

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 806

S.P. 285

In Senate, February 20, 2003

### **An Act To Simplify the Requirements for Tagging, Registering and Transporting Harvested Animals**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRYANT of Oxford.  
Cosponsored by Representative PINEAU of Jay and  
Representatives: HATCH of Skowhegan, JACKSON of Fort Kent.

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

4 **Sec. 1. 12 MRSA §7451, sub-§2,** as repealed and replaced by PL 1989, c. 913, Pt. A, §8, is repealed.

6 **Sec. 2. 12 MRSA §7451, sub-§4,** as amended by PL 1997, c. 463, §1, is repealed.

8 **Sec. 3. 12 MRSA §7452, sub-§5-A,** as enacted by PL 1989, c. 913, Pt. A, §9, is repealed.

12 **Sec. 4. 12 MRSA §7452, sub-§6,** as amended by PL 1997, c. 282, §1, is repealed.

14 **Sec. 5. 12 MRSA §7452, sub-§7,** as amended by PL 1989, c. 493, §32, is repealed.

18 **Sec. 6. 12 MRSA §7452, sub-§10,** as enacted by PL 1979, c. 543, §40, is repealed.

20 **Sec. 7. 12 MRSA §7452, sub-§11,** as amended by PL 1995, c. 455, §27, is repealed.

22 **Sec. 8. 12 MRSA §7452, sub-§12,** as amended by PL 1999, c. 322, §1, is further amended to read:

26 **12. Illegal possession of gift bear.** A person ~~is guilty~~ may not, except as provided in section 7531, ~~and notwithstanding the provisions of subsection 13, of illegal possession of a gift bear if that person~~ possesses any part or parts of a bear given to that person and:

32 A. Each part is not plainly labeled with the name and address of the person who registered the bear;

34 B. Each part is not plainly labeled with the name and address of the person to whom it was given; or

36 C. Each part is not plainly labeled with the name and address of the party transporting the part or parts, if a 3rd party transports a part or parts.

40 **Sec. 9. 12 MRSA §7452, sub-§13,** as amended by PL 1999, c. 322, §2, is repealed.

42 **Sec. 10. 12 MRSA §7452, sub-§14,** as amended by PL 1999, c. 322, §3, is repealed.

44 **Sec. 11. 12 MRSA §7452, sub-§15,** as amended by PL 1999, c. 322, §§4 to 7, is further amended to read:

2           **15. Exceptions. The following exceptions apply:**

4           A. Notwithstanding subsection 2, a person may use a cable  
6           trap with a closing diameter of not less than 2 1/2 inches  
          to trap bear in the State during the open season on bear; and

8           ~~A-1.--Notwithstanding subsection 6, paragraph C, a person on  
10           a hunting trip in an unorganized township and staying at a  
          temporary place of lodging may keep an unregistered bear at  
12           that temporary place of lodging for a period not to exceed 7  
          days or until that person leaves the woods, whichever comes  
          first.~~

14           B. Notwithstanding subsection 9, the head, teeth, gall  
16           bladder, claws and hide of any bear may be sold;.

18           ~~C.--Notwithstanding subsection 10, a person may lawfully  
20           possess an unregistered bear in accordance with chapter 709,  
          subchapter IV;~~

22           ~~D-1.--Notwithstanding subsection 13, paragraph A, that  
24           provision does not apply to bear legally registered in  
          accordance with this subchapter; and~~

26           ~~G.--Notwithstanding subsection 14, any nonresident who has  
28           legally killed and registered a bear may have the bear or  
          its parts transported beyond the boundaries of the State by  
30           a transportation company, including common carriers, whether  
          or not licensed in Maine. If transported by other than a  
32           Maine licensed transportation company, the bear or its parts  
          shall be accompanied by a nonresident transportation permit  
34           which may be obtained by the licensee from any game warden.~~

36           **Sec. 12. 12 MRSA §7457, sub-§2**, as amended by PL 1989, c. 493,  
          §35, is repealed.

38           **Sec. 13. 12 MRSA §7457, sub-§3**, as amended by PL 1997, c. 463,  
40           §2, is repealed.

42           **Sec. 14. 12 MRSA §7458, sub-§4**, as amended by PL 1981, c. 414,  
          §33, is repealed.

44           **Sec. 15. 12 MRSA §7458, sub-§4-A**, as amended by PL 1997, c.  
46           282, §2, is repealed.

48           **Sec. 16. 12 MRSA §7458, sub-§5**, as enacted by PL 1979, c. 420,  
          §1, is repealed.

