

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 678, L.D. 1759)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2286

8 S.P. 916

In Senate, March 31, 1986

9 Reported by Senator Webster of Franklin from the Committee on
10 Fisheries and Wildlife and printed under Joint Rule 2. Original bill sponsored
11 by Senator Matthews of Kennebec. Cosponsored by Representative Clark of
Millinocket, Representative Smith of Mars Hill and Representative Duffy of
Bangor.

JOY J. O'BRIEN, Secretary of the Senate

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Modify and Update Certain Laws
19 Pertaining to Inland Fisheries and
20 Wildlife.
21

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

24 Sec. 1. 12 MRSA §7001, sub-§23-A, as enacted by
25 PL 1981, c. 461, §1, is amended to read:

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

28 A. Forty caliber or greater;

29 B. Capable of firing only a single charge;

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

32 D. Loaded through the muzzle with powder and a
33 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 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 §7108, sub-§6, as enacted by PL
21 1983, c. 401, is repealed.

22 Sec. 4. 12 MRSA §7231, sub-§4, as enacted by PL
23 1979, c. 420, §1, is repealed.

24 Sec. 5. 12 MRSA §7301, sub-§4-A is enacted to
25 read:

26 4-A. Examination fee. The commissioner shall
27 charge a fee of \$10 to each person scheduled to take
28 an examination to become licensed as a guide. This
29 fee shall permit the person to retake the examination
30 once, if he fails the first examination. This fee
31 shall be nonrefundable and shall be credited to the
32 license fee of a successful applicant.

33 Sec. 6. 12 MRSA §7301, sub-§8, as repealed and
34 replaced by PL 1983, c. 100, §5, is amended to read:

35 8. Restrictions. Guides shall be restricted in
36 the use of watercraft while guiding on such waters as
37 the commissioner may prescribe.

1 The commissioner may establish, by rule, standards
2 for the use by a guide, of watercraft other than a
3 motorboat, to insure that the watercraft is safe for
4 the use intended, that sufficient safety equipment is
5 provided to each passenger and the operator is compe-
6 tent to use the watercraft.

7 Guides using a motorboat shall have either a valid
8 license to operate a motorboat carrying passengers
9 for hire issued by the ~~Bureau of Watercraft Registra-~~
10 ~~tion and Safety~~ commissioner, or a valid superior
11 United States Coast Guard license. Guides leading
12 trips, as defined in section 7303, subsection 1,
13 shall comply with the provisions of that section,
14 with the exception of subsection 5 dealing with fee.

15 Sec. 7. 12 MRSA §7432, sub-§2, as repealed and
16 replaced by PL 1979, c. 723, §17, is amended to read:

17 2. Failure to visit traps. A person is guilty of
18 failure to visit traps if he:

19 A. While trapping in any organized or incorpo-
20 rated place, fails to visit each trap except bea-
21 ver sets, so-called, or fails to cause the same
22 to be visited at least once in every calendar day
23 including Sunday; ~~or~~

24 B. While trapping in any unorganized or
25 deorganized place, fails to visit each trap, ex-
26 cept water sets and killer-type traps, so-called,
27 or fails to cause the same to be visited at least
28 once in every 72-hour period; or

29 C. While trapping in any unorganized or
30 deorganized place, fails to visit each
31 killer-type trap, except water sets, so called,
32 or fails to cause the same to be visited at least
33 once in every 7 calendar days.

34 Sec. 8. 12 MRSA §7455, first ¶, as amended by PL
35 1985, c. 369, §19, is further amended to read:

36 The open season on hunting partridge shall not
37 extend any later than November 30th in any calendar
38 year in Wildlife Management Units 1, and 2, ~~3, 4 and~~
39 ~~5,~~ nor any later than December 10th in any calendar

1 year in Wildlife Management Units 3, 4, 5, 6, 7 and
2 8, except as provided in subsection 1.

3 STATEMENT OF FACT

4 Section 1 of the new draft changes the definition
5 of muzzle-loading firearm so as to allow the use of
6 smoothbore muzzle-loading firearms during the special
7 muzzle-loading season on deer. Smoothbore firearms
8 may be legally used at the present time for hunting
9 deer during the regular firearm season, but not dur-
10 ing this special season.

11 Smoothbore muzzle-loading firearms, like the mod-
12 ern shotgun, can be very effective in taking
13 whitetail deer. In fact, some states which have spe-
14 cial muzzle-loading deer hunting seasons prohibit the
15 use of muzzle-loading rifles and allow only the use
16 of smoothbore longarms.

17 Section 2 allows the Commissioner of Inland Fish-
18 eries and Wildlife to use a facsimile of his signa-
19 ture to certify copies of department rules for filing
20 with the court clerks. Other corrections in the lan-
21 guage conform to current law.

22 Section 3 repeals a sunset provision which, as of
23 April 1, 1986, would eliminate provisions for hunting
24 coyotes at night.

25 Section 4 resolves a statutory conflict by remov-
26 ing a section which pertains to the expiration date
27 of wildlife exhibit permits. This section should have
28 been removed in 1985 when the Maine Revised Statutes,
29 Title 12, section 7231, subsection 1-A, was enacted
30 which changed the expiration date on these licenses
31 from December 31st to June 30th.

32 Section 5 provides that the \$10 fee will permit
33 taking the examination twice, should that be neces-
34 sary and the fee, if the applicant is successful,
35 will be applied to the license cost.

36 A \$10 examination fee will help ensure that ap-
37 plicants are properly prepared before requesting an

1 examination and that those scheduled to be examined
2 will appear for their examination.

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

6 Section 7 adds a provision to the trap tending
7 law requiring that killer-type traps set in unorga-
8 nized towns, except water sets, be tended at least
9 once in every 7 days. Current law does not require
10 that these traps be tended within any particular time
11 period.

12 Section 8 authorizes the commissioner to extend
13 the grouse hunting season until December 10th annual-
14 ly in the central part of the State.

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