

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Second Legislature
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§ 1462. Exemptions

1. Buildings and vehicles. This chapter shall not apply to application of pesticides within or under buildings or within vehicles, ships, aircraft or other means of transporting persons or property by land, water or air. The use of pesticides in or under farm buildings other than dwellings shall continue to conform to existing state and federal regulations.

2. Forestry. This chapter shall not apply to applications made by the Forestry Department under the emergency authority contained in Title 12, chapter 213.

3. Agriculture. The board may by regulation exempt from the licensing provisions of section 1454 casual agricultural applications by bona fide farmers.

4. Arborists. Persons licensed under Title 32, chapter 29, subchapter II, may be licensed by the board without fee or examination to spray or treat shade, ornamental or forest trees in Maine for control of any diseases, injuries or insects.

Persons who apply herbicides shall be required to secure a license under this chapter.

§ 1463. Right of entry

The board or its agents may enter upon any public or private premises at reasonable times in order to have access for the purposes of inspecting any aircraft or ground equipment subject to this chapter.

§ 1464. Cooperation

The board may cooperate with any other agency of this State or its subdivisions or with any agency of any other state or of the Federal Government for the purpose of administering this chapter and of securing uniformity of regulations.

§ 1465. Enforcement

The state agencies listed in section 1452 shall designate the enforcement personnel.'

Effective September 3, 1965

Chapter 448

AN ACT Clarifying the Inland Fisheries and Game Laws.

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

Sec. 1. R. S., T. 7, § 3601, amended. The first paragraph of section 3601 of Title 7 of the Revised Statutes is amended to read as follows:

'It shall be unlawful for any dog to roam-at-large in any area frequented by deer from ~~February 1st to April 30th~~ **December 1st to June 30th** of each calendar year.'

Sec. 1-A. R. S., T. 12, § 1901, sub-§ 6, amended. Subsection 6 of section 1901 of Title 12 of the Revised Statutes is amended by adding a new sentence at the end to read as follows:

'Except as otherwise provided, it shall be unlawful to troll a fly in waters restricted to fly fishing.'

Sec. 1-B. R. S., T. 12, § 1960, amended. The 3rd paragraph of section 1960 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

'Hearings shall be held on all prospective changes in regulations during the months of February, and September of each year, before the commissioner, or such other officer of the department as the commissioner may designate in his stead, at a date and place to be designated by the commissioner but in the county affected. Petitions shall be filed in the office of the commissioner as follows: Not later than January 1st for hearing in February; and not later than August 1st for hearing in September.'

Sec. 1-C. R. S., T. 12, § 1960, amended. The last sentence of the 5th paragraph of section 1960 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

'Such regulations shall become effective on April 1st following the February hearings and on January 1st of the year following the September hearings.'

Sec. 1-D. R. S., T. 12, § 2001, amended. The last sentence of the first paragraph of section 2001 of Title 12 of the Revised Statutes is amended to read as follows:

'The compensation of the wardens shall be determined under the Personnel Law and shall not be more than one pay grade below that of the Maine State Police.'

Sec. 2. R. S., T. 12, § 2001, amended. The 2nd paragraph of section 2001 of Title 12 of the Revised Statutes is amended to read as follows:

'It shall be the duty of the inland fish and game wardens to enforce all laws relating to inland fisheries and game and all rules and regulations pertaining thereto, Title 7, chapter 707 and sections 3601, 3602, Title 17, sections 2794 and 2798, Title 32, chapter 65; all regulations adopted and approved pursuant to the Federal Migratory Bird Treaty Act, Act of Congress approved July 3, 1918; all rules and regulations promulgated by the State Park and Recreation Commission relating to hunting, fishing and trapping; to arrest all violators thereof, and to prosecute all offenses against the same.'

Sec. 3. R. S., T. 12, § 2052, amended. The 3rd paragraph of section 2052 of Title 12 of the Revised Statutes is amended to read as follows:

'All candidates must be between the ages of 14 and 21 years and those who pass the required examinations shall be presented with appropriate certificates by the commissioner and may obtain a junior guide's license upon payment of a fee of ~~50 cents~~ \$1.'

Sec. 4. R. S., T. 12, § 2053, amended. The first sentence of the 4th paragraph of section 2053 of Title 12 of the Revised Statutes is amended to read as follows:

'A fee of ~~\$\$50~~ \$10 shall be paid annually for a resident guide's license.'

