

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)

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

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

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

11 3. Snowmobile. Fails or refuses to stop any
12 snowmobile on request or signal of any law enforce-
13 ment officer in uniform whose duty it is to enforce
14 chapter 715, subchapter II; or

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

19 **Sec. 3.** 12 MRSa §7077, sub-§1, as amended by PL
20 1983, c. 440, §6, is further 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 grant, any license or permit held by the
26 person for a period of not less than 3 months nor
27 more than one-year 5 years.

28 **Sec. 4.** 12 MRSa §7077, sub-§2, as enacted by PL
29 1979, c. 420, §1, is amended to read:

30 2. Conviction of violation of Title 17-A while
31 hunting or fishing. If any person holding a license
32 or permit under this chapter is convicted of the vio-
33 lation of any provision of Title 17-A while on a
34 hunting or fishing trip or in the pursuit of wild an-
35 imals or, wild birds or fish, the commissioner may
36 revoke the license or permit held by that person for
37 a period not to exceed one-year 5 years, except where
38 when the killing or wounding of a human being has oc-
39 curring, in which case the commissioner may revoke the
40 license or permit for up-to not less than 5 years.

1 **Sec. 5. 12 MRSA §7078**, as repealed and replaced
2 by PL 1981, c. 414, §10, is amended to read:

3 §7078. Refusal to issue license or permit

4 If any person is convicted of a violation of any
5 provision of chapters 701 to 721 and is not the hold-
6 er of a valid license or permit issued under chapters
7 701 to 721, the commissioner may refuse to issue a
8 related license or permit to that person for ~~the next~~
9 ~~calendar--year~~ up to 5 years following the date of
10 conviction, except when the killing or wounding of a
11 human being has occurred, in which case the commis-
12 sioner may revoke the license or permit for a period
13 of not less than 5 years.

14 **Sec. 6. 12 MRSA §7079**, sub-§1, as enacted by PL
15 1983, c. 329, §3, is amended to read:

16 1. Conviction of violation. If any habitual vi-
17 olator, as defined in section 7001, subsection 13-A,
18 is convicted of a violation of any provision of chap-
19 ters 701 to 721, the commissioner shall revoke all
20 licenses and permits held by that person. No license
21 may be granted to that person for a period ~~of 3 years~~
22 ~~from--the--date--of--revocation~~ to be determined by the
23 commissioner, but not less than 3 years from the date
24 of revocation.

25 **Sec. 7. 12 MRSA §7107-A**, sub-§3, as enacted by
26 PL 1985, c. 320, §2, is amended to read:

27 3. Schedule of fees. The schedule of fees is as
28 follows:

29 A. Resident 5-day 6-day muzzle-loading hunting
30 license \$7
31 B. Nonresident 5-day 6-day muzzle-loading
32 hunting license \$25
33 C. Alien 5-day 6-day muzzle-loading hunting
34 license \$50

35 **Sec. 8. 12 MRSA §7133**, sub-§5, ¶B is enacted to
36 read:

1 B. No person may have more than 2 traps set for
2 bear at any one time.

3 **Sec. 9.** 12 M RSA §7133, sub-§7, as enacted by PL
4 1985, c. 146, §2, is amended to read:

5 7. Successful completion of trapper evaluation
6 program required for license. Any person who applies
7 for a state license to trap other than a junior li-
8 cense shall submit proof of having successfully com-
9 pleted an education course of the type described in
10 subsection 8 or satisfactory evidence of having pre-
11 viously held an adult license to trap in this State
12 or any other state, province or country in any year
13 beginning with 1978.

14 When proof or evidence cannot otherwise be provided,
15 the person may substitute a signed affidavit that he
16 has previously held the required adult trapping li-
17 cense or that he has successfully completed the re-
18 quired trapper education course.

