

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 436

S. P. 184

In Senate, February 3, 1955.

Referred to Committee on Inland Fisheries and Game. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Carpenter of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT to Revise the Inland Fish and Game Laws.

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

Sec. 1. R. S., c. 37, § 2, amended. The last sentence of section 2 of chapter 37 of the revised statutes is hereby amended to read as follows :

'Whenever the entire State is closed to hunting by proclamation of the Governor during the open season on deer, the Commissioner with the consent of the Governor and Council is authorized to extend the open season for deer hunting for a period of ~~not more than 2 weeks, which period shall not total more than 2/3 of the time lost~~ not to exceed the number of days lost.'

Sec. 2. R. S., c. 37, § 3, amended. Section 3 of chapter 37 of the revised statutes is hereby amended to read as follows :

'**Sec. 3. Boundary waters with New Hampshire and Canada.** The Commissioner, with the consent of the Advisory Council, shall have the authority to prescribe bag limits, size limits, open or closed seasons and methods of taking game and other fish from the inland boundary waters between the ~~state~~ States of Maine and New Hampshire and Provinces of Canada. These rules and regulations shall be those that are mutually agreed upon by the ~~commissioner~~ Commissioners of Maine and New Hampshire and the Canadian Fishery Authorities.'

Sec. 3. R. S., c. 37, § 4, amended. The 6th and 7th sentences of section 4 of chapter 37 of the revised statutes are hereby amended to read as follows :

'The Council shall hold regular meetings with the Commissioner or his Deputy ~~at the state capitol on the 1st Thursday of January and July, annually in~~

December and May of each year, and special meetings at such other times and places within the State as would seem advisable. At the meeting held ~~on the 1st Thursday of January~~ **in May** of each year, the Council may elect one of its members as chairman and one as vice-chairman.'

Sec. 4. R. S., c. 37, § 16, amended. Section 16 of chapter 37 of the revised statutes is hereby amended to read as follows:

'**Sec. 16. State game farms.** The Commissioner is authorized to purchase suitable lands and erect buildings thereon within this State, necessary for the operation of state game farms for ~~experimental work in~~ the propagation of game birds and game animals for restocking the woods and forests of the State, and to take game of any kind, dead or alive, or import the same for the purposes of inspection, cultivation, propagation, distribution or for scientific or other purposes deemed by him to be of interest to the game industry of this State.'

Sec. 5. R. S., c. 37, § 17, amended. The last paragraph of section 17 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Regulations may be published and filed in the same manner as rules and regulations ~~pertaining to fishing as provided for in section 9~~ and each area shall be posted with signs setting forth the regulations in effect thereon.'

Sec. 6. R. S., c. 37, § 27, amended. Section 27 of chapter 37 of the revised statutes is hereby amended to read as follows:

'**Sec. 27. Civil service commission.** The Advisory Council of the Department shall select 3 of its members to act as a Civil Service Commission. The ~~deputy commissioner~~ **Chief Warden**, with the approval of the Commissioner, shall prepare a written code for examinations for applicants for permanent employment in the warden service of the Department. Such code shall not become operative until reduced to writing and approved in writing by the Commissioner.'

Sec. 7. R. S., c. 37, § 29, sub-§ I, amended. Subsection I of section 29 of chapter 37 of the revised statutes is hereby amended to read as follows:

'**I.** The ~~deputy commissioner~~ **Chief Warden**, with the approval of the Commissioner, shall prepare open and competitive examinations for testing the practical fitness of applicants for permanent employment in the warden service.'

Sec. 8. R. S., c. 37, § 42, amended. Section 42 of chapter 37 of the revised statutes is hereby amended to read as follows:

'**Sec. 42. Closing fishways and waters near hatcheries and feeding stations to fishing.** No person shall fish within 150 feet of any ~~fishway dam in which a fishway is located~~; provided, however, that this section shall not include the taking of alewives and smelts in the manner provided under the laws regulating sea and shore fisheries.'

All pools, beginning at a point 200 feet above and running to a point 200 feet below all state fish hatcheries and feeding stations, shall be closed to all fishing at all times.'

Sec. 9. R. S., c. 37, § 43, amended. Section 43 of chapter 37 of the revised statutes is hereby amended by repealing the last paragraph thereof.

Sec. 10. R. S., c. 37, § 49, amended. Section 49 of chapter 37 of the revised statutes is hereby amended by adding at the end of the 2nd paragraph the following sentence:

'Whenever any person, partnership or corporation sells such fish in more than 1 wholesale or retail outlet, each shall be licensed.'

Sec. 11. R. S., c. 37, § 54, amended. The last paragraph of section 54 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Except as set forth in this section, it shall be unlawful to ice fish from ½ hour after sunset to ½ hour before sunrise of the following morning. ~~Each line or trap used in ice fishing shall have attached to it the name and address of the owner of such line or trap.~~

Sec. 12. R. S., c. 37, § 68, sub-§ VI, repealed and replaced. Subsection VI of section 68 of chapter 37 of the revised statutes is hereby repealed and the following enacted in place thereof:

'VI. "Game management" is the art or science of producing wild animals and birds and of improving wildlife conditions in the State. It may specifically include the following:

- A. Regulation of hunting and trapping.**
- B. Environmental controls (control of water, food or cover, special features and animal diseases).**
- C. Research or investigations to provide a basis for sound management in Maine.**
- D. Manipulation of hunting pressure.**
- E. Establishment of game lands (parks, forests, refuges, game management areas, etc.).**
- F. Predator control.**
- G. Artificial replenishment (game farming and restocking).**
- H. Introduction of exotic species of wild animals or birds where needed.'**

Sec. 13. R. S., c. 37, § 68, sub-§§ VII and VIII, additional. Section 68 of chapter 37 of the revised statutes is hereby amended by adding thereto 2 new subsections, to be numbered VII and VIII, to read as follows:

'VII. A "game management area" is any tract of land or body of water owned or leased by the Department for the purposes of game management as defined in subsection VI.

