, which are held within the State during open season for black bass in waters free of ice in accordance with section 7154.

§ 7556. Length limits

1. Specific fish. Except as provided in subsection 2, and except as the commissioner may by rule provide, the minimum length for the species of fish listed are:

- A. Black bass10 inches;**
- B. Brown trout12 inches;**
- C. Rainbow trout12 inches;**
- D. Salmon.....14 inches;**
- E. Togue14 inches; and**
- F. Trout6 inches.**

2. Exceptions

A. Notwithstanding subsection 1, paragraphs A, D, E and F, the dressed length of any black bass, salmon, togue or trout with the heads and tails or either detached shall be equal to or greater than the legal length, unless the fish are being prepared for cooking. For the purposes of this paragraph, the smoking of fish shall not constitute cooking.

B. Notwithstanding subsection 1, paragraphs A, D, E and F, on boundary waters between Maine and New Brunswick, the minimum length for the species of fish listed are:

- (1) Black bass10 inches;**
- (2) Salmon.....14 inches;**
- (3) Togue.....14 inches; and**
- (4) Trout6 inches.**

C. Notwithstanding subsection 1, paragraphs B, C and F, there shall be no length limit for brook trout, brown trout or rainbow trout taken from brooks, streams and rivers.

D. Notwithstanding subsection 1, paragraph D, the length limit on salmon taken from any of the waters in Aroostook County shall be 12 inches.

SUBCHAPTER II**ICE FISHING****§ 7571. Areas closed to ice fishing**

All inland waters of the State are closed to ice fishing except those which have been opened to fishing through the ice by rule of the commissioner.

1. Waters reclaimed by removal of rough fish. The commissioner may issue a rule closing to ice fishing waters that have been reclaimed by the removal of rough fish.

2. Cusk. The commissioner may open other waters for ice fishing for cusk in the nighttime.

3. Boundary waters between Maine and New Brunswick. All waters on the boundary between Maine and New Brunswick shall be closed to ice fishing, except that there shall be an open season for ice fishing on lakes on the boundary between Maine and New Brunswick for all species except salmon, trout, togue and bass, from January 1st to March 31st of each year.

§ 7572. Restrictions

1. Five-line limit. A person licensed to fish may fish through ice in the daytime with not more than 5 lines set or otherwise, which shall be under his immediate supervision, in any waters which have been opened to ice fishing by the commissioner.

2. Cusk. A person licensed to fish may fish in the nighttime for cusk in waters which have been opened to ice fishing by the commissioner by using not more than 5 lines set or otherwise. All lines set for cusk in the nighttime shall be visited at least once every hour by the person setting them.

3. Open water fishing provisions applicable. Unless otherwise specified, the legal lengths, the restrictions on use or possession of live fish as bait, and the daily limits which have been established for open water fishing in each county shall apply to all waters open to ice fishing in those counties.

4. Black bass. Unless otherwise provided by rule, a person may take black bass through the ice during the same period that it is lawful to take salmon and trout.

SUBCHAPTER III**PROHIBITED ACTS****§ 7601. Closed season violation**

A person is guilty of a closed season violation if he fishes for any fish or possesses any fish taken during the closed season on that fish.

§ 7602. Fishing in inland waters closed to fishing

A person is guilty of fishing in inland waters closed to fishing if he fishes in inland waters closed to fishing as described in sections 7552 and 7553 or in inland waters closed to ice fishing as described in section 7571, except that a person may fish for alewives and smelts in the manner provided under the laws regulating marine resources.

§ 7603. Illegal fishing for Atlantic salmon

A person is guilty of illegal fishing for Atlantic salmon if he fishes for Atlantic sea run salmon in violation of the provisions of chapter 611.

§ 7604. Violation of number, amount, weight or size limits

A person is guilty of a violation of a number, amount, weight or size limit if he fishes for or possesses fish in violation of the number, weight or size limits in sections 7554, 7555 or 7556, or in any rule promulgated by the commissioner, except that a person may fish for or possess more than 7½ pounds in the aggregate of trout, salmon, togue and black bass if the last fish caught increases the combined weight to more than 7½ pounds.

§ 7605. Illegally introducing fish or fish spawn

A person is guilty of illegally introducing fish or fish spawn if he introduces fish or fish spawn raised by the department into a private pond.

§ 7606. Selling, using or possessing illegal live bait

A person is guilty, except as provided in section 7630, subsection 1, of selling, using or possessing illegal live bait if he sells, uses or possesses for use as bait for fishing any pickerel, goldfish, yellow perch, white perch, bass, sunfish, crappie, hornpout, carp or any spiny-finned fish, either dead or alive.

§ 7607. Jigging

A person is guilty of jigging if he fishes for, with a hook or hooks manipulated in such a manner as to pierce and hook a fish in any part of the body other than the mouth, any fish in the inland waters of the State and any salmon in tidal rivers.

§ 7608. Fishing with illegal implements or devices

A person is guilty of fishing with illegal implements or devices if he uses any fish spawn, grapnel, spear, spear gun, trawl, weir, gaff, seine, gill net, trap or set lines or electronic, sonic or battery powered devices for fishing, except that a person may take suckers, eels, hornpout, alewives, yellow perch, whitefish and cusk in accordance with section 7153 and except as otherwise provided.

§ 7609. Possession of illegal implements and devices

A person is guilty of possession of illegal implements and devices if he possesses any grapnel, trawl, weir, seine, gill net or trap or set line in any lodge or place of resort for hunters or fishermen or in its immediate vicinity, or on any of the inland

waters of the State, or in their immediate vicinity, in the inland territory of the State, except that a person may possess these prohibited implements and devices in accordance with sections 7153, 7241 and 7771.

§ 7610. Illegal use of a helicopter

A person is guilty of illegal use of a helicopter if he uses a helicopter for the purpose of transporting a sports fisherman or a sport fish to or from any pond under 10 acres in size or any beaver flowage.

§ 7611. Fishing with more than 2 lines

A person is guilty of fishing with more than 2 lines if he fishes with more than 2 lines at any one time, except that a person may fish with more than 2 lines in accordance with subchapter II on ice fishing.

§ 7612. Use or possession of live fish as bait in reclaimed waters

A person is guilty of use or possession of live fish as bait in reclaimed waters if he uses or possesses live fish as bait in waters reclaimed by the removal of rough fish after the commissioner has issued a rule prohibiting that use or possession.

§ 7613. Importing live bait

A person is guilty of importing live bait if he imports into this State any live fish, including smelts, which are commonly used for bait fishing in inland waters.

§ 7614. Illegal use of hellgramites

A person is guilty of illegal use of hellgramites if he takes, buys or transports any hellgramites for use beyond the limits of this State.

§ 7615. Purchase or sale of certain fish

A person is guilty, except as provided in section 7630, subsection 2, of purchase or sale of black bass, landlocked salmon, pickerel, togue, trout or white perch if he purchases or sells any of those fish either directly or indirectly.

§ 7616. Illegal importation or sale of certain fresh or frozen fish

A person is guilty of illegal importation or sale of fresh or frozen landlocked salmon, brook trout, brown trout, rainbow trout or lake trout if he imports or offers for sale any of those fish, fresh or frozen, whose source is outside of the continental United States or Canada.

§ 7617. Taking fish by an explosive, poisonous or stupefying substance

A person is guilty of taking fish by an explosive, poisonous or stupefying substance if he uses dynamite or any other explosive, poisonous or stupefying substance at any time for the purpose of taking or destroying any kind of fish.

§ 7618. Illegal angling or fishing

A person is guilty of illegal angling or fishing if he angles or fishes other than by the use of the single baited hook and line, artificial flies, artificial lures and

spinners, except that a person may take smelts in Fish River Chain of Lakes, Aroostook County, by use of 3 single baited hooks spaced a minimum of 4 inches apart.

§ 7619. Use of illegal implements or devices on the Pleasant River in Washington County

A person is guilty, except as provided in section 7630, subsection 3, of use of illegal implements or devices on the Pleasant River in Washington County if, between May 1st and December 1st of each year, he uses any fish spawn, grapnel, spear, trawl, weir, gaff, seine, gill net or trap or set line on the waters of the Pleasant River and its tributaries in Columbia Falls and Addison, in Washington County, above Maine River Bridge, so called, in Addison.

§ 7620. Possession of illegal implements or devices on the Pleasant River in Washington County

A person is guilty, except as provided in section 7630, subsection 3, of possession of illegal implements or devices on the Pleasant River in Washington County if, between May 1st and December 1st of each year, he possesses any grapnel, trawl, weir, seine, gill net or trap or set line on the waters of the Pleasant River and its tributaries in Columbia Falls and Addison, in Washington County, above Maine River Bridge, so called, in Addison.

§ 7621. Use or possession of gill net

A person is guilty of use or possession of a gill net if he uses or possess a gill net.

§ 7622. Advance baiting

A person is guilty of advance baiting if he deposits any meat, bones, dead fish, parts of meat, bones, or dead fish or other food for fish for the purpose of luring fish, known as "advance baiting."

§ 7623. Unlawfully trolling a fly

A person is guilty of unlawfully trolling a fly if he trolls a fly in inland waters restricted to fly fishing.

§ 7624. Abuse of another person's property

A person is guilty of abuse of another person's property if, while fishing, he:

1. Destroys fence. Tears down or destroys any fence or wall on another person's land;
2. Leaves open gate. Leaves open any gate or bars on another person's land;
or
3. Destroys crops. Tramples or destroys any crop on another person's land.

§ 7625. Failure to label fish

A person is guilty of failure to label fish if he keeps any black bass, salmon,

togue or trout at any sporting camp, hotel or public lodging place and fails to attach the name and address of the person who caught them to the fish.

§ 7626. Night ice fishing

A person is guilty, except as provided in section 7572, subsection 2, of night ice fishing if he ice fishes from ½ hour after sunset to ½ hour before sunrise of the following morning.

§ 7627. Leaving an ice fishing shack

A person is guilty of leaving an ice fishing shack if he owns any shack or temporary structure used for ice fishing and he leaves or allows the shack or structure to remain on the ice of any inland waters 3 days after the waters on which the shack or structure is located is closed to ice fishing.

§ 7628. Failing to label ice fishing shack

A person is guilty of failing to label an ice fishing shack if he owns any shack or temporary structure used for ice fishing, and he fails to have painted on the outside of the shack or structure in 2-inch letters the owner's name and address when the shack or structure is on the ice of any inland waters.

§ 7629. Violation of ice fishing restriction

A person is guilty of violation of an ice fishing restriction if he violates any ice fishing restriction in section 7572.

§ 7630. Exceptions

1. Section 7606. Notwithstanding the provisions of section 7606:

A. Nothing in this Title prohibits the use of the eggs of either Atlantic sea run salmon or landlocked salmon for bait; and

B. It is lawful to take minnows usually used as bait for fishing, other than the species named in section 7606, for fishing in all the inland waters of the State during the period that such waters are open for fishing, as bait for fishing only in this State, except that the commissioner may grant permits to take minnows for bait purposes from certain waters at any time in accordance with section 7173.

2. Section 7615. Notwithstanding the provisions of section 7615:

A. Pickerel may be sold in Washington County; and

B. That section shall not apply to fish which have been lawfully produced by commercial producers within the State or which have been lawfully imported from without the State.

3. Sections 7619 and 7620. Notwithstanding sections 7619 and 7620:

A. Those sections shall not apply, for the period from September 1st to December 31st of each year, to the taking of smelts by brush wing weirs constructed to fish on the ebb tide, provided no brush weir will be constructed to

close more than $\frac{3}{4}$ of the river at low tide; and

B. Those sections shall not apply to the taking of alewives from the described waters as authorized by the general law or by vote of the Town of Columbia Falls.

CHAPTER 713

WILDLIFE AND FISHERIES MANAGEMENT

SUBCHAPTER I

WILDLIFE SANCTUARIES AND WILDLIFE MANAGEMENT AREAS

§ 7651. Wildlife sanctuaries

1. Designation of wildlife sanctuaries. The following described territories are designated as wildlife sanctuaries and are subject to the commissioner's authority under section 7653:

Back Bay Sanctuary, Portland: Back Bay, so called, in Portland, in the County of Cumberland, above the Grand Trunk Railway bridge or within the area enclosed by a boundry line drawn as follows: Beginning at Fish Point at the easterly end of the Eastern Promenade in the City of Portland, thence extending about northeasterly to Pomeroy's Rock, thence about northeasterly to Mackworth or Half-way Rock southerly of Mackworth or Mackey Island, thence in a northerly direction to a point marked by a buoy 1,000 feet from the most easterly point of Mackworth Island, so called, thence in a northwesterly direction 700 yards more or less to the northernmost point of the large ridge on the north side of Mackworth Island, thence in a north northwesterly direction in a straight line about parallel to the Town of Falmouth shore to the point on the shoreline where the property known as the Berry Estate meets the property known as the Portland Country Club, thence northwesterly and southwesterly along the shore line of the Town of Falmouth including that of the salt water pond adjacent to the property known as the Portland Country Club to Mackworth or Mackey Point, thence about southwesterly along the easterly side of Martin Point bridge to the shore of East Deering (United States Marine Hospital) Portland, thence about southwesterly and southerly along said East Deering shore to the Grand Trunk bridge, thence along the easterly side of said Grand Trunk bridge to the shore of the Eastern Promenade, Portland, thence about southerly along said shore of the Eastern Promenade to the said Fish Point, the point of beginning.

Baxter State Park: The following described tracts of territory situated in the Counties of Penobscot and Piscataquis W. E. L. S. the same being in unorganized townships, to wit: That portion of Township 6, Range 8, Penobscot County in the southwest corner of said township bounded and described as follows: Beginning at the southwest corner of said township thence north along the west line of said township to First Grand or Matagamon Lake; thence easterly, southeasterly and southerly along the western shore of said lake to the

point where the said western shore intersects the north line of the Dam Lot, so called, which was conveyed to the East Branch Dam Company by deed dated October 28, 1902 and recorded in Penobscot County Registry of Deeds in book 727, page 335 and reputed to be now owned by the East Branch Improvement Company; thence running west along the north line of said Dam Lot to the northwest corner thereof; thence running south along the west line of said Dam Lot to the southwest corner thereof; thence running east along the south line of said Dam Lot to the East Branch of the Penobscot River; thence running south by said East Branch to a point in the south line of said township where the said East Branch intersects the same; thence running west along the said south line of said township to the southwest corner thereof and the point of beginning; all of Township 3, Range 9, Piscataquis County now the property of the State of Maine: All of Township 4, Range 9, Piscataquis County: All of Township 5, Range 9, Piscataquis County: That portion of Township 6, Range 9, Piscataquis County lying south of Trout Brook and south of Wadleigh Brook and extending from the east line of said township across said township to the west line thereof: All of Township 3, Range 10, Piscataquis County: All of Township 4, Range 10, Piscataquis County: All of Township 5, Range 10, Piscataquis County, excepting therefrom an area of 20 acres in the southwesterly quarter thereof, formerly owned by and belonging to Charles A. Daisey, now owned by Arnold R. Daisey, which was excepted and reserved from a deed from Percival Proctor Baxter to the State of Maine, as set forth in chapter 91 of the private and special laws of 1943. The said within described 8 tracts or parcels of land contain 149,506 acres, more or less.

Beauchamp Sanctuary: The following described territory situated in Rockport and Camden, in the County of Knox: Beginning at the mouth of Goose River in Rockport; thence in a northerly direction along number 1 highway to the mouth of the Megunticook River in Camden; thence in a southerly direction along the coast around Metcalf Point and Beauchamp Point and thence in a northerly direction to the said Goose River.

