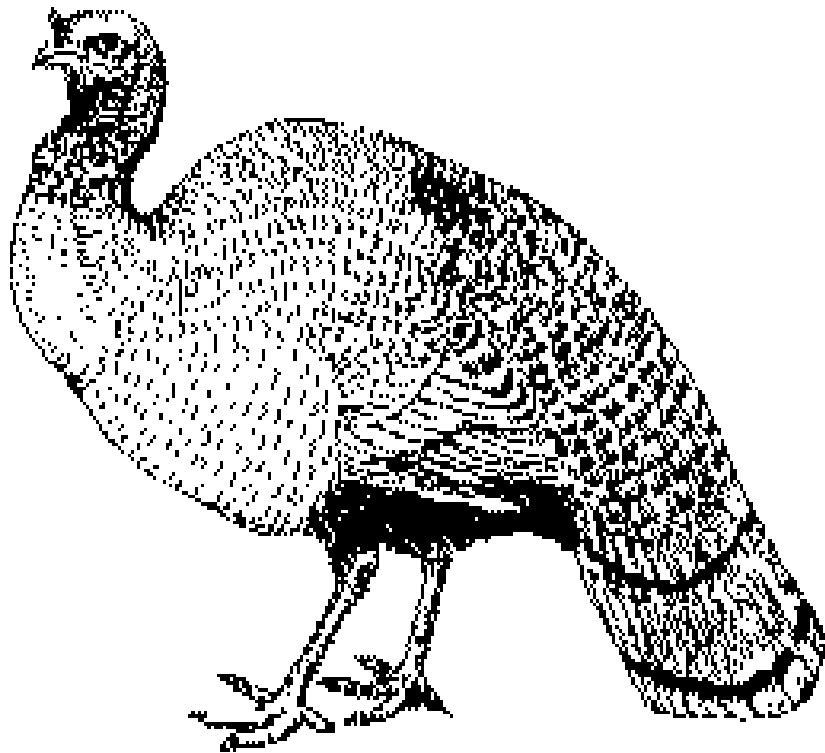


CHAPTER VII
INLAND FISH AND GAME
2006



APPROVED BY CHIEF AND COUNCIL
AUGUST 1, 2006

CHAPTER VII INLAND AND GAME

1. GENERAL PROVISIONS

- A.** These ordinances and regulations, adopted by the Penobscot Nation in accordance with the Maine Implementing Act of 1979-C732, shall govern the taking of fish and wildlife within the Penobscot Indian Territory.
- B.** State of Maine Law Title 12 shall govern the taking of fish and wildlife in all instances where there are no applicable tribal ordinances.
- C.** Except as otherwise provided by tribal ordinance, it shall be unlawful to hunt, fish, or trap within Penobscot Indian Territory.
- D.** No penalty for violation of these ordinances shall be any less than \$25.00 and shall not exceed \$1000.00 and/or 364 days in jail.

Notwithstanding, upon determining a violation of the following ordinances or regulations, the court may suspend that person's hunting privileges for a period of one year, and, upon conviction of a second offense of the same ordinance or regulation, the court may suspend that person's hunting privileges for a period of 5 years.

- 1.** Sec. 3-H (use of fraud in procurement of licenses of permits).
- 2.** Night hunting (as defined in Title 12, Chapter 7406, No. 5-B).
- 3.** Sec. 10-A and 10-B (transportation and registration of big game).
- 4.** Sec. 12-D and 14-D (exceeding bag limits).
- 5.** Sec. 12-A and 14-C (closed season violations).
- 6.** Sec. 14-G (illegal sales of meat).

- E.**
 - 1.** The Fish and Game Committee may adopt, amend or repeal ordinances pertaining to the taking of fish and wildlife within Penobscot Indian Territory. Such changes shall become effective only after:
 - a.** A hearing to consider public comment.
 - b.** Approval by the Penobscot Governor and Council
 - b.** Approval at a General Tribal Meeting, by a majority of those members in attendance.
 - 2.** The Fish and Game Committee may recommend to the Governor and Council annual changes in seasons and/or bag limits. Such proposals shall be submitted no later than August 1 of the year in which they are to be applied. Such recommendations shall be presented for comment at a public hearing and shall become effective immediately upon approval of the Governor and Council.
 - 3.** The Fish and Game Committee may recommend to the Governor and Council, emergency proposals to close, alter, or shorten seasons and/or bag limits for hunting, fishing, and trapping. The Fish and Game Committee, when presenting such recommendations, shall show just cause for the proposal(s). The Governor and Council may adopt emergency rules only at a convened Council meeting.
- F.** No person may hunt, trap, or transport animal/birds within Penobscot Indian Territory unless he possesses, and has on his/her person, or immediately available to him:
 - 1.** A valid State of Maine hunting license, Penobscot Nation Sustenance Permit, or is utilizing the services of a Penobscot Indian Guide, as allowed for under Section 1.M and 14.
 - 2.** Any permits as may be required by the Penobscot Nation.
- G.**
 - 1.** Hunting and/or trapping within the boundaries of Indian Island is prohibited.
 - 2.** Possession of a loaded weapon in the field, forests, or on the water will be considered prima facie evidence of hunting.