Sec. 5. R. S., T. 12, § 2101, amended. That part of section 2101 of Title 12 of the Revised Statutes, which relates to the Bangor Game Preserve, is repealed as follows:

~~'Bangor: The following described territory situated in the City of Bangor in the County of Penobscot: Bounded on the south by the southerly line of said City of Bangor; on the east by the Penobscot River and Kenduskeag Stream; on the north by Hammond Street, so called, in said City of Bangor; and on the west by the westerly boundary line of said city. This paragraph shall not be construed to prohibit the trapping of wild animals, within this described territory, in accordance with general laws of the State.'~~

Sec. 6. R. S., T. 12, § 2101, amended. That part of section 2101 of Title 12 of the Revised Statutes, which relates to the Old Town Game Preserve, is repealed as follows:

~~'Old Town Game Preserve: The following described territory situated in the City of Old Town, in the County of Penobscot: Bounded by the Orono town line on the south, and Stillwater and Penobscot Rivers on the west, north and east.'~~

Sec. 7. R. S., T. 12, § 2101, amended. That part of section 2101 of Title 12 of the Revised Statutes, which relates to the Orono Game Preserve, is repealed as follows:

~~'Orono Game Preserve: That portion of Marsh Island in the Town of Orono bounded by the Old Town town line on the north, and Stillwater and Penobscot Rivers on the west, south and east, is designated the Orono Game Preserve.'~~

Sec. 8. R. S., T. 12, § 2154, amended. Section 2154 of Title 12 of the Revised Statutes is amended by adding before the last paragraph a new paragraph to read as follows:

'Marsh Island: That portion in the Town of Orono bounded by the Old Town town line on the north and Stillwater and Penobscot Rivers on the west, south and east.'

Sec. 8-A. R. S., T. 12, § 2204, amended. Section 2204 of Title 12 of the Revised Statutes is amended to read as follows:

§ 2204. Tampering with, injuring or destroying dams

Whoever without authority from the commissioner tampers with any dam owned or operated by the department, including dams in a fish hatchery or rearing station, opens or closes gates or sluiceways, adds or removes flashboards, or otherwise damages or destroys such dams, shall be punished by a fine of not more than \$100.'

Sec. 9. R. S., T. 12, § 2254, amended. The first sentence of the 2nd paragraph of section 2254 of Title 12 of the Revised Statutes is amended to read as follows:

'Every person, maintaining a sporting camp within the territory described in the preceding paragraph, shall obtain a license from the Commissioner of Inland Fisheries and Game each calendar year, and shall pay therefor a fee of ~~\$\$~~ \$10.'

Sec. 10. R. S., T. 12, § 2255, amended. The 2nd sentence of section 2255 of Title 12 of the Revised Statutes is amended to read as follows:

'The fee for this license shall be ~~\$25~~ \$30 for those camps with an enrollment of less than 50 campers, ~~\$40~~ \$50 for those camps with an enrollment of not less than 50 campers but not more than 75 campers and ~~\$60~~ \$75 for those camps with an enrollment of more than 75 campers.'

Sec. 11. R. S., T. 12, § 2301, sub-§ 1, amended. The last sentence of subsection 1 of section 2301 of Title 12 of the Revised Statutes is amended to read as follows:

'These permits shall be issued on request of the manager of the Veterans Administration Center at Togus, shall be effective while such groups are being conducted by a representative of the Veterans Administration and while such groups are fishing within a ~~5-mile~~ 25-mile radius of Togus.'

Sec. 12. R. S., T. 12, § 2302, amended. Section 2302 of Title 12 of the Revised Statutes is amended to read as follows:

§ 2302. Revocation

The commissioner may revoke the license, for one year from the date of conviction, issued to a person to carry on the particular activity in which he was engaged at the time of the violation of sections 2353, 2451 to 2455, 2458, 2462, 2464, 2467 and 2801.

On conviction of any person holding a license or licenses issued under chapters 301 to 335 and Title 32, chapter 65, of the violation of any of the sections of said chapters not mentioned or of any rules or regulations of the commissioner, the commissioner may revoke any license or licenses held by such person for a period of not less than 3 months nor more than one year from the date when notified of said conviction.

Any person whose license or licenses has been revoked under the provisions of the 2nd paragraph of this section may request a hearing by the commissioner, at which hearing all the facts concerning the violation shall be presented and the license or licenses may be reinstated.

The commissioner may suspend licenses held by any person who has appealed from a sentence imposed upon an alleged violation of chapters 301 to 335 or Title 32, chapter 65, or of any rules and regulations adopted by the commissioner pursuant hereto. Such suspension shall apply only to the particular activity in which the licensee was engaged at the time of the alleged violation.

If, at the time of committing a violation of any of the provisions of chapters 301 to 335 or Title 32, chapter 65, the offender shall not be the holder of a

license or licenses to conduct the particular activity in which he was engaged at the time of such violation, the commissioner may not issue any license to said person until one year has elapsed from the date of final determination of any complaint or legal proceedings instituted as a result of the violation.

A conviction of a 2nd violation of any of the provisions of chapters 301 to 335 or Title 32, chapter 65, or a violation of any of the rules and regulations of the commissioner may require the commissioner to revoke the license or licenses of such offender for a period of 2 years from the date of the final conviction of the alleged violation.

During such time as a person's license or licenses are under revocation or suspension under this section or under section 2953, it shall be unlawful for that person to engage in that particular activity permitted by the license or licenses which have been revoked or suspended.

It shall be unlawful for any person to purchase or attempt to purchase any license or licenses which have been suspended or revoked by the commissioner under this section or under section 2953.