2           **Sec. 17. 12 MRSA §7458, sub-§6**, as amended by PL 1995, c. 455,  
§32, is repealed.

4           **Sec. 18. 12 MRSA §7458, sub-§7**, as enacted by PL 1979, c. 420,  
§1, is repealed.

6           **Sec. 19. 12 MRSA §7458, sub-§8**, as repealed and replaced by PL  
8 1993, c. 438, §31, is amended to read:

10           **8. Illegal possession of gift deer.** ~~Notwithstanding the~~  
12 ~~provisions of subsection 11, a person is guilty, except as~~  
~~provided in subsection 15, paragraph C, of illegal possession of~~  
14 ~~a gift deer if that~~ A person possesses may not possess a part or  
parts of a deer given to that person unless each separate part is  
plainly labeled with the following:

16           A. The registration seal number; and

18           B. The name and address of the person who registered the  
20 deer.

22           **Sec. 20. 12 MRSA §7458, sub-§11**, as amended by PL 1999, c.  
322, §8, is repealed.

24           **Sec. 21. 12 MRSA §7458, sub-§12**, as amended by PL 1999, c.  
26 322, §9, is repealed.

28           **Sec. 22. 12 MRSA §7458, sub-§15**, as amended by PL 1999, c.  
30 588, §2, is further amended to read:

32           **15. Exceptions.** The following exceptions apply:

34           A. Notwithstanding subsection 3, the head, antlers, feet  
and hide of any deer may be sold, and the meat from  
domesticated deer may be possessed, bought and sold for use  
36 as food only in accordance with Title 7, chapter 202.

38           ~~B. Notwithstanding subsection 5, a person may lawfully~~  
40 ~~possess an unregistered deer in accordance with chapter 709,~~  
~~subchapter IV.~~

42           ~~C. Notwithstanding subsection 8, that provision does not~~  
44 ~~apply to any deer or parts of deer being transported by a~~  
~~Maine licensed transportation company, including common~~  
46 ~~carriers, in accordance with other provisions of chapters~~  
~~701 to 721.~~

48           ~~C-1. Notwithstanding subsection 11, paragraph A, that~~  
50 ~~provision does not apply to deer legally registered in~~  
~~accordance with this subchapter.~~

2 C-2. ~~Notwithstanding subsection 11, paragraph B, any person~~  
4 ~~who takes a deer on land that that person owns, in~~  
6 ~~accordance with section 7377, subsection 1, may move or~~  
8 ~~transport that deer if a tag bearing the name and address of~~  
10 ~~the person who killed the deer is securely attached to the~~  
12 ~~deer.~~

14 G. ~~Notwithstanding the provisions of subsection 4-A:~~

16 (1) ~~A person on a hunting trip in an unorganized~~  
18 ~~township and staying at a temporary place of lodging~~  
20 ~~may keep an unregistered deer at that temporary place~~  
22 ~~of lodging for a period not to exceed 7 days or until~~  
24 ~~that person leaves the woods, whichever comes first; and~~

26 (2) ~~A person may leave an unregistered deer in the~~  
28 ~~woods if that person notifies a warden within 18 hours~~  
30 ~~as to the location of the deer and the circumstances~~  
32 ~~necessitating leaving the deer in the woods.~~

34 H. Subsection 9, paragraph B does not apply to hunting from  
36 an observation stand or blind overlooking:

- 38 (1) Standing crops;
- 40 (2) Foods that have been left as a result of normal  
42 agricultural operations or as a result of natural  
44 occurrence; or
- 46 (3) Bear bait that has been placed at a bear hunting  
48 stand or blind in accordance with section 7451,  
subsection 3.

I. Notwithstanding subsection 10, 3 or fewer persons may  
hunt together as long as they do not use noisemaking devices.

38 **Sec. 23. 12 MRSA §7463-A, sub-§10.** as amended by PL 2001, c.  
40 387, §26, is repealed.

42 **Sec. 24. 12 MRSA §7464, sub-§3.** as amended by PL 1999, c. 790,  
44 Pt. A, §16, is repealed.

46 **Sec. 25. 12 MRSA §7464, sub-§4.** as amended by PL 1981, c. 118,  
48 §5, is repealed.

**Sec. 26. 12 MRSA §7464, sub-§5.** as repealed and replaced by PL  
1981, c. 118, §6, is repealed.



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**3. Agent duties. Registration agents shall:**

A. Register every bear, deer, moose or wild turkey legally presented for registration;

B. Attach a seal to each bear, deer, moose or wild turkey in the manner directed and with the materials furnished by the commissioner; and

C. Collect and retain \$1 for each seal from the person registering a bear, deer, moose or wild turkey.

**4. Publication of registration stations.** A list of registration stations for bear, deer, moose or wild turkey must be published annually in one or more daily newspapers of the State.