- H. To hunt for, pursue, molest, shoot, catch, take, kill, wound, or destroy wild animals or wild birds.
- I. To trap means use of steel traps or to attend traps, to take wild animals, or to aid and/or assist another in trapping or attending to traps.
- J. All furbearers taken (except muskrat) shall be tagged and/or registered by the Penobscot Nation Director of Natural Resources or his designated agent within 10 days after the close of the season. Upon recommendation of the Fish and Game Committee to the Governor and Council, tagging and/or registration fees may be charged for certain animals.
- K. Personnel of the Penobscot Nation Wildlife Management Program, upon authorization of the Governor and Council, may hunt, trap, possess, band, transport, and/or release wild animals and birds for the purpose of scientific wildlife management.
- L. The Director of the Department of Natural Resources may authorize the taking of “so-called” nuisance animals outside of the established open season for the species.
- M. No person shall provide guide services for hunting within Penobscot Indian Territory unless they are in possession of a **valid** Penobscot Nation Guide Permit, which is issued by the Director of Natural Resources on an annual basis to applicants who are qualified and competent to provide such services.
- N. It shall be unlawful for a tribal member to intentionally and knowingly allow or assist a non-tribal member to violate any tribal ordinance.

2. **TRAPPING-GENERAL PROVISIONS**

- A. No person may trap within the boundaries of Penobscot Indian Territory unless they are in possession of a valid trapping permit or sustenance permit, issued by the Director of Natural Resources.
- B. All persons setting or tending traps shall have each trap plainly labeled with his or her name and address.
- C. Traps not labeled in accordance with Section 2-B shall be subject to confiscation and forfeiture to the Penobscot Nation.

- D. No person, except for the Director of the Department of Natural Resources or his authorized agent, may at any time, check, remove, take, or otherwise disturb a trap or remove any wild animals from a trap other than his own, without the consent of the trap owner.
- E. It shall be unlawful for any person to fail to check each trap or to fail to cause the same to be checked at least once in every calendar day except so-called beaver sets.
- F. It shall be unlawful for any persons to deposit, place, or otherwise use any poisonous or stupefying substance for the purpose of taking, killing, wounding, or molesting any wild animal or wild bird.
- G. It shall be lawful to use bait/or scent in the trapping of all furbearers.
- H. It shall be unlawful to set or place a trap within 25 feet of any muskrat house. For the purpose of this restriction, “so-called” bank dens are not considered muskrat houses.
- I. It shall be lawful to take and possess any furbearer taken incidental to the trapping of a species for which the season is open.

3. HUNTING-GENERAL PROVISIONS

- A. It shall be unlawful to hunt any wild bird or wild animal between ½ hour after sunset and ½ hour before sunrise. Raccoon may be taken with .22 caliber firearm at any time during the open season. Coyote may be taken at night during the special night season.
- B. Any person who has attained the age of 10 years old, but not yet reached the age of 16 years, may hunt with firearms only if accompanied (at all times while hunting) by a parent, guardian, or by an adult approved by the parent of guardian.
- C. Persons may hunt moose, deer, or bear only as allowed for under Section 3-1, or with “so-called” shotguns of or greater than a .410 gauge or with other firearms of or greater than a .22 magnum caliber.
- D. Loaded firearms shall not be carried in/or on any motor vehicle, snowmobile, watercraft under power, or aircraft, unless the operator or occupant possesses a valid permit to carry such weapon. A firearm shall be considered loaded if there is a live round in the chamber, magazine, cylinder, or clip affixed to the firearm.

Blackpowder weapons shall be considered loaded if there is a priming charge in the flashpan or a percussion cap affixed to said weapon.

- E.** Any person hunting with a firearm during the open general season or big-game sustenance on deer, must wear an article of hunter orange clothing which is in good and serviceable condition and visible on all sides. Persons hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys placed on the water need not wear hunter orange clothing.
- F.** It is unlawful for anyone to hunt while under the influence of alcohol, drugs, or narcotics.
- G.** It shall be unlawful for any person to refuse to produce proper identification upon request of any law enforcement personnel.
- H.** It shall be unlawful to use fraud, misstatement, or misrepresentation in procurement of a hunting, fishing, or trapping permit or license, which has been altered, tampered with, or mutilated in any manner.

