

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 1063

H. P. 1847

House of Representatives, March 27, 1941.

Reported by Mr. Welch from the Committee on Inland Fisheries and Game and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relative to Open Season on Beaver.

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

R. S., c. 38, § 73, amended. Section 73 of chapter 38 of the revised statutes, as revised, is hereby amended to read as follows:

‘Sec. 73. Commissioner may declare special open season on beaver and muskrat; taking or transporting of beaver otherwise prohibited. There shall be a perpetual closed season on beaver except as provided in this section. The commissioner of inland fisheries and game may, upon written complaint of a water company, declare an open season upon beaver or muskrats that are polluting water supplies; or, on written complaint of a land owner, the commissioner may declare an open season upon beaver that are doing actual, substantial damage to property, **or upon complaint of any owner of land located in an organized township which land is being caused substantial damage by the presence of a beaver dam, or by flowage from a beaver dam located either on the land of said complainant or other land, the commissioner shall cause the removal of said dam,** or whenever in the opinion of the commissioner, beaver in a certain locality are detrimental to fishing, hunting or lumbering operations the commissioner may declare an open season ~~upon~~ **for trapping** said beaver. During such open season ~~it~~

shall be lawful for any person holding a state wide trapping license to ~~trap~~ said beaver or muskrat **may be trapped** without the consent of the land owner. Before said open season for beaver shall take effect, the commissioner shall cause a notice of such proposed open season to be published once in a newspaper printed in the county in which the land is located and said commissioner shall also file a copy of said notice of open season with the clerk of the town or plantation in which said land is located. The commissioner may suspend said open season whenever it shall appear to him that the privileges are being abused. No person shall take beaver anywhere in the state at any time except during such open season as may be declared by the commissioner in accordance with the provisions of this section. It shall also be unlawful for any person to have in possession at any time any beaver, or part thereof, **except as expressly permitted by taken in violation of any provision of this section.** It shall also be unlawful for any person, firm, or corporation, to sell, give away, buy, accept as a gift, offer for transportation or transport any beaver skin or beaver skins unless each skin is ~~marked with an official seal by the chief game warden of the department of inland fisheries and game in whose district such beaver skin or beaver skins were taken~~ **tagged and marked as directed by the commissioner of inland fisheries and game.** All beaver skins must be presented to the warden supervisor in whose division they were caught and if said supervisor is satisfied that the beaver presented were legally trapped in his division he shall tag and mark the same in the manner as directed and with the materials furnished by the commissioner. A fee of \$2 must be paid by the trapper for each skin tagged and marked. All beaver which cannot be tagged and marked within the provisions of this section shall be seized and confiscated. Any beaver skin or beaver skins that come into Maine in any manner from any other state or country must have the official stamp, tag or seal of the state or country from which said skin or skins were taken. ~~Any beaver skin or skins that are transported into Maine, or are in Maine that are not marked, as above stated, must be presented to the chief inland fish and game warden within a reasonable time, in whose district the owner or possessor of said skin or skins resides to be stamped. The chief game warden after inspecting said skins may stamp the same as though they were taken in this state and the owner or possessor shall pay the sum of \$2 for each skin so stamped. All beaver skins shall be tagged and marked within 30 10 days from the closing of the open season period whether they are for sale or not.~~

No person, save as herein provided, shall molest or destroy any beaver dam. No person shall molest or destroy any beaver house or set any trap

within 25 feet of the same. No person shall set or tend any trap within 200 feet of any beaver dam or flowage except during an open season on beaver on said flowage.