

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1686

H. P. 1564

House of Representatives, June 13, 1979

Reported by Mr. Dow from the Committee on Fisheries and Wildlife and printed under Joint Rules No. 2.

Reported out pursuant to Joint Standing Committee on Fisheries and Wildlife pursuant to H. P. 1399.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Make Corrections and Clarify Provisions of the Inland Fisheries and  
Wildlife Laws.**

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

**Sec. 1.** 12 MRSA § 7001, sub-§ 13, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

**13. Guide.** "Guide" means any person who receives any form of remuneration for his services in accompanying or assisting any person in the fields, forests or on the waters or ice within the jurisdiction of the State while hunting, fishing, camping or pursuing other recreational activities.

**Sec. 2.** 12 MRSA § 7033, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

**§ 7033. Advisory council**

**1. Appointment.** There is established an advisory council, which shall consist of one member representing each of the management units the commissioner established to administer chapters 701 to 721. Members of the advisory council 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 be a nonvoting member of the council ex officio, but may vote to break a tie.**

**2. Length of terms. Appointments shall be for a term of 3 years and until successors are appointed and qualified. No person shall serve more than 2 consecutive 3-year terms. 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 \$2,500 for each fiscal year.**

**4. Duties.**

**A. The council shall render to the commissioner information and advice concerning the administration of the department and carry out other duties specifically delegated by chapters 701 to 721; and**

**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.**

**Sec. 3. 12 MRSA § 7035, sub-§ 1, first sentence, as enacted by PL 1979, c. 420, § 1, is amended to read:**

**The commissioner may, with the advice and consent of the advisory council and in conformity with the Maine 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.**

**Sec. 4. 12 MRSA § 7071, sub-§ 6 is enacted to read:**

**6. Persons convicted of molesting traps. Any person convicted of a violation of section 7432, subsection 7, shall not be eligible to obtain any license issued by the Department of Inland Fisheries and Wildlife for 3 years from the date of conviction in the case of a first offense and 5 years from the date of conviction in the case of a 2nd or subsequent offense. Any licenses in effect at the time of conviction shall be considered revoked and surrendered to the commissioner.**

**Sec. 5. 12 MRSA § 7101, sub-§ 6, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:**

**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. There shall be printed upon the**

back of the bear tag portion of a nonresident or alien license the words: **THIS BEAR WAS SHOT IN THE STATE OF MAINE.** The first 8 words of each inscription shall be printed in 18-point caps and the word "MAINE" in 96-point Gothic type.

Sec. 6. 12 MRSA § 7102, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

§ 7102. Archery hunting license

1. Eligibility.

A. Any person 16 years of age or older may obtain an archery license to hunt with bow and arrow from the commissioner;

B. Any person 12 years of age or older and under 16 may hunt with bow and arrow, provided he holds a valid junior hunting license; and

C. No person under the age of 12 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; and

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 the 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 person 12 years of age or older and under 16 shall be accompanied at all times while hunting by a parent or guardian or an adult approved by a parent or guardian;

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

**E. Bows shall be strong enough to shoot an arrow at least 150 yards;**

**F. Arrow heads shall be not less than 7/8 inch in width;**

**G. A person shall not use a crossbow or set bow;**

**H. A person shall not use arrows with either poisonous or explosive tips;**

**I. 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;**

**J. 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; and**

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

**Sec. 7. 12 MRSA § 7131, sub-§ 2, as enacted by PL 1979, c. 420, § 1, is repealed.**

**Sec. 8. 12 MRSA § 7132, as enacted by PL 1979, c. 420, § 1, is repealed.**

**Sec. 9. 12 MRSA § 7154, sub-§ 3, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:**

**3. Fees. There shall be a fee for all tournament permits. For tournaments in which 20 or fewer persons participate, all of whom are members of the club sponsoring the tournament, the fee shall be \$5. The fee for all other tournaments shall be \$25.**

**Sec. 10. 12 MRSA § 7171, sub-§ 3, ¶ C, as enacted by PL 1979, c. 420, § 1, is amended to read:**

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

**Sec. 11. 12 MRSA § 7235, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:**

**§ 7235. Breeder's license**

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

**A. Breed, rear or possess any wild bird or animal;**

**B. Consume, sell, transport or kill and sell any wild bird or animal raised by virtue of this section;**

C. Sell, live or dressed, wild birds or animals outside this State, subject to laws governing the importation of wild birds and animals of the state in which they are sold.

