

# MAINE STATE LEGISLATURE

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L.D. 2372

(Filing No. H- 548)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
113TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1729, L.D. 2372,  
Bill, "AN ACT to Revise and Modify Certain Laws  
Relating to the Department of Inland Fisheries and  
Wildlife."

Amend the bill by striking out everything after  
the enacting clause and inserting in its place the  
following:

'Sec. 1. 12 MRSA §7001, sub-§6, as enacted by  
PL 1979, c. 420, §1, is amended to read:

6. Drive deer or moose. To "drive deer or moose"  
means to intentionally pursue, drive, chase or  
otherwise frighten or cause a deer or moose to move in  
the direction of any person or persons known to be  
waiting for the deer or moose.

Sec. 2. 12 MRSA §7001, sub-§33-B is enacted to  
read:

33-B. Sporting dogs. "Sporting dogs" means  
sporting dogs as defined by the American Kennel Club,  
including pointers, retrievers, setters, spaniels,  
Vizslas, Weimaraners and wirehaired pointing griffons.

Sec. 3. 12 MRSA §7053, sub-§2, ¶C, as enacted  
by PL 1979, c. 420, §1, is amended to read:

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1 C. Accept personal recognizances in accordance  
2 with the following procedures:

3 (1) Any game warden making an arrest for any  
4 violation of chapters 701 to 721 and Title  
5 38, chapter 3, subchapter I, Article I-A, at  
6 a point more than 50 miles distant from the  
7 nearest District Court having jurisdiction,  
8 may accept the personal recognizance of the  
9 prisoner in an amount not to exceed \$500  
10 \$1,000 for his appearance before the nearest  
11 District Court on a specified date and a  
12 deposit in money to the amount of that  
13 recognizance;

14 (2) The warden shall report forthwith all  
15 those recognizances and forward all those  
16 deposits to the court to which the  
17 recognizance is returnable; and

18 (3) Recognizances and deposits shall be  
19 handled by the court in accordance with  
20 section 7910;

21 Sec. 4. 12 MRSA §7077, sub-§4, as enacted by PL  
22 1979, c. 420, §1, is repealed.

23 Sec. 5. 12 MRSA §7101, sub-§5, ¶I, as repealed  
24 and replaced by PL 1983, c. 807, Pt. P, §3, is  
25 repealed and the following enacted in its place:

26 I. Alien small game hunting §62  
27 license

28 (Permits hunting of  
29 all species, except  
30 deer, bear, turkey,  
31 moose, raccoon and  
32 bobcat)

33 Sec. 6. 12 MRSA §7133, sub-§5, ¶C is enacted to  
34 read:

35 C. Notwithstanding section 7406, subsections 4  
36 and 5, any person who holds a valid trapping  
37 license may carry a .22 caliber firearm at any

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1 time during the open trapping season for the sole  
2 purpose of dispatching trapped animals.

3 Sec. 7. 12 MRSA §7332, sub-§1, as enacted by PL  
4 1979, c. 420, §1, is amended to read:

5 1. Application and issuance. Upon application of  
6 any club or organization having 25 or more resident  
7 members, the commissioner may, at his discretion,  
8 issue to the club or organization a license  
9 authorizing the following.

10 A. The licensee may hold, at the time and place  
11 stated in the license, a field trial for sporting  
12 dogs for the purpose of demonstrating the skill of  
13 the dogs in retrieving dead or wounded wild  
14 birds. For purposes of this section, the term  
15 "sporting dogs" shall include sporting dogs as  
16 defined by the American Kennel Club, including  
17 pointers, retrievers, setters, spaniels, vizslas,  
18 wiemaraners-and-wirehaired-pointing-griffons.

19 B. Members of the licensee club or organization  
20 may shoot and kill with firearms, under  
21 supervision of a representative of the  
22 commissioner, wild birds propagated or legally  
23 acquired by members of the licensee at the field  
24 trial held at the time and place specified in the  
25 license.

26 C. Persons may participate in a field trial  
27 pursuant to this section without a hunting license.

28 Sec. 8. 12 MRSA §7332, sub-§3, ¶C, as amended  
29 by PL 1979, c. 543, §30, is repealed.

30 Sec. 9. 12 MRSA §7451, sub-§3, ¶A, as enacted  
31 by PL 1987, c. 212, §2, is amended to read:

32 A. Bait may not be used to hunt black bear,  
33 unless:

34 (1) The bait is placed at least 50 yards  
35 from any travel way that is accessible by a  
36 conventional 2-wheel or 4-wheel drive  
37 vehicle;

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- 1 (2) The stand, blind and bait area are  
2 tagged by a 2-inch by 4-inch tag with the  
3 name and address of the baiter;
- 4 (3) The bait is placed more than 500 yards  
5 from any dump or campground;
- 6 (4) The bait is placed more than 500 yards  
7 from an occupied dwelling, unless written  
8 permission is granted by the owner or leasee;
- 9 (5) The bait is placed not more than 30 days  
10 before the opening day of the season and not  
11 after October 31st;
- 12 (6) The bait areas will be cleaned up by  
13 November 10, as defined by the state litter  
14 laws; and
- 15 (7) The person hunting from any stand or  
16 blind of another person has permission of the  
17 owner of that stand or blind.

18 Sec. 10. 12 MRSA §7452, sub-§1-B is enacted to  
19 read:

20 1-B. Illegal harvest of bear. A person is guilty  
21 of illegally harvesting bear if without the permission  
22 of the person conducting the hunt that person kills or  
23 wounds a bear that is treed or held at bay by another  
24 person's dog or dogs.

