

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2243

H.P. 1621

House of Representatives, January 26, 1990

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.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative JACQUES of Waterville.

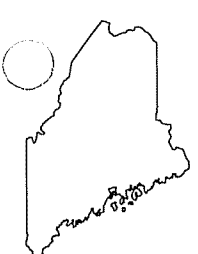
Cosponsored by Senator ERWIN of Oxford, Senator GOULD of Waldo and Representative GREENLAW of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend Certain Provisions of the Fish and Wildlife Laws.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, confusion exists as to the application of certain laws administered by the Department of Inland Fisheries and Wildlife; and

Whereas, this confusion poses difficulties for the sporting public and those charged with enforcement of these laws; and

Whereas, it is vitally necessary that this confusion be resolved to prevent any injustice or hardship to the hunters, anglers, trappers and recreational vehicle owners of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §7034, sub-§4, as amended by PL 1985, c. 785, Pt. B, §70, is further amended to read:

4. Code of operating procedure of warden service. The commissioner shall prepare a written code covering the operating procedure of the warden service which ~~becomes effective when approved by the State Civil Service Appeals Board~~ is consistent with civil service law and contractual agreements.

Sec. 2. 12 MRSA §7102, sub-§4, ¶A, as repealed and replaced by PL 1979, c. 543, §9, is amended to read:

A. It is legal to hunt any wild animal or wild bird by bow and arrow during any open season on that animal; ~~and or bird.~~

Sec. 3. 12 MRSA §7102, sub-§5, as amended by PL 1985, c. 91, §1, is further amended to read:

5. Restrictions.

A. Archery deer tags shall be issued for the use in the same manner as regular deer tags; .

B. If a person takes a deer with bow and arrow during the open season on deer, he that person is precluded from further hunting for deer during that year; .

C. Any person 10 years of age or older and under 16 shall be accompanied at all times while hunting by a parent or

2 guardian or an adult, at least 18 years of age, approved by
a parent or guardian; .

4 D. Deer may be taken under this section only by means of
hand bow and broad head arrow; .

6 E. Bows shall be strong enough to shoot an arrow at least
8 150 yards; .

10 F. Arrow heads shall be not less than 7/8 inch in width; .

12 G. A person shall not use a crossbow or set bow; .

14 H. A person shall not use arrows with either poisonous or
explosive tips; .

16 I. A person shall ~~shall~~ may not carry firearms of any kind,
18 ~~excluding handguns,~~ while hunting any species of wildlife
20 with a bow and arrow during the special archery season on
deer, as described in subsection 4, paragraph B, except
22 that a person who also holds a license to hunt with firearms
may carry a handgun.

24 J. Except as provided in this section, the provisions of
26 chapters 701 to 721 relating to deer ~~shall be~~ are applicable
to the taking of deer with bow and arrow; ~~and~~ .

28 **Sec. 4. 12 MRSA §7311, sub-§3,** as enacted by PL 1987, c. 742,
30 §§7 and 16, is repealed and the following enacted in its place:

32 **3. Fee.** The fee for a guide license is \$75.

34 **Sec. 5. 12 MRSA §7352, sub-§3, ¶A,** as amended by PL 1985, c.
369, §14, is further amended to read:

36 A. Each licensee shall keep a true and complete record, in
38 such the form as ~~is~~ required by the commissioner, of all
heads, hides and bear galls purchased and sold; and

40 **Sec. 6. 12 MRSA §7352, sub-§4, ¶A,** as amended by PL 1985, c.
369, §14, is further amended to read:

42 A. Notwithstanding this section, a person who lawfully
44 ~~possesses any~~ takes a deer, moose or ~~a~~ bear, or lawfully
46 ~~possesses any~~ furbearing animal, may sell the hide, head or
gall bladder thereof of that animal.

48 **Sec. 7. 12 MRSA §7352, sub-§4, ¶B** is enacted to read:

50 B. Notwithstanding this section, an employee of any
licensed hide dealer may, without a license, aid or assist

2 the licensee in conducting business, but only at the
3 licensee's fixed place of business.

4 **Sec. 8. 12 MRSA §§7371-A and 7376-A are enacted to read:**

6 **§7371-A. Guide license violation**

8 A person is guilty of a guide license violation if that
9 person is licensed as a guide and that person:

10 1. **Knowingly assists client in violation.** Knowingly
11 assists a client in violating any of the provisions of chapters
12 701 to 721;

13 2. **Fails to report violation by client.** Has knowledge that
14 a client has violated the provisions of chapters 701 to 721 and
15 fails to report the violation as required by section 7318; or

16 3. **Guides party of more than 12 on inland waters.** Takes a
17 party of more than 12 people out on any lake, stream or waterway
18 in the State at any time.