2. Fee. The annual fee for a breeder's license is \$15.

3. Requirements.

A. The licensee must have sufficient fenced land to raise the wild birds or animals;

B. This fence must be of sufficient strength and design to prevent wild birds or animals from entering or leaving the area; and

C. The licensee has made provisions for the proper housing and care of the wild birds or animals.

4. Restrictions.

A. No wild bird, either live or dressed, shall be removed from the licensee's 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 10¢.

B. No wild animal, either live or dressed, or part thereof, shall be removed from the licensee's premises until an identifying mark or seal has been securely attached to each animal. This seal or mark shall remain attached to that animal until it is finally prepared for consumption or manufactured into a finished product. This seal or mark shall be supplied by the licensee and shall be registered with the commissioner.

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

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

5. Exceptions.

A. No licensee is required to raise domestic rabbits or chinchillas.

B. No license is required to raise wild birds or animals which are owned by the department.

C. Notwithstanding subsection 3, no fencing is required to raise wild birds or animals on islands.

6. Reports. 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.

**Sec. 12.** 12 MRSA § 7236, as enacted by PL 1979, c. 420, § 1, is repealed.

**Sec. 13.** 12 MRSA § 7301, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

**§ 7301. Guide license**

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

**A.** The commissioner of 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.

**1-A. Rules.** The board of examiners shall make such rules pertaining to the licensing of guides as it deems necessary.

**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 shall submit an application on such forms as the commissioner may provide. The board shall act on all applications within 5 working days of receipt, and shall notify all applicants at least 2 weeks prior to the examination.

**4. Examinations.** All persons who have not held a guide's license prior to January 1, 1980, shall be required to pass an examination as directed by the board of examiners. Examinations shall be held in areas designated by the commissioner.

**5. Issuance.** The commissioner, upon receipt of the recommendation of his designee, may license such persons as a general guide or a specialized guide and the commissioner may, at his discretion, change the classification of guides from one class to another.

**6. Classification.** The commissioner shall establish classifications of guide licenses, including general guides, whitewater guides and other specialized categories he may designate.

**7-A. Renewal.** A guide whose license is not suspended or revoked may renew that license annually upon the payment of the \$32 fee. Completion and passage of the guide's examination is not a requirement for renewal.

**8. Restrictions.** Guides shall be restricted in the use of watercraft while guiding on such waters as the commissioner may prescribe. Guides using a

motorboat shall have either a valid license to operate a motorboat carrying passengers for hire issued by the Bureau of Watercraft Registration and Safety, or a valid superior United States Coast Guard license.

Sec. 14. 12 MRSA §§ 7302, and 7303, as enacted by PL 1979, c. 420, § 1, are repealed and the following enacted in their place:

**§ 7302. Junior Maine guides and trip leaders; curriculum board**

1. **Examining board.** The commissioner shall appoint a board of 5 members, to be known as the "Junior Maine Guides and Trip Leaders' Curriculum Board." The board shall consist of one member from the Department of Inland Fisheries and Wildlife, one member from the Department of Human Services and 3 public members, one of whom shall be a Maine camp director. All members shall serve without compensation, except that public members shall be reimbursed for travel and other necessary expenses incurred in the performance of their duties. Appointments to the board shall be for 3 years or until successors are appointed.

2. **Requirements.** The board shall hold such meetings as may be necessary and shall adopt rules for the administration of this section and section 7303. The board shall establish standards of requirements and methods of ascertaining fitness of candidates for a junior Maine guide certificate. The board shall also adopt, approve and review trip leaders' safety course curriculum which shall include, but not be limited to, training in first aid and water safety, including lifesaving techniques, as appropriate, and trip leaders' qualifications under the special application procedure in section 7303.