Carver's Pond Waterfowl Sanctuary: The waters of Carver's Pond, so called, in the Town of Vinalhaven, County of Knox or 100 feet from the mean high water mark of said pond. Carver's Pond for the purpose of this sanctuary shall be considered all the waters of said pond above the bridge on Main Street of the Town of Vinalhaven.

Drake's Island Game Sanctuary: All that part of Drake's Island, so called, in the Town of Wells, which is bounded as follows: Northerly by the game sanctuary established by chapter 31 of the public laws of 1927; easterly by the Atlantic Ocean; southerly by the Wells River; and westerly by said river and creek flowing under Dyke's Bridge, so called.

Dry Pond Sanctuary: On Dry Pond or from the shores of said pond, which pond is situated in the Town of Gray, in the County of Cumberland.

Fairfield Sanctuary: The following described territory situated in the Town of Fairfield, in the County of Somerset: Good Will Farm, so called; the Girls'

Farm, so called, of Good Will Farm; land of G. W. Hinckley; land of John Connor; land of J. Russell Barrett, which land is bounded as follows: On the north by land of Edwin Hicks and N. E. Bessey; on the east by the Kennebec River; on the south by land of Fred Tobey, Frank Moore, H. B. Hamm and C. B. Tuttle, also by the Fairfield town farm; on the west by land of L. P. Gifford, Alonzo Hoxie, Edwin Marcou and also by Martin Stream; said territory being Good Will Farm proper, so called, the Girls' Farm, so called, and land of G. W. Hinckley, John Connor and J. Russell Barrett, adjacent to the above-named farms. For provisions relating specifically to Fairfield Sanctuary, see section 7654, subsection 8, paragraph A, subparagraph (4).

Glencove Sanctuary; Rockport: Glencove, so called, in Penobscot Bay, which cove is situated in the Town of Rockport, in the County of Knox, and which cove is bounded as follows, to wit: On the north, west and south by the main land, on the east by a line extending from Smith's Point to Ram Island and from Ram Island to the easterly point of Pine Hill in said Rockport.

Gray Game Sanctuary: The following described territory situated in the Town of Gray in the County of Cumberland: Beginning at Gray Corner following the Poland Spring Road to Dry Mills, thence following the North Raymond Road to the guidepost at intersection of East Raymond Road, thence following the East Raymond Road to Douglass Mill Road; thence following the Douglass Mill and Furbush Road to "Sand Brook," so called, on shore of Little Sebago Lake, thence following shore of Little Sebago Lake to Foster Shore, so called, at intersection of Foster and Ramsdell Road, so called, near camp of Dr. Cushing following last named road in easterly direction to intersection of Ramsdell Road near homestead of Edgar Foster, thence in a southerly direction following said Ramsdell road to intersection of road leading from Gray to West Gray, thence following last named road to Gray Corner to point of beginning.

Hog Island Game Sanctuary: Hog Island in the Town of Bremen, Lincoln County.

Jefferson and Whitefield Sanctuary: The following described territory situated in the Towns of Jefferson and Whitefield, in the County of Lincoln, which land is bounded as follows: On the north by the highway leading from Weary Pond to South Jefferson; on the east by Sterns Brook and by Little Dyer's Pond and the inlet stream and marsh of said pond and by the highway leading from South Jefferson to Alna; on the south by the Alna town line; on the west by the road leading from Alna to said Weary Pond, in the Town of Whitefield.

Kineo Point Sanctuary: Kineo Point, in Kineo, in the County of Piscataquis.

Limington, Hollis and Waterboro Sanctuary: The following described territory situated in the Towns of Limington, Hollis and Waterboro, in York County; beginning at a point where the Little Ossipee River joins the Saco River in the Town of Limington, thence westerly and southerly along said Little Ossipee River to the highway at Edgecomb's bridge, so called, in Waterboro,

thence southerly and easterly along said highway to North Hollis, in the Town of Hollis, thence easterly and northerly along the road next west of Killick Brook to the road leading from Nason Mills to Bonney Eagle, thence northeasterly along said Bonney Eagle Road to the town line between Limington and Hollis, thence northerly along said town line to the Saco River, thence northerly along said Saco River to the point of beginning. All roads which serve to bound said Limington, Hollis and Waterboro game sanctuary shall be a part of said sanctuary. For provisions relating specifically to Limington, Hollis and Waterboro Sanctuary, see section 7654, subsection 5.

Megunticook Lake and Vicinity Sanctuary: The waters of Megunticook Lake, formerly called Canaan Lake, and its tributary lakes, ponds and streams, and upon the land bordering on the same included within the following roads: Beginning at Hopkins' Corner, so called, in the Town of Camden; thence via the Turnpike Road, so called, to Lincolnville Center; thence to Wiley's Corner in Lincolnville, thence to the Mansfield schoolhouse in the Town of Camden; thence via the Fish Hatchery to place of beginning; all of said lake, its tributaries and shores being located in the Towns of Camden, Lincolnville and Hope, in the Counties of Knox and Waldo. For provisions relating specifically to Megunticook Lake and Vicinity Sanctuary, see section 7654, subsection 8, paragraph C, subparagraphs (1) and (2).

Merrymeeting Bay Game Sanctuary: Merrymeeting Bay in the Towns of Bowdoinham and Woolwich bounded as follows: Commencing at the high tension tower on Kelley's Point, so called, in Bowdoinham; thence westerly by a line approximately 100 feet above the high water mark designated by a series of posted signs over the field lands and by posted signs and a single strand of wire through the wooded area thus southerly 100 feet more or less to a red stake at the high water mark of Merrymeeting Bay; thence southerly approximately 400 yards to a red stake or marker on range between the first mentioned red stake and Butler's Head, so called, this stake or marker shall also be on range between the iron pin on the southeasterly corner of the Inland Fisheries and Wildlife camp lot on the west shore of the Abagadasset River and the eastern support tower on the southern high tension power line in Woolwich; thence southeasterly across the flats and waters of Merrymeeting Bay approximately 1,900 yards to a red stake or marker located near high water mark on Elliott's Point, so called, on the Woolwich shore; thence northeasterly following high water mark approximately 1,250 yards to a red stake or marker under the overhead high tension power cables; thence westerly by a straight line to the point of beginning.

For provisions relating specifically to Merrymeeting Bay Game Sanctuary, see section 7654, subsection 4.

Monroe Island Game Sanctuary: Monroe Island, in the Town of Owl's Head, in the County of Knox.

Moosehead Lake Game Sanctuary: The following described tracts or territory situated in the County of Piscataquis: Moose Island and Farm

Island, in Moosehead Lake, and the territory bounded as follows: Beginning on the shore of Moosehead Lake at a point nearest to the easterly end of the state road leading westerly from Greenville Junction, so called, to the state fish hatchery on Squaw Brook, thence westerly by said state road to said hatchery, thence northeasterly down said brook to the shore of Moosehead Lake, thence by the shore of said lake to the point of beginning.

Moosehorn Game Sanctuary: The right-of-way of the Maine Central Railroad from St. Croix Junction in Calais, southerly to the Charlotte town line.

Narragansett Game Sanctuary: The following described territory situated in the Town of Gorham, in the County of Cumberland: Bounded on the north by the right-of-way of the W. N. & P. division of the Boston & Maine railroad; on the east by the Black Brook Road or Scarboro Road, so called, in said Town of Gorham; on the south by the Stroudwater River; and on the west by South Street or South Gorham Road, so called, in said Town of Gorham, containing 3,600 acres, more or less. For provisions relating specifically to Narragansett Game Sanctuary, see section 7654, subsection 8, paragraph A, subparagraph (4).

Ocean Park Game and Bird Sanctuary: The following described territory situated in the Town of Old Orchard Beach, in the County of York: Beginning at a point on the easterly side of Fresh Water Cove Brook, so called, where the same intersects the Boston and Maine Railroad right-of-way; thence southerly along said brook to its mouth where it joins the Goose Fare Brook; thence southeasterly along said Goose Fare Brook to its mouth; thence easterly and parallel with the Atlantic Ocean and 50 feet in front of all bulkheads and houses fronting on the beach to the easterly side of Tunis Avenue; thence northwesterly along said avenue to the Boston and Maine Railroad right-of-way; thence by said Boston and Maine right-of-way to point of beginning.

Orrington Game Sanctuary: The following described territory beginning at a point on the state aid road No. 4, in Orrington, at the East Bucksport turn, extending in a southerly and southeasterly direction to the county line; on the road leading to Thurston Pond, to the Hancock County line; thence southwestwardly along said county line to the land of Harry Byard; north along said line to the land of E. F. Bowden; west on said line to the land of Frank Betts; northerly on line of E. F. Bowden to land of Fred Bowden; west on Fred Bowden's line to land of J. Betts; northerly on line of Fred Bowden and J. Betts to line of H. Byard; westerly on Byard's line and line of Mary Gray to land of P. W. Gray; northerly on Gray's line to land of J. Bowden heirs; northerly across said land to the line of E. F. Bowden and J. W. Bowden heirs; easterly on J. W. Bowden heirs' line to the first mentioned bound. The commissioner may add adjacent property to said game sanctuary upon application of said adjacent property owners.

Pittston Farm Sanctuary: Pittston Farm, so called, in Pittston Township, in the County of Somerset, being all the fields, pastures and cultivated lands of said farm.

Prout's Neck; Richmond's Island; Cape Elizabeth Sanctuary: The following described territory: On the 112 acres of land, more or less, comprising Prout's Neck, so called, in the Town of Scarborough, 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 watermark 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. For the purpose of this paragraph, Richmond's Island shall include only that portion of land above the mean high watermark and the easterly portion, as defined by red painted markers, of the causeway between Richmond's Island and the mainland. For provisions relating specifically to Prout's Neck; Richmond's Island; Cape Elizabeth Sanctuary, see section 7654, subsection 8, paragraph A, subparagraphs (3) and (4).

Rangeley Game Sanctuary, in the County of Franklin: The following described tract or territory, situated in Rangeley, in the County of Franklin, to wit: So much of said Town of Rangeley as is bounded as follows: Southwesterly by Rangeley Lake; northwesterly and northeasterly by route No. 16; and southeasterly by the inlet to Rangeley Lake leading from Haley Pond, so called. The territory above described being so much of said Town of Rangeley, as lies between Rangeley Lake, the outlet of Rangeley Lake, route No. 16 and said inlet to Rangeley Lake from Haley Pond. This paragraph shall apply to that part of Hunter Cove, so called, lying northerly of Hunter Cove Bridge, so called.

Rangeley Lake Sanctuary: Rangeley Lake bounded as follows: Beginning at Gilman's Point on the northerly shore of Rangeley Lake; thence southerly across said lake to the southwesterly corner of land of the Rangeley Lake Hotel Corporation; thence northerly, westerly and southerly around the shore of said Rangeley Lake back to the original starting point. Boats may pass through without incurring any penalty.

Rangeley Plantation Sanctuary: The following tracts of land situated in Rangeley Plantation in the County of Franklin: Land of the Maine Conference Association of Seventh-day Adventists and the adjoining land now or formerly owned by Mrs. Franklin B. Stahl, said parcels laying southerly of Rangeley Lake. The commissioner may, after notice and public hearing, add adjacent property to said game sanctuary upon application of the owners of said adjacent property. For provisions relating specifically to Rangeley Plantation Sanctuary, see section 7654, subsection 8, paragraph B, subparagraph (1).

Readfield and Winthrop Sanctuary: The waters of Carleton Pond, so called, in the Towns of Readfield and Winthrop in the County of Kennebec, and the lands of the Augusta Water District adjacent to said pond and located in said Towns in Readfield and Winthrop, now owned or which may be hereafter acquired by said district in furtherance of its chartered purposes. For provisions relating specifically to Readfield and Winthrop Sanctuary, see section 7654, subsection 7, and subsection 8, paragraph B, subparagraphs (2) and (3).

Salmon Pond Sanctuary: That territory lying within a distance of $\frac{1}{4}$ of a mile of Salmon Pond, which pond is situated in the Town of Guilford, in the County of Piscataquis, said pond being the source of water supply for the Dover-Foxcroft Water District, also all the lands now owned by said Dover-Foxcroft Water District in Lots 3 and 4, Range 7, which lie outside of the above $\frac{1}{4}$ of a mile limit.

Somerset Game Sanctuary: The following described tract or territory situated in Somerset County, the same being in unorganized territory, and taking in parts of Sapling Town, Misery Gore, Taunton and Raynham Township, and including the whole of Sandbar Tract, bounded and described as follows: The territory from the highway, being route 15, east to low watermark on Moosehead Lake between East Outlet and West Outlet, bounded as follows: Beginning at the junction of the low watermark of Moosehead Lake and the northerly side of the East Outlet of said lake; thence westerly by the northerly side of said East Outlet to the highway, being route 15; thence northerly by said highway to the southerly side of the West Outlet of said Moosehead Lake; thence easterly by the southerly side of said West Outlet to low watermark of Moosehead Lake; thence southerly by said low watermark of Moosehead Lake to the point of beginning.

Standish Sanctuary: The following described territory in the Town of Standish in the County of Cumberland: Beginning at the point where the Maine Central railroad crosses the Pequaket Trail in Steep Falls; thence southerly and easterly by said Pequaket Trail, the Oak Hill Road, so-called, and the so-called back road from Steep Falls to Richville to its junction with the Rich Mill Road, so-called; thence by said Mill Road northeasterly to its junction with the road leading from Sebago Lake to East Sebago; thence by the last named road northerly to a point approximately $1\frac{1}{4}$ miles north of the Maine Central railroad crossing; thence by a certain wood road westerly to its junction with the Maine Central railroad; thence by said railroad northwesterly to the point of beginning. All roads and the Maine Central railroad right-of-way which serve to bound said Standish Game Sanctuary shall be a part of said sanctuary. For provisions relating specifically to Standish Sanctuary, see section 7654, subsection 6.

Thornrag-Stanton Bird Sanctuary: The following described territory, situated in the City of Lewiston, County of Androscoggin, and the Town of Monmouth, County of Kennebec, to wit: Bounded on the north by land of H.

Osmond Wood; on the east by land formerly owned by Benjamin Thorn; on the south by the road leading from Barker's Mills schoolhouse to Thorne's Corner; on the west by land of H. Osmond Wood and George H. McGibbon; said tract being wholly situated within the City of Lewiston in said County of Androscoggin and containing 45 acres, more or less. The most northerly corner of land of the estate of George K. Davis, bounded and described as follows, to wit: On the northwest by land of the so-called Ham Farm; on the northeast by Pleasant Street; on the southwest by land of Joseph Breault; and on the southeast by a line extending northeasterly from the easterly corner of said Breault's land and being a continuation of the southeast boundary of said Breault's land, containing 2 acres, more or less, situated in the City of Lewiston, in the County of Androscoggin. Beginning at a maple tree at the southeast corner of the Ricker farm, now or formerly so called, thence running west, northwest 244 rods to a stooping cedar in what is now or was formerly a swamp, thence south $22\frac{1}{2}^{\circ}$ west, 122 rods to a stake near Wyman Pond now or formerly so called; thence east, southeast 244 rods to the lot first conveyed by a deed from Benjamin Woodbury to Mary A. Davis; thence by said lot above described as first conveyed by said deed, 122 rods to the point of beginning, containing about 132 acres, more or less, situated in the Town of Monmouth, in the County of Kennebec.

Tomhegan Game Sanctuary: The following territory in Township 1, Range 2, N. B. K. P., commonly known as Tomhegan Town, in the County of Somerset, described as follows: Beginning at a cedar post and stones, the post being marked PRESERVE C/W 1931, standing on the line which is the division line between the land owned by the Great Northern Paper Company and that owned by the trust estate of F. W. Rollins, standing on the westerly shore of Socatean Bay in Moosehead Lake; thence westerly on said division line 1 mile and 160 rods to a cedar post and stones, the post being marked PRESERVE C 1931; thence southerly at right angle to said division line 250 rods to a cedar post and stones, the post being marked PRESERVE C/W 1931 and standing on the northerly shore of Tomhegan Bay in Moosehead Lake; thence easterly and northerly along the shore of Moosehead Lake around Socatean Point, so called, to the point of beginning and containing 700 acres, more or less.