25 Sec. 11. 12 MRSA §7463-A, sub-§10, as amended  
26 by PL 1983, c. 797, §11, is repealed and the following  
27 enacted in its place:

28 10. Registration of harvested moose. All moose  
29 legally harvested shall be presented for inspection at  
30 an official moose registration station established by  
31 the commissioner. The entire animal except the  
32 viscera shall be presented, but the animal may be  
33 dismembered for ease of transportation. The following  
34 conditions apply to moose registration.

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1        A. An agent designated by the commissioner shall  
2        be in charge of each moose registration station.

3        B. Moose registration agents shall register each  
4        moose legally presented for registration and shall  
5        attach a seal to each moose in the manner directed  
6        by and with materials furnished by the  
7        commissioner.

8        C. Any person killing a moose under this section  
9        shall present it for registration at an official  
10       moose registration station and the moose shall be  
11       registered in the name of the person who killed  
12       the moose. No person may present a moose for  
13       registration or allow a moose which that person  
14       did not lawfully kill to be registered in that  
15       person's name.

16       Sec. 12. 12 MRSA §7464, sub-§3, ¶B, as amended  
17 by PL 1981, c. 118, §4, is further amended to read:

18       B. The moose tag portion of the permit bearing  
19 the name and address of the person who killed the  
20 moose is not securely attached to the head of  
21 the moose;

22       Sec. 13. 12 MRSA §7464, sub-§8-A, as amended by  
23 PL 1987, c. 317, §22, is further amended to read:

24       8-A. Illegal firearms. A person is guilty of  
25 using illegal firearms if he uses a handgun which is  
26 less than .35 caliber, a .22 caliber rimfire firearm  
27 or a shotgun using shot loads to hunt moose.

28       Sec. 14. 12 MRSA §7464, sub-§8-B is enacted to  
29 read:

30       8-B. Driving moose. A person is guilty of  
31 driving moose if that person participates in a joint  
32 hunt for moose during which an effort is made to drive  
33 moose.

34       Sec. 15. 12 MRSA §7553, sub-§1, ¶B, as enacted  
35 by PL 1979, c. 420, §1, is amended to read:

36       B. At the following places, the fishway and the

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1 area within 75 feet of the most any part of  
2 the fishway shall be closed to fishing at all  
3 times:

4 (1) Woodland Dam and Grand Falls Powerhouse  
5 Dam on the St. Croix River in the Town of  
6 Baileyville;

7 (2) East Grand Lake Dam, T9 R4; and

8 (3) Spednic Lake Dam, Vanceboro; and

9 Sec. 16. 12 MRSA, §7572, sub-§1, as amended by  
10 PL 1985, c. 369, §22, is further amended to read:

11 1. Five-line limit. A person licensed to fish  
12 may fish through ice in the daytime with not more than  
13 5 lines set or otherwise, which shall be under his  
14 immediate supervision, in any waters which have been  
15 opened to ice fishing by the commissioner. Bines  
16 shall be considered under immediate supervision if the  
17 person remains in a position to visually observe his  
18 lines and does not remove himself more than 500 yards  
19 from-the-most-distant-line.

20 Sec. 17. 12 MRSA §7608, as amended by PL 1983,  
21 c. 440, §13, is further amended to read:

22 §7608. Fishing with illegal implements or devices

23 A person is guilty of fishing with illegal  
24 implements or devices if he uses any fish spawn,  
25 grapnel, spear, spear gun, trawl, weir, gaff, seine,  
26 gill net, trap or set lines or electronic, sonic or  
27 battery powered devices for fishing or if that person  
28 uses any electronic or battery-powered devices for  
29 luring or attracting fish, except that a person may  
30 take suckers, eels, hornpout, alewives, yellow perch  
31 and cusk in accordance with section 7153 and except as  
32 otherwise provided.

33 Sec. 18. 12 MRSA §7861, sub-§1-A is enacted to  
34 read:

35 1-A. Training of sporting dogs. It is lawful to  
36 train sporting dogs on wild birds at any time.





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1 Section 6 clarifies that licensed trappers may  
2 carry a .22 caliber firearm at any time during the  
3 open trapping season, including nights and Sundays,  
4 for the sole purpose of dispatching trapped animals.

5 Sections 7 and 8 update the law concerning the  
6 licensing of field trials for bird dogs to eliminate  
7 those provisions which are overly restrictive and  
8 unnecessary.

9 Section 9 specifically bans placing of bear bait  
10 after October 31st.

11 Section 10 makes it illegal to kill or wound a  
12 bear that has been treed or held at bay by another  
13 person's dogs.

14 Under current law, all moose legally harvested  
15 must be registered by an employee of the department.  
16 Section 11 gives the commissioner the authority to  
17 designate agents to maintain moose registration  
18 stations and register each moose legally presented.  
19 This change will result in additional moose  
20 registration stations, increasing service to the  
21 hunting public.

22 Section 12 allows the department to utilize an  
23 adhesive moose transportation tag. This tag is printed  
24 as part of the moose hunting permit and is designed to  
25 be attached to the leg of the animal rather than to  
26 the head.

27 Section 13 amends the subsection pertaining to  
28 illegal firearms for hunting moose by deleting the  
29 reference to handguns.

30 Section 14 makes it unlawful for any person to  
31 participate in a moose drive.

32 Section 15 makes it illegal to fish from any part  
33 of several fishways.

34 The definition of immediate supervision of  
35 ice-fishing lines is removed in section 16. The  
36 requirement of remaining within 500 yards of set lines

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1 is too restrictive.

2 Section 17 clarifies that electronic fish finders  
3 are legal devices and thereby eliminates a great deal  
4 of confusion which currently exists among fishermen  
5 concerning this topic.

6 Section 18 clarifies that it is lawful to train  
7 sporting dogs at any time.

8 Section 19 gives the commissioner the authority to  
9 permit the use of conventional firearms in training  
10 bird dogs on wild birds which have been raised in  
11 captivity.

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