I. ARCHERY EQUIPMENT

May be used in the taking of wildlife provided that the bow is capable of projecting an arrow of a minimum of 150 yards. The arrowhead shall not be less than 7/8 of an inch in width. The use of a crossbow or setbow is prohibited. No person shall use arrows with poisonous or explosive tips. No person shall use or carry firearms of any kind while hunting with a bow and arrow.

- J.** Sunday hunting shall be prohibited on Penobscot Indian Territory except as allowed for under Section 14 (Sustenance Hunting).
- K.** It shall be unlawful for any person to refuse/fail to show location of kill to a tribal game warden upon the request of the warden. Such request shall be made no later than 36 hours following registration of the animal.

4. MUSKRAT

- A.** The open general season(s) for taking of muskrat shall be set annually by the Governor and Council after recommendations of the Fish and Game Committee.
- B.** It shall be lawful to sell muskrat meat for human consumption.

5. MINK, RIVER OTTER AND FISHER

- A. The open general season(s) for the taking of mink, river otter, marten, and fisher shall be set annually by the Governor and Council after recommendations of the Fish and Game Committee.
- B. Mink, river otter, marten, and fisher may be taken by means of a steel trap only, except that said animals, when held in a steel trap, may be killed with a .22 caliber firearm. River otter may be taken within the reservation, but not within the boundaries of Indian Island, using .22 caliber firearms by persons who possess a valid permit to trap within the reservation.

6. BEAVER

- A. The open general season for the taking of beaver shall be set annually by the Governor and Council after recommendations of the Fish and Game Committee (See Section 1-E.2 and consult Annual Summary for appropriate season/limits).
- B. It shall be unlawful to trap beaver within 10 feet of any beaver house, within 5 feet of any beaver dam, and within 4 feet of other trapper's set. For the purpose of this restriction, "so-called" "bank dens" shall not be considered as beaver houses.
- C. It shall be unlawful to remove any of the stored winter food supply of beaver.

7. COYOTE, FOX, RACCOON, BOBCAT, SKUNK AND WEASEL

- A. The open general season(s) for the taking of coyote, fox, raccoon, bobcat, skunk, and weasel shall be set annually by the Governor and Council after recommendations of the Fish and Game Committee.

8. LYNX

There shall be no hunting or trapping of Canada lynx.

9. SMALL-GAME AND WATERFOWL

- A.** Seasons and bag limits for small-game and waterfowl shall be set annually by the Governor and Council after considering recommendations of the Fish and Game Committee.
- B.** No person shall hunt waterfowl within the reservation unless he possesses a sustenance permit or a valid access permit to do so, issued by the Penobscot Nation, except that persons under 16 years of age are not required to possess a permit when accompanied by a hunter possessing a valid permit.

10. TRANSPORTATION AND REGISTRATION OF BIG-GAME ANIMALS

- A.** All moose, deer, or bear killed must be tagged immediately with the appropriate tag portion of the hunting license bearing the name and address of the person who killed the animal. Such tag shall be securely attached to the animal.
- B.** All moose, deer, or bear killed shall be presented for registration to a designated registration agent or a designated Penobscot Nation registration station within 24 hours of being killed unless a tribal game warden has been notified of the kill within 24 hours and reasonable justification is provided for not registering said animal. Persons staying at remote camps may delay such registration for not more than 7 additional days provided that the animal is available at said camp for inspection and is taken directly to a registration station or agent when transported from said camp.

11. BEAR

- A.** The open general season for hunting bear shall be set annually by the Governor and Council after considering recommendations of the Fish and Game Committee.
- B.** Hunting with dogs, baiting, or trapping bear is prohibited.
- C.** No person shall hunt bear after having killed or registered one from Penobscot Indian Territory within that calendar year. No person shall have in their possession more than one bear taken on Penobscot Indian Territory within that calendar year.

12. DEER

- A. The open general season for hunting deer, in each calendar year, shall be set by the Governor and Council after considering recommendations of the Fish and Game Committee.
- B. No person shall hunt deer on Penobscot Indian Territory unless they are in possession of a valid deer hunting access permit or other valid permit allowing for the taking of deer, as issued by the Penobscot Nation.
- C. It shall be unlawful to drive deer on Penobscot Indian Territory other than the reservation (river islands) lands, and within the Argyle Indian Territory.
- D. Except as provided under Section 14, no person shall hunt deer after having killed or registered one from Penobscot Indian Territory within that calendar year, and no person shall possess more than one deer taken on Penobscot Indian Territory.