Clerks of the District Court and clerks of Superior Courts, upon conviction of any person for violation of any of the provisions of chapters 301 to 335, Title 32, chapter 65, shall immediately forward to the commissioner a transcript of the records of said proceedings with a record of any appeal entered on any judgment or sentence of said court.

It shall be unlawful for any person to alter, tamper or mutilate any license issued under chapters 301 to 335 or Title 32, chapter 65.'

Sec. 12-A. R. S., T. 12, § 2353, amended. The 2nd and 3rd paragraphs of section 2353 of Title 12 of the Revised Statutes are repealed and the following enacted in place thereof:

'Northern Zone: North and east of a line beginning on Route 201 at the Canadian border; thence southeasterly along said Route 201 to Caratunk; thence easterly and northeasterly along the Appalachian Trail to a point where the Appalachian Trail intersects the West Branch of the Penobscot River; thence southeasterly along the southwest shore line of the West Branch of the Penobscot River and the Penobscot River to the confluence of the Mattawamkeag River; thence easterly along the north shoreline of the Mattawamkeag River to Route 2 at Mattawamkeag; thence southeasterly along Route 2 to Lincoln; thence easterly along Route 6 to the Canadian border.

Central Zone: The area within the following described territory: Beginning on Route 201 at the Canadian border; thence southeasterly along said Route 201 to Caratunk; thence easterly and northeasterly along the Appalachian Trail to a point where the Appalachian Trail intersects the West Branch of the Penobscot River; thence southeasterly along the southwest shoreline of the West Branch of the Penobscot River and the Penobscot River to the confluence of the Mattawamkeag River; thence easterly along the north shoreline of the Mattawamkeag River to Route 2 at Mattawamkeag; thence southwesterly along Route 2 to Bangor; thence westerly along Route 2 to Farmington; thence northwesterly along Route 4 to Rangeley; thence westerly along Route 16 to the New Hampshire border.'

Sec. 12-B. R. S., T. 12, § 2353, amended. The 10th paragraph of section 2353 of Title 12 of the Revised Statutes is amended to read as follows:

'Southwestern Zone: ~~The month of~~ November 5th to December 5th.'

Sec. 13. R. S., T. 12, § 2355, sub-§ 1, amended. The last 2 sentences of subsection 1 of section 2355 of Title 12 of the Revised Statutes are amended to read as follows:

'Said agents shall register each and every deer legally presented for registration, and shall ~~tag~~ attach a metal seal to each deer in the manner as directed and with the materials furnished by the commissioner. Said agent shall receive from the person registering a deer the sum of 25c for each such ~~tag~~ seal to be retained by him.'

Sec. 14. R. S., T. 12, § 2355, sub-§ 2, ¶ A, amended. Paragraph A of subsection 2 of section 2355 of Title 12 of the Revised Statutes is amended to read as follows:

'A. No person shall at any time in any manner move or transport any deer, or part thereof, unless open to view and there is securely attached thereto ~~a tag~~ the deer tag portion of the hunting license bearing the name and address of the person who killed said deer and said deer shall be accompanied by him while being moved or transported, except as otherwise provided in chapters 301 to 335.'

Sec. 15. R. S., T. 12, § 2358, sub-§ 1, amended. The 3rd and 5th paragraphs of subsection 1 of section 2358 of Title 12 of the Revised Statutes are amended to read as follows:

'The open season on mink and muskrat shall be during the month of November in each calendar year; except that the open season on muskrat in Washington County shall be from April 1st to April 30th of each year and in York County shall be only from March 20th to April 20th in each year; and except that the open season on muskrat in Aroostook County shall be during the ~~month of April only in each year~~ period from April 15th to May 15th; and except that the open season on muskrat within the watershed of Saco River in Oxford County, and on all lakes, ponds, marshes and streams tributary thereto, and within said county, shall be only from the first day of November to the 25th day of April in the following year.'

'There shall be an open season on fisher during the months of November and December ~~January and February~~ of each year. The commissioner may lengthen, shorten or close such fisher season as he may deem necessary.'

Sec. 16. R. S., T. 12, § 2401, sub-§ 4, amended. The last paragraph of subsection 4 of section 2401 of Title 12 of the Revised Statutes is amended to read as follows:

'Nonresident hunting licenses shall be of 2 classes: One class shall be issued upon the payment of \$10.25, which will license the holder to hunt wild birds or animals during the open season therefor, except bear and deer; the other class shall be issued upon the payment of \$25.25, which will entitle the holder to hunt wild birds and animals including bear and deer during the open season

therefor. The agent issuing the license shall be allowed to retain 25c from the license fee.'

Sec. 17. R. S., T. 12, § 2451, amended. The first sentence of section 2451 of Title 12 of the Revised Statutes is amended to read as follows:

'No person shall set or tend a snare, or a swivel, pivot or set gun, or use or deposit any poisonous or stupefying substance for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild birds, except that gas cartridges may be used by any landowner or member of his immediate family on his own land for woodchuck control.'