19 The provisions of this subsection shall take effect
20 January July 1, 1988.

21 **Sec. 10.** 12 M RSA §7171, sub-§4, ¶B, as repealed
22 and replaced by PL 1985, c. 607, §§3 and 9, is
23 amended to read:

24 B. The following restrictions apply to the tak-
25 ing and selling of baitfish under the baitfish
26 wholesaler's license.

27 (1) Any person engaged in taking, or as-
28 sisting in taking, live baitfish for resale
29 from inland waters must hold a current
30 baitfish wholesaler's license which shall be
31 exhibited upon request to any agent of the
32 commissioner.

33 (2) The holder of a baitfish wholesaler's
34 license may take baitfish by use of a seine
35 as defined in section 7001, subsection 33-A;
36 a baitfish trap as defined in section 7001,
37 subsection 1-B; a dipnet, a dropnet, a lift
38 net or a bag net; or by hook and line.

1 (3) The holder of a baitfish wholesaler's
2 license may use particles of food for the
3 purpose of luring baitfish to a baitfish
4 trap, a dipnet, a dropnet, a lift net or a
5 bag net.

6 (4) If a person sells live baitfish from
7 more than one wholesale facility, he must
8 obtain a separate license for each place of
9 business.

10 (5) The holder of a baitfish wholesaler's
11 license may designate others to assist him
12 in selling live baitfish at his business fa-
13 cility.

14 (6) The holder of a baitfish wholesaler's
15 license, or his designee, may transport live
16 baitfish.

17 Sec. 11. 12 MRSa §7171, sub-§4, ¶C, as repealed
18 and replaced by PL 1985, c. 607, §§3 and 9, is
19 amended to read:

20 C. The following restrictions apply to the tak-
21 ing and selling of live smelts under the smelt
22 wholesaler's license.

23 (1) Any person engaged in taking, or as-
24 sisting in taking, live smelts for resale
25 from inland waters must hold a current smelt
26 wholesaler's license which shall be exhib-
27 ited upon request to any agent of the com-
28 missioner.

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

34 (3) The holder of a smelt wholesaler's li-
35 cense may use a baitfish trap, a dipnet, a
36 dropnet, a lift net, a bag net or hook and
37 line to take up to 8 quarts of smelts in a
38 24-hour period, beginning at noon on any

1 given day, from specific inland waters des-
2 ignated by the commissioner.

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

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

20 (6) If a person sells live smelts from more
21 than one wholesale facility, he must obtain
22 a separate license for each place of busi-
23 ness.

24 (7) The holder of a smelt wholesaler's li-
25 cense may designate others to assist him in
26 selling live smelts at his business facili-
27 ty.

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

33 **Sec. 12.** 12 MRSA §7172, as amended by PL 1983,
34 c. 807, Pt. P, §14, is repealed.

35 **Sec. 13.** 12 MRSA §7235, sub-§4, ¶E, as amended
36 by PL 1983, c. 22, §1, is further amended to read:

37 E. Notwithstanding this subsection, Ringneck
38 pheasants and wild turkeys shall be the only
39 pheasants birds required to be marked with a me-
40 tallic leg band.

1 **Sec. 14.** 12 MRSA 7235, sub-§5, ¶E is enacted to
2 read:

3 E. Notwithstanding subsection 4, identifying
4 marks or seals are not required for exotic ani-
5 mals.

6 **Sec. 15.** 12 MRSA §7237-A is enacted to read:

7 §7237-A. Release of wild birds and wild animals into
8 the wild

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

13 **Sec. 16.** 12 MRSA §7351, sub-§1-A, as enacted by
14 PL 1981, c. 123, §2, is repealed and the following
15 enacted in its place:

16 1-A. Expiration. All licenses issued under this
17 section are valid for one year commencing July 1st of
18 each year.

19 **Sec. 17.** 12 MRSA §7368, sub-§2, as enacted by PL
20 1983, c. 502, §4, is repealed.

