

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-ninth Legislature

OF THE

# STATE OF MAINE

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OF THE  
STATE OF MAINE

As Passed by the Ninety-ninth Legislature

1959

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fuel" shall not include commercial solvents or naphthas which distil, by American Society for Testing Materials Method D-86, nor more than 9% at 176° Fahrenheit and which have a distillation range of 150° Fahrenheit, or less, or liquefied gases which would not exist as liquids at a temperature of 60° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

"Internal combustion engine fuel" shall also mean any motor fuel used or sold for use in the propulsion of aircraft.'

Sec. 2. R. S., c. 16, § 167, amended. Section 167 of chapter 16 of the Revised Statutes, as amended by section 4-A of chapter 436 of the public laws of 1955, is further amended to read as follows:

'Sec. 167. Provision for refund of 3/7 of tax paid by users of piston engine aircraft. Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in sections ~~158 to 168~~, inclusive section 159, for the purpose of ~~operating propelling piston engine~~ aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by sections 158 to 168, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of 3/7 of the amount of such tax paid by him upon presenting to the State Tax Assessor a statement accompanied by the original invoices showing such purchases. ~~Provided that applications~~ Applications for refunds as provided herein must be filed with the State Tax Assessor within 9 12 months from the date of purchase.'

Sec. 3. R. S., c. 16, § 167-A, additional. Chapter 16 of the Revised Statutes is amended by adding a new section 167-A, to read as follows:

'Sec. 167-A. Provision for refund of 5/7 of tax paid by users of jet or turbo jet engine aircraft. Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in section 159, for the purpose of propelling jet or turbo jet engine aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by sections 158 to 168, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of 5/7 of the amount of such tax paid by him upon presenting to the State Tax Assessor a statement accompanied by the original invoices showing such purchases. Applications for refunds must be filed with the State Tax Assessor within 12 months from the date of purchase.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective May 28, 1959

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## Chapter 333

### 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:

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'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. 5-A. R. S., c. 37, § 45, amended. The first 2 paragraphs of section 45 of chapter 37 of the Revised Statutes, as revised, are amended to read as follows:

'No person shall take, catch, kill or have in possession more than 10 fish of the salmon, trout, togue or black bass species in the Counties of Franklin and Somerset during any one day of any open season, from any or all of the rivers, streams, brooks, lakes and ponds in said counties ~~and which 10 fish shall not exceed a total weight of 7½ pounds in all, unless the last fish caught increases the combined weight thereof to more than 7½ pounds~~ except as provided for by rules and regulations of the department under section 9.

No person shall take, catch, kill or have in possession more than 15 fish of the salmon, trout, togue or black bass species in the Counties of Aroostook, Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Waldo, Washington and York during any one day of any open season, from any or all of the rivers, streams, brooks, lakes and ponds in said counties, ~~and which 15 fish shall not exceed a total weight of 7½ pounds in all, unless the last fish caught increases the combined weight thereof to more than 7½ pounds~~ except as provided for by rules and regulations of the department under section 9.

No person shall take, catch or kill in any one day or have in possession at any time more than 7½ pounds in the aggregate of the trout, salmon, togue and black bass species unless the last fish caught increases the combined weight to more than 7½ pounds.'

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.

Notwithstanding the provisions of this section, paraplegics may hunt from motor vehicles which remain stationary.'

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 hereinbefore provided~~, more than 12 hours unless said deer has been legally registered.'

Sec. 14-A. R. S., c. 37, § 108, repealed and replaced. Section 108 of chapter 37 of the Revised Statutes, as revised, is repealed and the following enacted in place thereof:

'Sec. 108. Open season. There shall be an annual open season during the month of October in Zone 1 as described in section 91 for the purpose of hunting deer with bow and arrow only, except that on the Island of Islesboro in Waldo County there shall be an open season for hunting deer with bow and arrow during the months of October and November. During the month of October any person hunting deer on Islesboro shall be licensed as provided in section 109. During the month of November any person hunting deer on Islesboro shall be licensed in accordance with the provisions of section 73.

There shall be an annual open season from October 1st to October 26th in Zone 2 as described in section 91 for the purpose of hunting deer with bow and arrow only.

There shall be an annual open season from October 1st to October 14th in Zone 3 as described in section 91 for the purpose of hunting deer with bow and arrow only.'

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 end Saturday thereafter, both days inclusive~~ during the month of October of each calendar year in Zone 1, from October 1st to October 26th in Zone 2 and from October 1st to October 14th in Zone 3.'

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 or bow and arrow.'

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.'

Sec. 19. Effective date. Sections 14-A and 15 of this act shall become effective January 1, 1960.

Effective September 12, 1959

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## Chapter 334

### AN ACT Repealing Certain Disqualifications of Benefits Under Employment Security Law.

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

R. S., c. 29, § 15, sub-§V, amended. Subsection V of section 15 of chapter 29 of the Revised Statutes, as repealed and replaced by section 12 of chapter 381