

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1599

6
7 S.P. 548

In Senate, May 11, 1983

8 Submitted by the Department of Inland Fisheries and Wildlife pursuant to
9 Joint Rule 24.

10 Referred to the Committee on Fisheries and Wildlife. Sent down for con-
currence and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator Usher of Cumberland.

11 Cosponsors: Representative Connors of Franklin, Representative Paul of
Sanford and Representative Kelly of Camden.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Clarify and Make Corrections
18 in the Inland Fisheries and Wildlife Laws.
19

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

22 Sec. 1. 12 MRSA §7034, sub-§4, as enacted by PL
23 1979, c. 420, §1, is amended to read:

24 4. Code of operating procedure of warden ser-
25 vice. The commissioner shall prepare a written code
26 covering the operating procedure of the warden ser-
27 vice which becomes effective when approved by the
28 Personnel Board Commissioner of Personnel.

29 Sec. 2. 12 MRSA §7051, sub-§1, as enacted by PL
30 1979, c. 420, §1, is amended to read:

31 1. Qualifications. The commissioner shall
32 appoint as game wardens persons who have qualified
33 under the written code prepared by the commissioner

1 and approved by the Personnel Board Commissioner of
2 Personnel.

3 Sec. 3. 12 MRSA §7076, sub-§1, as enacted by PL
4 1979, c. 420, §1, is amended to read:

5 1. Residents over 70 years of age. A complimen-
6 tary license to hunt or fish, or a combination hunt-
7 ing and fishing license, shall be issued to any resi-
8 dent of Maine who is 70 years of age or older and
9 applies for it to the commissioner. The application
10 shall be accompanied by a birth certificate or other
11 certified evidence of the applicant's date of birth
12 and residency. Each license issued under this section
13 shall remain valid for 3 calendar years from the date
14 of issue through December 31st of the 2nd complete
15 calendar year following the year of issuance.

16 Sec. 4. 12 MRSA §7076, sub-§3, 1A, as enacted by
17 PL 1979, c. 420, §1, is amended to read:

18 A. The commissioner may issue, upon application,
19 complimentary resident hunting and fishing
20 licenses to a resident of Maine who is suffering
21 from paraplegia or suffering from the loss of, or
22 the loss of the use of, both lower extremities.
23 Each license issued under this paragraph shall
24 remain valid through December 31st of the 2nd
25 complete calendar year following the year of
26 issuance.

27 Sec. 5. 12 MRSA §7076, sub-§4, as amended by PL
28 1981, c. 58, is further amended to read:

29 4. Resident disabled war veterans. A complimen-
30 tary license to hunt or fish, or a combination hunt-
31 ing and fishing license and, if requested, a pheasant
32 hunting permit, shall be issued to any resident of
33 Maine who:

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

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

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

4 D. Applies for that license to the commissioner.

5 This application shall be accompanied by a photo copy
6 of the applicant's final DD form 214 or other evi-
7 dence satisfactory to the commissioner that the
8 applicant meets the requirements of this subsection.
9 Each license issued under this subsection shall
10 remain valid ~~for 3 calendar years from the date of~~
11 ~~its issue through December 31st of the 2nd complete~~
12 calendar year following the year of issuance.

13 Sec. 6. 12 MRSA §7076, sub-§8, ¶A, as amended by
14 PL 1981, c. 493, §2, is repealed and the following
15 enacted in its place:

16 A. Residents or groups of residents at any state
17 institution under the control of the Department
18 of Mental Health and Mental Retardation;

19 Sec. 7. 12 MRSA §7077, sub-§1, as enacted by PL
20 1979, c. 420, §1, is amended to read:

21 1. Conviction of violation. If any person hold-
22 ing a license or permit issued under chapters 701 to
23 721 is convicted of the violation of any provision of
24 chapters 701 to 721, the commissioner may revoke, or
25 refuse to renew, any license or permit held by the
26 person for a period of not less than 3 months nor
27 more than one year.