Wells Sanctuary: The following described tract or territory, situated in the Town of Wells, in the County of York:

A certain tract of land, bounded and described as follows: On the east by the Atlantic Ocean; on the south by the Drake Island Road, so called; on the west by the U. S. Number 1 highway, so called; on the north by the town line of Kennebunk and Wells.

Wells and York Game Sanctuary: The following described territory situated in the Towns of Wells and York in York County; beginning at a point on highway No. 1 where the Josias River meets said highway No. 1 in the Town of Wells, thence southwesterly along said Josias River to the Maine Turnpike in the Town of York, thence northerly along said Maine Turnpike to the Agamenticus Road

overpass; thence westerly across said overpass by Agamenticus Road to the North Village Road; thence northerly along said North Village Road to Ogunquit-North Berwick Road, thence easterly along said Ogunquit-North Berwick Road to highway No. 1 in the Town of Wells, thence southerly along highway No. 1 to the point of beginning in the Town of Wells.

Willow Water Game Sanctuary: The following named territory, on the following described properties, located in the Town of Perry:

Beginning on the county road on the westerly line of the Reed Farm, so called, now or formerly owned by Mrs. J. Abiah McPhail, and thence running north 4° east, following said line, 32 rods to a marked tree; thence 75° west 20 rods to a stake; thence south 4° east 32 rods to the county road; thence easterly by the county road to the place of beginning. The same being the building lot formerly owned by the late John W. Trott and containing 4 acres, more or less.

And one other lot or parcel of land lying and being on the northerly side of the county road leading from the Eastport-Perry Bridge to Pembroke and bounded and described as follows, to wit: Beginning at the southwest corner of land formerly of the John W. Trott estate and thence running northerly on the west line of said Trott land to the northwest corner thereof; thence easterly on the north line of said Trott land to land now or formerly of Mrs. J. Abiah McPhail, formerly of John Reddington; thence north 1° east along the west line of said McPhail land to land now or formerly of the Charles J. Trott estate; thence westerly on the south line of said Trott land 62 rods; thence northerly on the westerly line of said Trott land 48 rods to the Morrison lot, so called; thence westerly on the said Morrison lot to land now or formerly of W. W. Brown; thence south ½° west 200 rods to the county road; thence easterly on said county road 77 rods to the place of beginning, containing all 107 acres, more or less, being part of lots numbered 29 and 30 according to the plan of the Town of Perry.

And one other lot or parcel of land known as the pasture lot formerly the Wm. H. Brown Farm, bounded generally as follows, to wit: On the north by land formerly of S. Frost; on the east by land of Trott, on the south by the county road leading to Pembroke and on the west by land of M. Conley and land of others, names unknown, the above described lots being known as the Elijah Loring Farm in said Perry.

And a certain lot of land bounded on the north by land of the late John McCarty; on the east by Frost's Cove; on the south by lands formerly of Lucinda Frost and of Lewis D. Frost; and on the west by lands of the late John Morrison, William Anderson and the late John McCarty, containing 75 acres, more or less.

And one other lot or parcel of land bounded and described as follows, to wit: On the east by lots numbered 19 and 20; southerly by land of the late John Loring and the Russell lot, so called; westerly by lots numbered 10 and 11; and northerly by the William Anderson lot, and land formerly owned by the late Aaron Frost.

And one other certain lot or parcel of land bounded and described as follows, to wit: Bounded on the north by road leading from county road, to the field on the west; on the east by the county road leading from Eastport to Calais, on the south and the west by land of Lucinda Frost, afterwards conveyed to Jennie Frost; said lot being 10 rods on the county road and 8 rods back from the road.

And one other certain lot or parcel of land bounded and described as follows, to wit: On the east by the county road leading from Eastport to Robbinston; on the south by land formerly owned by John A. Frost, on the west by land formerly of Sidney S. Frost and on the north by land formerly of Sidney S. Frost.

The owner of the properties included within the Willow Water Game Sanctuary shall enclose the same with a suitable fence and shall cause the erection of suitable signs on or near said sanctuary indicating that no hunting is permitted thereon. Near the center of said game sanctuary such owner is authorized to construct a 15-acre pond for the propagation of waterfowl, principally wood duck, teal and blacks. For provisions relating specifically to Willow Water Game Sanctuary, see section 7654, subsection 8, paragraph A, subparagraph (1).

York Game Sanctuary, in the County of Franklin: The following named territory; on the property of the following named persons, to wit: On land of J. Lewis York and on land of Yorks; said game sanctuary being in the northwest corner of Dallas Plantation, and bounded as follows, to wit: West by the east line of the Town of Rangeley; north by the south line of Lang Plantation; east by the west line of the public lot in Dallas Plantation; and south by land of Furbish, Goodspeed Company and land of the heirs of Henry Bliss, containing 539 acres, more or less. this game sanctuary shall be called the York Game Sanctuary.

For provisions relating specifically to York Game Sanctuary, in the County of Franklin, see section 7654, subsection 8, paragraph A, subparagraph (2).

2. Temporary wildlife sanctuaries.

A. The commissioner may, upon the written consent of landowners, create from any lands within the State, not to exceed 1,000 acres, a sanctuary or sanctuaries for the purpose of liberating tame deer.

B. The commissioner may release all or any part of such lands from the restrictions of a sanctuary or sanctuaries, whenever he deems it expedient.

§ 7652. Wildlife management areas and public access sites

1. Acquisition of land.

A. The commissioner may acquire in the name of the State, by gift, bequest or otherwise, real and personal property for the location, construction and convenient operation of a wildlife management area or public access sites to Merrymeeting Bay.

B. The commissioner may purchase, lease or take and hold, for and in behalf

of the State as for public uses, land and all materials in and upon it or any rights necessary for the purpose of establishing, erecting and operating wildlife management areas.

C. When the commissioner finds that a public need requires the taking of any land or rights for the purposes set out in this subsection, he shall cause them to be surveyed, located and described so that they can be located.

D. A plan of the land or rights shall be filed and recorded in the registry of deeds where the land or rights are located.

E. The filing of the plan and description shall vest the title to the land and right in the State or its grantees, to be held during the pleasure of the State.

2. Compensation to landowners.

A. The owners of property, either real or personal, taken by the commissioner under this section, shall be entitled to damages equal to the reasonable value of the property, as is provided when land is taken for highway purposes under Title 23, chapter 3.

B. In the event of a disagreement over the value, the reasonable value shall be determined by the county commissioners of the county in which the land is situated, upon the written application of any interested party.

C. If any party in interest is aggrieved by the decision of the county commissioners rendered in conformity with this section, an appeal may be made to the Superior Court of the county in the same manner as is provided when land is taken by the State for highway purposes.

3. Designation and classification of wildlife management areas.

A. The following described territories shall be classified as wildlife management areas to be managed by the commissioner in accordance with the principles of wildlife management as defined in section 7001, subsection 43 and subject to the commissioner's authority under section 7653:

Bartlett's Island in Hancock County.

Colby College Area: The Mayflower Hill Campus of Colby College comprising approximately 640 acres of land. It is located west of the center of Waterville bounded in general as follows:

From a stone marker on the west bank of Messalonskee Stream, said marker located across the stream from a point approximately 400 feet north of Riverview Avenue. Runs north along bank of Messalonskee Stream to a point approximately 2,000 feet north of Cedar Bridge (North Street), thence in a northeasterly direction to a cement marker on the Second Rangeway at a point approximately 900 feet northeast of intersection with Rice Rips Road, thence in a southwesterly direction to Rice Rips Road, thence east approximately 300 feet, thence southwesterly again approximately parallel to and west of the Second Rangeway for approximately 1,800 feet to a cement marker, thence

easterly to the Second Rangeway, thence in a southerly direction on east side of Second Rangeway for approximately 1,900 feet to a cement marker and college sign; thence southeast approximately 5,400 feet to Mt. Merici property line post and cement marker; thence in easterly direction to and across Mayflower Hill Drive in offset manner (east offset marked with stone or cement marker post) to and across Maine Central railroad to the point of beginning on west bank of Messalonskee Stream.

Deer Isle and Stonington: The Towns of Deer Isle and Stonington, Hancock County.

Lake Christopher: Beginning at a boundary marker on the most easterly point of South Pond, Town of Greenwood, Oxford County, where the Grand Trunk Canadian Railway meets South Pond; thence extending southerly to the most southern tip of South Pond; thence southerly to road which runs from Locke Mills to Greenwood City; thence southerly and easterly to Rowe Hill Road; thence southerly and easterly along the Rowe Hill Road to the intersection of Rowe Hill Road and Grand Trunk Railroad; thence northerly and westerly along said railroad to the point of beginning, excepting from the above description such of the area as is within 500 feet of said South Pond beginning at a boundary marker on the Rowe Hill Road; thence in a northerly direction to a boundary marker on the Old Bryant Road and thence northeasterly following this road to the boundary marker at the intersection of the Grand Trunk Railroad.

Long Lake Wildlife Management Area, Aroostook County: Within the following boundaries in the Towns of St. Agatha and Madawaska, Aroostook County: Beginning in the Village of St. Agatha at the junction of Route 162 and road that is near the northwesterly shore of Long Lake, easterly and northerly along said road to its junction with another road near Brishlotte Lake outlet stream, thence easterly along said road to its junction with the road that is along the easterly side of said Long Lake, thence southerly along said road to its junction with the road leading westerly to Birch Point, so called, thence along said road to its nearest point to said Long Lake, thence westerly to a red painted stake on the east shore of said Long Lake, thence southwestery across said Long Lake to a red painted stake on the west shore of said Long Lake, thence in the same direction until this line intersects Route 162, thence northwesterly along said Route 162 to the point of beginning. This is intended to include the large and smaller islands in the northerly end of said Long Lake.

Lowell E. Barnes Wildlife Management Area: Certain lots or parcels of land situated in Hiram, County of Oxford, State of Maine, bounded and described as follows:

1. A parcel of land containing 700 acres more or less bounded northerly by land now or formerly of Lusanna Hubbard, Lemuel Cotton and M. L. Wardsworth; easterly by land now or formerly of James Edgecomb; southerly by land now or formerly owned or occupied by Llewellyn A. Wardsworth, Asbury Huntress and

Orison Adams; and westerly by land now or formerly of James Ayer, Harrison Sanburn, James Ayer again, the George F. Brooks place, so called, being the lot next below described and land now or formerly of Fred Small, Seth Spring and Freeman Flye.

2. A parcel of land containing 25 acres, more or less, situated westerly of the above described lot and known as the George F. Brooks place.

3. A parcel of land containing 70 acres, more or less, situated adjacent to the first parcel above described and bounded north, east and west by said first above described parcel and southerly by land now or formerly of James Ayer and Elmer Hodgdon. Said parcel is known as the Dennis Stanley place.

Marsh Island: Marsh Island in Penobscot County.

Oak Grove: The campus and land of Oak Grove School, in the Town of Vassalboro, County of Kennebec, situated on the east side of Route No. 100; and all the land of said school situated on the west side of Route No. 100.

Sebago Lake Basin Wildlife Management Area: All that portion of Sebago Lake commonly known as Sebago Lake Basin lying below the high water mark in the Towns of Standish and Windham.

B. The following areas shall be classified as stateowned 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.

Steve Powell—Perkins Twp.—Sagadahoc County.

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 rules adopted in accordance with section 7653, as state-owned wildlife management areas.

§ 7653. Commissioner's authority over sanctuaries and wildlife management areas

1. **Public use.** The commissioner may, pursuant to section 7035, subsection 1, promulgate rules regulating hunting, fishing, trapping or other public use of any wildlife management area or wildlife sanctuary as designated in section 7651, subsection 1, except that no landowner shall be prohibited from operating any vehicle on land on which he is domiciled.

2. **Natural products.** The commissioner may harvest and sell natural products of the land on lands owned by the department.

3. **Trapping.** The commissioner may regulate the trapping of wild animals on wildlife sanctuaries or closed territories.

§ 7654. Prohibited acts

Except to the extent permitted by the commissioner under section 7653, the following activities shall be prohibited in a wildlife sanctuary.

1. **Illegal activity in a wildlife sanctuary.** A person is guilty, except as provided in subsection 8, of illegal activity in a wildlife sanctuary if he traps or hunts any wild animal or wild bird at any time within a wildlife sanctuary as designated in section 7651.

2. **Illegal possession of wild animals or wild birds from a wildlife sanctuary.** A person is guilty, except as provided in subsection 8, of illegal possession of wild animals or wild birds from a wildlife sanctuary if he possesses any wild animal or wild bird taken in violation of subsection 1.

3. **Possessing firearms in a wildlife sanctuary.** A person is guilty, except as provided in subsection 8, of possessing firearms in a wildlife sanctuary if he possesses firearms within the limits of any wildlife sanctuary, except that a person may carry unloaded firearms in the area designated for motorboat use in subsection 4.

4. **Using a motorboat within Merrymeeting Bay Game Sanctuary.** A person is guilty of using a motorboat within Merrymeeting Bay Game Sanctuary if he uses a motorboat within Merrymeeting Bay Game Sanctuary, except that motorboats

may be used between the Woolwich shore on the east and a line on the west designated by a series of red markers adjacent to the edge of the grassy marsh area from Kelly's Point to the southern boundary of the Merrymeeting Bay Game Sanctuary.

5. Carrying a loaded firearm on the bounds of Limington, Hollis and Waterboro Sanctuary. A person is guilty of carrying a loaded firearm on the bounds of Limington, Hollis and Waterboro Sanctuary if he carries any loaded firearm on any of the roads bounding that sanctuary.

6. Carrying a loaded firearm on the bounds of Standish Sanctuary. A person is guilty of carrying a loaded firearm on the bounds of Standish Sanctuary if he carries a loaded firearm on any road or on the Maine Central Railroad right-of-way which serves to bound the Standish Game Sanctuary.

7. Fishing in Carleton Pond. A person is guilty of fishing in Carleton Pond if he fishes in Carleton Pond in Readfield and Winthrop Sanctuary.

8. Exceptions.

A. Notwithstanding subsections 1 and 2:

(1) Those subsections shall not apply to crows and skunks on the Willow Water Game Sanctuary;

(2) A person residing within the limits of the York Game Sanctuary in the County of Franklin may kill any wild bird, except grouse, or any wild animal, except beaver, when found destroying his property;

(3) A person residing within the limits of Prout's Neck, Richmond's Island and Cape Elizabeth Sanctuary may kill any wild bird, except ruffed grouse or Hungarian partridge, or any wild animal, when found destroying his property; and

(4) A person may trap any wild animal except moose, caribou, deer and elk within Fairfield Sanctuary, Narragansett Game Sanctuary and Prout's Neck, Richmond's Island and Cape Elizabeth Sanctuary in accordance with the general laws of the State.

B. Notwithstanding subsections 1, 2 and 3:

(1) If the commissioner determines that the public health and safety is threatened by diseased animals within Rangeley Plantation Sanctuary, he may authorize the use of firearms or any other device he deems appropriate to eliminate diseased animals;

(2) The Augusta Water District may use Carleton Pond in the Readfield and Winthrop Sanctuary as it deems necessary; and

(3) Those subsections apply only to such lands within the Readfield and Winthrop Sanctuary as are or may be hereafter fenced.

C. Notwithstanding subsections 1 and 3:

(1) The Camden Rifle Club may establish and maintain a rifle range for target practice within the limits of Megunticook Lake and Vicinity Sanctuary, this target practice to be held under the regulations of the United States War Department as established by the national board for the promotion of rifle practice in the United States; and

(2) The use of firearms on Megunticook Lake and Vicinity Sanctuary is prohibited only from the first day of April of each year to the 30th day of September following.

