

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 561

6  
7 H.P. 408

House of Representatives, February 14, 1985

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

10 Reference to the Committee on Fisheries and Wildlife suggested and  
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Jacques of Waterville.

11 Cosponsored by Representative Walker of Norway, Representative Duffy  
of Bangor and Senator Usher of Cumberland.

12 STATE OF MAINE  
13

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

17 AN ACT to Modify and Update Certain Laws  
18 Pertaining to Inland Fisheries and  
19 Wildlife.  
20

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

23 Sec. 1. 12 MRSA §7001, sub-§12, as enacted by PL  
24 1979, c. 420, §1, is amended to read:

25 12. Fly fishing. "Fly fishing" means casting  
26 upon water and retrieving in the usual and ordinary  
27 manner an not more than 3 unbaited, unweighted arti-  
28 ficial fly flies individually attached to a line to  
29 which no extra weight has been added.

30 Sec. 2. 12 MRSA §7035, sub-§1, ¶A, as enacted by  
31 PL 1979, c. 420, §1, is amended to read:

32 A. Fishing rules as set forth in the ~~1976~~ 1986  
33 Open Water Fishing Regulations folder and the  
34 ~~1977~~ 1986 Ice Fishing Regulations folder, as

1 printed and distributed to the public, are de-  
2 clared to be official consolidations of fishing  
3 rules. Each subsequent ~~annual~~ biennial revision  
4 of these publications shall, upon filing with the  
5 Secretary of State, constitute an official con-  
6 solidation as printed.

7 Sec. 3. 12 MRSA §7108, sub-§§2 and 3, as enacted  
8 by PL 1983, c. 401, are amended to read:

9 2. Issuance. The commissioner shall issue a per-  
10 mit to hunt coyotes at night to eligible persons  
11 ~~without any charge or fee~~ at a fee of \$5.

12 3. Open season. Notwithstanding section 7406,  
13 subsection 5, there shall be an open season for hunt-  
14 ing coyotes at night in all counties of the State  
15 from January 1st to ~~February 28th~~ March 31st. The  
16 commissioner may terminate this open season at any  
17 time in any area if, in his opinion, an immediate  
18 emergency action is necessary due to adverse weather  
19 conditions or illegal hunting activity.

20 Sec. 4. 12 MRSA §7108, sub-§4, ~~¶¶B, C and D,~~ as  
21 enacted by PL 1983, c. 401, are repealed.

22 Sec. 5. 12 MRSA §7231, sub-§1-A is enacted to  
23 read:

24 1-A. Expiration. Effective June 30, 1986, all  
25 permits issued under this section are valid for one  
26 year, commencing July 1st of each year. Any license  
27 issued under this section for the 1985 calendar year  
28 shall continue to be valid through June 30, 1986.

29 Sec. 6. 12 MRSA §7235, sub-§1, as repealed and  
30 replaced by PL 1979, c. 543, §24, is amended to  
31 read:

32 1. Issuance. The commissioner may issue a li-  
33 cense to any person complying with this section, per-  
34 mitting him to:

35 A. Breed, rear or possess any wild bird birds or  
36 ~~animal~~ wild animals; or

1           B. ~~Consume, sell~~ Sell, transport or kill and  
2           sell any wild bird or wild animal raised by vir-  
3           tue of this section~~7~~.

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

8           Sec. 7. 12 MRSA §7235, sub-§6, as enacted by PL  
9           1979, c. 543, §24, is repealed and the following en-  
10          acted in its place:

11          6. Reports. Every breeder licensed under this  
12          section shall report the sale or transfer of each  
13          wild bird or wild animal on forms provided by the  
14          commissioner. The forms shall be printed in tripli-  
15          cate, one copy to be retained by the licensee, one  
16          copy to accompany the bird or birds or animal or ani-  
17          mals being sold or transferred and one copy to be  
18          submitted to the commissioner on the last day of the  
19          month in which the sale or transfer took place.