Sec. 18. R. S., T. 12, § 2455, amended. The first paragraph of section 2455 of Title 12 of the Revised Statutes is amended to read as follows:

'It shall be unlawful to hunt wild birds, ~~including migratory game birds~~ in this State from sunset to ½ hour before sunrise of the following morning.'

Sec. 19. R. S., T. 12, § 2456, amended. The last sentence of the first paragraph of section 2456 of Title 12 of the Revised Statutes is amended to read as follows:

'For the purpose of this section all motor driven vehicles except a motor boat shall be considered to be a motor vehicle ~~a motor boat shall not be considered a motor vehicle.~~

Sec. 20. R. S., T. 12, § 2465, amended. Section 2465 of Title 12 of the Revised Statutes is amended to read as follows:

§ 2465. Use of artificial lights for lighting game

The use of artificial lights between ½ hour after sunset and ½ hour before sunrise to illuminate, jack, locate, attempt to locate or show up wild birds or wild animals shall be unlawful from October 12th to December 5th, except as provided in section 2354, and section 2358, subsection 4.'

Sec. 20-A. R. S., T. 12, § 2551, amended. Section 2551 of Title 12 of the Revised Statutes is amended to read as follows:

§ 2551. Closing certain areas to fishing

No person shall fish within 150 feet of any dam in which a fishway is located. Except at Upper Dam in Richardsontown (T4 R1) at the outlet of Mooselookmeguntic Lake in Oxford County, at Middle Dam in T C at the outlet of Lower Richardson Lake in Oxford County and at East Outlet Dam in Sapling (T1 R7) in Somerset County and in Big Squaw Mountain in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of these fishways shall be closed to fishing at all times and except at **Woodland Dam and Grand Falls Powerhouse Dam on the St. Croix River in the Town of Baileyville, the area within 100 feet of the mouth of the fishway shall be closed to fishing at all times.** 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 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.~~

It shall be unlawful for any person to take, catch, kill, molest, destroy or possess or attempt to take, catch, kill, molest, destroy or possess any fish in or from any fish hatchery or rearing station. All waters within 200 feet of any state hatchery or rearing station shall be closed to all fishing.'

Sec. 21. R. S., T. 12, § 2553, amended. The 4th paragraph from the end of section 2553 of Title 12 of the Revised Statutes is amended to read as follows:

'No person shall have in his possession any salmon, trout, togue or black bass with the heads and tails, or either, detached therefrom unless such fish are being prepared for immediate cooking. For the purpose of this section, the smoking of fish shall not constitute cooking.'

Sec. 22. R. S., T. 12, § 2555, amended. Section 2555 of Title 12 of the Revised Statutes is amended by adding at the end the following new sentence:

'This section shall not apply to private ponds as set forth in section 2557.'

Sec. 23. R. S., T. 12, § 2557, repealed and replaced. Section 2557 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2557. Private ponds and the cultivation of useful fish by individuals

Any riparian proprietor or proprietors may, within the limits of their own premises, construct a dam or other structure across the waters of a brook, stream or river not navigable for the purpose of creating a private pond for cultivating useful fish and the commissioner may require that he furnish suitable passage for fish naturally frequenting such waters. This structure must not obstruct the passage of boats and other craft and materials in places where the same have a right to pass. Any riparian owner or person or persons the commissioner may designate may harvest, take, catch or utilize fish cultivated in a private pond as set forth in this section in any manner at any time without regard to seasons, bag limits, length limits or license requirements that may be required by other sections of the law. Any person legally engaged in the culture and maintenance of fish may ship fish, transport fish or sell fishing rights from or on his own pools or ponds providing he procures a license therefor at an annual fee of \$10 from the commissioner, and that all fish when transported shall be tagged with the name and address of the pond owner. Artificial ponds not constructed on a natural brook, stream or river or that do not obtain their water supply from a natural brook, stream or river may also be considered private ponds. No fish or fish spawn raised by the State shall be planted or deposited in such waters unless the owner shall permit public fishing therein. No natural lake or pond of 10 acres or over in surface area may be considered as a private pond under this section. No person may introduce fish or fish spawn of any kind into any private or public waters of the State, except upon written permission of the commissioner. Any violation of this section shall be punished by a fine of not less than \$200 nor more than \$300 for each offense.'

Sec. 23-A. R. S., T. 12, § 2558, amended. The first paragraph of section 2558 of Title 12 of the Revised Statutes is amended to read as follows:

'It shall be unlawful to take, sell, use or have in possession, either dead or alive, for use as bait for fishing in the inland waters of this State any pickerel, goldfish, yellow perch, white perch, bass, sunfish, crappie, hornpout, carp or any spiny-finned fish; ~~except that the use or possession of live bait, including yellow perch which have been caught at Little Sebago Lake, Cumberland County, the same day as used, shall be permitted in said Little Sebago Lake.~~

Sec. 23-B. R. S., T. 12, § 2558, amended. The last paragraph of section 2558 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

'It shall be unlawful to import into this State any live fish, including smelts, which are commonly used for bait fishing in inland waters.'