3. **Eligibility for junior guides.** To qualify as a junior guide, a person shall be 14 years of age or older and under 18 years of age 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; and

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

**§ 7303. 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 located in another state and duly licensed in a similar manner, if the laws of the other state so require, conducting trip camping on waters other than those adjacent to the location of the main camp shall:

A. Provide at least one staff member over 18 years of age for each 6 campers who are minors;

B. Ensure that the staff member in charge of the trip is a holder of a trip leader's permit.



**2. Application.** Any person wishing a permit shall submit an application on forms which the commissioner shall provide and pay the fee as provided. After January 1, 1980, in order to qualify initially for a permit, an applicant shall either show successful completion of a trip leader's safety course, the curriculum of which shall be approved by the Junior Maine Guides and Trip Leaders' Curriculum Board, or be approved by the special application procedure in this section.

**3. Curriculum.**

**A.** A trip leader's safety course curriculum may be submitted to the board for approval and, in addition thereto, the commissioner shall publish curriculum adopted or approved by the board and a current list of courses with the approved curriculum by name and address; and

**B.** In lieu of a showing of successful completion of a trip leader's safety course, an applicant may complete a special application outlining in detail his experience and training as a trip leader. Approval by the commissioner of this application and payment of the qualifying fee shall qualify the applicant thereafter for a trip leader's permit.

**4. Enforcement.** Wardens of the Department of Inland Fisheries and Wildlife and the rangers of the Bureau of Forestry are authorized to enforce this section. They may terminate any trip in violation of this section or considered unsafe. The commissioner shall consider previous violations of this section when issuing or reissuing trip leaders' permits.

**5. Fee.** The initial qualifying fee for a trip leader's permit shall be \$10. Persons may annually renew this permit upon payment of \$5.

Sec. 15. 12 MRSA § 7352, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

**§ 7352. Hide dealer's license**

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

**A.** Buy, sell, barter, take in trade or take in exchange for any services rendered any raw, untanned wild animal hide or head; and

**B.** Aid or assist another in buying, selling or bartering raw, untanned hides or heads of wild animals.

**2. Fee.** The annual fee for a hide dealer's license shall be \$32 for residents of this State and \$63 for nonresidents.

**3. Restrictions.**

**A.** Each licensee shall keep a true and complete record, in such form as is required by the commissioner, of all heads and hides purchased; and

**B. The record shall be open for inspection by the commissioner or his agent, and shall be filed with the commissioner, after being notarized, on or before December 31st of each year.**

**4. Exception.**

**A. Notwithstanding this section, a person who lawfully registers any deer, moose or bear, or lawfully possesses any furbearing animal, may sell the hide or head thereof.**

**Sec. 16. 12 MRSA § 7353, as enacted by PL 1979, c. 420, § 1, is repealed.**

**Sec. 17. 12 MRSA § 7377, sub-§ 4, ¶E is enacted to read:**

**E. Any person may take suckers for use as bait for fishing in inland waters as provided in section 7171 without a permit under section 7153.**

**Sec. 18. 12 MRSA § 7406, sub-§ 8, ¶B, as enacted by PL 1979, c. 420, § 1, is repealed.**

**Sec. 19. 12 MRSA § 7432, sub-§ 2, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:**

**2. Failure to visit traps.**

**A. A person trapping in any organized or incorporated place shall visit each trap or cause the same to be visited at least once in every calendar day including Sunday, except beaver sets, so-called; and**

**B. A person trapping in any unorganized or deorganized place shall visit, or cause to be visited, each trap at least once in every 72-hour period, except water sets and conibear traps, so-called.**

**Sec. 20. 12 MRSA § 7432, sub-§ 14 is enacted to read:**

**14. Use of pole traps. A person is guilty of using a pole trap if he uses or sets any steel trap on the top of a pole, constituting a device commonly known as a "pole trap" for the purposes of catching any wild bird.**

**Sec. 21. 12 MRSA § 7452, sub-§ 2, first sentence, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:**

**A person is guilty, except as provided in subsection 15, paragraph A, of using an illegal bear trap if he sets a bear trap that does not conform to the following specifications:**

**Sec. 22. 12 MRSA § 7452, sub-§ 9, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:**

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

**A. Buys, sells or offers for sale or barter any bear;**

- B. Aids in buying, selling or offering for sale or barter any bear; or**
- C. Counsels or otherwise aids in procuring a bear.**

Sec. 23. 12 MRSA § 7452, sub-§§ 10-15 are enacted to read:

**10. Possessing unregistered bear.** A person is guilty, except as provided in subsection 15, paragraph C, of possessing unregistered bear if he possesses any bear which has not been legally registered as provided in section 7451, subsection 2.