13. MOOSE

Except as provided under Section 14.A, there shall be no open general season for the taking of moose.

14. SUSTENANCE

A. Sustenance means taking of wildlife by a tribal member for:

- 1. The consumption or use by that member and his immediate family.
- 2. The use by, and support of other tribal members in accordance with Section 14.B, 14.E, and 14.F.

B. PERMITS

- 1. Sustenance permits, when available, shall be issued to Penobscot Indian Nation members upon request, except that, tribal members less than 16 years of age shall be issued such permits only upon written request of a parent or legal guardian. Except as provided for in Section 14.E and 14.F such permits shall allow hunting only during the established seasons.
- 2. Sustenance permits may be issued by the Fish and Game Committee to Penobscot Indian Nation members allowing the taking of wildlife for the use and support of elderly, handicapped, or other persons who may or

may not be a member of the permittee's immediate family and who are not capable of taking wildlife for themselves. Persons designated to take moose under this section may only receive one permit per season.

3. The Governor and Council may issue a permit designating the Game Wardens the taking of moose for the elderly, handicapped, or other persons who are not capable of taking wildlife for themselves.

C. OPEN SEASON

The open season for sustenance hunting shall be set annually by the Governor and Council after recommendations of the Fish and Game Committee.

D. BAG LIMITS

The bag limits for wildlife taken under sustenance hunting regulations shall be set annually by the Governor and Council after considering recommendations of the Fish and Game Committee.

The seasonal bag limit for moose shall be one moose per household. For purposes of this section, a household is defined as all persons residing in the same dwelling as of the date of the taking of a moose. It shall be unlawful for any tribal member to kill a moose after anyone, living within his or her household, has killed a moose during that sustenance season.

E. SUPPLEMENTAL SUSTENANCE HUNTING

In addition to the sustenance season, the Fish and Game Committee may approve the issuance of permits to members of the Penobscot Indian Nation to take one male deer during the months of July and August. Requests for such permits will be considered on a case-by-case basis and shall be issued only for:

1. The use and support of needy members of the Nation and their immediate families.
2. The use and support of the elderly, handicapped or other needy persons who are not members of the permittee's immediate family and who are not capable of taking wildlife for themselves.

In considering such requests, the Fish and Game Committee shall consider the opportunity for the applicant to hunt during the regular sustenance and/or general seasons, game animals, previously taken and/or registered by the

applicant or his immediate family; information which the applicant or the Committee deems appropriate for adequate consideration of the request.

- F. The Governor, with the consent of the Council, may authorize the taking of fish and/or wildlife for the purpose of consumption at a specified tribal ceremony or function. The issuance of permits under this section shall be administered by the Director of DNR.
- G. The sale of wildlife taken for sustenance is prohibited except for muskrat or snowshoe hare.
- H. It shall be unlawful for any non-tribal member to actively participate in sustenance hunting, or for any tribal member to knowingly allow such participation. So-called active participation shall be defined as: “Activities occurring prior to the kill and shall include, but not be limited to driving, calling, luring, tracking or otherwise pursuing or providing direct assistance to the tribal member in the taking or attempted taking of sustenance game animals.” Active participation shall not be considered to include mere accompaniment, verbal instructions, or providing or assisting in transportation such as operating a vehicle, boat, or canoe. In addition to penalties otherwise provided for the sustenance permit of the tribal member involved shall be revoked for the remainder of the calendar year.

15. SUSTENANCE FISHING-PENOBSCOT RESERVATION

- A. The open season for sustenance fishing as provided for in Section 6207, Subsection 4, of the Maine Implementing Act shall be from April 1 through October 15. This section of the act allows for the sustenance fishing within the reservation only.
- B. The bag/size limits for fish taken under sustenance fishing shall be as follows:
 - 1. **Atlantic Salmon**
 - a. No daily bag limit
 - b. Possession limit of ten 14” – Minimum
 - 2. **Other Fish**
 - No size or bag limit.

- C. Except as provided for in Section 15.D, fish shall be taken by means of rod and line fishing only, with no restrictions during the open sustenance season on the use of baited hooks for the taking of any species. Atlantic salmon hooked on any part of the body other than the mouth shall be immediately released.
- D. The Director of the Department of Natural Resources may issue permits to Penobscot Indian Nation members allowing for the taking of Atlantic salmon by netting or traditional spear. The Director of the Department of Natural may attach to such permits any restrictions he deems appropriate.
- E. All Atlantic salmon taken under tribal sustenance provisions shall be presented for registration to a designated tribal registration agent or station by the person having taken such fish within 24 hours of the catch.