SUBCHAPTER II

FISH HATCHERIES, FEEDING

STATIONS, SCREENS AND SPAWNING AREAS

§ 7671. Hatcheries and feeding stations

1. Acquisition of land.

A. The commissioner may acquire in the name of the State, by gift, bequest or otherwise, real and personal property for the location, construction and convenient operation of a fish hatchery or fish feeding station.

B. The commissioner may purchase, lease or take and hold, for and in behalf of the State as for public uses, land and all materials in and upon it or any rights necessary for the purpose of establishing, erecting and operating fish hatcheries or fish feeding stations.

C. When the commissioner finds that a public need requires the taking of any land or rights for the purposes set out in this section, he shall cause them to be surveyed, located and described so that they can be located.

D. A plan of the land or rights shall be filed and recorded in the registry of deeds where the land or rights are located.

E. The filing of the plan and description shall vest the title to the land and right in the State or its grantees, to be held during the pleasure of the State.

2. Compensation to landowners.

A. The owners of property, either real or personal, taken by the commissioner under this section, shall be entitled to damages equal to the reasonable value of the property, as is provided when land is taken for highway purposes under Title 23, chapter 3.

B. In the event of a disagreement over the value, the reasonable value shall be determined by the county commissioners of the county in which the land is situated, upon the written application of any interested party.

C. If any party in interest is aggrieved by the decision of the county commissioners rendered in conformity with this section, an appeal may be made to the Superior Court of the county in the same manner as is provided when land is taken by the State for highway purposes.

§ 7672. Screens

1. Commissioner's authority. The commissioner may:

A. Authorize, alter and remove the screening of any inland waters; and

B. Prohibit fishing within 500 yards of any screen installed by authority of the commissioner or the Legislature.

§ 7673. Fish spawning areas

1. Commissioner's authority. The commissioner may, pursuant to section 7035, subsection 1, enact a rule designating any inland waters of the State as fish spawning areas.

2. Hearing. The commissioner shall institute a public hearing, in conformity with the Administrative Procedure Act, if so requested by any state agency.

§ 7674. Prohibited acts

1. Tampering with a screen. A person is guilty of tampering with a screen if he takes up, destroys or injures any screen, unless he is duly authorized by the commissioner.

SUBCHAPTER III**FISHWAYS AND DAMS****§ 7701. Construction and repair of fishways**

1. Commissioner's authority. Whenever the commissioner deems it expedient, he may require a fishway to be provided, erected, maintained, repaired or altered by the owners or occupants of any dam or other artificial obstruction in any inland waters frequented by salmon, shad, alewives or other migratory fish.

2. Hearing

A. The commissioner shall hold a hearing whenever:

(1) He is petitioned by 200 citizens of a municipality or municipalities in which such a dam or other artificial obstruction either exists or is adjacent to a municipality in which such a dam or artificial obstruction exists; or

(2) He is petitioned by a majority of the county commissioners in a county where such dam or artificial obstruction is in an unorganized territory; or

(3) He is directed by the Joint Standing Committee on Inland Fisheries and Wildlife that such a dam or artificial obstruction exists.

B. Fourteen days' written notice of hearing shall be given to one or more of the owners or occupants of any dam or obstruction.

3. Commissioner's order.

A. After hearing, the commissioner by written order may:

(1) Require the owners or occupants of the dam or obstruction to provide, erect, maintain, repair or alter a suitable fishway, and he shall further prescribe the time during which the fishway shall be kept open for the passage of fish, under the conditions specified in the written order; and

(2) Amend the order, changing the time during which the fishway shall be kept open.

B. Certified copies of the orders and any amendments shall be mailed to the owners or occupants of the dam or obstruction.

4. Delinquent owners or occupants.

A. If any owner or occupant neglects or refuses to join in proportion to his interest in a dam or obstruction in erecting, maintaining, repairing or altering a fishway as ordered and required, the other owners or occupants shall do so and shall have a civil action against the delinquents for their proportion of the expense of doing so.

B. If all owners and occupants refuse or neglect to erect, maintain, repair or alter a fishway as ordered and required:

(1) The commissioner may do so and shall have a civil action against all delinquents for their proportion of the expense of doing so; or

(2) The commissioner may petition the Superior Court in the county where the dam or other artificial obstruction exists to enforce any such order or to restrain any violation of such an order.

C. Whenever delinquent owners or occupants reside out of the State, the expenses of erecting, maintaining, repairing or altering the fishway may be recovered as penalties by libel against the dam or obstruction and the land on which it stands, filed in the name of the commissioner in Superior Court in the county where the land is located.

(1) Notice of the pendency of the proceedings shall be as the court orders.

(2) The court may render judgement against the dam, obstruction and lands for penalties and costs and order a sale of the dam, obstruction and lands to satisfy the judgement and costs, including costs of sale, subject to all requirements for the erection, maintenance and repair of the fishway.

5. Appeal. Any owner or occupant may, within 14 days after any order of the commissioner, appeal to the Superior Court from any such order.

A. The appellant shall, when the appeal is taken, include in the complaint a statement substantially setting forth the facts of the case.

B. If the appeal is denied, full costs may be taxed against the appellant.

§ 7702. Prohibited acts

1. Tampering with a fishway. A person is guilty of tampering with a fishway if, without authority from the commissioner, he:

- A. Tampers with a fishway;
 - B. Closes a fishway to fish migration;
 - C. Introduces foreign objects into a fishway; or
 - D. Damages or destroys a fishway.
2. Building a dam without notice. A person is guilty of unlawfully building a dam if he builds any dam or other obstruction in any of the rivers, streams or brooks of this State without first filing written notice with the commissioner.
3. Tampering with a dam. A person is guilty of tampering with a dam if, without authority from the commissioner, he does any of the following to any dam owned or operated by the department, including dams in a fish hatchery or rearing station:
- A. Tampers with a dam;
 - B. Opens or closes gates or sluiceways of a dam;
 - C. Adds or removes flashboards of a dam; or
 - D. Otherwise damages or destroys a dam.

SUBCHAPTER IV

WILD ANIMALS IN CAPTIVITY

§ 7731. Roadside menageries

The possessing, breeding, exhibiting, purchasing, selling, importing and transporting of wildlife in captivity in roadside menageries is governed by sections 7231, 7232, 7233 and 7234.

§ 7732. Breeding of wild animals and wild birds

The breeding of wild animals and wild birds is governed by sections 7235, 7236 and 7241.

§ 7733. Importation of wildlife

The importation of wildlife is governed by sections 7237, 7238, 7239 and 7240.

§ 7734. Use of wildlife for advertising or scientific purposes

The use of wildlife for advertising or scientific purposes is governed by sections 7241 and 7242.

§ 7735. State game farms

The commissioner may:

1. Purchase lands. Purchase suitable lands and erect buildings thereon within this State, necessary for the operation of state game farms for the propagation of wild animals and wild birds for restocking the woods and forests of the State; and

2. Take or import animals and birds. Take or import wild animals or wild birds of any kind, dead or alive, for the purposes of inspection, cultivation, propagation, distribution or for scientific or other purposes deemed by him to be of interest to the game industry of this State.

§ 7736. Prohibited acts

1. Keeping a wild animal in captivity. A person is guilty of keeping a wild animal in captivity if he keeps any wild animal in captivity for any purpose, except that:

A. A person may keep a wild animal in captivity in accordance with sections 7231, 7235, 7241 and 7242, section 7035, subsection 4; section 7771, subsection 2 or Title 7, section 1809; and

B. A person may keep a wild animal in captivity if the animal was purchased or obtained originally from a dealer, pet shop or licensed roadside menagerie.

2. Hunting on a state game farm. A person is guilty of hunting on a state game farm if he hunts on a state game farm at any time.

3. Hunting on a licensed menagerie. A person is guilty of hunting on a licensed menagerie if he hunts on a licensed menagerie at any time.

SUBCHAPTER V

ENDANGERED SPECIES

§ 7751. Declaration of purpose

The Legislature finds that various species of fish or wildlife have been and are in danger of being rendered extinct within the State of Maine, and that these species are of esthetic, ecological, educational, historical, recreational and scientific value to the people of the State. The Legislature, therefore, declares that it is the policy of the State to conserve, by according such protection as is necessary to maintain and enhance their numbers, all species of fish or wildlife found in the State, as well as the ecosystems upon which they depend.

§ 7752. Commissioner's investigations and programs

1. Investigations. The commissioner may conduct investigations in order to develop information relating to population size, distribution, habitat needs, limiting factors and other biological and ecological data relating to the status and requirements for survival of any resident species of fish or wildlife, whether endangered or not.

2. Programs. The commissioner may develop programs to enhance or maintain these populations.

§ 7753. Designation of endangered species

1. Standards. The commissioner shall designate a species to be endangered or threatened whenever he finds one of the following to exist:

- A. The present or threatened destruction, modification or curtailment of its habitat or range;
 - B. Overutilization for commercial, sporting, scientific, educational or other purposes;
 - C. Disease or predation;
 - D. Inadequacy of existing regulatory mechanisms; or
 - E. Other natural or manmade factors affecting its continued existence within the State.
2. Commissioner's duties. In designating a species to be endangered or threatened, the commissioner shall:

- A. Make use of the best scientific, commercial and other data available to him;
- B. Consult, as appropriate, with federal agencies, other interested state agencies, other states having a common interest in the species and interested persons and organizations; and
- C. Maintain a list of all species which he has designated to be endangered or threatened, naming each species contained therein by both its scientific and common name, if any, and specifying over what portion of its range each species so designated is endangered or threatened, except that no species shall be added to or deleted from the list unless notice of the change is published and a public hearing thereon has been held in accordance with the procedures established in section 7035, subsection 1.

§ 7754. Conservation of endangered species

1. Programs. The commissioner may establish such programs as are necessary to bring any endangered or threatened species to the point where it is no longer endangered or threatened, including:
 - A. Acquisition of land or aquatic habitat or interests therein;
 - B. Propagation;
 - C. Live trapping;
 - D. Transplantation; and
 - E. In the extraordinary case where population pressures within a given group ecosystem cannot be otherwise relieved, regulated taking.

§ 7755. Cooperative agreements

The commissioner may enter into agreements with federal agencies, other states, political subdivisions of this State or private persons for the establishment and maintenance of programs for the conservation of endangered or threatened species and may receive all federal funds allocated for obligations to the State pursuant to these agreements.

§ 7756. Prohibited acts

1. **Misuse of endangered or threatened species.** A person is guilty, except as provided in subsection 2, of misuse of an endangered or threatened species if he does any of the following:

- A. Exports any endangered or threatened species from the State;
- B. Hunts, traps or possesses any endangered or threatened species within the State; or
- C. Possesses, processes, sells, offers for sale, delivers, carries, transports or ships, by any means whatsoever, any endangered or threatened species.

2. **Exceptions.** Notwithstanding subsection 1, the commissioner may:

- A. Under such terms and conditions as he may prescribe, permit any act prohibited by this section, for educational or scientific purposes or to enhance the propagation or survival of an endangered or threatened species; and
- B. Under such terms and conditions as he may prescribe, permit any endangered or threatened species which enters the State and is being transported to a point outside the State to be so entered and transported without restriction in accordance with the terms of any federal or state permit.

SUBCHAPTER VI**FISH OR WILDLIFE CULTURE AND SCIENTIFIC RESEARCH****§ 7771. Commissioner's authority**

1. **Setting apart waters.**

A. The commissioner may, pursuant to section 7035, subsection 1, enact a rule setting apart, for a term not to exceed 10 years, any inland water for the use of the State in the prosecution of the work of fish culture and scientific research relative to fish.

B. In the waters so set apart, the commissioner and persons acting under his authority in their respective fish culture and scientific work may take fish at any time or in any manner, and erect and maintain any fixtures necessary for these purposes.

2. **Taking and importing wildlife.** The commissioner may take fish or wildlife for scientific purposes and may bring fish and wildlife into the State or authorize others to do so.

3. **Taking of certain fish.** After hearing pursuant to section 7035, subsection 1, the commissioner may permit the taking of pickerel, perch and other fish in specified waters, subject to such conditions as he may prescribe, whenever it appears that those fish seriously injure the propagation of or the fishing for any game fish.

§ 7772. United States Fish and Wildlife Service

The United States Fish and Wildlife Service and its duly authorized agents may conduct fish culture operations and scientific investigations in the waters of this State in such manner and at such times as the service and its agents consider necessary and proper.

§ 7773. Fish and wildlife restoration

The State of Maine assents to the United States Federal Aid and Wildlife Restoration Act, Public Law, September 2, 1937, chapter 899, as amended, and the United States Federal Aid and Fish Restoration Act, Public Law, August 9, 1950, chapter 658, as amended. The commissioner is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife and fish restoration projects, as defined in those Acts of Congress, in compliance with those Acts, and with rules and regulations promulgated by the Secretaries of Agriculture and Interior thereunder.

SUBCHAPTER VII

ALTERATION OF RIVERS, STREAMS AND BROOKS

§ 7776. Prohibited acts

A person, municipality, state agency or other legal entity is guilty, except as provided in section 7780, of unlawful alteration of a river, stream or brook if he or it dredges or causes to be dredged, fills or causes to be filled, or erects or causes to be erected a causeway, bridge, marina, wharf, dock or other permanent structure, above head of tide, in, on or over any river, stream or brook, or on the land adjacent to any river, stream or brook in such a manner that any dredged spoil, fill or structure may fall or be washed into such waters, without first obtaining a permit therefor from the commissioner.

§ 7777. Permits

1. Eligibility. In order to obtain a permit, an applicant shall demonstrate to the satisfaction of the commissioner that the proposed activity will not:

- A. Unreasonably interfere with existing recreational and navigational uses;
- B. Cause unreasonable soil erosion;
- C. Unreasonably interfere with the natural flow of any waters;
- D. Unreasonably harm any wildlife habitat; and
- E. Lower the quality of any waters.

2. Issuance. The commissioner shall grant the permit upon such terms as he deems necessary to insure that the proposed activity will comply with the standards set out in subsection 1.

3. Fees. The commissioner may charge such fees as he deems necessary to properly administer this subchapter.

4. Conditions of application. If the river, stream or brook is utilized by a water company, a municipality or a water district as a source of supply, the applicant for the permit shall, at the time of filing an application, forward a copy of the application to the water company or water district by certified mail.

§ 7778. Appeal

1. Commissioner. If an application for a permit is denied or is granted upon terms objectionable to the applicant, the applicant may, within 30 days of receipt of notice of the decision, file notice of appeal with the commissioner. The commissioner may then, within 30 days of receipt of the notice of appeal, provide the applicant with the opportunity for a hearing which shall be before him or his designee, and of which a transcript shall be made.

2. Superior Court. Any person aggrieved by a final order or decision of the commissioner may appeal therefrom to the Superior Court.

§ 7779. Injunction and restoration

In the event of the violation of this subchapter, the Attorney General may institute proceedings to enjoin further violations and to compel restoration of the affected area to its condition prior to the occurrence of the violation.

§ 7780. Exceptions

1. Public works and private crossing and dam projects. Notwithstanding section 7776, that section shall not apply to river, stream or brook crossings in connection with public works projects which alter not more than a total of 300 feet in any mile of shore nor to private crossing or dam projects which alter not more than a total of 100 feet in any mile of shore. Alterations to both shores of the river, stream or brook shall be combined in arriving at a total shore footage.

2. Railroad repair and maintenance. Notwithstanding section 7776, that section shall not apply to emergency repairs, maintenance of railroad structures, track or roadbed within the located right-of-way of any railroad.