19 **§7376-A. Unlawfully hiring guide**

20 A person is guilty of unlawfully hiring a guide if that
21 person hires another person as a guide and has knowledge that the
22 person does not hold a valid guide license.

23 **Sec. 9. 12 MRSA §7451, sub-§1, ¶D, as enacted by PL 1981, c.**
24 **224, §1, is amended to read:**

25 **D.** The commissioner may shorten the open seasons on bear as
26 established in paragraphs A, B and C in any part of the
27 State provided that:

28 (1) The demarcation of the areas with a shortened
29 season follows recognizable physical boundaries such as
30 rivers and railroad rights-of-way; and

31 (2) The decision is made and published prior to
32 January-15th, March 1st of any year.

33 **Sec. 10. 12 MRSA §7451, sub-§2, as amended by PL 1981, c. 470,**
34 **Pt. B, §2, is repealed and the following enacted in its place:**

35 2. **Registration.** The commissioner shall promulgate rules
36 in accordance with the Maine Administrative Procedure Act, Title
37 5, chapter 375, governing the establishment and closure of bear
38 registration stations for the purpose of registering all bear
39 killed.

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

4 B. A list of bear registration stations must be published
in one or more daily newspapers of the State.

6 C. Bear registration agents shall:

8 (1) Register every bear legally presented for
10 registration;

12 (2) Attach a metal seal to each bear in the manner
14 directed and with the materials furnished by the
commissioner;

16 (3) Receive from the person registering a bear the sum
18 of \$1 for each seal; and

20 (4) Retain the \$1 for each seal issued.

22 D. Each bear presented for registration must be presented
in its entirety, except for the viscera, and must be field
24 dressed in a manner that permits determination of the sex of
the animal. The bear may be dismembered for ease of
26 transportation.

28 **Sec. 11. 12 MRSA §7452, sub-§5-A is enacted to read:**

30 5-A. Illegally presenting bear for registration. A person
is guilty of illegally presenting a bear for registration if that
32 person presents a bear for registration and the bear:

34 A. Is not presented in its entirety, except for the
viscera; or

36 B. Is not field dressed in a manner that permits
38 determination of the sex of the animal.

40 **Sec. 12. 12 MRSA §7552, sub-§5, ¶C, as enacted by PL 1979, c.**
420, **§1, is amended to read:**

42 C. In any waters where the bag limit on black bass has been
44 removed by rule of the commissioner, the season on black
bass and the method of fishing for them shall be the same as
46 for trout and salmon; and

48 **Sec. 13. 12 MRSA §7552, sub-§5, ¶D, as amended by PL 1987, c.**
115, **§1, is repealed.**

2 **Sec. 14. 12 MRSA §7651, sub-§1**, as amended by PL 1985, c. 88,
is further amended by amending the 7th paragraph to read:

4 Dry Pond Sanctuary: On Dry Pond, also known as Crystal
6 Lake, or from the shores of said pond, which pond is situated in
the Town of Gray, in the County of Cumberland.

8 **Sec. 15. 12 MRSA §7801, sub-§19**, as amended by PL 1981, c.
10 644, §34, is further amended to read:

12 **19. Failure to report a watercraft accident.** A person is
guilty of failure to report a watercraft accident if he that
14 person is the operator or owner of any watercraft involved in any
collision, accident or other casualty while using a watercraft
16 which results in the death of a person, a person's losing
consciousness or receiving medical treatment, a person's becoming
18 disabled for more than 24 hours, a person's disappearance from a
watercraft under circumstances indicating death or injury, or
20 damage to the watercraft or other property of more than \$100 \$500
and fails to file accident reports as follows:

22 A. A written report on forms provided by the commissioner
containing such information as required within 24 hours of
24 the occurrence if a person dies, disappears, loses
consciousness, receives medical treatment, or is disabled
26 for more than 24 hours, or within 5 days of the occurrence
if the accident involved property damage only; and

28 B. A report of the occurrence, by the quickest means of
30 communication, to the nearest available law enforcement
officer to the place where the accident occurred.