Sec. 24. R. S., T. 12, § 2558, amended. The first sentence of the 3rd paragraph of section 2558 of Title 12 of the Revised Statutes is amended to read as follows:

'All persons dealing in live bait shall be licensed to do so by the commissioner, and the fee therefor shall be ~~5~~ \$10 for each calendar year.'

Sec. 25. R. S., T. 12, § 2560, amended. Section 2560 of Title 12 of the Revised Statutes is amended to read as follows:

'§ 2560. Penalties

Whoever violates any provision of sections 2552 and 2553 shall pay a fine of not less than ~~10~~ \$20 nor more than \$30, and costs of prosecution, for each offense; and in addition thereto, \$1 for each fish taken, caught, killed or had in possession in violation of any provision of said sections.'

Sec. 25-A. R. S., T. 12, § 2601, sub-§ 11-A, additional. Section 2601 of Title 12 of the Revised Statutes is amended by adding a new subsection 11-A, to read as follows:

'11-A. Complimentary licenses to persons over 70 years of age. A complimentary license to fish shall be issued to any resident of Maine who is over 70 years of age and applies therefor to the Commissioner of Inland Fisheries and Game. Such application shall be accompanied by a birth certificate or other certified evidence of the applicant's date of birth.'

Sec. 26. R. S., T. 12, § 2651, amended. The first sentence of the 2nd paragraph and the 3rd paragraph of section 2651 of Title 12 of the Revised Statutes are amended to read as follows:

'It shall be lawful to fish in the nighttime by using not more than 5 lines set or otherwise for cusk in the waters which have been opened to ice fishing by the commissioner ~~for salmon, trout and togue.~~

'Unless otherwise specified, the legal lengths, ~~the use or possession of live fish as bait,~~ and daily limits which have been established for open water fishing in each county shall apply to all waters open to ice fishing in those counties.'

Sec. 27. R. S., T. 12, § 2701, amended. The first and 2nd paragraphs of section 2701 of Title 12 of the Revised Statutes are amended to read as follows:

'The commissioner may grant permits to take suckers, eels, hornpouts, alewives, ~~and~~ yellow perch, whitefish and cusk for market, by means of eel pots, traps, spears or nets, in inland waters frequented by these fish, under such terms, rules and regulations as he may establish ~~but no exclusive territory permits shall be granted for the taking of any of said fish in any inland waters.~~ It shall be unlawful for any person, firm or corporation to take any of the above-mentioned fish for market until he has obtained a permit to do so from the said commissioner. The minimum fee for such permits shall be not less than \$25.

It shall be lawful to take suckers in brooks and streams which are open to fishing between April 15th and May 30th of each calendar year by the use of a hand spear by persons licensed or otherwise entitled to fish in Maine waters.'

Sec. 27-A. R. S., T. 12, § 2751, amended. Section 2751 of Title 12 of the Revised Statutes is amended by adding after the first paragraph a new paragraph to read as follows:

'No person shall import or offer for sale any fresh or frozen fresh-water fish whose source is outside of the continental United States or Canada.'

Sec. 28. R. S., T. 12, § 2751, amended. The 2nd sentence of the 2nd paragraph of section 2751 of Title 12 of the Revised Statutes is amended to read as follows:

'The license fee shall be ~~\$1~~ \$10 and licenses shall be kept constantly and publicly posted in the office or place of business of the licensee.'

Sec. 29. R. S., T. 12, § 2751-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 2751-A to read as follows:

§ 2751-A. Importing fish

No person shall introduce or import any live fresh-water fish or eggs into the State or receive or have in possession such fish or eggs, so introduced or imported, without written permission of the commissioner. This shall not apply to tropical fish which are for aquarium purposes.

The commissioner may grant permits and establish rules and regulations to import live fresh-water fish or eggs into the State. Importers shall, when requesting a permit, provide the commissioner with information as to the number and species to be imported, the name and address of the source and a statement from a recognized fish pathologist, either of a state conservation department or the United States Fish and Wildlife Service certifying that they are from hatcheries which show no evidence of whirling disease (*Myxosoma cerebralis*), infectious pancreatic necrosis, furunculosis or any other infectious or contagious disease. Such statement shall accompany each request for permission to import live fish or eggs.

A violation of this section shall be punishable by a fine of not less than \$100.'

Sec. 30. R. S., T. 12, § 2752, amended. The 2nd paragraph of section 2752 of Title 12 of the Revised Statutes is amended to read as follows:

'It shall be ~~lawful to angle or fish by~~ unlawful to angle or fish other than by the use of the single-baited hook and line, artificial flies, artificial minnows,

artificial insects, spoon hooks and spinners, except that it shall be lawful to take smelts in Fish River Chain of Lakes, Aroostook County, by use of 3 single-baited hooks spaced a minimum of 4 inches apart.'