CHAPTER 715

WATERCRAFT, SNOWMOBILES AND AIRMOBILES

SUBCHAPTER I

WATERCRAFT

§ 7791. Definitions

Unless a different meaning is plainly required for the purposes of this subchapter, the following words and terms shall have the following meanings.

1. Bow. "Bow" means the forward half of the watercraft.

2. **Division.** “Division” means the Division of Recreational Safety and Registration, a part of the Department of Inland Fisheries and Wildlife.

3. **Federal waters.** “Federal waters” means all other waters not internal and subject to the jurisdiction of the United States.

4. **Internal waters.** “Internal waters” means waters under the exclusive jurisdiction of the State of Maine.

5. **Motorboat.** “Motorboat” means any watercraft equipped with propulsion machinery of any type, whether or not the machinery is the principal source of propulsion, is permanently or temporarily attached, or is available for propulsion on the watercraft.

6. **Motorboat carrying passengers for hire.** “Motorboat carrying passengers for hire” means a motorboat used for the purpose of carrying any person or persons as passengers for valuable consideration, whether directly or indirectly flowing to the owner, charterer, agent or any other person interested in the watercraft.

7. **Operate.** “To operate,” in all its moods and tenses, when it refers to watercraft of any type or description, means to use that watercraft in any manner on the waters specified, whether or not the watercraft is under way.

8. **Operation.** “Operation,” when it refers to watercraft of any type or description, means the act of operating as defined in subsection 7.

9. **Operator.** “Operator” means the person who is in control or in charge of a watercraft while it is in use.

10. **Owner.** “Owner” means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest therein which entitles him to possession.

11. **Passenger.** “Passenger” includes every person carried on board the watercraft other than:

A. The owner or his representative;

B. The operator;

C. Bona fide members of the crew engaged in the business of the watercraft who have contributed no consideration for their carriage and who are paid for their services; and

D. Any guest on board a watercraft which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

12. **State of principal use.** “State of principal use” means the state on whose waters a watercraft is used or to be used most during a calendar year.

13. **Use.** “Use” means operate, navigate or employ.

14. **Watercraft.** “Watercraft” means any type of vessel, boat or craft used or capable of being used as a means of transportation on water other than a seaplane.

15. **Waters of this State.** “Waters of this State” means all internal waters and all federal waters within the jurisdiction of this State.

16. **Water safety zone.** “Water safety zone” means the area of water within 200 feet of any shoreline, whether the shoreline of the mainland or of an island.

§ 7792. **Commissioner’s rule-making authority**

It shall be the intent of any rule required that it shall be in accord with such federal regulation as may be promulgated under the United States Federal Boat Safety Act of 1971 Public Law 92-75, as amended. The commissioner, acting jointly with the Commissioner of Marine Resources, may adopt and amend rules under the procedure provided in the Maine Administrative Procedure Act, Title 5, Part 18, which are not inconsistent with this subchapter, covering the following subject matter:

1. **Administrative procedure.** Rules to further establish administrative procedure under this subchapter;

2. **Safe use and operation of watercraft.** Rules governing the use and operation of watercraft upon the waters of the State to insure safety of persons and property;

3. **Safety equipment.** Rules further governing safety equipment for watercraft, including the type, quality and quantity of that equipment; and

4. **Horsepower.** Rules governing the horsepower of motors used to propel watercraft on all internal waters of this State. In promulgating these rules, the commissioner shall take into consideration the area of the internal waters, the use to which the internal waters are put, the depth of the water and the amount of water-borne traffic upon the waters and determine whether or not the rule is necessary to insure the safety of persons and property. The adoption of rules under this subsection is governed by the Maine Administrative Procedure Act, Title 5, Part 18, except that such rules may be only adopted as a result of a petition from the municipal officers of the municipality or municipalities in which the waters exist or from 25 citizens of the municipalities in which the waters exist, by county commissioners of the county in which the waters exist if they are located in unorganized territory or 25 citizens of the unorganized territory in which the waters exist, requesting the issuance of such a rule for a particular body of internal water and stating the proposed horsepower limitation.

§ 7793. **Commissioner’s powers and duties**

1. **Register watercraft.** The commissioner shall register watercraft and issue certificates, licenses and permits as provided in this subchapter.

2. **Promote safety.** The commissioner shall promote safety for persons and property in connection with the use and operation of watercraft.

3. **Federal grants.** The commissioner may participate in such federal grants in aid as may be forthcoming to this State from the United States Federal Boat Safety Act of 1971, Public Law 92-75, as amended.

4. **Coast Guard report.** The commissioner shall make an annual report to the Coast Guard as required under federal law of the certificates of number issued by him.

5. **Registration list distribution.** The commissioner shall distribute a list of registrations issued as follows.

A. Where the legal residence of the applicant is a municipality within the State, the commissioner shall mail annually such a list to the assessor or assessors of that municipality.

B. Where the legal residence of the applicant is outside of the State and the boat is situated within a municipality in the State, the commissioner shall mail annually such a list to the assessor or assessors of that municipality.

C. In all other cases, the commissioner shall send such a list annually to the Bureau of Taxation.

6. **Information to federal officials or agencies.** The commissioner shall transmit any information compiled or otherwise available to the commissioner pursuant to section 7801, subsection 17, 18 and 19 to an authorized official or agency of the United States, in accordance with any request duly made by that official or agency.

§ 7794. Certificate of number

1. **Motorboats requiring.** The owner of every undocumented motorboat used on the waters of the State as the state of principal use shall obtain a certificate of number for the motorboat from the commissioner. The following motorboats are exempt from this section:

A. A watercraft which has or is required to have a valid marine document as a watercraft of the United States;

B. A motorboat already covered by a current certificate of number issued under a federally approved numbering system of another state or a federal law, provided that the number so issued is displayed on the motorboat and provided that the motorboat has not been within this State for a period in excess of 60 consecutive days after the state of principal use has been changed;

C. Military or public watercraft, except recreational type watercraft of the United States;

D. A motorboat whose owner is the United States, a state or subdivision thereof which is used for governmental purposes and which is clearly identifiable as such;

E. A ship's lifeboat;

F. Motorboats from a country other than the United States, provided the motorboat has not been within this State for a period in excess of 60 consecutive days; and

G. Motorboats used exclusively for racing purposes which display on their hulls in a prominent manner a valid boat number issued by a recognized racing association.

2. Application. The owner shall make application to the commissioner on forms approved by the commissioner. The application shall show the legal residence of the applicant and the place where the boat is situated.

3. Issuance.

A. Upon receipt of the approved application with the proper fee, the commissioner shall enter the application upon the office records and issue the applicant a pocket-sized certificate of number stating:

- (1) The number assigned to the motorboat;**
- (2) Its description;**
- (3) The name and address of the owner; and**
- (4) Such other information as the commissioner deems appropriate.**

B. The holder of any certificate of number issued under this chapter may obtain a duplicate certificate of validation stickers from the commissioner upon application and payment of the fee set forth in subsection 4.

4. Fees. The fees for each original or renewal certificate of number with 2 validation stickers are as follows:

- A. All watercraft requiring or requesting certificate of number \$ 5**
- B. Duplicate certificate of number..... \$ 1**
- C. Duplicate validation sticker (each one) 25c**
- D. Certificate of number issued with transfer of ownership authorized in subsection 7..... \$ 2**

5. Restrictions

A. The operator shall have the certificate of number available for inspection on the motorboat for which issued at all times, whenever the motorboat is in operation.

B. The identification number and validation stickers assigned by the commissioner and authorized by this subchapter shall be displayed on each side of the bow of the boat in the following manner:

- (1) The identification numbers must be painted or permanently attached to the bow and be of a color which is in contrast to the color of the background so**

as to provide the highest degree of visibility, i.e., dark numbers on a light background or vice versa, and be plainly visible;

(2) The identification number must be displayed in 3 parts. The prefix which is the initial letters ME, designating the State of Maine, is to be separated by a hyphen or space equal to the width of a letter, other than the letter "I," from the numerals which follow it. The suffix, which consists of the ending letter or letters which appear after the numerals, is to be likewise separated from the numerals;

(3) The identification number must be displayed to read from left to right, of good proportion, with vertical block character capital letters and Arabic numerals, all of which must not be less than 3 inches in height, and maintained in a legible condition at all times;

(4) No number other than the assigned boat number shall be displayed on the bow of such a motorboat;

(5) The validation sticker, as issued by the division, must be displayed approximately 3 inches behind the last letter of the identification number and on a level with the number on both sides of the bow viz.: ME-123-A□; and

(6) Nothing in this section shall prohibit the numbering of any watercraft upon the request of the owner. The owner shall comply with all applicable requirements of this subchapter if he chooses to number his watercraft.

C. The owner of a certificate of number terminated or invalidated under subsection 11 shall return it within 10 days of the termination or invalidation.

D. The owner of any watercraft which has been issued a certificate of number shall notify the commissioner in writing within 10 days of:

- (1) The transfer of all or any part of his interest, other than the creation of a security interest, in the watercraft covered by the certificate;
- (2) The permanent removal of the watercraft from the State;
- (3) The destruction or abandonment of the watercraft;
- (4) The theft or recovery of the watercraft; or
- (5) Any change in his address.

E. Upon sale or transfer of ownership of any registered watercraft, the owner or dealer shall remove and destroy any validation stickers on the craft. The validation sticker is nontransferable.

F. The person whose name appears on the certificate of number as the owner of a watercraft shall remove the number and validation stickers from the craft when:

- (1) The watercraft is documented;

- (2) The watercraft is no longer used principally in the State of Maine;
- (3) The application for certificate of number contains false or fraudulent statements or information; or
- (4) The fees for issuance of a certificate of number are not paid.

6. Numbers permanent. A number once awarded under this subchapter to a motorboat remains with that boat until the boat is destroyed, abandoned, permanently removed or no longer principally used in this State.

7. Transfer of ownership. Whoever transfers ownership of a motorboat for which a certificate of number has already been issued under this subchapter and applies for a certificate of number for another motorboat is entitled to a new certificate of number upon payment of a transfer fee of \$2 as set forth in subsection 4, paragraph D, provided the applicant returns to the commissioner the old certificate of number properly signed and executed, showing that ownership of the motorboat has been transferred and that there are at least 6 months of unexpired time on his old certificate of number.

8. New ownership. If there is a change of ownership of a motorboat for which a certificate of number has previously been issued under this subchapter, the new owner shall apply for a new certificate of number and set forth the original boat number in his application. He shall pay the regular fee for the particular motorboat involved and is not entitled to the special transfer fee set forth in subsection 7.

9. Expiration. Every certificate of number awarded under this subchapter continues in force until December 31st of the 2nd complete calendar year after the year of issuance.

10. Renewal. The owner may renew his certificate of number at expiration by stating the old number in his application and paying the prescribed fee. The fee is the same fee he would pay for the original issuance.

11. Termination of certificate of number.

A. Under any of the following conditions, the certificate of number issued by the commissioner is terminated or invalidated:

- (1) Transfer of the watercraft;
- (2) Documentation of the watercraft;
- (3) Change in state of principal use of the watercraft;
- (4) Permanent removal of the watercraft from the State;
- (5) Abandonment or destruction of the watercraft;
- (6) False or fraudulent information on the application for the certificate of number;

- (7) Failure to pay the required fee for the certificate of number; or
- (8) Involuntary loss of interest in the watercraft due to legal process.

B. The transfer of a partial interest which does not affect the original owner's right to operate the watercraft does not terminate or invalidate the certificate of number.

§ 7795. Dealer's certificate of number

1. Application. Any manufacturer or dealer of new or used motorboats who has a permanent place of business in this State for the manufacture or sale of motorboats may, instead of obtaining a certificate of number for each motorboat owned by him, make application on forms provided by the commissioner for a dealer's certificate of number.

2. Issuance. If the applicant satisfies the commissioner that he is qualified for a dealer's certificate of number, the commissioner shall issue him a dealer's certificate of number containing the place of business of the applicant and a general distinguishing number in such form as determined by the commissioner.

3. Fee. The fee for a dealer's certificate of number is \$10.

4. Restrictions. The dealer or manufacturer shall display the number and validation stickers issued under his dealer's certificate of number on the motorboat being demonstrated or tested and may transfer that number from one motorboat owned by him to another motorboat owned by him by temporarily attaching removable plates, on which a dealer's number and validation stickers may be painted or attached, to the bow of any boat covered by his dealer's certificate of number.

§ 7796. 10-day boat number and registration

1. Issuance. The commissioner may issue temporary 10-day boat numbers and registrations to bona fide dealers who request them under such conditions as he deems necessary.

2. Fee. The commissioner shall receive 50¢ for each 10-day temporary plate.

3. Use of 10-day plates.

A. Upon the sale or exchange by a dealer of any motorboat which requires numbering, the new owner may secure from him a temporary 10-day boat number and registration to operate the craft for one period of 10 consecutive days only after the date of sale in lieu of a permanent boat number as required in section 7794, provided the owner shall make application to the commissioner on the date of sale for a certificate of boat number.

B. The application and fee for certificate of boat number, together with a copy of the temporary registration issued by the dealer, shall be forwarded by the dealer to the commissioner within 48 hours after the date of sale of the motorboat.

C. The dealer shall affix the temporary 10-day boat number to the bow of the motorboat and shall clearly mark thereon the date issued, date of expiration and his Maine dealer's number.

4. Restrictions.

A. The temporary 10-day boat number is nontransferable and shall be conspicuously displayed on the bow of the motorboat, notwithstanding any other requirements of display of boat number.

B. The operator of a motorboat shall have the temporary registration aboard at all times while the motorboat is in operation.

C. After expiration of the 10-day period, the owner shall remove and discard the temporary 10-day boat number and display the permanent boat number and validation stickers assigned by the commissioner in accordance with section 7794, subsection 5, paragraph B.

§ 7797. Permit to hold a regatta, race, boat exhibition or water-ski exhibition

1. Issuance. The commissioner may issue a permit to any person permitting him to hold a regatta, race, boat exhibition or water-ski exhibition on any of the internal waters of this State.

2. Application. The person or persons in charge of the regatta, race, boat exhibition or water-ski exhibition shall request the permit from the commissioner at least 15 days prior to the event. The request shall be in writing and shall set forth the date, time and location of the event.

3. Restrictions.

A. The person or organization obtaining the permission is responsible for providing reasonable protection as prescribed by the commissioner from water traffic interference and hazards and shall take reasonable precautions to safeguard persons and property.

B. During any authorized event, the officials conducting it shall conspicuously display one or more orange warning flags of a size not less than 4 feet by 4 feet while the event is in progress. They shall remove the warning flag or flags for reasonable periods of time during the event to allow nonparticipating watercraft to pass through the area.

§ 7798. Certificate of number for motorboats carrying passengers for hire

1. Application. Before a motorboat may carry passengers for hire, the owner of the motorboat shall apply to and obtain from the commissioner a certificate of number authorizing its use for that purpose. This section applies to all motorboats carrying passengers for hire as defined in section 7791, subsection 6, except those subject to federal inspection requirements which have or are required to have a current valid federal inspection certificate on board.

2. **Issuance.** Before the certificate may be issued, the owner shall satisfy the commissioner that the boat is safe to operate and will be maintained in safe condition.

3. **Restrictions.** The commissioner may cause the motorboats to be examined from time to time.

§ 7799. Operator's license to carry passengers for hire

1. **Application.** Every operator of a motorboat carrying passengers for hire, except those operators who have been issued and have or are required to have in their possession a current valid federal operator's license, shall obtain an operator's license from the commissioner as provided in this section before operating a motorboat carrying passengers for hire.

A. The operator shall make written application for the license on forms provided by the commissioner.

B. The commissioner shall cause operators applying for a license for the first time to be examined as to their qualifications.

