

# 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)

SECOND REGULAR SESSION

---

ONE HUNDRED AND THIRTEENTH LEGISLATURE

---

Legislative Document

NO. 2372

---

H.P. 1729                      House of Representatives, February 26, 1988  
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.

EDWIN H. PERT, Clerk  
Presented by Representative JACQUES of Waterville.

Cosponsored by Senators ERWIN of Oxford, BRAUN of Knox  
and Representative FARREN of Cherryfield.

---

STATE OF MAINE

---

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

---

1                      **AN ACT to Revise and Modify Certain Laws**  
2                      **Relating to the Department of Inland**  
3                      **Fisheries and Wildlife.**  
4

---

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

7                      Sec. 1.    12 MRSA §7001, sub-§6, as enacted by PL  
8                      1979, c. 420, §1, is amended to read:

9                      6.    Drive deer or moose.    To "drive deer or moose"

1 means to intentionally pursue, drive, chase or  
2 otherwise frighten or cause a deer or moose to move in  
3 the direction of any person or persons known to be  
4 waiting for the deer or moose.

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

7 C. Accept personal recognizances in accordance  
8 with the following procedures:

9 (1) Any game warden making an arrest for any  
10 violation of chapters 701 to 721 and Title  
11 38, chapter 3, subchapter I, Article I-A, at  
12 a point more than 50 miles distant from the  
13 nearest District Court having jurisdiction,  
14 may accept the personal recognizance of the  
15 prisoner in an amount not to exceed \$500  
16 \$1,000 for his appearance before the nearest  
17 District Court on a specified date and a  
18 deposit in money to the amount of that  
19 recognizance;

20 (2) The warden shall report forthwith all  
21 those recognizances and forward all those  
22 deposits to the court to which the  
23 recognizance is returnable; and

24 (3) Recognizances and deposits shall be  
25 handled by the court in accordance with  
26 section 7910;

27 **Sec. 3.** 12 MRSA §7077, sub-§4, as enacted by PL  
28 1979, c. 420, §1, is repealed.

29 **Sec. 4.** 12 MRSA §7101, sub-§5, ¶I, as repealed  
30 and replaced by PL 1983, c. 807, Pt. P, §3, is  
31 repealed and the following enacted in its place:

32 I. Alien small game hunting §62  
33 license

1                    (Permits hunting of all spe-  
2                    cies, except deer, bear,  
3                    turkey, moose, raccoon and  
4                    bobcat.)

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

7            C. Any person who holds a valid trapping license  
8            may carry a .22 caliber handgun at any time during  
9            the open trapping season for the sole purpose of  
10           dispatching trapped animals.

11           Sec. 6. 12 MRSA §7332, sub-§1, as enacted by PL  
12 1979, c. 420, §1, is amended to read:

13            1. Application and issuance. Upon application of  
14 any club or organization having 25 or more resident  
15 members, the commissioner may, at his discretion,  
16 issue to the club or organization a license  
17 authorizing the following.

18            A. The licensee may hold, at the time and place  
19 stated in the license, a field trial for sporting  
20 dogs for the purpose of demonstrating the skill of  
21 the dogs in retrieving dead or wounded wild  
22 birds. For purposes of this section, the term  
23 "sporting dogs" shall include sporting dogs as  
24 defined by the American Kennel Club, including  
25 pointers, retrievers, setters, spaniels,  
26 vizslas, ~~wiemanerers~~ weimaraners and wirehaired  
27 pointing griffons.

28            B. Members of the licensee club or organization  
29 may shoot and kill with firearms, under  
30 supervision of a representative of the  
31 commissioner, wild birds propagated or legally  
32 acquired by members of the licensee at the field  
33 trial held at the time and place specified in the  
34 license.

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

1       Sec. 7.   12 MRSA §7332, sub-§3, ¶C, as amended  
2 by PL 1979, c. 543, §30, is repealed.

3       Sec. 8.   12 MRSA §7463-A, sub-§10, as amended by  
4 PL 1983, c. 797, §11, is repealed and the following  
5 enacted in its place:

6       10. Registration of harvested moose. All moose  
7 legally harvested shall be presented for inspection at  
8 an official moose registration station to be  
9 established by the commissioner. The entire animal  
10 except the viscera shall be presented, but it may be  
11 dismembered for ease of transportation.

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

14       B. Moose registration agents shall register each  
15 moose legally presented for registration and shall  
16 attach a seal to each moose in the manner directed  
17 by and with materials furnished by the  
18 commissioner.

19       C. Any person killing a moose under this section  
20 shall present it for registration at an official  
21 moose registration station and the moose shall be  
22 registered in the name of the person who killed  
23 the moose. No person may present a moose for  
24 registration or allow to be registered in his name  
25 any moose which he himself did not lawfully kill.