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

**12. Illegal possession of a gift bear.** A person is guilty, except as provided in subsection 15, paragraph D, and notwithstanding the provisions of subsection 13, of illegal possession of a gift bear if he possesses any part or parts of a bear given to him and:

- A. Each part is not plainly labeled with the name and address of the person who registered the bear;**
- 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.**

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

- A. The bear is not open to view;**
- B. The bear tag portion of the hunting license bearing the name and address of the person who killed the bear is not securely attached to the bear; or**
- C. The person who killed the bear does not accompany the bear while it is being moved or transported.**

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

**15. Exceptions.**

- A. Notwithstanding subsection 2, a person may use a cable trap with a closing diameter of not less than 2 1/2 inches to trap bear in the State during the open season on bear;**

**B. Notwithstanding subsection 9, the heads and hides of any bear may be sold to a properly licensed taxidermist for the purpose of preserving and mounting as provided in section 7352, and to a dealer as provided in section 7352;**

**C. Notwithstanding subsection 10, a person may lawfully possess an unregistered bear in accordance with chapter 709, subchapter IV;**

**D. Notwithstanding subsection 12, that provision does not apply to any bear or parts of bear being transported by a Maine licensed transportation company, including common carriers, in accordance with other provisions of chapters 701 to 721;**

**E. Notwithstanding subsection 13, a resident of this State, who has legally killed and registered a bear may have the bear transported within the State, without accompanying the bear, by purchasing a bear transportation tag which shall be attached to the bear while being transported. The bear transportation tag shall cost \$3; 50¢ to be retained by the issuing agent;**

**F. Notwithstanding subsection 14, any resident of this State who has legally killed and registered a bear may transport the bear or have it transported beyond the boundaries of this State by purchasing a bear transportation tag which shall be attached to the bear while being transported. The bear transportation tag shall cost \$53.50; 50¢ to be retained by the issuing agency, except that no fee shall be required of any resident of this State who is serving in the Armed Forces of the United States; and**

**G. Notwithstanding subsection 14, any nonresident who has legally killed and registered a bear may have the bear 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 bear 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 bear was killed, or from any warden supervisor.**

**Sec. 24. 12 MRSA § 7453, sub-§ 2, as enacted by PL 1979, c. 420, § 1, is repealed.**

**Sec. 25. 12 MRSA § 7454, sub-§§ 2 and 3, as enacted by PL 1979, c. 420, § 1, are repealed.**

**Sec. 26. 12 MRSA §§ 7456-A and 7457-B are enacted to read:**

**§ 7456-A. Caribou**

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

**§ 7456-B. Prohibited acts relating to caribou**

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

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

Sec. 27. 12 MRSA § 7457, sub-§ 1, ¶E, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

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

- (1) The demarcation of the areas with the shortened season follow recognizable physical boundaries, such as rivers and railroad rights-of-way;
- (2) The determination is made and published prior to September 1st of any year; and
- (3) The Saturday preceding the first day of open season on deer shall be an open day for residents of this State only.

Sec. 28. 12 MRSA § 7458, sub-§ 15, ¶G is enacted to read:

**G. Notwithstanding subsection 6, a person may leave an unregistered deer in the woods if he notifies a warden within 12 hours as to the location of the deer and the circumstances necessitating his leaving the same in the woods.**

Sec. 29. 12 MRSA §§ 7459 and 7460, as enacted by PL 1979, c. 420, § 1, are repealed.

Sec. 30. 12 MRSA § 7462, sub-§ 2, as enacted by PL 1979, c. 420, § 1, is repealed.

Sec. 31. 12 MRSA §§ 7463 and 7464, as enacted by PL 1979, c. 420, § 1, are repealed and the following enacted in their place:

**§ 7463. Moose**

**1. Experimental season established.** There shall be a controlled, experimental open firearm's season on moose for the year 1980 within the hunting district described in subsection 3.

**2. Open season.** The open season for moose shall be from September 22, 1980, to September 27, 1980.

**3. District.** There shall be one moose hunting district described as follows: All of the State north of the Canadian Pacific Railroad mainline running from Vanceboro, through Brownville, to the Canadian border, except for those areas of the State closed to hunting described in chapter 713, subchapter I.