20          Sec. 8. 12 MRSA §7237, sub-§1, ~~¶A~~, as enacted by  
21          PL 1979, c. 420, §1, is amended to read:

22          A. Introduce or import ~~any~~ wildlife into the  
23          State; and

24          Sec. 9. 12 MRSA §7331, sub-§3, ~~¶¶A, C, F and G~~,  
25          as enacted by PL 1979, c. 420, §1, are amended to  
26          read:

27          A. Each club so licensed may establish not more  
28          than 2 special dog training areas, each of which  
29          shall be not less than ~~100~~ 20 acres.

30          C. Licenses shall not be issued to more than ~~2~~ 5  
31          clubs in any one county.

32          F. Any person not a licensee may train his own  
33          dogs or the dogs of other persons on a special  
34          dog training area, unless the area is completely  
35          enclosed with rabbit-proof fence, under the fol-  
36          lowing 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 \$2 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 retained by the licensee.

(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.

Sec. 10. 12 MRSA §7352, as amended by PL 1983, c. 807, Pt. P, §23, is further amended to read:

§7352. Hide dealer's license

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

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

1           bladder from any bear; and

2           B. Aid or assist another in buying, selling or  
3           bartering raw, untanned hides or heads of wild  
4           animals or bear galls.

5           1-A. Expiration.

6           A. ~~Effective June 30, 1982, all~~ All licenses is-  
7           sued under this section are valid for one year  
8           commencing July 1st of each year.

9           B. ~~Any license issued under this section for the~~  
10          ~~1981 calendar year shall continue to be valid~~  
11          ~~through June 30, 1982.~~

12          2. Fee. The annual fee for a hide dealer's li-  
13          cense shall be \$52 for 1985, \$53 for 1986 and \$54 for  
14          1987 and every year thereafter for residents and \$102  
15          for 1985, \$103 for 1986 and \$104 for 1987 and every  
16          year thereafter for nonresidents.

17          3. Restrictions.

18          A. Each licensee shall keep a true and complete  
19          record, in such form as is required by the com-  
20          missioner, of all heads ~~and~~, hides and bear galls  
21          purchased; and

22          B. The record shall be open for inspection by  
23          the commissioner or his agent, and shall be filed  
24          with the commissioner, after being notarized, on  
25          or before June 30th of each year.

26          4. Exception.

27          A. Notwithstanding this section, a person who  
28          lawfully possesses any deer, moose or bear, or  
29          lawfully possesses any furbearing animal, may  
30          sell the hide ~~or~~, head or gall bladder thereof.

31          Sec. 11. 12 MRSA §7432, sub-§11, 11D, as enacted  
32          by PL 1979, c. 420, §1, is amended to read:

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

1       Sec. 12. 12 MRSA §7432, sub-§14, ¶A, as enacted  
2 by PL 1979, c. 420, §1, is amended to read:

3       A. Notwithstanding subsection 6:

4           (1) A person may trap within 1/2 mile of  
5 the built-up portion of a city or village by  
6 the use of water sets for mink and muskrat;  
7 and

8           (2) A person who has a written permit from  
9 the landowner may trap on that landowner's  
10 land with cage-type live traps and with wa-  
11 ter sets within 1/2 mile of the built-up  
12 portion of a city or village.

13       Sec. 13. 12 MRSA §7452, sub-§15, ¶B, as repealed  
14 and replaced by PL 1979, c. 723, §18-B, is amended to  
15 read:

16       B. Notwithstanding subsection 9, the head,  
17 teeth, gall bladder, claws and hide of any bear  
18 may be sold;

19       Sec. 14. 12 MRSA §7454, sub-§5, as enacted by PL  
20 1979, c. 420, §1, is repealed.

21       Sec. 15. 12 MRSA §7458, sub-§15, ¶A, as repealed  
22 and replaced by PL 1979, c. 723, §19-A, is amended to  
23 read:

24       A. Notwithstanding subsection 3, the head, ant-  
25 lers, feet and hide of any deer may be sold.

26       Sec. 16. 12 MRSA §7464, sub-§9, ¶A, as enacted  
27 by PL 1979, c. 723, §21, is amended to read:

28       A. Notwithstanding subsection 8, the head, ant-  
29 lers, feet and hide of any moose may be sold.

30       Sec. 17. 12 MRSA §7504, sub-§2, as enacted by PL  
31 1979, c. 420, §1, is repealed.

32       Sec. 18. 12 MRSA §7572, sub-§1, as enacted by PL  
33 1979, c. 420, §1, is amended to read:

1           1. Five-line limit. A person licensed to fish  
2 may fish through ice in the daytime with not more  
3 than 5 lines set or otherwise, which shall be under  
4 his immediate supervision, in any waters which have  
5 been opened to ice fishing by the commissioner.  
6 Lines shall be considered under immediate supervision  
7 if the person remains in a position to visually ob-  
8 serve his lines and does not remove himself more than  
9 500 yards from the most distant line.

10           Sec. 19. 12 MRSA §7621, as amended by PL 1979,  
11 c. 723, §33, is further amended to read:

12           §7621. Use or possession of gill net

13           A person, ~~including any agent of the State,~~ is  
14 guilty of use or possession of a gill net if he uses  
15 or possesses a gill net.

16           Sec. 20. 12 MRSA §7630, sub-§2, as enacted by PL  
17 1979, c. 420, §1, is amended to read:

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

20           A. Pickerel may be sold in Washington County;  
21 ~~and~~

22           B. That section shall not apply to fish which  
23 have been lawfully produced by commercial produc-  
24 ers within the State or which have been lawfully  
25 imported from without the State; and

26           C. That section shall not apply to the skins of  
27 fish which have been preserved for display  
28 through the art of taxidermy.

29           Sec. 21. 12 MRSA §7854, sub-§1-A is enacted to  
30 read:

31           1-A. Agent's fee. Town clerks or other agents  
32 designated by the commissioner to register ATV's  
33 shall charge a fee of \$1 for each registration is-  
34 sued.



1 STATEMENT OF FACT

2 Section 1 redefines "fly fishing" to make it  
3 clear that multiple flies, or "dropper flies," are  
4 allowable. The new definition would also make it le-  
5 gal to fish with flies having copper or lead wire in-  
6 corporated into their construction for sinking pur-  
7 poses, such as certain nymphs, ants and other imita-  
8 tions.

9 Section 2 provides for adoption and publication  
10 of open water and ice fishing regulations on a bien-  
11 nial basis. The change would start with the 1986  
12 open water and ice fishing law books which would re-  
13 main in effect throughout 2 fishing seasons with the  
14 next regulation changes scheduled for the 1988 fish-  
15 ing seasons.

16 Publication of fishing regulations on a 2-year  
17 basis would minimize frequent fishing regulation  
18 changes and would save the Department of Inland Fish-  
19 eries and Wildlife approximately \$15,000 in printing  
20 and administrative costs during the 2-year period.

21 The commissioner would still have the authority  
22 to make emergency changes in the fishing regulations  
23 within the 2-year period if it became necessary.

24 Section 3 establishes a fee for permits to hunt  
25 coyotes at night. This fee is necessary to cover the  
26 administrative costs of issuing and printing permits.  
27 This section also extends the period for hunting  
28 coyotes at night by one month.

29 Section 4 eliminates certain restrictions which  
30 previously applied to night hunting for coyotes. The  
31 restrictions eliminated are those which (1) limited  
32 hunting to shotguns only, (2) limited hunting to ar-  
33 eas of snow or ice cover and (3) prohibited hunting  
34 within 100 yards of any vehicle. These precautionary  
35 measures were found to be unnecessarily restrictive  
36 and probably contributed to the inability of hunters  
37 to take coyotes at night.