21 **Sec. 18.** 12 MRSA §7432, sub-§2, as amended by PL
22 1985, c. 718, §8, is further amended to read:

23 2. Failure to visit traps. A person is guilty of
24 failure to visit traps if he:

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

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

1 C. While trapping in any unorganized or
2 deorganized place, fails to visit each
3 killer-type trap, except water sets, so called,
4 or fails to cause the same to be visited at least
5 once in every 7 calendar days; or

6 D. While trapping for bear in any area of the
7 State, fails to visit his bear traps at least
8 once in every calendar day.

9 Sec. 19. 12 M RSA §7452, sub-§7, as enacted by PL
10 1979, c. 420, §1, is repealed and the following en-
11 acted in its place:

12 7. False registration of bear. A person is
13 guilty of false registration of bear if he presents a
14 bear for registration or allows to be registered in
15 his name any bear:

16 A. Which he himself did not kill; or

17 B. Which he himself did not catch in a trap and
18 kill.

19 Sec. 20. 12 M RSA §7452, sub-§11, as enacted by
20 PL 1979, c. 543, §40, is amended to read:

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

31 Sec. 21. 12 M RSA §7452, sub-§15, ¶A-1 is enacted
32 to read:

33 A-1. Notwithstanding subsection 6, paragraph C,
34 a person on a hunting trip in an unorganized
35 township and staying at a temporary place of
36 lodging during the open firearm season on deer,
37 may keep an unregistered bear at that temporary
38 place of lodging for a period not to exceed 7

1 days or until he leaves the woods, whichever
2 comes first.

3 **Sec. 22. 12 MRSA §7464, sub-§8-A, as enacted by**
4 **PL 1981, c. 118, §9, is amended to read:**

5 **8-A. Illegal firearms.** A person is guilty of
6 **using illegal firearms if he uses a handgun, which is**
7 **less than .35 caliber, a .22 caliber rimfire firearm**
8 **or a shotgun using shot loads to hunt moose.**

9 **Sec. 23. 12 MRSA §7827, sub-§4-A, as enacted by**
10 **PL 1979, c. 543, §79, is amended to read:**

11 **4-A. Unlawfully operating a vehicle on a snowmo-**
12 **bile trail.** A person is guilty of unlawfully operat-
13 **ing a vehicle on a snowmobile trail if he operates**
14 **any 4-wheel drive vehicle, dune buggy, ATV, motorcy-**
15 **cle or other-motorized any other motor vehicle,** other
16 **than a snowmobile and appurtenant equipment, over-the-**
17 **snow-on-roads-and-trails--maintained--for--snowmobile**
18 **use--and on snowmobile trails which are financed in**
19 **whole or in part with funds from the Snowmobile Trail**
20 **Fund, unless such that use has been authorized by the**
21 **landowner or his agent, or unless the use is necessi-**
22 **tated by an emergency involving safety of persons or**
23 **property.**

24 **Sec. 24. 12 MRSA §7827, sub-§23, ¶F-1 is enacted**
25 **to read:**

26 **F-1. Notwithstanding subsection 18, a person is**
27 **not guilty of operating a snowmobile on railroad**
28 **tracks if he is operating within the right-of-way**
29 **of a portion of railroad line which has been of-**
30 **ficially abandoned under the authority of the In-**
31 **terstate Commerce Commission.**

32 **Sec. 25. 12 MRSA §7857, sub-§24, ¶E-2 is enacted**
33 **to read:**

34 **E-2. Notwithstanding subsection 18, a person is**
35 **not guilty of operating an all-terrain vehicle on**
36 **railroad tracks if he is operating within the**
37 **right-of-way of a portion of railroad line which**
38 **has been officially abandoned under the authority**
39 **of the Interstate Commerce Commission.**

1 STATEMENT OF FACT

2 Section 1 defines the term exotic for the defini-
3 tions section of fisheries and wildlife law.

4 Section 2 makes it clear that the operator of an
5 all-terrain vehicle must stop the machine upon re-
6 quest or signal of any uniformed law enforcement of-
7 ficer.