Sec. 31. R. S., T. 12, § 2752, amended. The first sentence of the 4th paragraph and the 5th paragraph of section 2752 of Title 12 of the Revised Statutes are amended to read as follows :

'All other devices, such as fish spawn, grapnel, spear, **spear gun**, trawl, weir, gaff, seine, gill net, trap or set lines, except as otherwise provided, for the taking, catching, killing or destruction of fish shall be unlawful, except that it shall be lawful to take suckers, eels, hornpouts, **alewives**, yellow perch, white fish and cusk in accordance with section 2701.'

'Any violation of this section shall be punishable by a fine of not less than ~~\$10~~ **\$20** nor more than \$300, and costs of prosecution, for each offense, and in addition thereto, \$1 for each fish unlawfully taken, caught, killed or in possession of any violator of this section.'

Sec. 32. R. S., T. 12, § 2756, amended. Section 2756 of Title 12 of the Revised Statutes is amended to read as follows :

§ 2756. Advance baiting

Whoever deposits any meat, bones, dead fish, or parts of the same, or other food for fish in any of the inland waters of the State for the purpose of luring fish, known as "advance baiting," shall be punished by a fine of not less than ~~\$10~~ **\$20** nor more than \$30, and costs of prosecution, for each offense.'

Sec. 33. R. S., T. 12, § 2803, amended. The first paragraph of section 2803 of Title 12 of the Revised Statutes is amended to read as follows :

'The pilot of any aircraft, other than those of regular transport lines, shall not transport any fish, game, fur-bearing animals or parts thereof by air until he has obtained from the commissioner a permit to do so **costing \$2** and each permit so issued shall expire December 31st of the calendar year issued.'

Sec. 34. R. S., T. 12, § 2901, amended. Section 2901 of Title 12 of the Revised Statutes is amended to read as follows :

§ 2901. Bobcat and Canada lynx

There shall be a bounty of \$15 for every bobcat ~~coupeervier~~ and Canada lynx which is killed within the State, to be paid by the Treasurer of State to the person killing the same upon compliance with the following conditions. No bounty shall be paid unless the claimant, within 10 days after he has killed such animal, exhibits to the warden or warden supervisor in whose district the animal was killed the entire skin thereof, with the ears, nose and tail thereon in as perfect a state as when killed, except for natural decay, and signs a certificate under oath stating that he killed such animal and the time and place within the State. Such certificate must be approved by and bear the signature of the warden or warden supervisor in whose district the animal was killed, stating that he believes the cat to have been killed at the time and place stated therein, and the person claiming the bounty shall thereupon cut off the whole of the tail from the skin and

forward the same to the commissioner, together with the claimant's certificate in the following form:

Claimant's Certificate

To the Commissioner of Inland Fisheries and Game:

I hereby certify that on the day of A. D., 19... at in the State of Maine, I killed the bobcat ~~loupcevier~~ or Canada lynx, the skin of which I now exhibit to you, and I claim the bounty allowed by law for killing the same.

Dated at this day of A. D., 19...

.....
(P. O. Address of Claimant)

..... Claimant

Subscribed and sworn to before me the day and year aforesaid.

.....
Notary Public Justice of the Peace

It is believed that the cat was killed at the time and place stated herein.

This day of

.....
Game Warden

DEPARTMENT OF INLAND FISHERIES AND GAME

Augusta, Maine, 19...

I hereby certify that I have received from, claimant, the tail of the bobcat ~~loupcevier~~ or Canada lynx described in the foregoing certificate.

.....
For Inland Fish and Game Commissioner

Note—Claim for bounty must be made within 10 days after the killing of the animal.

Upon receipt by the State Controller of a certificate from the commissioner showing that said commissioner has received the tail of the bobcat ~~loupcevier~~ or Canada lynx from the claimant, said controller shall audit the claim for bounty and the same shall be paid forthwith by the Treasurer of State to the claimant from fines and penalties recovered and money received or collected under any provision of the inland fish and game laws or amendments thereof, or for sale of any seized or confiscated articles. After the foregoing funds have been exhausted, any further bounties shall be paid from the revenues of the Department of Inland Fisheries and Game.'

Sec. 35. R. S., T. 12, § 3055, amended. Section 3055 of Title 12 of the Revised Statutes is amended to read as follows:

§ 3055. Recovery and disposition of fines; fees, forfeitures and penalties

The Commissioner of Inland Fisheries and Game shall have the same authority concerning fines, fees, forfeitures and penalties authorized by chapter 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65 as is granted and vested in the Commissioner of Sea and Shore Fisheries under section 4508.'

Sec. 36. R. S., T. 12, § 3056, amended. The first sentence of section 3056 of Title 12 of the Revised Statutes is amended to read as follows:

'In case of violation of any provision of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, by a corporation, the warrant may be served by an attested copy on the president, secretary, manager or any general agent thereof in the county where the action is pending, and upon return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation.'

