

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)

STATE LAW LIBRARY

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

Legislative Document

No. 544

S. P. 205

In Senate, February 10, 1959

Referred to the 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-NINE

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, § 1, amended. The last sentence of the 1st paragraph of section 1 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows :

'The commissioner shall make a report to the Governor on or before the ~~30th~~ **31st** day of ~~June~~ **December** of each year for the year ending ~~December 31st~~ **June 30th** prior thereto.'

Sec. 2. R. S., c. 37, § 8, amended. Section 8 of chapter 37 of the Revised Statutes, as revised, is amended by adding at the end a new sentence to read as follows :

'The proceeds from such sales shall be credited to the funds of the Department of Inland Fisheries and Game.'

Sec. 3. R. S., c. 37, § 9, amended. The 4th paragraph of section 9 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows :

'Notice of the hearing to be held and the time and place thereof shall be by publication once a week for 2 successive weeks prior to the hearing in a newspaper published in the county where said hearing is to be held, ~~and if no paper is published there~~ or in a newspaper having state-wide circulation.'

Sec. 4. R. S., c. 37, § 42, amended. The last paragraph of section 42 of chapter 37 of the Revised Statutes, as revised, is repealed and the following enacted in place thereof :

'All pools of state fish hatcheries and rearing stations and all waters within 200 feet of such hatchery and rearing station pools shall be closed to all fishing.'

Sec. 5. R. S., c. 37, § 43, repealed. Section 43 of chapter 37 of the Revised Statutes, as revised, is repealed as follows:

'~~Sec. 43. Closed season in the several waters of state. During the period that any waters in the State shall be closed to fishing for salmon, trout or togue, the same waters shall be closed for the same period to fishing for any other species of fish, except as provided in section 63.~~'

Sec. 6. R. S., c. 37, § 50, amended. The 1st sentence of section 50 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'No owner, keeper or employee thereof or any other person shall ~~take~~ **have in his possession** any salmon, trout, togue, black bass, white perch or pickerel from the inland waters of the State for the purpose of serving or consuming the same in any camp, house or other building used partly or wholly in lumbering operations, log driving or construction of any kind.'

Sec. 7. R. S., c. 37, § 51, amended. The 1st sentence of section 51 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'No owner, keeper or employee thereof or any other person shall ~~take~~ **have in his possession** any protected game bird or game animals, or parts thereof, at any time for the purpose of serving or consuming the same in any camp, house or other building used partly or wholly in lumbering operations, log driving or construction of any kind.'

Sec. 8. R. S., c. 37, § 78, repealed and replaced. Section 78 of chapter 37 of the Revised Statutes, as revised, is repealed and the following enacted in place thereof:

'**Sec. 78. Hunting from automobiles.** It shall be unlawful for any person to hunt any wild bird or wild animal at any time from any motor vehicle or trailer, or by aid or use of any light or lights carried thereon, therein or attached thereto. It shall be unlawful for any person to have in possession, at any time, any wild bird or wild animal, or part thereof, taken in violation of this section. It shall be unlawful for any person, excepting a law enforcement officer while in the line of duty, to have in or on a motor vehicle or trailer any rifle or shotgun with a cartridge or shell in the chamber, magazine, clip or cylinder. No person, except a law enforcement officer in the line of duty or a person having a valid permit to carry a concealed weapon, may have in or on any motor vehicle or trailer any loaded pistol or revolver with a barrel length of over 4 inches. For the purpose of this section a motor boat shall not be considered a motor vehicle.'

Sec. 9. R. S., c. 37, § 85, amended. The 1st paragraph of section 85 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'No person shall hunt or have in his possession any eagle ~~Hungarian partridge, sharp tailed grouse, chukar partridge or bob white quail.~~

Sec. 10. R. S., c. 37, § 85, amended. The 3rd sentence of the 2nd paragraph of section 85 of chapter 37 of the Revised Statutes, as revised, is repealed as follows:

~~'There shall be a closed season on pheasants within the following described territory until September 30, 1958: All of Penobscot County north of the Canadian Pacific railroad tracks, running from Megantic to Mattawamkeag and Maine Central railroad tracks running from Mattawamkeag to Vanceboro.'~~

Sec. 11. R. S., c. 37, § 85-A, repealed. Section 85-A of chapter 37 of the Revised Statutes, as revised, is repealed as follows:

~~'Sec. 85-A. Open season on wild turkeys. There shall be no open season on wild turkeys; except that beginning in 1960 there shall be an open season on wild turkeys beginning October 13th for a period of 15 days, Sundays not included. During the open season no person shall take or kill more than one wild turkey, of either sex, in any one day or have more than one in possession at any one time.'~~

Sec. 12. R. S., c. 37, § 88, amended. The 1st sentence of section 88 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

~~'No person shall hunt, kill or 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. 13. R. S., c. 37, § 96-A, amended. The 1st sentence of section 96-A of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

~~'From February 1st to March 31st April 30th of each calendar year both dates inclusive it shall be unlawful for the owner or keeper of any dog to permit said dog to roam-at-large in any area frequented by deer.'~~

Sec. 14. R. S., c. 37, § 100, amended. The 3rd paragraph of section 100 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

~~'No person shall keep a deer which he has killed, at his home, or at any place of storage, except a game inspection station as hereinafter provided, more than 12 hours unless said deer has been legally registered.'~~

Sec. 15. R. S., c. 37, § 109, amended. The 1st sentence of section 109 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

~~'An archery license shall be issued by the commissioner to take deer under the provisions of sections 108 to 112, the fee for which shall be \$4.25 for hunting deer by residents of this State and \$10.25 for hunting deer by nonresidents; except that such archery licenses shall also permit the hunting of such wild birds and animals which can be legally hunted beginning on the first Monday in October for a period beginning the first Monday in October and ending the 2nd Saturday thereafter, both days inclusive during the month of October of each calendar year in the Counties of Androscoggin, Cumberland, Hancock,~~

Kennebec, Knox, Lincoln, Oxford, Sagadahoc, Waldo, Washington and York, and from October 1st to October 20th in the Counties of Aroostook, Franklin, Penobscot, Piscataquis and Somerset.'

Sec. 16. R. S., c. 37, § 119, amended. The 3rd paragraph of section 119 of chapter 37 of the Revised Statutes, as revised, is amended by adding at the end a new sentence to read as follows :

'It shall be unlawful to hunt beaver with firearms.'

Sec. 17. R. S., c. 37, § 129, amended. The 3rd sentence of section 129 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows :

'All fees, fines and penalties recovered and money received or collected and including moneys received from sale, lease or rental of department owned property shall be paid to the Treasurer of State and credited to the department for the operation of fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, information and education on conservation and for printing the report of said commissioner and other expenses incident to the administration of said department, and shall be expended by the said commissioner for the purposes for which said department is created.'

Sec. 18. R. S., c. 37, § 140, amended. Section 140 of chapter 37 of the Revised Statutes, as revised, is amended by adding at the end a new paragraph to read as follows :

'“Firearm” as used in this chapter shall include all instruments used in the propulsion of shot, shell or bullets by the action of gunpowder exploded within it.'