**4. Hunting permits.** The commissioner is authorized to issue not more than 700 moose hunting permits. Permits shall be chosen by public chance drawing. To be eligible for this drawing, a person shall hold a valid Maine resident hunting license and shall submit a written application, accompanied by a \$5 application fee. These applications shall be provided by the commissioner and obtainable from licensing agents. Application fees shall not be refunded. In addition to the

application fee, there shall be a fee of \$10 for a moose permit. Each hunter receiving a moose permit may choose another person, hereinafter referred to as the subpermittee, to hunt with him by including his name on the permit application. The subpermittee shall be required to possess a valid Maine hunting license. The hunters shall receive one permit indicating the name of the permittee and subpermittee, if any. This permit shall be carried by the permittee while hunting. The permittee may hunt alone if he chooses, but the subpermittee shall always be accompanied by the permittee. There shall be no additional charge for designating a subpermittee.

5. Bag limit. The bag limit shall be one moose of either sex per permit holder. In the case of a permittee and a select subpermittee, the permit will allow one of them to take one moose.

6. Weapons permitted. Shotguns larger than .410 gauge using rifled slugs only and all other firearms, except handguns and rim fires, shall be considered legal for hunting moose.

7. Registration of harvested moose.

A. All moose legally harvested shall be presented for inspection at official registration stations, to be established by the commissioner, to allow collecting of biological and hunting data. The entire animal shall be presented, although it may be dismembered for ease of transportation. The head and legs shall be intact. A fee of \$10 shall be assessed for registration.

B. Inland fisheries and wildlife wardens and biologists shall register each moose legally presented for registration and shall attach a seal to each moose in the manner as directed and with the materials furnished by the commissioner.

8. Closing of moose season. If, during the open season on moose, it shall be the opinion of the commissioner that more moose are being killed in the district indicated than is in the best interest of conserving the species, he shall have the authority to terminate that season at once.

9. Authority of commissioner. The commissioner is authorized to issue application for moose hunting permits, issue permits and make all rules and regulations pertaining thereto. The commissioner is authorized to make all other rules and regulations which he deems necessary for the protection of the moose resource. The commissioner shall use at least 1/2, or \$85,000, whichever is smaller, of the revenue generated by moose permits and application fees for moose research and management.

10. Questionnaires. Each permittee and subpermittee shall complete a questionnaire, to be provided by the commissioner and return this questionnaire to the commissioner within a period of 10 days after the close of the moose hunting season.

11. **Importation.** The importation of moose killed beyond the limits of this State is governed by section 7238.

§ 7464. **Prohibited acts relating to moose**

1. **Illegal hunting of moose.** A person is guilty of illegal hunting of moose if he hunts any moose, except in accordance with section 7463.

2. **Illegal possession of moose.** A person is guilty of possessing moose if he possesses any moose, except in accordance with section 7238, 7463 or 7503.

3. **Illegally transporting moose.** A person is guilty of illegally transporting moose if he, at any time in any manner, moves or transports any moose and:

A. The moose is not open to view;

B. The moose tag portion of the permit bearing the name and address of the person who killed the moose is not securely attached to the head of the moose; or

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

4. **False registrations of a moose.** A person is guilty of false registration if he presents for registration, or allows to be registered in his name, any moose which he or his subpermittee did not lawfully kill.

5. **Failure to register moose.** A person is guilty, except as provided in section 7503, of failing to register a moose if he:

A. Kills a moose and fails to present it for registration as provided in section 7463; or

B. Keeps an unregistered moose at his home or at any place of storage, except at an official registration station or at the office of an inland fisheries and wildlife warden, for more than 12 hours.

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

7. **Illegal possession of a gift moose.** A person is guilty, notwithstanding the provision of subsection 3, of illegal possession of a gift moose if he possesses any part or parts of a moose given to him and:

A. Each part is not plainly labeled with the name and address of the person who registered the moose;

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 part or parts, if a third party transports a part or parts. This subsection shall not apply to any moose or parts of moose being transported by a Maine licensed transportation company, including common carriers, in accordance with chapters 701 to 721.**

