

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1532

S.P. 508

In Senate, May 13, 1987

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

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator USHER of Cumberland.

Cosponsored by Senator BRAUN of Knox, Representative CLARK
of Millinocket, Representative GREENLAW of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Revise and Update Certain Fish and
Wildlife Laws.

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

Sec. 1. 12 MRSA §7060, as enacted by PL 1979, c.
420, §1, is amended to read:

§7060. Failure to stop for a law enforcement officer

A person is guilty of failure to stop for a law
enforcement officer if he:

1. Motor vehicle or conveyance. Fails or refuses
to stop a motor vehicle or other conveyance immedi-
ately upon request or signal of any officer in uni-
form whose duty it is to enforce chapters 701 to 721;

1 2. Watercraft. Fails to stop or move his water-
2 craft upon being ordered or directed to do so by any
3 law enforcement officer in uniform whose duty it is
4 to enforce chapter 715, subchapter I; or

5 3. Snowmobile. Fails or refuses to stop any
6 snowmobile on request or signal of any law enforce-
7 ment officer in uniform whose duty it is to enforce
8 chapter 715, subchapter II; or

9 4. All-terrain vehicle. Fails or refuses to stop
10 any all-terrain vehicle on request or signal of any
11 law enforcement officer in uniform whose duty it is
12 to enforce chapter 715, subchapter IV.

13 Sec. 2. 12 MRSA §7107-A, sub-§3, as enacted by
14 PL 1985, c. 320, §2, is amended to read:

15 3. Schedule of fees. The schedule of fees is as
16 follows:

17 A. Resident 5-day 6-day muzzle-loading hunting
18 license \$7

19 B. Nonresident 5-day 6-day muzzle-loading
20 hunting license \$25

21 C. Alien 5-day 6-day muzzle-loading hunting
22 license \$50

23 Sec. 3. 12 MRSA §7133, sub-§5, ¶B is enacted to
24 read:

25 B. No person may have more than one trap set for
26 bear at any one time.

27 Sec. 4. 12 MRSA §7171, sub-§4, ¶B, as repealed
28 and replaced by PL 1985, c. 607, §§3 and 9, is
29 amended to read:

30 B. The following restrictions apply to the tak-
31 ing and selling of baitfish under the baitfish
32 wholesaler's license.

33 (1) Any person engaged in taking, or as-
34 sisting in taking, live baitfish for resale

1 from inland waters must hold a current
2 baitfish wholesaler's license which shall be
3 exhibited upon request to any agent of the
4 commissioner.

5 (2) The holder of a baitfish wholesaler's
6 license may take baitfish by use of a seine
7 as defined in section 7001, subsection 33-A;
8 a baitfish trap as defined in section 7001,
9 subsection 1-B; a dipnet, a dropnet, a lift
10 net or a bag net; or by hook and line.

11 (3) The holder of a baitfish wholesaler's
12 license may use particles of food for the
13 purpose of luring baitfish to a baitfish
14 trap, a dipnet, a dropnet, a lift net or a
15 bag net.

16 (4) If a person sells live baitfish from
17 more than one wholesale facility, he must
18 obtain a separate license for each place of
19 business.

20 (5) The holder of a baitfish wholesaler's
21 license may designate others to assist him
22 in selling live baitfish at his business fa-
23 cility.

24 (6) The holder of a baitfish wholesaler's
25 license, or his designee, may transport live
26 baitfish.

27 **Sec. 5. 12 MRSA §7171, sub-§4, ¶C, as repealed**
28 **and replaced by PL 1985, c. 607, §§3 and 9, is**
29 **amended to read:**

30 C. The following restrictions apply to the tak-
31 ing and selling of live smelts under the smelt
32 wholesaler's license.

33 (1) Any person engaged in taking, or as-
34 sisting in taking, live smelts for resale
35 from inland waters must hold a current smelt
36 wholesaler's license which shall be exhib-
37 ited upon request to any agent of the com-
38 missioner.

1 (2) The holder of a smelt wholesaler's li-
2 cense may take live smelts for resale from
3 any inland water in accordance with general
4 rules promulgated by the commissioner in re-
5 gard to the taking of smelts.

6 (3) The holder of a smelt wholesaler's li-
7 cense may use a baitfish trap, a dipnet, a
8 dropnet, a lift net, a bag net or hook and
9 line to take up to 8 quarts of smelts in a
10 24-hour period, beginning at noon on any
11 given day, from specific inland waters des-
12 ignated by the commissioner.

13 (4) The holder of a smelt wholesaler's li-
14 cense may use particles of food for the pur-
15 pose of luring smelts to a baitfish trap, a
16 dipnet, a dropnet, a lift net or a bag net.

17 (5) The holder of a smelt wholesaler's li-
18 cense may transport or possess at his busi-
19 ness facility more than the daily bag limit
20 of smelts at any time, providing that the
21 smelts were acquired in a lawful manner. If
22 the smelts were purchased from another per-
23 son, a receipted invoice, bill of lading or
24 bill of sale shall be presented upon request
25 to any agent of the commissioner. For pur-
26 poses of this paragraph, live smelts shall
27 be considered in possession of the licensee
28 once the smelts have been removed from the
29 inland waters and placed in a container.

30 (6) If a person sells live smelts from more
31 than one wholesale facility, he must obtain
32 a separate license for each place of busi-
33 ness.

