

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1759

6 S.P. 678

In Senate, December 31, 1985

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

9 Received by the Secretary of the Senate on December 31, 1985. Referred
10 to the Committee on Fisheries and Wildlife and 1,600 ordered printed
pursuant to Joint Rule 14.

Presented by Senator Matthews of Kennebec. JOY J. O'BRIEN, Secretary of the Senate

11 Cosponsored by Representative Clark of Millinocket, Representative
Smith of Mars Hill and Representative Duffy of Bangor.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
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-§23-A, as enacted by
24 PL 1981, c. 461, §1, is amended to read:

25 23-A. Muzzle-loading firearm. "Muzzle-loading
26 firearm" means a ~~rifle~~ longarm that is:

27 A. Forty caliber or greater;

28 B. Capable of firing only a single charge;

29 C. Equipped with a barrel 20 inches or more in
30 length;

31 D. Loaded through the muzzle with powder and a
32 ball or bullet; and

1 E. Ignited by a percussion cap or priming charge
2 of a flint, match or wheel lock mechanism.

3 Sec. 2. 12 MRSA §7035, sub-§2, as enacted by PL
4 1979, c. 420, §1, is amended to read:

5 2. Filing of rules. The commissioner may file
6 certified copies of all rules promulgated by him and
7 any and all amendments thereto with the ~~clerk~~ clerks
8 of ~~all~~ the District ~~Courts~~ Court and Superior ~~Courts~~
9 ~~in the State in which these rules are applicable~~
10 Court. These certified copies shall be considered of-
11 ficial publications of the State for all purposes,
12 including, but not limited to, the Maine Rules of
13 Civil Procedure, Rule 44(a)(1) and the Maine Rules of
14 ~~Criminal Procedure~~, Rule 27 Evidence, Rule 902 (5),
15 and judicial notice shall be taken accordingly. A
16 facsimile of the signature of the commissioner im-
17 printed by or at his discretion upon any such certifi-
18 cate of true copy, shall have the same validity as
19 his written signature.

20 Sec. 3. 12 MRSA §7301, sub-§4-A is enacted to
21 read:

22 4-A. Examination fee. The commissioner shall
23 charge a fee of \$10 to each person scheduled to take
24 an examination to become licensed as a guide. This
25 fee shall be nonrefundable and shall not be credited
26 to the license fee of a successful applicant.

27 Sec. 4. 12 MRSA §7301, sub-§8, as repealed and
28 replaced by PL 1983, c. 100, §5, is amended to read:

29 8. Restrictions. Guides shall be restricted in
30 the use of watercraft while guiding on such waters as
31 the commissioner may prescribe.

32 The commissioner may establish, by rule, standards
33 for the use by a guide, of watercraft other than a
34 motorboat, to insure that the watercraft is safe for
35 the use intended, that sufficient safety equipment is
36 provided to each passenger and the operator is compe-
37 tent to use the watercraft.

38 Guides using a motorboat shall have either a valid
39 license to operate a motorboat carrying passengers

1 for hire issued by the Bureau of Watercraft Registra-
2 tion and Safety commissioner, or a valid superior
3 United States Coast Guard license. Guides leading
4 trips, as defined in section 7303, subsection 1,
5 shall comply with the provisions of that section,
6 with the exception of subsection 5 dealing with fee.

7 Sec. 5. 12 MRSA §7630, sub-§4 is enacted to
8 read:

9 4. Section 7621. Notwithstanding the provi-
10 sions of section 7621, agents of the State may use
11 gill nets for scientific purposes in accordance with
12 rules promulgated by the commissioner.

13 STATEMENT OF FACT

14 Section 1 of the bill changes the definition of
15 muzzle-loading firearm so as to allow the use of
16 smoothbore muzzle-loading firearms during the special
17 muzzle-loading season on deer. Smoothbore firearms
18 may be legally used at the present time for hunting
19 deer during the regular firearm season, but not dur-
20 ing this special season.

21 Smoothbore muzzle-loading firearms, like the mod-
22 ern shotgun, can be very effective in taking
23 whitetail deer. In fact, some states which have spe-
24 cial muzzle-loading deer hunting seasons prohibit the
25 use of muzzle-loading rifles and allow only the use
26 of smoothbore longarms.

27 Section 2 allows the Commissioner of Inland Fish-
28 eries and Wildlife to use a facsimile of his signa-
29 ture to certify copies of department rules for filing
30 with the court clerks. Other corrections in the lan-
31 guage conform to current law.

32 Section 3 establishes a fee of \$10 for all per-
33 sons who are scheduled to take an examination to be-
34 come licensed as a guide. Successful completion of
35 the examination is an initial requirement for becom-
36 ing licensed as a guide and is not required for re-
37 newal.

1 A \$10 examination fee will help ensure that ap-
2 plicants are properly prepared before requesting an
3 examination and that those scheduled to be examined
4 will appear for their examination.

5 Section 4 corrects an error in the laws by elimi-
6 nating reference to a bureau within the department
7 which no longer exists.

8 Section 5 provides for the use of gill nets by
9 agents of the State in carrying out their official
10 duties. The use of gill nets in the State's inland
11 waters by members of the general public has been un-
12 lawful for many years. State fishery biologists were
13 allowed to utilize gill nets for scientific purposes
14 up until 1980 when the Legislature took away this au-
15 thority.

16 Since 1980, fishery biologists have been unable
17 to effectively evaluate the results of stocking pro-
18 grams to complete biological inventories of inland
19 waters or to make conclusive assessments of the im-
20 pact of environmental problems. Agents of the State
21 need the authority to use gill nets in order to ef-
22 fectively respond to the tremendous increase in fish-
23 ing pressure on the State's lakes and ponds and to
24 provide information which is critical to the State's
25 water quality improvement efforts.

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