Sec. 37. R. S., T. 12, §§ 3057 - 3060, amended. Sections 3057 to 3060 of Title 12 of the Revised Statutes are amended to read as follows:

§ 3057. Prosecution by county attorneys

Each county attorney shall prosecute all violations of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, occurring within his county when such cases may come to his knowledge, or when he may be so requested by the commissioner or any officer charged with its enforcement. Such prosecution shall at all times be subject to the supervision and control of the commissioner.

§ 3058. Results reported to commissioner

Every judge or the clerk of the court except the District Court before whom any prosecution under chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, is commenced or shall go on appeal, within 20 days after the trial or dismissal thereof, shall report in writing the result thereof and the amount of fines collected, if any, and disposition thereof, to the commissioner.

§ 3059. Jail costs

The costs for imprisonment in a county jail for the violation of any provision of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, or rules and regulations promulgated thereunder shall be paid by the commissioner to the county involved. Such costs shall not exceed the average amount paid for board of federal prisoners.

§ 3060. Penalties

Whoever violates any of the provisions of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, or rules and regulations promulgated thereunder, or rules and regulations heretofore promulgated and still in force and effect, excepting only those for the violation

of which specific penalties have been provided, shall be punished by a fine of not less than \$10 nor more than \$300 and costs, or by imprisonment for not more than 90 days, or by both, except as hereafter noted:

1. **Beaver.** Whoever violates any provision of chapters 301 to 335 relating to beaver, except setting any trap within 25 feet of any beaver house, or setting any trap within 10 feet of any beaver dam, shall be punished by a fine of not less than \$50 and costs and \$50 additional for each beaver or skin involved, or by imprisonment for not more than 90 days, or by both.

2. **Violation of § 2451.** Whoever violates any of the provisions of the first 2 paragraphs of section 2451 shall be punished by a fine of not less than \$200 nor more than \$300 and costs, or by imprisonment for not more than 90 days, or by both.

3. **When specific fine cannot be suspended.** Wherever any particular violation of any section of chapters 301 to 335 carries a specific fine which cannot be suspended, this section shall not apply.'

Sec. 38. R. S., T. 12, § 3061, amended. The first 2 sentences of section 3061 of Title 12 of the Revised Statutes are amended to read as follows:

'All fines, penalties, officers' costs and all other moneys recovered by the court under any provision of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, shall accrue to the Treasurer of State and shall be paid into the treasury of the county where the offense is prosecuted. All officers' fees taxed against a respondent, if any, under any provision of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, which are not paid or recovered from the respondent shall not be assumed or paid by the county where the offense was committed.'

Sec. 39. R. S., T. 12, § 3101, amended. Section 3101 of Title 12 of the Revised Statutes is amended to read as follows:

§ 3101. Game and equipment

All birds, fish or animals, or parts thereof, hunted, bought, sold, carried, transported or found in possession of any person in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, or equipment possessed in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, shall be contraband and shall be forfeited to the State. In all cases where a warden may find birds, fish or animals, or parts thereof, or equipment possessed in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, he may seize the same without a warrant and keep them for a reasonable time. The officer who made such seizure may within reasonable time file with a judge a libel against such birds, fish or animals, or parts thereof, or any equipment possessed in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, except that articles of less than \$10 in value shall not be libeled unless reasonable doubt exists as to the ownership thereof, setting forth their seizure by him, describing such birds, fish or animals, or parts thereof, or equipment and that they were hunted, taken, caught, killed or had in possession in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and

3602 and Title 32, chapter 65, and pray for a decree of forfeiture thereof. Such judge shall thereupon fix a time for the hearing of such libel, and shall issue his monition and notice of the same to all persons interested, citing them to appear at the time and place appointed and show cause why said birds, fish or animals, or parts thereof, or equipment possessed should not be declared forfeited, by causing a true and attested copy of said libel and monition to be posted in 2 conspicuous places in the town or place where such birds, fish or animals, or parts thereof, or equipment possessed were seized, or in such place or places as is ordered by the judge, 10 days at least before the day to which said libel is returnable. Copies shall be served on common carriers.

In case the judge finds that the birds, fish or animals, or any parts thereof, seized will be unsuitable for food, or other use, at the day to which said libel is returnable, he shall order the officer making the seizure to dispose of the same. The officer disposing of the same shall, in case of sale, hold the proceeds of said sale subject to order of the court for decision as to the right of the claimant, if any appear, to said birds, fish or animals, or parts thereof. If the judge finds the claimant, if any appear, is not entitled to said birds, fish or animals, or parts thereof, the officer making such seizure shall turn over to the judge the proceeds of such sale, and such judge shall forward the proceeds thereof to the commissioner in the same manner as is provided by section 3061.