32 **Sec. 16. 12 MRSA §7825, sub-§3, ¶A**, as repealed and replaced
34 by PL 1989, c. 493, §58, is amended to read:

36 A. Each registered dealer may receive dealer's number
plates for a \$5 annual fee for each plate.

38 **Sec. 17. 12 MRSA §7827, sub-§22**, as amended by PL 1981, c.
40 644, §36, is further amended to read:

42 **22. Failure to report accident.** A person is guilty of
44 failure to report a snowmobile accident if that person:

46 A. He-is Is the operator of any snowmobile involved in any
accident resulting in injuries requiring the services of a
48 physician, in death of any person or in property damage to
the estimated amount of \$100 \$500 or more; some person
50 acting for such an operator; or the owner of the involved
snowmobile having knowledge of the accident, should the
52 operator of the snowmobile be unknown; and

2 B. ~~He-fails~~ Fails to give notice of the accident, by the
4 quickest means of communication, to a law enforcement
officer available nearest to the place where the accident
occurred.

6 **Sec. 18. 12 MRSA §7855, sub-§3, ¶A**, as amended by PL 1985, c.
8 304, §27, is further amended to read:

10 A. Each registered dealer may receive dealer's number
plates for a \$5 annual fee for each plate.

12 **Sec. 19. 12 MRSA §7857, sub-§22**, as enacted by PL 1983, c.
14 297, §§1 and 3, is amended to read:

16 **22. Failure to report accident.** A person is guilty of
failure to report an ATV accident, if that person:

18 A. ~~He-is~~ Is the operator of an ATV involved in any accident
20 resulting in injuries requiring the services of a physician,
in death of any person or in property damage to the
22 estimated amount of \$200 \$500 or more; some person acting
for such an operator; or the owner of the involved ATV
24 having knowledge of the accident, should the operator of the
ATV be unknown; and

26 B. ~~He-fails~~ Fails to give notice of the accident by the
28 quickest means of communication, to a law enforcement
officer available nearest to the place where the accident
occurred.

30 **Sec. 20. 12 MRSA §7861, sub-§1**, as amended by PL 1987, c. 177,
32 is repealed and the following enacted in its place:

34 1. Open training season. Except as otherwise provided in
36 chapters 701 to 721, it is lawful to train dogs on wild birds and
wild animals as follows.

38 A. Any person who possesses a valid Maine hunting license
may train dogs on foxes, rabbits and raccoons from July 1st
40 through the following March 31st, including Sundays.

42 B. Any person who possesses a valid Maine hunting license
may train sporting dogs on wild birds at any time, including
44 Sundays.

46 C. Any resident who possesses a valid Maine hunting license
may train up to 4 dogs at any one time on bear from August
48 1st to the first day of the open season on hunting bear,
except in those portions of Washington County and Hancock
50 County which are situated south of Route 9.

2 8. It establishes prohibited acts for recently enacted laws
pertaining to the licensing and conduct of guides.

4 9. It changes from January 15th to March 1st the deadline
6 by which the Commissioner of Inland Fisheries and Wildlife must
8 announce a decision to shorten the bear hunting season. This
10 will allow for adequate time to review bear harvest data from the
12 previous fall, determine whether a shorter hunting season is
necessary to protect the black bear resource and comply with the
rule-making requirements of the Maine Administrative Procedure
Act, Title 5, chapter 375.

14 10. It sets up the same statutory criteria for establishing
and closing bear registration stations as currently exist for
16 deer registration stations.

18 11. It creates a prohibited act for illegally presenting a
bear for registration.

20 12. It removes redundant language pertaining to regulations
22 on reclaimed ponds.

24 13. It makes it clear that the body of water that
26 constitutes the Dry Pond Sanctuary in Gray appears on maps and is
known locally as both Dry Pond and Crystal Lake.

28 14. It increases from \$100 to \$500 the amount of property
30 damage that must occur before a boating accident must be reported
to a law enforcement officer. This change is consistent with
recent changes in Coast Guard regulations.

32 15. It makes it clear that the fee for snowmobile dealer
34 plates is an annual fee.

36 16. It increases from \$100 to \$500 the amount of property
38 damage that must occur before a snowmobile accident must be
reported to a law enforcement officer.

40 17. It makes it clear that the fee for ATV dealer plates is
an annual fee.

42 18. It increases from \$200 to \$500 the amount of property
44 damage that must occur before an ATV accident must be reported to
a law enforcement officer.

46 19. It makes changes in the dog training laws to make it
48 clear that a hunting license is required in order to train dogs
50 on wild birds and wild animals and that such training may take
place on Sundays. Another change would make it lawful to train
52 dogs on bear during the month of August in northern Washington
County and northern Hancock County.