**§7524. Tags and tagging**

1. Tags. The commissioner shall prescribe the form and content of bear, deer, moose and wild turkey tags and produce tags that are part of hunting licenses or part of permits for specific animals.

2. Tagging. Prior to presenting a bear, deer, moose or wild turkey for registration, a person may not possess or leave in the field or forest that bear, deer, moose or wild turkey killed by that person unless that animal has securely attached to it a plainly visible tag that conforms to the requirements established by the commissioner pursuant to this Part for that species.

3. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**§7525. Registration of bear, deer, moose or wild turkey**

1. Prohibition. A person who kills a bear, deer, moose or wild turkey may not fail to:

A. Remain with that animal until it is registered, except as provided in section 7527;

B. Present that animal for registration in that person's name at the first open registration station for that animal on the route taken by that person; and



2 C. Leave the registration seal attached to the animal in  
3 accordance with section 7523 until that animal is processed and  
4 packaged for consumption.

6 2. Penalty. The following penalties apply to violations of  
7 subsection 1:

8 A. A person who violates subsection 1 with respect to bear,  
9 deer or moose commits a Class D crime for which the court  
10 shall impose a sentencing alternative of not less than 3  
11 days for the first offense, none of which may be suspended,  
12 and of not less than 10 days for each succeeding offense,  
13 none of which may be suspended; the court also shall impose  
14 a fine of not less than \$1,000, none of which may be  
15 suspended; and

16 B. A person who violates subsection 1 with respect to wild  
17 turkey commits a Class E crime for which the court shall  
18 impose a fine of not less than \$500, none of which may be  
19 suspended.

22 **§7526. Condition of animal presented for registration**

24 1. Requirement. A person may not present a bear, deer,  
25 moose or wild turkey for registration unless it is presented in  
26 its entirety, except that:

28 A. The viscera and rib cage of the animal may be removed in  
29 a manner that still allows the determination of the sex of  
30 the animal; and

32 B. A moose may be dismembered for ease of transportation,  
33 and the lower legs, head and hide of a moose may be removed.  
34 If the head of the moose is not brought to the registration  
35 station, a canine tooth or the lower jaw must be presented  
36 at the time of registration.

38 2. Disposal of moose parts not presented for registration.  
39 A person may not place the parts of moose not presented for  
40 registration where they are visible to a person traveling on a  
41 public or private way.

42 3. Penalty. A person who violates this section commits a  
43 Class E crime.

46 **§7527. Time limits for registering bear, deer, moose or wild**  
47 **turkey**

48 1. Time limits. A person may not keep an unregistered  
49 bear, deer, moose or wild turkey at home or any place of storage  
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2 for more than 18 hours. This subsection does not apply to an  
3 animal that is kept in an official registration station for that  
4 animal or at the office of a game warden. A person may leave in  
5 the woods an unregistered harvested animal if that person  
6 notifies a game warden within 18 hours as to the location of that  
7 animal and the circumstances necessitating leaving that animal in  
8 the woods.

9 2. Penalty. The following penalties apply to violations of  
10 subsection 1:

11 A. A person who violates subsection 1 with respect to bear,  
12 deer or moose commits a Class D crime for which the court  
13 shall impose a sentencing alternative of not less than 3  
14 days for the first offense, none of which may be suspended,  
15 and of not less than 10 days for each succeeding offense,  
16 none of which may be suspended; the court also shall impose  
17 a fine of not less than \$1,000, none of which may be  
18 suspended; and

19 B. A person who violates subsection 1 with respect to wild  
20 turkey commits a Class E crime for which the court shall  
21 impose a fine of not less than \$500, none of which may be  
22 suspended.

23 **§7528. False registration of bear, deer, moose or wild turkey**

24 1. Prohibition. A person may not present for registration  
25 or allow to be registered in that person's name a bear, deer,  
26 moose or wild turkey that that person did not lawfully kill.

27 2. Penalty. The following penalties apply to violations of  
28 subsection 1:

29 A. A person who violates subsection 1 with respect to bear,  
30 deer or moose commits a Class D crime for which the court  
31 shall impose a sentencing alternative of not less than 3  
32 days for the first offense, none of which may be suspended,  
33 and of not less than 10 days for each succeeding offense,  
34 none of which may be suspended; the court also shall impose  
35 a fine of not less than \$1,000, none of which may be  
36 suspended; and

37 B. A person who violates subsection 1 with respect to a  
38 wild turkey commits a Class E crime for which the court  
39 shall impose a fine of not less than \$500, none of which may  
40 be suspended.

