

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend Provisions of Certain Laws Relating to Fish and Wildlife

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation is intended to advance the date upon which the open water fishing season for 2010 begins; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §10351, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Deputy game wardens. The commissioner may appoint, on a temporary basis, ~~assistant~~deputy game wardens.

Sec. 2. 12 MRSA §10352, sub-§2, as amended by PL 2007, c. 421, §1, is further amended to read:

2. Compensation. The compensation of the wardens appointed pursuant to section 10351, subsection 1 is determined under the Civil Service Law. ~~Assistant~~Deputy game wardens appointed pursuant to section 10351, subsection 2 are not entitled to compensation but, at the discretion of the Game Warden Colonel and approval of the commissioner, may be compensated for mandatory assignments and for attendance at mandatory training or other required meetings or classes and reimbursed for approved expenses.

Sec. 3. 12 MRSA §11224, sub-§1, as enacted by PL 2007, c. 168, §5, is amended to read:

1. Prohibition. A person may not waste a wild bird or wild animal that has been wounded or killed by that person while hunting. For purposes of this section, "waste" means to intentionally leave a wounded or killed animal in the field or forest without making a reasonable effort to retrieve and render it for consumption or use. This subsection does not apply to coyote.

Sec. 4. 12 MRSA §11302, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Limit on number of dogs. A person may not, while either hunting alone or hunting with other persons, use more than ~~4~~6 dogs at any one time to hunt bear.

Sec. 5. 12 MRSA §11801, sub-§2, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A. Employ the use of a dog or dogs in any manner while hunting wild turkeys except during the fall wild turkey hunting season;

Sec. 6. 12 MRSA §12001, sub-§1, as amended by PL 2009, c. 46, §1, is further amended to read:

1. Open night hunting season. Notwithstanding the night hunting prohibitions in section 11206A, there is an open season for hunting coyotes at night in all counties of the State from December 16th to ~~June 1st~~August 31st.

Sec. 7. 12 MRSA §12051, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Open training season. Unless otherwise provided in this Part, a person may not train dogs on wild birds and wild animals except as follows.

A. A person may train dogs on foxes, rabbits and raccoons from July 1st through the following March 31st, including Sundays.

B. A person may train sporting dogs on wild birds at any time, including Sundays.

C. A resident may train up to ~~4~~6 dogs at any one time on bear from ~~August~~July 1st to the first day of the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9.

A person may not engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109.

A person who violates this subsection commits a Class E crime.

Sec. 8. 12 MRSA §12457, sub-§1, ¶A, as amended by PL 2005, c. 477, §15, is further amended to read:

A. The area within 150 feet of any operational fishway, except:

(1) At the following places, the fishway and the area within 75 feet of any part of the fishway are closed to fishing at all times:

(a) Grand Falls Powerhouse Dam on the St. Croix River in Baileyville; and

(b) Woodland Dam on the St. Croix River in Baileyville;

(2) At the following places, the area within the fishway and within 75 feet of the downstream mouth of the fishway is closed to fishing at all times:

(a) East Grand Lake Dam in Forest City Township, T9 R4 NBPP, except that fishing upstream from the dam at the top of the fishway is lawful;

(2-A) At the following places, the area within 75 feet of the mouth of the fishway is closed to fishing at all times:

(a) Spednic Lake Dam in Vanceboro;

(3) At the so-called ice control dam on the Narraguagus River in the Town of Cherryfield, the area within 100 feet of the dam must be closed to fishing at all times;

(4) At East Outlet Dam in Sapling Township, T1R7, in Somerset County and in Big Moose Township, T2R6, in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of the fishway must be closed to fishing at all times; and

(5) There is no fishing in or from the fishway at the Sheepscot Lake Dam in the Town of Palermo in Waldo County, Chain of Ponds Dam in Chain of Ponds Township in Franklin County or Long Pond Dam in Seven Ponds Township in Franklin County;

Sec. 9. 38 MRSA §571, as repealed and replaced by PL 1977, c. 696, §344, is repealed and the following enacted in its place:

§ 571. Corrupting waters forbidden

1. Prohibition. A person may not:

A. Intentionally or knowingly poison, defile or in any way corrupt the water of any well, spring, brook, lake, pond, river or reservoir used for domestic drinking purposes;

B. Knowingly corrupt the sources of any public water supply, or the tributaries of those sources of supply, in a manner that affects the purity of the water supplied;

C. Knowingly defile waters identified in paragraphs A and B in any manner, whether the water is frozen or not; or

D. Put a carcass of any dead animal or other offensive material in waters identified in paragraphs A and B or on the ice of those waters. A person may place the carcass of a dead animal on the ice of a brook, great pond or river for purposes of coyote hunting as long as the carcass is removed before the ice supporting that carcass is gone. This paragraph does not authorize a person to enter the property owned by another person without the permission of the property owner.

2. Penalty. A person who violates this section commits a Class A crime.

Sec. 10. Open water fishing season. Except as otherwise provided in a rule adopted by the Department of Inland Fisheries and Wildlife that is specific to a particular body of water in the State, the open water fishing season for 2010 begins on the effective date of this Act. The rules adopted by the department governing open water fishing and ice fishing for the 2008-2009 season remain in effect until April 1, 2010. This section is repealed April 1, 2010.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective 90 days following adjournment of the 124th
Legislature, Second Regular Session, unless otherwise indicated.