28 Sec. 8. 12 MRSA §7101, sub-§3, ¶C, as enacted by
29 PL 1979, c. 420, §1, is repealed.

30 Sec. 9. 12 MRSA §7154, sub-§1, as enacted by PL
31 1979, c. 420, §1, is amended to read:

32 1. Application. Any Maine bass club seeking
33 approval to conduct a one-day bass tournament pur-
34 suant to this section may make application to the
35 commissioner in a manner and form to be designated by
36 the commissioner. The application shall include the
37 club's tournament rules, any amendments or changes to
38 the rules and a schedule of the dates, places and

1 times of the proposed tournament.

2 Sec. 10. 12 MRSA §7171, sub-§3, ¶D, as amended
3 by PL 1981, c. 414, §22, is repealed.

4 Sec. 11. 12 MRSA §7231, sub-§5, as enacted by PL
5 1979, c. 420, §1, is repealed and the following
6 enacted in its place:

7 5. Restrictions. The following restrictions
8 apply to the keeping of wildlife under this section.

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

13 B. Notwithstanding subsection 1, reptiles and
14 amphibians possessed by virtue of this section
15 may not be sold or otherwise transferred within
16 the limits of this State except to another wild-
17 life exhibit.

18 Sec. 12. 12 MRSA §7239, sub-§3, as enacted by PL
19 1979, c. 420, §1, is amended to read:

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

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

27 B. The seal leg band shall remain attached to
28 the birds until they are finally prepared for
29 consumption.

30 Sec. 13. 12 MRSA §7406, sub-§7, as enacted by PL
31 1979, c. 420, §1, is amended to read:

32 7. Hunting from paved way. A person is guilty of
33 hunting from a paved way if he hunts any wild animal
34 or wild bird from any paved way or from within the
35 right-of-way of any controlled access highway, except
36 that a person who has a valid permit to carry a con-

1 cealed weapon may possess such a weapon provided it
2 is not used for hunting wild animals or wild birds.

3 Sec. 14. 12 MRSA §7504, sub-§1, as enacted by PL
4 1979, c. 420, §1, is repealed and the following
5 enacted in its place:

6 1. Bear. The following apply to the taking or
7 killing of bear found doing damage.

8 A. Section 7502 shall not prohibit the taking or
9 killing of bear found doing damage to blueberry
10 land.

11 B. The commissioner may issue a permit to any
12 licensed beekeeper authorizing that person to
13 protect beehives from damage by bear.

14 Sec. 15. 12 MRSA §7552, sub-§5, ¶E, as enacted
15 by PL 1979, c. 420, §1, is repealed.

16 Sec. 16. 12 MRSA §7572, sub-§1, as enacted by PL
17 1979, c. 420, §1, is amended to read:

18 1. Five-line limit. A person licensed to fish
19 may fish through ice in the daytime with not more
20 than 5 lines set or otherwise, which shall be under
21 his immediate supervision, in any waters which have
22 been opened to ice fishing by the commissioner.
23 Lines shall be considered to be under immediate
24 supervision if the person setting them remains in a
25 position to visually observe the lines at all times
26 and does not remove himself more than 500 yards from
27 the most distant line.

28 Sec. 17. 12 MRSA §7606-A is enacted to read:

29 §7606-A. Failure to label bait traps

30 A person is guilty of failure to label bait traps
31 or bait holding boxes if he sets or places within the
32 inland waters of the State any trap used for taking
33 live bait fish or any bait holding box without having
34 the bait trap or bait holding box plainly labeled
35 with his full name and address.