38 Section 5 changes the effective dates of wildlife  
39 exhibit permits from a calendar year to a fiscal  
40 year. The change was requested by the holders of

1 wildlife exhibit permits, is consistent with recent  
2 changes involving other special licenses issued by  
3 the department and will have no impact on department  
4 revenues.

5 Sections 6 and 8 make several minor changes in  
6 the laws affecting possession and importation of cap-  
7 tive wildlife. The changes, which clarify and update  
8 the statutes, were initiated by a group of Maine res-  
9 idents who are licensed to raise and exhibit wild  
10 birds and wild animals.

11 Section 7 establishes a more efficient reporting  
12 system for licensed wildlife breeders similar to that  
13 used by the United States Fish and Wildlife Service  
14 for waterfowl raised in captivity.

15 Section 9 allows for establishment of additional  
16 dog training areas. This change will provide dog  
17 owners with more opportunity to train dogs without  
18 adversely affecting wildlife resources.

19 This section also revises obsolete fee provisions  
20 associated with dog training areas. This change will  
21 have no affect on department revenues.

22 Section 10 provides for the purchase of bear  
23 galls by licensed hide dealers and requires that  
24 records be maintained of all transactions. This sec-  
25 tion also updates the statutes by removing obsolete  
26 language which accompanied a 1981 change in the ef-  
27 fective dates of the hide dealer's license.

28 Section 11 makes it lawful to sell or advertise  
29 the sale of snares in Maine. Snares are legal in  
30 many states and it is unfair to prohibit Maine sup-  
31 pliers who deal through the mail from advertising  
32 their products. Likewise, distributors of trapping  
33 equipment located outside the State are technically  
34 in violation of current law every time one of their  
35 catalogs comes across the state line.

36 Section 12 allows the use of live traps, with  
37 landowner permission, within 1/2 mile of a city or  
38 village. This will allow for removal of nuisance an-  
39 imals, such as racoons, from urban areas without any  
40 threat to house pets.

1        Sections 13, 15 and 16 provide for the sale of  
2 certain parts of bear, deer and moose which have com-  
3 mercial value and which could be sold without any ad-  
4 verse impact on these resources.

5        Section 14 repeals the provision which makes it  
6 unlawful for nonresidents to trap for beaver in this  
7 State. Properly licensed nonresident trappers may  
8 currently trap all other legal species in season.

9        Current law allows for destruction of wild ani-  
10 mals, except beaver, which are found to be damaging  
11 personal property. Section 17 eliminates the excep-  
12 tion for beaver and allows a private citizen to re-  
13 move problem beaver under the same reporting proce-  
14 dures required for other destructive wildlife.

15        Under section 18 the requirement that ice fishing  
16 lines must be kept under immediate supervision by the  
17 person fishing with them has created considerable  
18 confusion among fishermen and law enforcement offi-  
19 cers. The purpose of this section, therefore, is to  
20 define the meaning of the term "immediate supervi-  
21 sion" as it applies to ice fishing.

22        Section 19 provides for the use of gill nets by  
23 agents of the State in carrying out their official  
24 duties. The use of gill nets by agents of the State  
25 was taken away through legislative action in 1980.  
26 Since that time, fishery biologists have been unable  
27 to effectively evaluate stocking results, complete  
28 biological inventories of inland waters or make con-  
29 clusive assessments of the impact of environmental  
30 problems.

31        Section 20 resolves an interpretation problem in  
32 the statutes and clearly allows the sale of fish  
33 skins which have been preserved through taxidermy for  
34 display purposes.

35        Current law authorizes the commissioner to desig-  
36 nate agents to register "all terrain vehicles;" how-  
37 ever, there is no provision for the agent to be com-  
38 pensated for this service.

39        Section 21 provides for agents to charge and re-  
40 tain a fee of \$1 for each registration issued, which

1     is consistent with fees established   for   agents   who  
2     issue hunting and fishing licenses.

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