If no claimant appears, such judge shall, on proof of notice, declare the same forfeited to the State. If any person appears and claims such articles, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the judge such claim in writing, stating specifically the right so claimed, and the foundation thereof, the items so claimed, the time and place of the seizure and the name of the officer by whom the same were seized, and in it must declare that they were not had in possession in violation of chapters 301 to 335 and **Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65**, with his knowledge or consent, and state his business and place of residence, and shall sign and make oath to the same before said judge. If any person so makes claim, he shall be admitted as a party to the process; and the judge shall proceed to determine the truth of the allegations in said claim and libel, and may hear any pertinent evidence offered by the libelant or claimant. If the judge is, upon the hearing, satisfied that said birds, fish or animals, or parts thereof, or any equipment possessed were not had in possession in violation of chapters 301 to 335 and **Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65**, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer having the same in custody commanding him to deliver to said claimant the articles, or proceeds derived from the sale of the same, to which he is so found to be entitled, within 48 hours after demand. If the judge finds the claimant entitled to no part of said articles so seized, he shall render judgment against him for the libelant for costs, to be taxed as in civil cases before such judge, and issue execution thereon, and shall declare said articles forfeited to the State. The claimant may appeal and shall recognize with sureties as on appeals in civil causes from a judge.

The forms set forth, with such changes as adapt them for use in municipalities, are sufficient in law for all cases arising under the foregoing provisions, to which they purport to be adapted. The costs to be taxed and allowed for libel shall be 50c; for entering the same, 30c; for trying the same, \$1; for a monition, 50c; for posting notices and return, \$1; order to restore or deliver, 25c; executing the order, 50c; and 10c per mile for all necessary travel.

FORM OF LIBEL

STATE OF MAINE

County of, ss. To
Clerk :
Judge of the District Court :
Complaint Justice :

The libel of, of shows that he has seized certain birds, fish or animals, or parts thereof, or equipment possessed in violation of the provisions of the Revised Statutes, Title 12, chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, as revised, described as follows: because the same were hunted, taken, caught, killed or had in possession in violation of the provisions of said chapters and sections, as follows: which said articles were possessed at in said County of Wherefore he prays for decree of forfeiture of said articles, according to the provisions of law in such case made and provided.

Dated at, in said county, this day of, in the year of our Lord nineteen hundred

(Signed)
Inland Fish and Game Warden

FORM OF MONITION AND NOTICE

STATE OF MAINE

L. S.

County of, ss.

To all persons interested in

The libel of hereunto annexed, this day filed with me, esquire, Judge of the District Court, shows that he has seized said articles because and prays for a decree of forfeiture of the same according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before said court, at in said county, on the day of A. D. 19 at o'clock in the noon and then and there show cause why said articles should not be forfeited, and that notice hereof be

given to all persons interested by causing a true and attested copy of this libel and monition to be posted in and two conspicuous places in the Town of at least ten days before the return day hereof.

Witness :, esquire

on the day of 19...

.....
Judge

A true copy. Attest:

.....
Inland Fish and Game Warden

STATE OF MAINE

..... ss. A. D. 19...

I have this day made service of the within libel and monition, by posting up true and attested copies of the same, in two conspicuous places to wit: one and one in Posting notice \$1.00

.....
Inland Fish and Game Warden

Travel miles

Total \$

STATE OF MAINE

(L. S.)

..... ss.

To one of the
..... of the

WHEREAS it appears that due notice was given to all parties interested in the birds, fish, game, wild or fur-bearing animals, or parts thereof, or equipment described in the within libel of to appear before, esquire, a Judge of the District Court at in on the day of A.D. 19.... at o'clock in the noon, and show cause why said should not be declared forfeited. And no person appearing to claim the same, said are declared forfeited.

And of did appear and claim said and after hearing all the evidence I order said returned to said claimant. The same are declared forfeited and you are hereby ordered to turn the same over to the Commissioner of Inland Fisheries and Game.

Witness,, esquire, Judge of the District Court this day of A.D. 19.....

..... Judge of District Court

..... ss. A.D.

Pursuant to the above order to me directed, I have turned over the within described to the Commissioner of Inland Fisheries and Game.

..... Inland Fish and Game Warden'

Sec. 40. R. S., T. 12, § 3102, amended. The last sentence of section 3102 of Title 12 of the Revised Statutes is amended to read as follows:

'The failure of any person or officer to perform any act, duty or obligation enjoined upon him by chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, shall be deemed a violation thereof.'

Sec. 41. R. S., T. 12, § 3153, amended. Section 3153 of Title 12 of the Revised Statutes is amended to read as follows:

§ 3153. Participant in violation compelled to testify

In any prosecution under chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, any participant in a violation thereof, when so requested by the county attorney, commissioner or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating the same, but his evidence so given shall not be used against himself in any prosecution for such violation.'

Effective September 3, 1965

Chapter 449

AN ACT Relating to Payment by Dealers to Producers for Milk Purchased.

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

R. S., T. 7, § 2954-A, additional. Title 7 of the Revised Statutes is amended by adding a new section 2954-A, to read as follows:

§ 2954-A. Payment by dealers to producers

Each dealer shall make payment to his producers of all sums due for products purchased or received no later than 30 days from the end of the calendar month in which delivery was made.