VIII. "Sunrise" and "sunset" shall be the time given in the Maine Farmers Almanac.'

Sec. 14. R. S., c. 37, § 71, amended. Section 71 of chapter 37 of the revised statutes is hereby amended by adding at the end of the 1st paragraph the following sentence:

'The Commissioner or his duly appointed agents in an emergency may use such devices or methods as are necessary for control of wild dogs or other wild animals when approved by the Advisory Council.'

Sec. 15. R. S., c. 37, § 72 amended. Section 72 of chapter 37 of the revised statutes is hereby amended by adding at the end thereof a new paragraph to read as follows:

'The Commissioner or his duly appointed agents may, however, in an emergency use such devices or methods as are necessary for control of wild dogs or other wild animals when approved by the Advisory Council.'

Sec. 16. R. S., c. 37, § 73, sub-§ VII, repealed and replaced. Subsection VII of section 73 of chapter 37 of the revised statutes is hereby repealed and the following enacted in place thereof:

'VII. Any nonresident between the ages of 12 and 15 years may buy a junior nonresident hunting license entitling him to hunt wild birds and animals during the open season thereof, except deer upon payment of \$5.25. Any nonresident over the age of 12 years may purchase the \$25.25 license to hunt wild birds and animals, including deer; provided, however, that between the ages of 12 and 16, the application shall be accompanied by the written consent of his or her parent or guardian; and provided further, that such nonresident must be accompanied at all times while hunting by parent or guardian or an adult approved by parent or guardian.'

Any resident between the ages of 10 and 16 years may hunt with firearms without a license, if accompanied at all times while hunting by a parent or guardian or by an adult approved by parent or guardian.

No resident under the age of 10 years and no nonresident under the age of 12 years may hunt wild birds or animals with firearms at any time.'

Sec. 17. R. S., c. 37, § 73, sub-§ X, amended. The 1st paragraph of subsection X of section 73 of chapter 37 of the revised statutes is hereby amended to read as follows:

'All funds derived from the sale of licenses under the provisions of this chapter shall be used for the management, propagation and protection of all ~~bird life birds, animal life animals, and~~ fish life, conservation education and other expenses incident ~~for~~ to the administration of these functions.'

Sec. 18. R. S., c. 37, § 80, amended. The 1st paragraph of section 80 of chapter 37 of the revised statutes is hereby amended to read as follows:

'It shall be unlawful for the operator of any ~~motor~~ vehicle to immediately fail or refuse to stop any such vehicle or conveyance of any kind, upon request or signal of any officer whose duty it is to enforce the game laws when such officer is in uniform.'

Sec. 19. R. S., c. 37, § 85, amended. The 1st and 3rd paragraphs of section 85 of chapter 37 of the revised statutes are hereby amended to read as follows:

'No person shall hunt or have in his possession any eagle, Hungarian partridge ~~or capercaillie, cock of the woods or any black game,~~ sharp-tailed grouse, chukar partridge and bobwhite quail.'

'There shall be an annual open season on woodcock from October 1st to October 31st, both days inclusive, and during the open season no person shall

take or kill more than 4 woodcock in any 4 day or have more than 8 in possession at any 4 time.'

Sec. 20. R. S., c. 37, § 88, amended. The 1st sentence of section 88 of chapter 37 of the revised statutes is hereby amended to read as follows:

'No person shall have in his possession, living or dead, any wild bird other than a game bird or a migratory game bird, **except under a permit issued in accordance with the provisions of the Federal Migratory Bird Treaty Act (Act of Congress approved July 3, 1918).**'

Sec. 21. R. S., c. 37, § 124, amended. Section 124 of chapter 37 of the revised statutes is hereby amended by inserting after the 1st sentence a new sentence to read as follows:

'All persons aiding or assisting another in buying the skins or heads of deer shall be considered as engaged in the business of buying the skins or heads of deer and must procure a license therefor.'

Sec. 22. R. S., c. 37, § 151, repealed, and R. S., c. 37, § 117-A, additional. Section 151 of chapter 37 of the revised statutes is hereby repealed and chapter 37 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 117-A, to read as follows:

'**Sec. 117-A. Field trials for retrieving dogs.** Upon application of any incorporated or unincorporated club or organization having in its membership 25 or more members who are citizens who have been residents of the State for at least 6 months immediately prior to making application and the payment of a fee of \$10, the Department may at its discretion issue a license to such club or organization to hold at the time and place stated in such license a field trial for retrieving dogs for the purpose of demonstrating the skill of such dogs in retrieving dead or wounded game birds. A separate application shall be filed for each field trial proposed to be held by any such club or organization. Such license when issued shall authorize members of the licensee to shoot and kill with firearms, under supervision of a representative of the Department, game birds propagated or legally acquired by members of the licensee and released by members of the licensee at the field trial held at the time and place specified in such license, but only during the daylight hours and only with the consent of the owner of or person having legal control of the land on which such field trial is held. Before any game bird so shot is consumed or removed from the premises, a representative of the Department shall attach a tag thereto. Such tag shall be furnished by the Department for a reasonable fee and shall remain attached to the bird until the same is prepared for consumption. Licensees shall pay the Department for services of its representative at such field trials at the rate of \$15 per day. Persons participating in any such field trial pursuant to the provisions of this section shall not be required to have hunting licenses. Game birds so released or shot pursuant to the provisions of this section shall not be deemed to be wild birds.'