8 Sections 3, 4, 5 and 6 give the commissioner more
9 discretion over how long licenses can be revoked af-
10 ter hunting violations.

11 Section 7 corrects from 5 to 6 the number of days
12 during which muzzle-loading hunting licenses are val-
13 id. The season is currently 6 days long.

14 Section 8 allows a trapper to set only 2 bear
15 traps. This eliminates an ongoing problem associated
16 with multiple catches of bear by a single trapper.
17 The bag limit on bear is one each year.

18 Section 9 changes the effective date of the
19 trapper training course required to acquire a new
20 trapping license. Trapping licenses are issued July
21 1st of each year and are valid for one year. This
22 change makes the effective date of this section con-
23 sistent with new license issuance.

24 Sections 10 and 11 make it clear that anyone who
25 assists in the taking of live baitfish and live
26 smelts for resale must hold the appropriate license.
27 Section 11 resolves enforcement problems associated
28 with the possession of live smelts by persons who
29 hold smelt wholesalers' licenses. This change plugs
30 several loopholes in the existing law and makes it
31 more difficult for a smelt dealer to exceed the daily
32 bag limit on smelts without being detected.

33 Section 12 repeals a section pertaining to the
34 live smelt dealer's license which should have been
35 repealed in 1986 when the live bait laws underwent a
36 complete revision.

1 Section 13 includes wild turkeys as a species to
2 be marked with a metallic leg band prior to being re-
3 moved from the premises of a licensed breeder.

4 Section 14 exempts exotic species from marking
5 requirements.

6 Section 15 makes it clear that captive raised or
7 imported wild birds and wild animals may only be re-
8 leased into the wild upon written permission of the
9 commissioner.

10 Section 16 removes language involving the expira-
11 tion date of a taxidermist license. The deleted lan-
12 guage was enacted in 1981 to cover a transition peri-
13 od during which the effective dates of the license
14 were modified to coincide with the state fiscal year.

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

18 Section 18 requires that all bear traps be tended
19 at least once a day regardless of whether the traps
20 are set in organized or unorganized locations.

21 Section 19 makes it unlawful for anyone to regis-
22 ter a bear taken by trapping except the person who
23 sets the trap and kills the bear. Currently, the laws
24 appear to be inadequate to prevent a person who has
25 caught a bear in a trap from giving someone else per-
26 mission to shoot and register the animal.

27 Currently, the law requires that the bear tag
28 portion of the hunting license of any person who
29 takes a bear be attached to the bear from the time
30 the bear is killed until it is officially registered
31 at a big game tagging station. There is no such pro-
32 vision involving bears taken by trapping. Section 20
33 establishes a requirement that, prior to registra-
34 tion, all bear taken by trapping be marked with a tag
35 bearing the name, address and trapping license number
36 of the person who trapped and killed the bear.

37 Section 21 extends the same courtesy to bear
38 hunters during the open firearm season on deer as
39 currently exists for deer hunters in allowing a suc-

1 cessful bear hunter to keep an unregistered bear at a
2 hunting camp in unorganized territory for up to 7
3 days or until he leaves the woods.

4 Section 22 legalizes the use of handguns, .35
5 caliber or greater, in hunting moose.

6 Section 23 makes the Maine Revised Statutes, Ti-
7 tle 12, section 7827, subsection 4- A, which is part
8 of department laws pertaining to snowmobiles, con-
9 sistent with the more recent section 7857, subsection
10 3, which is part of the Department of Conservation
11 laws pertaining to ATVs.

12 Section 24 makes it lawful for snowmobiles to op-
13 erate along railroad beds which have been officially
14 discontinued.

15 Section 25 makes it lawful for all-terrain vehi-
16 cles to operate along railroad beds which have been
17 officially discontinued.

18 2908052287