41 **§7529. Possessing unregistered bear, deer, moose or wild turkey**

2           1. Prohibition. A person may not possess a bear, deer,  
moose or wild turkey that has not been legally registered as  
4           provided in this subchapter, unless that animal is possessed in  
accordance with subchapter 4.

6           2. Penalty. The following penalties apply to violations of  
subsection 1:

8  
10           A. A person who violates subsection 1 with respect to a  
bear, deer or moose commits a Class D crime for which the  
court shall impose a sentencing alternative of not less than  
3 days for the first offense, none of which may be  
suspended, and of not less than 10 days for each succeeding  
offense, none of which may be suspended; the court also  
shall impose a fine of not less than \$1,000, none of which  
may be suspended;

18           B. A person who violates subsection 1 with respect to a  
wild turkey commits a Class E crime for which the court  
shall impose a fine of not less than \$500, none of which may  
be suspended.

22           **Sec. 34. 12 MRSA §7531,** as amended by PL 1999, c. 322, §14,  
24 is repealed and the following enacted in its place:

26           **§7531. Transportation**

28           A person may not transport a harvested wild animal or wild  
bird unless that animal has been lawfully harvested and is  
30 lawfully possessed by that person.

32           A person who violates this section commits a civil violation  
for which a forfeiture of not less than \$100 nor more than \$500  
34 may be adjudged.

36           **Sec. 35. 12 MRSA §7532-A,** as enacted by PL 1999, c. 322, §16,  
is repealed.

38           **Sec. 36. 12 MRSA §7533,** as enacted by PL 1979, c. 420, §1, is  
40 repealed.

42           **Sec. 37. 12 MRSA §7535,** as enacted by PL 1979, c. 420, §1, is  
repealed.

44           **Sec. 38. 12 MRSA §7901-A, sub-§6, ¶C,** as amended by PL 2001,  
46 c. 655, §18 and c. 667, Pt. B, §10, is repealed and the following  
enacted in its place:

48           C. Chapter 709, subchapter III violations:  
50

2           (1) Hunting or trapping bear near dumps as described  
3           in section 7452, subsection 5;

4           (2) Leaving a bear as described in section 7452,  
5           subsection 8;

6           (3) Hunting migratory game birds without certification  
7           as described in section 7456, subsection 1-A;

8           (4) Hunting waterfowl on Haley Pond as described in  
9           section 7456, subsection 2;

10          (5) Hunting deer with .22 caliber rim fire cartridge  
11          as described in section 7458, subsection 13;

12          (6) Use of firearm in the Town of Southport as  
13          described in section 7458, subsection 14;

14          (7) Possessing or transporting wild hares or rabbits  
15          as described in section 7462, subsection 4;

16          (8) Use of illegal firearms as described in section  
17          7464, subsection 8-A;

18          (9) Illegal hunting methods as described in section  
19          7464, subsection 8-C;

20          (10) Use of illegal weapons or ammunition as described  
21          in section 7469, subsection 11; and

22          (11) Taking of snakes and turtles from the wild for  
23          commercial purposes as described in section 7471; and

24           **Sec. 39. 12 MRSA §7901-A, sub-§6, ¶D**, as enacted by PL 2001,  
25           c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

26           D. Chapter 709, subchapter IV violations:

27           (1) Failure to report an accident with deer, moose or  
28           bear as described in section 7505, subsection 1;

29           (2) Removing a portion of carcass as described in  
30           section 7505, subsection 2; and

31           (3) Failure to restrain or control a nuisance dog as  
32           described in section 7505, subsection 3, except that a  
33           forfeiture of not less than \$500 nor more than \$1,000,  
34           none of which may be suspended, may be adjudged for

2 failure to restrain a nuisance dog as described in  
section 7505, subsection 3, paragraph A or B~~+~~and.

4 **Sec. 40. 12 MRSA §7901-A, sub-§6. ¶E.** as enacted by PL 2001,  
6 c. 421, Pt. B, §88 and affected by Pt. C, §1, is repealed.

8 **SUMMARY**

10 This bill simplifies the tagging and registration  
12 requirements for harvested animals by providing the same tagging  
and registering requirements for bear, deer, moose and wild  
14 turkey. The bill also allows a person to transport a harvested  
animal if that animal was lawfully harvested and possessed by  
that person.