2. **Issuance.** The commissioner shall issue the license to applicants who have satisfactorily passed the examination.

3. **Fee.** The fee for an operator's license to carry passengers for hire is \$1.

4. **Renewal.** The commissioner may grant a renewal of license upon written application and payment of the \$1 fee without examination.

5. **Expiration.** Every license expires on December 31st of the year for which issued.

6. **Suspension and revocation.** The commissioner may initiate proceedings in the Administrative Court to suspend the operator's license of an operator of a motorboat carrying passengers for hire under the following conditions:

A. It is found, upon examination under section 7798, subsection 3, that any motorboat carrying passengers for hire is unsafe; or

B. The commissioner receives satisfactory evidence of the operator's intemperance, incompetency or willful violation of the law.

§ 7800. Disposition of revenues

All revenues collected under this subchapter are disposed of as follows.

1. **Fees collected.** All fees collected for certificates, licenses and permits by the commissioner are paid daily to the Treasurer of State and accrue to the Watercraft Fund, Department of Inland Fisheries and Wildlife.

2. **Fines and costs collected.** Each county shall pay all fines, forfeitures and penalties collected for violations of this subchapter and all officers' costs collected for either coastal wardens or game wardens to the Treasurer of State, monthly, and all of them shall accrue to the department.

3. Disbursement of revenues. All revenues collected under this subchapter, including fines, fees and other available moneys, less all administrative costs of the Division of Recreational Safety and Registration, will be disbursed for each fiscal year, when final accounting records are determined for that fiscal year, to the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, in proportion to all revenues collected by the division during each fiscal year on the basis of watercraft registered for use on the internal and federal waters of this State as reported to the U. S. Coast Guard, the former being retained by the Department of Inland Fisheries and Wildlife and the latter by the Department of Marine Resources, to help defray the costs of enforcing this subchapter.

§ 7801. Prohibited acts

1. Operating a motorboat without a certificate of number. A person is guilty, except as provided in subsection 21, paragraph A, of operating a motorboat without a certificate of number if he operates or gives permission to operate a motorboat without a current certificate of number or a current temporary certificate of number. Only the certificate of number or temporary certificate of number as issued by the commissioner is valid. A facsimile or copy of the certificate is not valid.

2. Operating a motorboat without identification number or validation stickers. A person is guilty of operating a motorboat without an identification number or validation sticker if he operates or gives permission to operate a motorboat without the identification number and validation stickers, assigned by the commissioner and authorized by this subchapter, displayed on each side of the bow in accordance with section 7794, subsection 5, paragraph B or section 7795, subsection 4.

3. Violation of license, permit or certificate restriction. A person is guilty of a violation of a restriction of a license, permit or certificate if he violates any restriction of any license, permit or certificate in this subchapter.

4. Holding a regatta, race, boat exhibition or water-ski exhibition without a permit. A person is guilty of holding a regatta, race, boat exhibition or water-ski exhibition without a permit if he holds such an event without a permit from the commissioner.

5. Unlawfully crossing the area of an authorized regatta, race, boat exhibition or water-ski exhibition. An operator of a watercraft is guilty of unlawfully crossing the area of an authorized regatta, race, boat exhibition or water-ski exhibition if he crosses or traverses the course or area of such an event when the warning flag required under section 7797, subsection 3, paragraph B is displayed, except in an emergency.

6. Operating a motorboat carrying passengers for hire without a certificate of number. A person is guilty of operating a motorboat carrying passengers for hire without a certificate of number if he operates such a motorboat without a certificate of number as required in section 7798.

7. Operating a motorboat carrying passengers for hire without an operator's license to carry passengers for hire. A person is guilty of operating a motorboat carrying passengers for hire without an operator's license to carry passengers for hire if he operates such a motorboat and does not have such an operator's license as required in section 7799.

8. Reckless operation of a watercraft. A person is guilty of reckless operation of a watercraft if he operates any watercraft, water ski, surfboard or similar device in such a way as to recklessly create a substantial risk of serious bodily injury to another person.

9. Operating watercraft under the influence. A person is guilty of operating a watercraft under the influence if he operates any watercraft, water ski, surfboard or similar device while under the influence of intoxicating liquor or drugs. Standards, tests and procedures applicable in determining whether a person is under the influence within the meaning of this section shall be those applicable pursuant to Title 29, section 1312.

10. Operating a watercraft to endanger. A person is guilty of operating a watercraft to endanger if he operates any watercraft, water ski, surfboard or similar device so as to endanger any person or property.

11. Operating a watercraft at greater than reasonable and prudent speed. A person is guilty of operating a watercraft at greater than reasonable and prudent speed if he:

A. Operates any watercraft except at a reasonable and prudent speed for existing conditions; or

B. Fails to regulate the speed of a watercraft so as to avoid danger, injury or unnecessary inconvenience in any manner to other watercraft and their occupants, whether anchored or under way, waterfront piers, floats or other property or shorelines, either directly or by the effect of the wash or wave created by the watercraft through its speed, or otherwise.

12. Operating a motorboat in bathing areas. A person is guilty of operating a motorboat in bathing areas if he operates a motorboat within any bathing area marked or buoyed for bathing.

13. Operating a motorboat while under age. A person is guilty of operating a motorboat while under age if he:

A. Is under 12 years of age;

B. Operates any motorboat propelled by machinery of more than 10 horsepower; and

C. Is not under the immediate supervision of a person located in the motorboat who is at least 16 years of age.

14. Operating a watercraft to molest wild animals or wild birds. A person is guilty of operating a watercraft to molest wild animals or wild birds if he operates

any watercraft so as to pursue, molest, harass, drive or herd any wild animal or wild bird, except as may be permitted during the open season on that animal.

15. Operating a motorboat without a muffler. A person is guilty of operating a motorboat without a muffler if he operates a motorboat that is not equipped at all times with an effective and suitable muffling device on its engine or engines to effectively deaden or muffle the noise of the exhaust, except that motorboats which are operating in a regatta or race approved by the commissioner under section 7797 may use cutouts for these motorboats while on trial runs or competing in speed events, for a period not to exceed 48 hours immediately preceding or following such an authorized event.

16. Operating a watercraft without proper safety equipment. A person is guilty, except as provided in subsection 21, paragraph B, of operating a watercraft without proper safety equipment if he operates a watercraft and he:

A. Fails to comply with the same requirements pertaining to lights, life-saving devices, fire extinguishers and other safety equipment as required by federal laws and regulations on federal navigable waters, as promulgated under the United States Federal Boat Safety Act of 1971, Public Law 92-75, as amended; or

B. Fails to comply with requirements pertaining to additional equipment not in conflict with federal navigation laws which the commissioners may prescribe if there is a demonstrated need.

17. Failure to render aid after a watercraft accident. A person is guilty of failure to render aid after a watercraft accident if he:

A. Operates a watercraft which is involved in a collision, accident or other casualty; and

B. Fails to render all necessary aid and assistance to all persons involved, so far as he can do so without serious danger to his watercraft, crew and passengers, if any.

18. Failure to provide personal identification after a watercraft accident. A person is guilty of failure to provide personal identification after a watercraft accident if he:

A. Operates a watercraft which is involved in a collision, accident or other casualty; and

B. Fails to give his name and address and identification of his watercraft to any person injured and to the owner of any property damaged.

19. Failure to report a watercraft accident. A person is guilty of failure to report a watercraft accident if he is the operator or owner of any watercraft involved in any collision, accident or other casualty while using a watercraft which results in the death of a person, a person's losing consciousness or receiving medical treatment, a person's becoming disabled for more than 24 hours, a person's disappearance from a watercraft under circumstances indicating death

or injury, or damage to the watercraft or other property of more than \$100 and fails to file accident reports as follows:

A. A written report on forms provided by the commissioner containing such information as required within 24 hours of the occurrence if a person dies, disappears, loses consciousness, receives medical treatment, or is disabled for more than 24 hours, or within 5 days of the occurrence if the accident involved property damage only; and

B. A report of the occurrence to the nearest available law enforcement officer to the place where the accident occurred.

20. Illegally operating a motorboat in a prohibited area. A person is guilty of illegally operating a motorboat in a prohibited area if he does any of the following:

A. Operates a motorboat on that portion of Portage Lake in Townships T. 13, R. 6, W. E. L. S., County of Aroostook, known as the Floating Island Area, north and westerly of a line beginning at the eastern edge of the marshy peninsula running out from Hutchinson Ridge, running 50 yards outside of the floating islands in a northerly direction to the mouth of Mosquito Brook;

B. Operates a motorboat on Quimby Pond in the Town of Rangeley, Franklin County;

C. Operates a motorboat upon the waters of Jerry Pond, so called, situated within the boundaries, or having a shore line abutting, the incorporated municipality of Millinocket and the unincorporated Townships being T. 1, R. 7 and T. A., R. 7, all in the County of Penobscot;

D. Operates a motorboat on Upper and Lower Ox Brook Lakes in the Towns of T. 6 ND, T. 6 RI and Talmadge in the County of Washington;

E. Operates a motorboat on Little Nesowadnehunk (Sournahunk) Lake, in T. 5, R. 11, Piscataquis County;

F. Operates a motorboat having more than 10 horsepower on Eagle Lake and Jordan Pond, Mt. Desert Island, Hancock County and Long Pond, T. E. and T. D., Franklin County;

G. Operates a motorboat on a body of water commonly known as and referred to in the Dunham-Davee Work Plan as Snow's Pond, situated west of Route 7 in the Town of Dover-Foxcroft, Piscataquis County;

H. Operates a motorboat having more than 6 horsepower on Long Pond, Town of Denmark, Oxford County;

I. Operates a motorboat on Lily Pond, Edgecomb, Lincoln County;

J. Operates a motorboat powered by an internal combustion engine on Nokomis Pond, situated in the Towns of Newport and Palmyra, Penobscot County; or

K. Operates a motorboat in Merrymeeting Bay at a speed in excess of 10 miles per hour, except within the confines of the buoyed channels.

21. Exceptions.

A. Notwithstanding subsection 1, the certificate of number for a watercraft less than 26 feet in length and leased or rented to another for the latter's noncommercial use may be retained on shore by the owner of the watercraft or his representative at the place where the watercraft departs or returns to the possession of the owner or his representative, provided that the person leasing or renting the watercraft has a copy of the lease or rental agreement which shows the watercraft number thereon and the period of time for which the watercraft is leased or rented and which is signed by the owner or his representative.

B. Notwithstanding subsection 16:

(1) Canoes, owned by a boys' or girls' summer camp located upon internal waters in Maine and duly licensed by the Department of Human Services and utilized by campers under the direction and supervision of a camp counselor at least 18 years of age or older during training and instruction periods on waters adjacent to the main camp within a distance of 500 feet from the shoreline of that camp, shall be exempt from that subsection; and

(2) Log rafts, carrying not more than 2 persons and used on ponds or lakes on internal waters of less than 50 acres in area, are exempt from carrying personal flotation devices.

SUBCHAPTER II

SNOWMOBILES

§ 7821. Definitions

Unless a different meaning is plainly required for the purposes of this subchapter, the following words and terms shall have the following meanings.

1. Cowling. "Cowling" means the forward or rear portion of the vehicle, usually of fiberglass or similar material, surrounding the motor and clutch assembly.

2. Dwelling. "Dwelling" means any building used as a permanent residence or place of domicile.

3. Operate. "To operate," in all its moods and tenses, when it refers to a snowmobile, means to use a snowmobile in any manner within the jurisdiction of the State, whether or not the vehicle is under way.

4. Owner. "Owner," for the purposes of registration, means any person holding title to a snowmobile or having exclusive right to the use of a snowmobile for a period greater than 30 days.

5. **Snowmobile.** "Snowmobile" means any vehicle propelled by mechanical power that is primarily designed to travel over ice or snow supported in part by skis, belts or cleats.

§ 7822. Application

This subchapter shall apply to the operation of snowmobiles in all areas which come within the jurisdiction of the State.

§ 7823. License

No operator's license is required for the operation of a snowmobile.

§ 7824. Registration

1. **Application and issuance.** The commissioner, or an agent designated by him, may register and assign a registration number to all snowmobiles upon application and payment of an annual fee by the owner. A registration shall be valid for one year commencing July 1st of each year.

2. **Fee.** The annual snowmobile registration fee is \$11.25.

3. **Allocation of fees.**

A. The registration fee for residents shall be credited as follows:

(1) \$4.75 of each fee shall be credited to the department;

(2) 50¢ of each fee shall be credited to the Bureau of Parks and Recreation; and

(3) \$6 of each fee shall be annually distributed to the municipality of the owner's residence as shown on his registration certificate, except that in unorganized townships, \$6 of each fee shall be annually distributed to the county of the owner's residence as shown on his registration certificate.

B. The registration fee for nonresidents shall be credited as follows:

(1) \$10.75 of each fee shall be credited to the department; and

(2) 50¢ of each fee shall be credited to the Parks and Recreation Snowmobile Trail Fund.

C. All other moneys received under this subchapter, including dealer license fees, shall be credited to the department.

4. **Use of fees.**

A. All moneys credited to the department, including registration fees, shall be expended by the department solely for the cost of administration, establishment of a safety program for snowmobile operators and enforcement of this subchapter.

B. The moneys credited to the Bureau of Parks and Recreation may be used to make grants-in-aid to political subdivisions, educational institutions, regional

planning agencies, snowmobile groups and others for the construction and maintenance of snowmobile trails and for research, development and planning of snowmobile trails on such terms as the bureau determines necessary.

(1) The bureau shall determine what trails will be eligible.

(2) The bureau may charge a reasonable fee for these services and materials when the moneys credited to it under this paragraph are insufficient to satisfy the demand for the services and materials. All fees so collected shall be deposited in the State Park and Recreation Snowmobile Trail Fund.

(3) If any of these moneys are not expended during the year in which they are collected, the unexpended balance shall not lapse, but shall be carried as a continuing account available for the purposes specified until expended.

C. The moneys credited to the Parks and Recreation Snowmobile Trail Fund may be expended for snowmobile trail acquisition, including, but not limited to, the purchase or lease of real estate and the acquisition of easements, construction, development, planning and maintenance and for providing educational and informational materials for the use of operators of snowmobiles and for research.

D. The moneys distributed to the municipalities by the department may be appropriated by the municipalities for any purpose for which they may lawfully appropriate moneys.

E. The moneys distributed to the counties by the department may be appropriated by the counties for use in the unorganized townships where the fee was payable.

5. Form of registration. The snowmobile registration shall be in such form as the commissioner may determine.

6. Duplicate registration certificate. The holder of any registration certificate issued under this section may obtain a duplicate from the commissioner upon application and payment of a fee of \$1.

7. Numbers permanent. All numbers once awarded under this section to a snowmobile shall remain with that snowmobile until the snowmobile is destroyed, abandoned or permanently removed from this State.

8. Transfer of ownership or discontinuance of use.

A. Whoever transfers the ownership or permanently discontinues the use of a registered snowmobile and applies for registration of another snowmobile in the same registration year shall be entitled to a certificate of registration upon payment of a transfer fee of \$2 and shall not be required to pay the regular registration fee of \$11.25.

B. Whenever ownership is transferred or the use of a snowmobile for which a registration certificate has already been issued is discontinued, the old registration certificate shall be properly signed and executed by the owner showing that the ownership of the snowmobile has been transferred or its use discontinued and returned to the commissioner within 10 days of the transfer or discontinuance of use.

C. If there is a change of ownership of a snowmobile for which a registration certificate number has previously been issued, the new owner shall apply for a new registration certificate, shall set forth the original number in the application and shall pay the regular fee for the particular snowmobile involved.

9. Reciprocity. Reciprocity shall be allowed to nonresidents from all states, provinces, countries or districts which allow similar privileges to residents of this State, providing they are covered by a valid registration from that state, province, country or district.