34 (7) The holder of a smelt wholesaler's li-
35 cense may designate others to assist him in
36 selling live smelts at his business facili-
37 ty.

38 (8) The holder of a smelt wholesaler's li-
39 cense, or his designee, may transport live
40 smelts, except that live smelts being trans-
41 ported directly from an inland water source
42 must be accompanied by the licensee.

1 Sec. 6. 12 MRSA §7172, as amended by PL 1983, c.
2 807, Pt. P, §14, is repealed.

3 Sec. 7. 12 MRSA §7237-A is enacted to read:

4 §7237-A. Release of wild birds and wild animals into
5 the wild.

6 The commissioner may issue a written permit to
7 any person permitting him to release into the wild
8 captive raised or imported wild birds and wild ani-
9 mals.

10 Sec. 8. 12 MRSA §7351, sub-§1-A, as enacted by
11 PL 1981, c. 123, §2, is repealed and the following
12 enacted in its place:

13 1-A. Expiration. All licenses issued under this
14 section are valid for one year commencing July 1st of
15 each year.

16 Sec. 9. 12 MRSA §7368, sub-§2, as enacted by PL
17 1983, c. 502, §4, is repealed.

18 Sec. 10. 12 MRSA §7432, sub-§2, as amended by PL
19 1985, c. 718, §8, is further amended to read:

20 2. Failure to visit traps. A person is guilty of
21 failure to visit traps if he:

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

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

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

1 D. While trapping for bear in any area of the
2 State, fails to visit his bear trap at least once in
3 every calendar day.

4 Sec. 11. 12 MRSA §7452, sub-§7, as enacted by PL
5 1979, c. 420, §1, is repealed and the following enacted
6 in its place:

7 7. False registration of bear. A person is
8 guilty of false registration of bear if he presents a
9 bear for registration or allows to be registered in
10 his name any bear:

11 A. Which he himself did not kill; or

12 B. Which he himself did not catch in a trap and
13 kill.

14 Sec. 12. 12 MRSA §7452, sub-§11, as enacted by
15 PL 1979, c. 543, §40, is amended to read:

16 11. Failure to attach bear tag to bear. A person
17 is guilty of failure to attach a bear tag to a bear
18 if, prior to presenting a bear for registration, he
19 possesses or leaves in the fields or forests a bear
20 which he has killed and which does not have securely
21 attached to it and plainly visible the bear tag por-
22 tion of his hunting license bearing his full name and
23 address, or if the bear was taken by trapping, a tag
24 bearing his full name, address and trapping license
25 number.

26 Sec. 13. 12 MRSA §7452, sub-§15, ¶A-1 is enacted
27 to read:

28 A-1. Notwithstanding subsection 6, paragraph C,
29 a person on a hunting trip in an unorganized
30 township and staying at a temporary place of
31 lodging may keep an unregistered bear at that
32 temporary place of lodging for a period not to
33 exceed 7 days or until he leaves the woods,
34 whichever comes first.

35 Sec. 14. 12 MRSA §7464, sub-§8-A, as enacted by
36 PL 1981, c. 118, §9, is amended to read:

1 more difficult for a smelt dealer to exceed the daily
2 bag limit on smelts without being detected.

3 Section 6 repeals a section pertaining to the
4 live smelt dealer's license which should have been
5 repealed in 1986 when the live bait laws underwent a
6 complete revision.

7 Section 7 makes it clear that captive raised or
8 imported wild birds and wild animals may only be re-
9 leased into the wild upon written permission of the
10 commissioner.

11 Section 8 removes language involving the expira-
12 tion date of a taxidermist license. The obsolete lan-
13 guage was enacted in 1981 to cover a transition peri-
14 od during which the effective dates of the license
15 were modified to coincide with the state fiscal year.

16 Section 9 repeals a portion of the whitewater
17 rafting law which was inadvertently left in the laws
18 when replaced with new language in 1986.

19 Section 10 requires that all bear traps be tended
20 at least once a day regardless of whether the traps
21 are set in organized or unorganized locations.

22 Section 11 makes it unlawful for anyone to regis-
23 ter a bear taken by trapping except the person who
24 sets the trap and kills the bear. Currently, the laws
25 appear to be inadequate to prevent a person who has
26 caught a bear in a trap from giving someone else per-
27 mission to shoot and register the animal.

28 Currently, the law requires that the bear tag
29 portion of the hunting license of any person who
30 takes a bear be attached to the bear from the time
31 the bear is killed until it is officially registered
32 at a big game tagging station. There is no such pro-
33 vision involving bears taken by trapping. Section 12
34 establishes a requirement that, prior to registra-
35 tion, all bear taken by trapping be marked with a tag
36 bearing the name, address and trapping license number
37 of the person who trapped and killed the bear.

38 Section 13 extends the same courtesy to bear
39 hunters as currently exists for deer hunters in al-

1 lowing a successful bear hunter to keep an unregis-
2 tered bear at a hunting camp in unorganized territory
3 for up to 7 days or until he leaves the woods.

4 Section 14 legalizes the use of handguns, .35
5 caliber or greater, in hunting moose.

6 Section 15 makes it lawful for snowmobiles to op-
7 erate along railroad beds which have been officially
8 discontinued.

9 Section 16 makes it lawful for all-terrain vehi-
10 cles to operate along railroad beds which have been
11 officially discontinued.

12

2655050587