

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)

NINETY-FOURTH LEGISLATURE

Legislative Document

No: 1403

H. P. 2018

House of Representatives, March 25, 1949.

Reported by Mr. Hill from Committee on Inland Fisheries and Game and printed under Joint Rule 10.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relative to Open Season on Beaver.

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

R. S., c. 33, § 100, amended. Section 100 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof.

‘Sec. 100. Commissioner may declare special open season on beaver; taking or transportation 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 declare an open season for trapping beaver from January 1 to February 7, inclusive, of each year, in any territory in which he finds the following:

- I. That beaver are polluting the water supplies;
- II. That they are doing actual substantial damage to property or likely to cause damage to property;
- III. When the beaver in a certain locality are detrimental to fishing, hunting or lumbering operations.

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 or close the so-called open season whenever it shall appear to him that there is no likelihood of further damage from beaver in that locality.

During such open season, beaver may be trapped without the consent of the land owner, except that the owner of any land in organized towns on which the commissioner has declared an open season on beaver in accordance with the provisions of this section may, by conspicuously posting the area occupied by said beaver, against trapping and notifying the commissioner of his action, trap said beaver to the exclusion of all other persons. This right is not transferable. Provided that in any instance wherein any person, after posting the area occupied by said beaver against trapping and notifying the commissioner as set forth herein, fails to trap said beaver within 5 days, the commissioner may declare said area open to the trapping of beaver by all properly licensed persons.

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 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 tagged and marked as directed by the commissioner.

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 shall be paid by the trapper for each skin tagged and marked.

In case said beaver skins are libeled under the provisions of this chapter, and the libel is, for any reason, quashed or ruling thereon is against the state, or in case any complaint or indictment involving said skins results in a verdict for the defendant, said skins shall on request and payment of the \$2 fee be immediately tagged, marked and delivered to the person entitled to possession of the same.

All beaver skins shall be presented for tagging and marking within 10 days from the closing of the so-called open season. All beaver which are not tagged and marked in accordance with the provisions of this section shall be seized and confiscated by the wardens.

Any beaver skin or beaver skins that come into this state in any manner from any other state or country shall have the official stamp, tag or seal of the state or country from which said skin or skins were taken.

No person, except as hereinbefore 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 25 feet of any beaver dam.'