26       Sec. 9.   12 MRSA §7464, sub-§3, ¶B, as amended  
27 by PL 1981, c. 118, §4, is further amended to read:

28       B. The moose tag portion of the permit bearing  
29 the name and address of the person who killed the  
30 moose is not securely attached to the head of  
31 the moose;

32       Sec. 10.  12 MRSA §7464, sub-§8-B is enacted to  
33 read:

1           8-B. Driving moose. A person is guilty of  
2 driving moose if he participates in a joint hunt for  
3 moose, during which an effort is made to drive moose.

4           Sec. 11. 12 MRSA §7608, as amended by PL 1983,  
5 c. 440, §13, is further amended to read:

6 §7608. Fishing with illegal implements or devices

7           A person is guilty of fishing with illegal  
8 implements or devices if he uses any fish spawn,  
9 grapnel, spear, spear gun, trawl, weir, gaff, seine,  
10 gill net, trap or set lines or ~~electronic, sonic or~~  
11 battery powered devices for fishing or if he uses any  
12 electronic or battery-powered devices for luring or  
13 attracting fish, except that a person may take  
14 suckers, eels, hornpout, alewives, yellow perch and  
15 cusks in accordance with section 7153 and except as  
16 otherwise provided.

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

19           1-A. Training of sporting dogs. It is lawful to  
20 train sporting dogs on wild birds at any time. For  
21 purposes of this subsection, the term "sporting dogs"  
22 shall include sporting dogs as defined by the American  
23 Kennel Club, including pointers, retrievers, setters,  
24 spaniels, vizslas, weimaraners and wirehaired pointing  
25 griffons.

26           Sec. 13. 12 MRSA §7863, sub-§5 is enacted to  
27 read:

28           5. Exceptions. The following exceptions apply to  
29 the training of dogs:

30           A. Notwithstanding this section, the commissioner  
31 may issue a permit to any person authorizing the  
32 use of firearms during the training of sporting  
33 dogs, as defined in section 7861, subsection 1-A,  
34 to shoot and kill wild birds propagated or legally  
35 acquired by the permittee and possessed in

1 accordance with section 7235.

2 STATEMENT OF FACT

3 Section 1 of this bill amends the definition of  
4 driving deer to include moose.

5 The mandatory minimum fine for many fish and  
6 wildlife related violations was recently increased by  
7 the Legislature from \$500 to \$1,000. The purpose of  
8 section 2 is to increase, accordingly, the amount of  
9 personal recognizance which a game warden may accept  
10 from a prisoner when the arrest takes place more than  
11 50 miles from the nearest District Court having  
12 jurisdiction.

13 Section 3 removes a provision pertaining to  
14 license revocation for persons convicted of 2nd fish  
15 and wildlife violations. This section is no longer  
16 necessary and should have been repealed in 1987 when  
17 the commissioner's authority to revoke licenses was  
18 increased from one to 5 years for conviction of any  
19 fish and wildlife violation.

20 Section 4 establishes the same species  
21 restrictions on the holder of an alien small game  
22 license as currently exists for the holder of either a  
23 resident or nonresident small game license.

24 Section 5 clarifies that licensed trappers may  
25 carry a .22 caliber handgun at any time during the  
26 open trapping season, including nights and Sundays,  
27 for the sole purpose of dispatching trapped animals.

28 Section 6 and 7 update the law concerning the  
29 licensing of field trials for bird dogs to eliminate  
30 those provisions which are overly restrictive and  
31 unnecessary.

32 Section 8. Under current law, all moose legally  
33 harvested must be registered by an employee of the  
34 department. The purpose of this section is to give

1 the commissioner the authority to designate agents to  
2 maintain moose registration stations and register each  
3 moose legally presented. This change will result in  
4 additional moose registration stations, thereby  
5 increasing service to the hunting public.

6 Section 9. The purpose of this section is to  
7 allow the department to utilize an adhesive moose  
8 transportation tag which is printed as part of the  
9 moose hunting permit and which is designed to be  
10 attached to the leg of the animal rather than to the  
11 head.

12 Section 10 makes it unlawful for any person to  
13 participate in a moose drive.

14 Section 11 clarifies that electronic fish finders  
15 are not unlawful devices and thereby eliminates a  
16 great deal of confusion which currently exists among  
17 fishermen concerning this topic.

18 Section 12 clarifies that it is lawful to train  
19 bird dogs at any time.

20 Section 13 gives the commissioner the authority to  
21 permit the use of conventional firearms in training  
22 bird dogs on wild birds which have been raised in  
23 captivity.

24

4527121687