36 Sec. 18. 12 MRSA §7608, as enacted by PL 1979,
37 c. 420, §1, is amended to read:

1 §7608. Fishing with illegal implements or devices

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

10 Sec. 19. 12 MRSA §7736, sub-§1, ¶A, as enacted
11 by PL 1979, c. 420, §1, is amended to read:

12 A. A person may keep a wild animal in captivity
13 in accordance with sections 7231~~7~~; 7235~~7~~; 7241~~7~~;
14 7242~~7~~; 7035, subsection 4 3; section 7771, sub-
15 section 2~~7~~; or Title 7, section 1809; and

16 Sec. 20. 12 MRSA §7863, sub-§§5 and 6 are
17 enacted to read:

18 5. Training dogs outside the open training sea-
19 son. A person is guilty, except as provided in sub-
20 section 6, of training dogs outside the open training
21 season if he trains any dogs outside the open train-
22 ing season as set out in section 7861, subsection 1.

23 6. Exceptions. Notwithstanding subsection 5:

24 A. A person may train dogs at any time in accor-
25 dance with section 7331; and

26 B. A person may participate in field trials in
27 accordance with sections 7332 and 7862.

28 Sec. 21. 12 MRSA §7901, sub-§4, as amended by PL
29 1979, c. 543, §83, is further amended to read:

30 4. A violation of section 7505, subsection 3,
31 paragraph A, failure to restrain nuisance dog ~~chasing~~
32 ~~or pursuing, but not wounding or killing any wild~~
33 ~~animal~~, is a civil violation, for which a forfeiture
34 of not less than \$100 nor more than \$500 may be ad-
35 judged of which not more than \$50 may be suspended.

36 Sec. 22. 12 MRSA §7901, sub-§5 is enacted to
37 read:

1 Section 9 makes it clear that all bass clubs,
2 including those which are located outside of Maine,
3 must obtain a permit prior to conducting a one-day
4 bass tournament.

5 Section 11. There are certain species of amphib-
6 ians and reptiles which, for reasons of public
7 safety, are allowed importation into this State only
8 for purposes of exhibition. This section clarifies
9 the intent of Title 12, section 7231 and helps ensure
10 that dangerous amphibians and reptiles will not find
11 their way into the pet industry.

12 Section 12 changes the marking provisions for
13 wild birds which are imported by commercial shooting
14 areas. The proposed change is consistent with a bill
15 already enacted during the current legislative
16 session which changed the marking requirements for
17 imported pheasants and wild birds held in captivity
18 by licensed breeders.

19 Section 13 makes it clear that it is unlawful for
20 any person to hunt within the right-of-way of any
21 controlled access highway.

22 Section 14 makes it clear that the commissioner
23 has authority to authorize beekeepers to protect bee-
24 hives from bear damage.

25 Section 15 repeals a fishing statute concerning
26 the Kennebec River which is already covered by spe-
27 cial rule. One section of the rule is more liberal
28 than the statute and this section will resolve that
29 inconsistency.

30 Section 16. Legal requirement that ice fishing
31 lines be kept under the immediate supervision of the
32 person who set them has created considerable confu-
33 sion both among fishermen and law enforcement offi-
34 cers. The purpose of this section is to clarify the
35 meaning of the term "immediate supervision" as it
36 applies to ice fishing.

37 Section 17 makes it clear that all bait traps and
38 bait holding boxes must be marked with the name and
39 address of the owner. Previously this provision
40 applied only to licensed bait dealers and not to

1 individuals who were trapping or holding live bait
2 for personal use.

3 Section 18 clears up a conflict in the fish and
4 wildlife laws. Whitefish are now designated as a
5 game fish and cannot be legally taken by methods
6 allowed in section 7153.

7 Section 19 corrects a subsection reference number
8 in the wildlife laws.

9 Section 20 resolves recent law enforcement prob-
10 lems by making it clear that, unless otherwise spe-
11 cifically provided, it is unlawful to train dogs out-
12 side the open training season.

13 Section 21 establishes consistent penalty provi-
14 sions for all violations of Title 12, chapters 701 to
15 721, which involve nuisance dogs.

16 Section 22 is to revise the penalty provisions of
17 the stream alteration laws to make them consistent
18 with the penalty sections of other environmental
19 laws.

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