A. If the snowmobile is owned by a nonresident, but is primarily operated by a Maine resident, it must be registered under this section.

B. Nothing in this subsection shall be construed to authorize the operation of any snowmobile described in any manner contrary to this subchapter.

10. Restrictions.

A. The registration certificate shall be subject to inspection by any law enforcement officer, on demand.

B. The registration number assigned to a snowmobile shall be displayed in such form and manner as the commissioner may determine.

C. The registrant shall notify the commissioner if a snowmobile is destroyed, abandoned or permanently removed from this State.

§ 7825. Dealer's registration and license

1. Application and issuance. Any person who is in the business of selling snowmobiles in the State shall register as a dealer and secure a dealer's license from the commissioner. Dealers so registered and licensed need not register individual snowmobiles.

2. Fees. The dealer's registration and license fee shall be \$25 annually from each July 1st.

3. Dealer's number plates.

A. Each dealer shall receive 2 dealer's number plates for the \$25 fee.

B. Additional plates may be obtained for \$10 for each additional plate.

C. Replacement for lost or stolen plates may be obtained for a fee of \$2 per plate.

4. **Temporary registrations and numbers.** The commissioner may issue temporary numbers and registrations to bona fide dealers who may, upon the sale or exchange of a snowmobile, issue them to new owners in order to allow them to operate snowmobiles for a period of 20 consecutive days only after the day of sale in lieu of a permanent number as required by this subchapter.

5. **Restrictions.** Dealers shall display their dealer's number on each snowmobile being used until the sale of the snowmobile, whereupon it becomes the owner's responsibility to register the snowmobile.

§ 7826. **Operating on land of another**

1. **No permission given.** This subchapter is in no way to be construed as giving license or permission to cross or go on the property of another.

2. **Stop and identify requirement.** Any person operating a snowmobile upon the land of another shall stop and identify himself upon the request of the landowner or his duly authorized representative. Any person in violation shall be held accountable to the owner under existing law.

§ 7827. **Prohibited acts**

1. **Operating unregistered snowmobile.** A person is guilty, except as provided in subsection 23, paragraphs A and B, of operating an unregistered snowmobile if he operates a snowmobile which is not registered in accordance with section 7824.

2. **Operating a snowmobile upon a controlled access highway.** A person is guilty, except as provided in subsection 23, paragraph C, of operating a snowmobile upon a controlled access highway if he operates a snowmobile upon a controlled access highway or within the right-of-way limits of a controlled access highway.

3. **Unlawfully operating a snowmobile upon a plowed private road.** A person is guilty of unlawfully operating a snowmobile upon a plowed private road if he operates a snowmobile upon any plowed private road after having been forbidden to do so by its owner or the owner's agent, either personally, or by appropriate notices posted conspicuously on the road.

4. **Operating a snowmobile on a public way.** A person is guilty, except as provided in subsection 23, paragraph D, of operating a snowmobile on a public way if he operates a snowmobile upon the main traveled portion, the sidewalks or the plowed snowbanks of a public way.

5. **Failing to stop a snowmobile before entering a public way.** A person is guilty of failing to stop a snowmobile before entering a public way if he fails to bring a snowmobile to a complete stop before entering a public way.

6. **Failing to yield right-of-way while operating a snowmobile.** A person is guilty of failing to yield the right-of-way while operating a snowmobile if he fails to yield the right-of-way to all vehicular traffic while operating a snowmobile on a public way.

7. Crossing a closed bridge, culvert, overpass or underpass with a snowmobile. A person is guilty of crossing a closed bridge, culvert, overpass or underpass with a snowmobile if he crosses with a snowmobile a bridge, culvert, overpass or underpass closed to snowmobiles by the Commissioner of Transportation. The Commissioner of Transportation may, following a public hearing, prohibit the crossing of an individual bridge, culvert, overpass or underpass if he determines that that crossing or use of the public way is hazardous. Any bridge, culvert, overpass or underpass closed by the Commissioner of Transportation must be posted by appropriate notices.

8. Reckless operation of snowmobile. A person is guilty of reckless operation of a snowmobile if he operates any snowmobile in such a way as to recklessly create a substantial risk of serious bodily injury to another person.

9. Operating a snowmobile under the influence. A person is guilty of operating a snowmobile under the influence if he operates any snowmobile while under the influence of intoxicating liquor or drugs. Standards, tests and procedures applicable in determining whether a person is under the influence within the meaning of this section shall be those applicable pursuant to Title 29, section 1312.

10. Operating a snowmobile to endanger. A person is guilty of operating a snowmobile to endanger if he operates any snowmobile so as to endanger any person or property.

11. Operating a snowmobile at greater than reasonable and prudent speed. A person is guilty of operating a snowmobile at greater than a reasonable and prudent speed if he operates any snowmobile except at a reasonable and prudent speed for the existing conditions.

12. Unlawfully operating a snowmobile while underage. A person is guilty of unlawfully operating a snowmobile while underage if he is under the age of 14 years and operates a snowmobile across any public way maintained for travel.

13. Permitting an unaccompanied child to operate a snowmobile. A person is guilty, except as provided in subsection 23, paragraph E, of permitting an unaccompanied child to operate a snowmobile if he permits a child under 10 years of age to operate any snowmobile unless he is accompanied by an adult.

14. Operating a snowmobile which exceeds noise limit. A person is guilty, except as provided in subsection 23, paragraphs A and F, of operating a snowmobile which exceeds the noise limit if he operates a snowmobile above the following noise limits.

A. Every snowmobile manufactured after October 1, 1973, and offered for sale or sold in this State shall be constructed to limit the total vehicle noise to not more than 82 decibels of sound pressure level at 50 feet on the "A" scale, as measured by the SAE standards J-192.

B. Every snowmobile manufactured after February 1, 1975, and offered for sale or sold in this State shall be constructed to limit total vehicle noise to not more than 78 decibels of sound pressure level at 50 feet on the "A" scale, as measured by the SAE standards J-192.

15. Unlawfully modifying snowmobile. A person is guilty, except as provided in subsection 23, paragraph A, of unlawfully modifying a snowmobile if he modifies any snowmobile in a manner that amplifies or otherwise increases total noise emission above that emitted by the snowmobile as originally constructed, regardless of the date of manufacture.

16. Operating a snowmobile with insufficient lights. A person is guilty, except as provided in subsection 23, paragraph A, of operating a snowmobile with insufficient lights if he operates a snowmobile which is not equipped as follows:

A. Every snowmobile shall have mounted on the front at least one headlight capable of casting a white beam for a distance of at least 100 feet directly ahead of the snowmobile; and

B. Every snowmobile shall have mounted on the rear at least one lamp capable of displaying a red light which shall be visible at a distance of at least 100 feet behind the snowmobile.

17. Failure to use snowmobile lights. A person is guilty, except as provided in subsection 23, paragraph A, of failure to use snowmobile lights if he fails to use the lights required under subsection 16 as follows:

A. During the period from ½ hour after sunset to ½ hour before sunrise; and

B. At any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead.

18. Operating a snowmobile on railroad tracks. A person is guilty of operating a snowmobile on railroad tracks if he operates any snowmobile along or adjacent and parallel to the tracks of any railroad within the limits of the railroad right-of-way without written permission from the railroad.

19. Operating a snowmobile in a cemetery. A person is guilty of operating a snowmobile in a cemetery if he operates any snowmobile in any cemetery, burial place or burying ground.

20. Operating too close to certain buildings. A person is guilty, except as provided in subsection 23, paragraph G, of operating too close to a dwelling, hospital, nursing home, convalescent home or church if he operates a snowmobile within 200 feet of any of those buildings.

21. Unlawfully permitting operation. A person is guilty of unlawfully permitting operation of a snowmobile if he owns a snowmobile and knowingly permits it to be operated in violation of any section of this subchapter.

22. Failure to report accident. A person is guilty of failure to report a snowmobile accident if:

A. He is the operator of any snowmobile involved in any accident resulting in injuries requiring the services of a physician, in death of any person or in property damage to the estimated amount of \$100 or more; some person acting for such an operator; or the owner of the involved snowmobile having knowledge of the accident, should the operator of the snowmobile be unknown; and

B. He fails to give notice of the accident to a law enforcement officer available nearest to the place where the accident occurred.

23. Exceptions.

A. Notwithstanding subsections 1, 14, 15, 16 and 17, snowmobiles operated at a prearranged racing meet whose sponsor has obtained a permit to hold such a meet from the commissioner are exempt from the provisions of this subchapter concerning registration, noise, horsepower, and lights during the time of operation at such meets and at all prerace practice at the location of the meet.

B. Notwithstanding the provisions of subsection 1:

(1) No registration shall be required for a snowmobile operated over the snow on land on which the owner lives or on lands on which he is domiciled, provided the snowmobile is not operated elsewhere within the jurisdiction of this State;

(2) No registration shall be required for a snowmobile operated by a commercial ski area for the purpose of packing snow or for rescue operation thereon, unless the snowmobile is required to cross a public way during that operation; and

(3) Snowmobiles owned and operated in this State by the Federal Government, the State or political subdivision of the State shall be exempt from registration fees, but shall be registered and required to display numbers.

C. Notwithstanding the provisions of subsection 2:

(1) Properly registered snowmobiles may cross controlled access highways by use of bridges over or roads under those highways, or by use of roads crossing controlled access highways at grade; and

(2) The Commissioner of Transportation may issue special permits for designated crossings of controlled access highways.

D. Notwithstanding the provisions of subsection 4:

(1) Properly registered snowmobiles may operate on a public way only the distance necessary, but in no case to exceed 300 yards on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, sidewalk or culvert;

(2) Properly registered snowmobiles may operate on a public way only the distance necessary, but in no case to exceed 500 yards on the extreme right of the traveled way for the sole purpose of crossing, as directly as possible, a bridge, overpass or underpass, provided that that operation can be made in safety and that it does not interfere with vehicular traffic approaching from either direction on the public way;

(3) Snowmobiles may operate on any portion of public ways when the main traveled portion is unplowed and unused by conventional motor vehicles;

(4) If the main traveled portion of a public way is plowed and utilized by conventional motor vehicles, snowmobiles may operate only on that portion of the way not maintained or utilized for the operation of conventional motor vehicles, except that operation on the left side of the way shall be prohibited during the hours from sunset to sunrise on the portion of the way not maintained or utilized for the operation of conventional motor vehicles. This subparagraph shall not apply to a snowmobile operated by a public utility regulated by the Public Utilities Commission while being operated in the course of the utility's corporate function, so that public utilities may effectively and speedily carry out their obligations to the public;

(5) Snowmobiles may be operated on streets and public ways during a period of emergency when the emergency has been so declared by a police agency having jurisdiction and when travel by conventional motor vehicles is not practicable. This subparagraph shall not apply to a snowmobile operated by a public utility regulated by the Public Utilities Commission while being operated in the course of the utility's corporate function, so that public utilities may effectively and speedily carry out their obligations to the public; and

(6) Snowmobiles may be operated on streets and public ways in special snowmobile events of limited duration conducted according to a prearranged schedule, under a permit from the governmental unit having jurisdiction.

E. Notwithstanding subsection 13, that subsection does not apply on land which is owned by the parent or guardian or on land where permission for use has been granted to the parent or guardian.

F. Notwithstanding subsection 14:

(1) Snowmobiles manufactured on or before October 1, 1973, may be operated without reference to that subsection, unless they have been modified in violation of subsection 15; and

(2) Snowmobiles manufactured after October 1, 1973, but on or before February 1, 1975, may be operated without reference to the requirements of that subsection concerning the noise limit of 78 decibels of sound pressure.

G. Notwithstanding subsection 20, that subsection does not apply in the following situations:

- (1) When operating on public ways in accordance with subsections 4, 5, 6 and 7 and subsection 23, paragraph C;
- (2) When operating on the frozen surface of any body of water; and
- (3) When operating on land which the operator owns or is permitted to use.

SUBCHAPTER III

AIRMOBILES

§ 7841. Findings and purpose

The Legislature finds and declares that the use of airmobiles in the State of Maine has a great potential for damage and destruction to the natural environment and the plant and animal life therein as well as for the invasion of privacy of the citizens of Maine. It is the purpose of this subchapter to prohibit the operation of airmobiles until a study is conducted to determine the effects of these vehicles.

§ 7842. Definitions

1. **Airmobile.** "Airmobile" means any vehicle propelled by mechanical power that is primarily designed to travel upon a cushion of air on or within 2 feet of the water or land surface of the earth.

2. **Operate.** "To operate," when referring to an airmobile, means to use an airmobile in any manner within the jurisdiction of the State, whether or not the vehicle is under way.

§ 7843. Prohibited acts

1. **Operating an airmobile.** A person is guilty of operating an airmobile if he operates, causes to be operated, or allows to be operated, an airmobile anywhere within the State of Maine, except that airmobiles registered with the Bureau of Watercraft Safety on or before April 4, 1973, may be operated in this State.

CHAPTER 717

TRAINING OF DOGS

§ 7861. Training

1. **Open training season.** Except as provided for in section 7331, it is lawful to train dogs on foxes, rabbits and raccoons from August 1st through the following April 30th.

2. **Special dog training areas.** The licensing and operation of special dog training areas is governed by section 7331.

§ 7862. Trials

1. **Open season.**

A. It is lawful to hold raccoon dog trials at any time.

B. It is lawful to train and hold field trials for beagles and other rabbit hounds from September 1st through the following April 10th.

2. Sporting dog field trials. The licensing and conduct of sporting dog field trials is governed by section 7332.

§ 7863. Prohibited acts

1. Possessing a firearm while training dogs. A person is guilty of possessing a firearm while training dogs if he possesses any firearm while training any dog outside of the open training season on foxes, rabbits and raccoons as set out in section 7861, subsection 1.

2. Hunting on a licensed dog training area. A person is guilty of hunting on a licensed dog training area if he hunts on a licensed dog training area, except that the owner of the land being used as a licensed dog training area may hunt on the training area, but may hunt wild animals and wild birds only, to the extent permitted by chapters 701 through 721.

3. Misuse of a licensed dog training area. A person is guilty of misuse of a licensed dog training area if he does any of the following on a dog training area licensed and posted in accordance with section 7331, except as provided in section 7331:

A. Trains a dog;

B. Holds a field trial;

C. Enters the area accompanied by a dog; or

D. Permits a dog of which he is the owner or trainer to enter the area.

4. Illegal use of a firearm during training or field trials. A person is guilty of illegal use of a firearm during training or field trials if, during the training or field trials permitted in section 7862, subsection 1 and section 7861, subsection 1, he uses any firearm other than a pistol loaded with blank ammunition, except during open season for hunting.

CHAPTER 719

LIABILITY OF LANDOWNERS

§ 7881. No duties created

Except as provided in subsection 3, nothing in chapters 701 to 721 creates a duty of care or ground of liability for injury to person or property.

1. No duty to outdoor sportsmen.

A. An owner, lessee or occupant of premises owes no duty to keep the premises safe for entry or use by others for hunting, fishing, trapping, camping, hiking, sightseeing, operation of snow traveling vehicles or recreational activities.

B. An owner, lessee or occupant of premises owes no duty to give warning of any hazardous condition, use, structure or activity on these premises to persons entering for those purposes.

