

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1716

7 H. P. 1731

Office of the Clerk of the House

8 Submitted by the Department of Inland Fisheries and Wildlife pur-
9 suant to Joint Rule 24. Reference to the Committee on Fisheries and
10 Wildlife suggested and 1,600 ordered printed. Approved for introduction
by the Legislative Council pursuant to Joint Rule 26.

11 EDWIN H. PERT, Clerk

12 Presented by Representative MacEachern of Lincoln.
13

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-TWO
18

19 AN ACT Pertaining to Inland Fisheries and Wildlife Laws.
20

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

22 Sec. 1. 12 MRSA §7001, sub-§38, as enacted by PL
23 1979, c. 420, §1, is amended to read:

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

30 Sec. 2. 12 MRSA §7055, as amended by PL 1979, c.723,
31 §1, is further amended to read:

1 §7055. Officials with full powers of game wardens

2 Sheriffs, deputy sheriffs, police officers, constables,
3 marine patrol officers, wardens of the Penobscot Indian
4 Nation and special agents of the United States Fish and
5 Wildlife Service shall have the powers of game wardens.

6 **Sec. 3.** 12 MRSA §7231, sub-§5, as enacted by PL 1979,
7 c. 420, §1, is repealed and the following enacted in its
8 place:

9 5. Restrictions.

10 A. The commissioner may make rules for the keeping and
11 disposing of live moose, caribou and bear and prescribe
12 and furnish identification to be worn by them.

13 B. Notwithstanding subsection 1, the holder of a wild-
14 life exhibit permit may sell wildlife only to a person
15 on business licensed by the Department of Inland Fish-
16 eries and Wildlife to keep wild life in captivity.

17 **Sec. 4,** 12 MRSA §7351, sub-§3, as enacted by PL 1979,
18 c. 420, §1, is amended to read:

19 3. Restrictions. Each licensed taxidermist shall, on
20 or before the ~~31st~~ day of ~~December~~ June 30th of each year,
21 make a detailed report to the commissioner of all he has
22 done during the year by virtue of his license.

23 **Sec. 5.** 12 MRSA §7352, sub-§3, ~~¶B~~, as repealed and
24 replaced by PL 1979, c. 543, §32, is amended to read:

25 B. The record shall be open for inspection by the com-
26 missioner or his agent, and shall be filed with the
27 commissioner, after being notarized, on or before
28 ~~December 31st~~ June 30th of each year.

29 **Sec. 6.** 12 MRSA §7406, sub-§8, ~~¶A~~, as last amended by
30 PL 1979, c. 723, §16-A, is further amended to read:

31 A. Hunts any wild animal or wild bird from or with any
32 motor vehicle, trailer or motorboat; ~~or~~

33 **Sec. 7.** 12 MRSA §7406, sub-§8, ~~¶C~~, as amended by PL
34 1981, c. 461, §3, is further amended to read:

35 C. Has in or on a motor vehicle or trailer any firearm
36 with a cartridge or shell in the chamber or in an

1 attached magazine, clip or cylinder, or a
2 muzzle-loading firearm with powder and lead in the
3 breech of the barrel; or

4 Sec. 8. 12 MRSA §7406, sub-§8, ¶1D is enacted to read:

5 D. Intentionally kills, injures or molests any wild
6 animal or wild bird with any motor vehicle, motorboat
7 or aircraft.

8 Sec. 9. 12 MRSA §7503, sub-§2, as amended by PL 1979,
9 c. 723, §23, is further amended to read:

10 2. Deer, moose and bear.

11 A. The operator or owner having knowledge of every any
12 motor vehicle which has encountered apparent damage by
13 been involved in an accidental collision with a deer,
14 moose or bear shall, by the quickest means, report the
15 accident to a game warden.

16 B. The warden shall investigate and, if he finds the
17 damage has been done as alleged that the motor vehicle
18 has encountered apparent damage as the result of the
19 collision, he shall give a certificate to the person
20 entitling him to the ownership of the carcass. The
21 person may then take possession and immediately remove
22 the entire carcass from the scene of the collision.

23 Statement of Fact

24 Section 1 clarifies the intent of Title 12, section
25 7001, subsection 38 and brings it in line with existing
26 fishing regulations.

27 Since wardens of the Penobscot Indian Nation have met
28 the training requirements of the Maine Warden Service,
29 section 2 now gives them the same powers as Maine game war-
30 dens. This change is in accordance with Title 30, section
31 6210, of the Maine Indian Claims Settlement.

32 Section 3 clarifies the intent of Title 12, section
33 7231, subsection 5.

34 Section 4 changes the reporting date for licensed taxi-
35 dermists so that their annual reports will be consistent
36 with the dates during which their licenses are valid.

1 Section 5 changes the reporting date for licensed hide
2 dealers so that their annual reports will be consistent with
3 the dates during which their licenses are valid.

4 Section 6 makes it clear that any person who intention-
5 ally runs down a wild bird or wild animal with a motor vehi-
6 cle is in violation of Title 12, section 7406. This change
7 will resolve recent enforcement problems involving this law.

8 Section 7 makes it clear that all accidental collisions
9 between motor vehicles and deer, moose or bear must be
10 reported to a game warden, even when the motor vehicle has
11 not sustained apparent damage.