**Sec. 32.** 12 MRSA § 7552, sub-§ 5, ¶ A, as enacted by PL 1979, c. 420, § 1, is repealed.

**Sec. 33.** 12 MRSA § 7553, sub-§ 1, ¶ A, sub-¶¶ (1) and (2), as enacted by PL 1979, c. 420, § 1, are repealed.

**Sec. 34.** 12 MRSA § 7554, sub-§ 1, as enacted by PL 1979, c. 420, § 1, is repealed.

**Sec. 35.** 12 MRSA § 7554, sub-§ 2, ¶ A, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

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

**Sec. 36.** 12 MRSA § 7554, sub-§ 2, ¶¶'s B to H, as enacted by PL 1979, c. 420, § 1, are repealed.

**Sec. 37.** 12 MRSA § 7555, sub-§ 1, as enacted by PL 1979, c. 420, § 1, is repealed.

**Sec. 38.** 12 MRSA § 7555, sub-§ , ¶¶'s A and B, as enacted by PL 1979, c. 420, § 1, are repealed.

**Sec. 39.** 12 MRSA § 7556, sub-§ 1, as enacted by PL 1979, c. 420, § 1, is repealed.

**Sec. 40.** 12 MRSA § 7556, sub-§ 2, ¶¶ B, C and D, as enacted by PL 1979, c. 420, § 1, are repealed.

**Sec. 41.** 12 MRSA § 7571, sub-§ 3, as enacted by PL 1979, c. 420, § 1, is repealed.

**Sec. 42.** 12 MRSA § 7607, as enacted by PL 1979, c. 420, § 1, is amended to read:

**§ 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.~~

**Sec. 43.** 12 MRSA § 7619 and § 7620, as enacted by PL 1979, c. 420, § 1, are repealed.

**Sec. 44.** 12 MRSA § 7630, sub-§ 3, as enacted by PL 1979, c. 420, § 1, is repealed.



Sec. 45. 12 MRSA § 7791, sub-§ 1-A is enacted to read:

1-A. **Airmobile.** “Airmobile” means any vehicle propelled by mechanical power that is designed to travel upon a cushion of air on or within 2 feet of the water or land surface of the earth.

Sec. 46. 12 MRSA § 7791, sub-§ 2-A is enacted to read:

2-A. **Dwelling.** “Dwelling” means any building used as a permanent residence or place of domicile.

Sec. 47. 12 MRSA § 7791, sub-§ 5, as enacted by PL 1979, c. 420, § 1, is amended to read:

5. **Motorboat.** “Motorboat” means any watercraft including airmobiles, 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.

Sec. 48. 12 MRSA § 7792, sub-§ 5 is enacted to read:

5. **Restrictions for airmobiles.** Rules restricting the operation of airmobiles in fish or wildlife preserves, conservation areas or other areas where the operation may harm the natural environment.

Sec. 49. 12 MRSA § 7792-A is enacted to read:

§ 7792-A. **Rules on operation of airmobiles**

1. **Rules.** Prior to November 1, 1979, the commissioner shall promulgate rules restricting the operation of airmobiles in areas where their use may be harmful. These rules shall be promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, after public hearings in the areas affected.

2. **Minimum conditions.** These rules shall, as a minimum, condition the use of airmobiles in fish and wildlife preserves, conservation areas, coastal and inland wetlands and great ponds.

3. **Prohibitions.** The commissioner shall prohibit airmobile use wherever it adversely affects fish and wildlife habitat, interferes with the operation of other watercraft, threatens public safety or adversely affects the natural environment.

Sec. 50. 12 MRSA § 7794, sub-§ 1, as enacted by PL 1979, c. 420, § 1, is amended to read:

1. **Motorboats requiring.** The owner of every motorboat, including airmobiles, 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:

Sec. 51. 12 MRSA § 7794, sub-§ 6, as enacted by PL 1979, c. 420, § 1, is amended to read:

**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, **except that numbers that have been inactive for at least 7 years may be reissued by the division.**

**Sec. 52. 12 MRSA § 7800-A** is enacted to read:

**§ 7800-A. Operating airmobile 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 an airmobile 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.

**3. Restrictions.** If restrictions on operation are posted on the land of another, the person operating the airmobile shall observe those restrictions.

**Sec. 53. 12 MRSA § 7801, sub-§ 1, first sentence,** as enacted by PL 1979, c. 420, § 1, is amended to read:

A person is guilty, except as provided in subsection ~~21~~ 27, 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.