2. No duty to permittees. An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, hike, sight-see, operate a snow traveling vehicle or participate in recreational activities upon these premises does not thereby:

A. Extend any assurance that the premises are safe for that purpose;

B. Constitute the person to whom permission is granted an invitee to whom a duty of care is owed; or

C. Assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

3. Exceptions. Notwithstanding subsections 1 and 2, this chapter does not limit the liability which would otherwise exist for:

A. Intentional or knowing failure to guard or to warn against a dangerous condition, use, structure or activity;

B. Injury suffered in any case in which permission to hunt, fish, trap, camp, hike, sight-see, operate a snow traveling vehicle or participate in recreational activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State; or

C. Injury caused by acts of persons to whom permission to hunt, fish, trap, camp, hike, sight-see, operate a snow traveling vehicle or participate in recreational activities was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

CHAPTER 721

ENFORCEMENT

SUBCHAPTER I

PENALTIES AND PROCEDURES

§ 7901. Penalties

A violation of any prohibited act in chapters 701 to 721 is a Class E crime, except as provided in this section.

1. A violation of section 7406, subsection 15, failure to aid injured person, is a Class C crime.

2. A violation of section 7406, subsection 1 as it applies to deer, or of section 7406, subsection 5 or of section 7458, subsection 3 or of section 7464, subsections 1 or 2 is a Class D crime, provided that the convicted person shall be imprisoned for

not less than 3 days for the first offense and for not less than 10 days for each succeeding offense, this imprisonment not to be suspended, and shall be fined not less than \$500, this fine not to be suspended.

3. A violation of any of the acts prohibited in chapter 711, subchapter III, fishing violations, is a Class E crime, except that in addition to any penalty which the court might impose, a convicted person shall be fined \$5 for each fish illegally possessed, this fine not to be suspended.

4. A violation of section 7505, subsection 3, paragraph A, failure to restrain nuisance dog chasing or pursuing, but not wounding or killing any wild animal, is a civil violation, for which a forfeiture of not more than \$100 may be adjudged.

§ 7902. Prosecution by district attorney

Each district attorney shall prosecute all violators of chapter 701 to 721 occurring within his district when so requested by the commissioner, a game warden or other law enforcement officer authorized to enforce these chapters.

§ 7903. Jurisdiction

The District Court shall have concurrent jurisdiction with the Superior Court in all criminal prosecutions under chapters 701 to 721.

§ 7904. Court procedure

The provisions of Titles 14 and 15 relating to court procedure shall apply in all prosecutions under chapters 701 to 721.

§ 7905. Clerks to notify commissioner

The clerks of the district court and the clerks of the Superior Court shall immediately notify the commissioner of the convictions of any person of any violation of chapters 701 to 721, the sentence of the court and any appeal taken therefrom.

§ 7906. Failure to appear

If a person from whom a game warden has accepted personal recognizance and a deposit in accordance with section 7053, subsection 2, paragraph C fails to appear in court on the day specified in the summons, either in person or by counsel, the court shall order the recognizance and deposit forfeited, and the clerk shall immediately notify the commissioner. The default and forfeiture shall be considered a conviction for purposes of revocation of licenses.

§ 7907. Seizure of fish, wildlife and equipment

All fish or wildlife hunted, trapped, fished for, bought, sold, carried, transported or found in possession of any person in violation of chapters 701 to 721, and all equipment, including firearms, possessed or used in violation of chapters 701 to 721 shall be contraband and shall be subject to seizure by any officer authorized to enforce chapters 701 to 721. Any officer making such a seizure shall, within a

reasonable time, file with the court a libel against the wildlife or equipment, except that articles of less than \$10 in value shall not be libeled unless reasonable doubt exists as to the ownership thereof, and except that any firearm seized in connection with a violation of section 7406, subsection 5, night hunting, shall be retained by the commissioner pending disposition of criminal proceedings and forfeited to the State upon conviction. The libel shall describe the fish, wildlife or equipment and the date and place of their seizure, shall cite the provision of law which is alleged to have been violated, and shall pray for a decree of forfeiture thereof. The libel shall be heard and the seized items disposed of according to section 7909.

§ 7908. Officer's report

In all cases, the officer making any seizure or sale of fish or wildlife shall within 10 days thereafter report all particulars thereof and an itemized statement of the proceeds, expenses and fees and the disposition thereof to the commissioner.

§ 7909. Forfeiture of seized fish, wildlife and equipment

Whenever a libel has been filed pursuant to section 7907:

1. Notice and hearing of libel. The judge shall fix a time for the hearing of the libel and shall issue notice of the libel to all persons interested, citing them to appear at the time and place appointed and show cause why the fish, wildlife or equipment possessed should not be declared forfeited, by causing a true and attested copy of the libel and notice to be posted in 2 conspicuous places in the town or place where the fish, wildlife or equipment possessed were seized, or in such place or places as is ordered by the court, at least 10 days before the day on which the libel is returnable. Copies shall be served on common carriers;

2. Disposal and sale of fish or wildlife. If the court finds that the fish or wildlife seized will be unsuitable for food or other use on the day on which the libel is returnable, the court shall order the officer making the seizure to dispose of it or them. The officer disposing of it or them shall, in case of sale, hold the proceeds of the sale subject to order of the court for decision as to the right of the claimant, if any appear, to the fish or wildlife. If the court finds the claimant, if any appear, is not entitled to the fish or wildlife, the officer making the seizure shall return over to the court the proceeds of the sale, and the court shall forward the proceeds to the commissioner in the same manner as is provided by section 7910;

3. Declaration of forfeiture. If no claimant appears, the court shall, on proof of notice, declare the articles forfeited to the State;

4. Claim procedures. If any person appears and claims such articles, or any part thereof, as having a right to the possession of them at the time when they were seized, he shall file with the court a claim in writing stating specifically:

A. The right so claimed;

B. The foundation of the claim;

- C. The item so claimed;
- D. The time and place of the seizure;
- E. The name of the officer by whom the articles were seized;
- F. That the articles were not possessed in violation of chapters 701 to 721 with his knowledge or consent; and
- G. His business and place of residence.

If any person so makes claim, he shall be admitted as a party to the process, and the court shall proceed to determine the truth of the allegations in the claim and libel, and may hear any pertinent evidence offered by the libelant or claimant;

5. Return of articles or proceeds to claimant. If the court is, upon the hearing, satisfied that the fish, wildlife or equipment possessed were not possessed in violation of chapters 701 to 721 and that the claimant is entitled to the custody of any part of the articles, he shall give him an order in writing, directed to the officer having the articles in custody commanding him to deliver to the claimant the articles or proceeds derived from the sale of the articles, to which he is so found to be entitled, within 48 hours after demand;

6. Judgment against claimant. If the court finds the claimant entitled to no part of the articles so seized, the court shall render judgment against him for the libelant for costs, to be taxed as in civil cases before the court and issue execution thereon, and shall declare the articles forfeited to the State;

7. Appeal. The claimant may appeal and shall recognize with sureties as on appeals in civil causes from a judge;

8. Costs. The costs to be taxed and allowed for libel shall be 50¢; for entering the libel, 30¢; for trying the libel, \$1; for a notice, 50¢; for posting notices and return, \$1; for an order to restore or deliver, 25¢; for executing the order, 50¢; and 10¢ per mile for all necessary travel; and

9. Forms. The department shall provide forms for all cases arising under the foregoing provisions.

§ 7910. Collection and disposition of moneys

1. General. The following moneys shall be paid to the Treasurer of State and credited to, apportioned by and expended by the department for the purpose of conducting the business of the department as provided by the Legislature:

A. All fees, fines, penalties, officers' costs and all other moneys received, collected or recovered by the court or the department under any provisions of chapters 701 to 721;

B. Any fees, fines and penalties recovered by the court from any prosecution by wardens pursuant to their acting, under section 7053, subsection 3, with the same powers and duties as sheriffs; and

C. Moneys received from sale, lease or rental of department-owned property.

2. **Unexpended balance.** If any fees, fines, penalties or other moneys are not expended during the year in which they are collected, the unexpended balance shall not lapse, but be carried as a continuing account available for the purposes specified until expended.

3. **Counties not to pay unpaid officers' fees.** Officers' fees taxed against a respondent, if any, under chapters 701 to 721, which are not paid by or recovered from the respondent shall not be assumed or paid by the county where the offense was committed.

4. **License and permit fees.** License and permit fees shall be collected and expended in accordance with section 7074 and section 7152, subsection 4.

5. **Jail costs.**

A. The costs for imprisonment in a county jail for the violation of any provision of chapters 701 to 721 or rules promulgated thereunder shall be paid by the commissioner to the county involved.

B. The costs shall not exceed the average amount paid for board of federal prisoners.

6. **Watercraft.** Moneys relating to watercraft laws and rules shall be collected and expended in accordance with section 7800.

7. **Snowmobiles.** Moneys relating to snowmobile laws and rules shall be collected and expended in accordance with section 7824, subsections 3 and 4.

SUBCHAPTER II

EVIDENCE

§ 7941. **Failure to produce license**

Failure to produce a license within a reasonable time when requested by any authorized person is prima facie evidence of a violation of chapter 707.

§ 7942. **Possession of fishing tackle without license**

The possession of any fishing tackle in the fields, forests or on the waters or ice within the territorial limits of the State by any person who does not possess the required fishing license duly issued to him, covering the period of time within which the fishing tackle is found in his possession, shall be prima facie evidence of fishing in violation of law, unless the person furnishes satisfactory evidence of the issuance of a fishing license.

§ 7943. **Possession of firearms without license**

The possession of any firearm in the fields, forests or on the waters or ice within the territorial limits of the State by any person who does not possess the required hunting license duly issued to him, covering the period of time within which the

firearm is found in his possession, shall be prima facie evidence of hunting in violation of law, unless the person furnishes satisfactory evidence of the issuance of a hunting license.

§ 7944. Possession of firearms while intoxicated

The possession of firearms in the fields or forests or on the waters or ice in the State by any person while under the influence of intoxicating liquor or drugs is prima facie evidence that the possessor was violating section 7406, subsection 3.

§ 7945. Possession of firearms on Sunday

Possession of firearms in the fields or forests or on the waters or ice in the State or in a motor vehicle being operated on an unpaved highway or road located in an unorganized township on Sunday is prima facie evidence of a violation of section 7406, subsection 4, unless:

1. Firearm covered. The firearm is carried, securely wrapped, in a complete cover;

2. Firearm fastened. The firearm is fastened in a case; or

3. Firearm in pieces. The firearm is carried in at least 2 separate pieces in such a manner that it cannot be fired, unless the separate pieces are joined together. For the purpose of this subsection, a clip, magazine or cylinder of a firearm shall not be considered a piece of the firearm.

§ 7946. Possession of firearm on paved way

Possession of a loaded firearm within the limits of any paved way, except as provided in section 7406, subsection 7, shall be prima facie evidence of hunting.

§ 7947. Possession of moose and caribou

Possession of moose or caribou without a permit obtained in accordance with section 7238, or after the permit has expired, shall be prima facie evidence of a violation of section 7464, subsections 1 and 2.

§ 7948. Proof of ownership of land

Before any prosecution is made under section 7432, subsection 4 or 5, the landowner or occupant shall prove his ownership or occupancy of the land in question.

§ 7949. Compulsory testimony and witness immunity

In any prosecution under chapters 701 to 721, any participant in a violation thereof, when so requested by the district attorney, commissioner or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating those chapters, but his evidence so given shall not be used against himself in any prosecution for such a violation.

§ 7950. Records of the Division of Recreational Safety and Registration

A certificate, signed by the commissioner or a person designated by him, stating what the records of the Division of Recreational Safety and Registration show on any given matter is admissible in evidence in all courts of this State to prove what the records of the division are on that matter.

1. Certificate prima facie evidence person not the holder of a certificate of number, license or permit. A certificate, signed by the commissioner or a person designated by him, stating that the records of the division do not show that a particular person on a stated date held a certificate of number, a license or a permit issued under chapter 715, subchapter 1, is admissible in evidence in all courts of this State and is prima facie evidence that the particular person named in the certificate did not hold a certificate of number, a license or a permit as specified in the certificate on the date specified in the certificate.

2. Certificate prima facie evidence of certificate, license, or permit revocation. A certificate, signed by the commissioner or a person designated by him, stating that the records of the division show that a particular person's certificate, license or permit issued under chapter 715, subchapter 1, was under revocation or suspension on a particular stated date is admissible in evidence in all courts of this State and is prima facie evidence that the particular certificate, license or permit stated, on the date stated, of the particular person stated, was under revocation or suspension.

§ 7951. Certificate of number for a motorboat

If the operator of a motorboat requiring a certificate of number under section 7794, subsection 1, fails to produce a current certificate of number for the motorboat he is operating within a reasonable time after demand of a law enforcement officer authorized to enforce this law, it is prima facie evidence that the motorboat is being operated without a current certificate of number.

§ 7952. Snowmobile accident reports

1. Failure to give notice. Failure of persons required to give notice of certain snowmobile accidents under section 7827, subsection 22, to give notice of any accident requiring notice to the nearest available law enforcement officer to the place where the accident occurred shall be prima facie evidence that the accident was not reported.

2. Use of accident reports. All accident reports made by investigating officers shall be for the purpose of statistical analysis and accident prevention and shall not be admissible in evidence in any trial, civil or criminal, arising out of the accident, but any investigating agency may disclose, upon the request of any person, the date, time and location of the accident and the names and addresses of drivers, owners, injured persons, witnesses and the investigating officer. The investigating agency may upon written request furnish a photocopy of any report at the expense of the person making the request.

§ 7953. Purchase or sale of wildlife by commissioner's agents

Any agent of the commissioner may buy or sell any wildlife for use as evidence in prosecution of a violation of chapters 701 to 721.

Sec. 2. 7 MRSA c. 707, as amended, is repealed.

Sec. 3. 7 MRSA § 3602, as last amended by PL 1977, c. 696, §§ 106 and 107, is repealed.

Sec. 4. 7 MRSA § 3603 is repealed.

Sec. 5. 12 MRSA Pt. 3, as amended, is repealed.

Sec. 6. 32 MRSA c. 65, as amended, is repealed.

STATEMENT OF FACT

This bill consists of a complete recodification of the statutes administered by the Department of Inland Fisheries and Wildlife, and has been prepared by the department with the close supervision of the Attorney General's office. Its purpose is to reorganize and standardize the department's statutes, which have been the subject of such substantial amendment over the past few decades as to make it very difficult for anyone—courts, law enforcement officers, administrators and citizens—to deal with them. The bill is not intended to make any change in the substance of the law, except in instances where minor variations between parallel provisions occur, in which case standard language is adopted in the interest of simplicity.

The major improvement which the bill seeks to accomplish is a new scheme of organization for the statutes, which it is hoped will make it easier for any person to find the law relating to specific subjects. The major topics are as follows.

1. Chapter 701 contains an expanded list of standardized definitions of words used throughout the bill.

2. Chapter 703 gathers all the powers of the commissioner in one place.

3. Chapter 705 gathers all the powers of the game wardens and other law enforcement officers in one place and standardizes these powers.

4. Chapter 707 brings together for the first time all provisions relating to the eligibility and issuance of all licenses and permits which the commissioner is responsible for issuing, and arranges these licenses and permits by subject matter.

5. Chapter 709 contains all provisions relating to the conduct of hunting and trapping. An important feature of this chapter is a comprehensive list of all prohibited acts, so that the hunter or trapper may easily determine what practices are prohibited.

6. Chapter 711 contains all provisions relating to the conduct of fishing, including a comprehensive list of all prohibited acts.
7. Chapter 713 contains all provisions relating to the management of fisheries and wildlife by the department.
8. Chapter 715 contains the statutes empowering the commissioner to regulate watercraft, snowmobiles and airmobiles.
9. Chapter 717 contains the provisions, formerly in Title 7, empowering the commissioner to regulate the training and use of hunting dogs.
10. Chapter 719 contains all those provisions of law which determine the legal relationships between landowners and sportsmen.
11. Chapter 721 establishes, for the first time, a comprehensive list of penalties for the violation of the fisheries and wildlife laws and attempts to standardize the penalties as much as possible. The chapter also collects all provisions relating to court proceedings under those laws.