**Sec. 54. 12 MRSA § 7801, sub-§ 12,** as enacted by PL 1979, c. 420, § 1, is amended by adding at the end the following new sentence:

**Airmobiles are prohibited from beaches adjacent to these bathing areas.**

**Sec. 55. 12 MRSA § 7801, sub-§ 16, first sentence,** as enacted by PL 1979, c. 420, is § 1, is amended to read:

A person is guilty, except as provided in subsection ~~21~~ 27, paragraph B, of operating a watercraft without proper safety equipment if he operates a watercraft and he:

**Sec. 56. 12 MRSA § 7801, sub-§ 21,** as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

**21. Operating an airmobile upon a public way.** A person is guilty, except as provided in subsection 27, paragraph C, of operating an airmobile upon a public way if he operates an airmobile upon a public way.

**Sec. 57. 12 MRSA § 7801, sub-§§ 22-27** are enacted to read:

**22. Failing to stop an airmobile before entering a public way.** A person is guilty of failing to stop an airmobile before entering a public way if he fails to bring an airmobile to a complete stop before entering a public way.

23. Failing to yield right-of-way while operating an airmobile. A person is guilty of failing to yield the right-of-way while operating an airmobile if he fails to yield the right-of-way to all vehicular traffic while operating an airmobile on a public way.

24. Operating an airmobile which exceeds noise limit. A person is guilty, except as provided in subsection 27, paragraph E, of operating an airmobile which exceeds the noise limit if he operates an airmobile which exceeds 78 decibels of sound pressure at 50 feet on the "A" scale, as measured by the Society of Automotive Engineers standards J-192.

25. Operating an airmobile on railroad tracks. A person is guilty of operating an airmobile on railroad tracks if he operates an airmobile along or adjacent and parallel to the tracks of any railroad with the limits of the railroad right-of-way without written permission from the railroad.

26. Operating an airmobile too close to certain buildings. A person is guilty, except as provided in subsection 27, of operating too close to a dwelling, hospital, nursing home, convalescent home or church if he operates an airmobile within 200 feet of any of those buildings.

27. 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 or internal waters of less than 50 acres in area, are exempt from carrying personal flotation devices.

C. Notwithstanding the provisions of subsection 21, properly registered airmobiles may cross public ways, including bridges, overpasses and underpasses. For crossing public ways, sidewalks and culverts, persons shall travel only the distance necessary, but in no case exceeding 300 yards, for the

sole purpose of crossing as directly as possible. For crossing bridges, overpasses and underpasses, persons shall travel only the distance necessary, but in no case exceeding 500 yards, for the sole purpose of crossing as directly as possible. All crossings shall be subject to the following conditions:

- (1) Persons may cross public ways only if the crossing can be made safely and does not interfere with vehicular traffic approaching from either direction;
- (2) The operator of the airmobile shall dismount and lead the machine along the extreme right of the traveled way; and
- (3) The operator of the airmobile shall yield the right-of-way to all vehicular traffic.

D. Notwithstanding subsection 26, that subsection does not apply in the following situations:

- (1) When operating on public ways in accordance with paragraph C and subsections 21, 22, 23, and 24;
- (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.

E. Notwithstanding subsection 24, airmobiles which are operating in a race approved by the commissioner under section 7797 may exceed the noise level.

Sec. 58. 12 MRSA § 7824, sub-§ 7, as enacted by PL 1979, c. 420, § 1, is amended to read:

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, **except that numbers that have been inactive for at least 7 years may be reissued by the division.**

Sec. 59. 12 MRSA § 7827, sub-§ 3, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

3. **Unlawfully operating a snowmobile on a plowed road.** A person is guilty of unlawfully operating a snowmobile on a plowed road if he operates a snowmobile upon any plowed private road, or public road plowed privately without public compensation, after having been forbidden to do so by the owner thereof, the owner's agent or a municipal official, either personally or by appropriate notices posted conspicuously on that road.

Sec. 60. 12 MRSA § 7827, sub-§ 4-A is enacted to read:

4-A. **Unlawfully operating a vehicle on a snowmobile trail.** A person is guilty of unlawfully operating a vehicle on a snowmobile trail if he operates any 4-wheel drive vehicle, dune buggy, motorcycle or other motorized vehicle, other than a snowmobile and appurtenant equipment, over the snow on roads and trails

**maintained for snowmobile use and financed in whole or in part with funds from the Snowmobile Trail Fund, unless such use has been authorized by the landowner or his agent, or unless the use is necessitated by an emergency involving safety of persons or property.**

**Sec. 61. 12 MRSA § 7827, sub-§ 23, ¶ D, sub-¶¶ (3) and (4), as enacted by PL 1979, c. 420, § 1, are amended to read:**

**(3) Snowmobiles may operate on any portion of public ways when the ~~main traveled portion is plowed and unused by conventional motor vehicles~~ public way has been closed in accordance with Title 23, section 2953;**

**(4) If the main traveled portion of a public way is publicly 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 corporation function, so that public utilities may effectively and speedily carry out their obligations to the public;**

**Sec. 62. 12 MRSA c. 715, sub-c. III, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:**

### **SUBCHAPTER III**

#### **COMMERCIAL WHITEWATER OUTFITTERS**

##### **§ 7841. Legislative findings**

**The Legislature finds that:**

**1. Popular sport. The recreational use of watercraft upon so-called whitewater and other highly turbulent and hazardous sections of rivers and streams in this State is becoming an increasingly popular sport;**

**2. Risks. This sport may pose significant risks, particularly to those members of the public not skilled and knowledgeable in the same;**

**3. Organized trips. Many watercraft trips are organized and conducted by commercial operators who hold themselves out as possessing the skills and equipment necessary to navigate the waters with reasonable safety; and**

**4. Safe equipment. Accordingly, the public interest requires that commercial operators who conduct these trips utilize watercraft and equipment which is reasonably safe for these purposes and have sufficient training and skill in the operation of the watercraft and equipment in order to insure the safety of the public.**

**§ 7842. Licenses**

1. **Application.** Any person in the business of conducting whitewater rafting, dory or bateau trips on rapidly flowing rivers shall obtain a license from the commissioner.

2. **Guides.** There shall be at least one licensed guide in each watercraft during whitewater rafting trips.

3. **Fee.** The annual fee for a license issued under this section shall be \$250.

4. **Renewal.** The commissioner may grant a renewal of a license issued under this section upon written application and payment of the \$250 fee.

5. **Expiration.** Every license issued under this section shall expire on December 31st of the year for which issued.

6. **Exceptions.** Nothing in this section shall apply to the operation of canoes. This subchapter shall not apply to guides or trip leaders licensed under chapter 307, or motorboat operators licensed under chapter 308, unless these persons are in the business of conducting whitewater trips described in subsection 1.

**§ 7843. Safety equipment**

1. **Life preservers.** Outfitters shall ensure that each person participating on a whitewater boating or rafting trip wears a securely fastened Type I or Type V personal flotation device.

2. **Throw lines.** Each watercraft shall be equipped with at least one throwline, not less than 50 feet long.

3. **First aid kits.** Each watercraft shall be equipped with an adequate first aid kit.

**§ 7844. Violations**

Any person who violates the requirements of this subchapter, or of any rule promulgated hereunder, or of any license condition or restriction imposed by the commissioner pursuant to this subchapter, is guilty of a Class E crime.

**Sec. 63.** 12 MRSA c. 719, as enacted by PL 1979, c. 420, § 1, is repealed.

**Sec. 64.** 12 MRSA § 7901, sub-§ 4, as enacted by PL 1979, c. 420, § 1, is amended to read:

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~~ less than \$100 ~~nor more than~~ \$500 may be adjudged of which not more than \$50 may be suspended.

**Sec. 65. Transition provision.** Present members of the council shall serve until the expiration of their terms. After the effective date of this Act,

appointments may be made for any management unit not then represent on the advisory council, except that the total number of council members shall not exceed the total number of management units.

**Sec. 66. Effective date of Inland Fisheries and Wildlife Revision Law.** PL 1979, c. 420, shall not become effective until December 31, 1979.

**Sec. 67. Effective date of this Act.** Except for section 67, this Act shall become effective on January 1, 1980. Sec. 67 shall become effective 90 days after adjournment of the Legislature.

#### STATEMENT OF FACT

This bill corrects errors and inconsistencies in the inland fisheries and wildlife statutes as pointed out by the department. It also amends the revision of these statutes passed earlier this session to correct errors and to amend the revision to conform to other Acts passed this session.