16. SPECIAL REGULATIONS – TRUST LANDS

- A. **Blanchard Pond** – Alder Stream Township
 - 1. Tribal members under 16 years of age may take fish under general law (flies, artificial lures, and worms allowed).
 - 2. Tribal members 16 years of age and older may use artificial lures or flies.
 - 3. N.L.F.A.B. – (NO LIVE FISH AS BAIT)
 - 4. The use of all motors prohibited.
- B. The use of all motors is prohibited on Snow Mountain Pond, Alder Stream Township.

Note: Additional regulations are contained in State of Maine “Open Water Fishing Regulations.”

17. HUNTING AND TRAPPING ACCESS PERMITS

The Fish and Game Committee shall have the authority to recommend to the Governor and Council any changes or additions in the regulations concerning the issuance of hunting and trapping access permits. Such access permits shall allow only the specific activities as intended by the Governor and Council upon authorization of their issuance.

**2006 HUNTING/TRAPPING PERMIT REGULATIONS
(NON-TRIBAL MEMEBERS ONLY)**

I. DEER HUNTING ACCESS PERMITS

A. Deer hunting access permits will be issued by the Department of Natural Resources in accordance with these regulations in keeping with the following priorities:

1. Non-tribal member Indian spouses.
2. Non-tribal member spouses.
3. Persons utilizing the services of a tribal member guide.
4. Non-members hunting with tribal members campowners.
5. Non-members hunting with tribal member.

When the number of applications in a priority category exceeds the number of remaining permits available, issuance shall then be determined by random drawing.

The intent of priority No. 3 (guide assisted), priority No. 4 (campowner), and No.5 (tribal member) is to have non-member permittees hunting with a tribal member guide, a tribal member campowner, or a tribal member. The intent is also that the tribal member guide, campowner, and/or tribal member is to be within no more than 1 mile from the territory in which the permit is issued for, during legal hunting hours. It is not intended that tribal member guides, campowners, and/or tribal members merely use their status to secure permits without actually performing guide services or without actually hunting out of the tribal member owned camp or actually hunting with a tribal member.

The Director of DNR or his designee shall invalidate any permit(s) issued under priorities 3, 4 or 5 if it is determined that the tribal member guide, campowner and/or tribal member is not in compliance with the intent of this regulation.

Also, if DNR determines that a tribal member guide, campowner, or tribal member has not complied with the intent of this regulation, DNR shall invalidate all additional "guide assisted", "campowner" and/or "tribal member" permits obtained by virtue of that tribal member's status as a guide, campowner, or member for the remainder of the current general deer season.

- B. Deer hunting access permits shall be issued on a weekly basis (Monday thru Saturday). Ten season-long permits for tribal member spouses shall be available for each territory area open to deer hunting, and shall be limited to one permit per person in any calendar year.
- C. With the exception of the season-long spouse and "guide assisted" permits, only permit applications bearing a **September 1-30** postmark will be accepted.
- D. The maximum number of deer hunting access permits per week for each Indian Territory area shall be issued as follows:

T2&3R9 MATTAMISCONTIS.....15 with 9 additional guide assisted permits.
T6R8 MATAGAMON.....10 with 7 additional guide assisted permits.
ARGYLE..... 7 with 8 additional guide assisted permits.
T2R5 ALDER STREAM.....20 with 10 guide assisted permits.
WILLIAMSBURG.....10 with 7 additional guide assisted permits.

- E. There shall be a **\$15.00** non-refundable application fee.
- F. Deer hunting access permit application fee shall be waived for non-tribal member spouses.

II. DUCK HUNTING ACCESS PERMITS (\$40.00 FEE)

- A. The Director of Natural Resources, or his authorized agent, may issue duck hunting permits in accordance with Chapter VII, Section 9.B, Tribal Ordinances.
- B. The duck hunting access permit fee shall be waived for persons accompanied by a Penobscot tribal member. Not more than three persons may accompany any tribal member.

III. EEL TRAPPING ACCESS PERMITS (\$50.00)

The Director of Natural Resources, or his authorized agent, may issue eel trapping permits in accordance with Chapter VII, Section 17. The Director may impose permit conditions as deemed appropriate by DNR in consultation with the Penobscot Fish and Game Committee.

IV. BEAR HUNTING ACCESS PERMITS (\$50.00)

- A. The Director of Natural Resources, or his authorized agent, may issue bear hunting access permits for Penobscot Trust Lands, in accordance with Chapter VII, Section 17.
- B. Any person requesting a bear hunting access permit must obtain the services of a Penobscot Indian Guide, in order to be eligible to obtain an access permit.

V. SMALL GAME ACCESS PERMITS (\$15.00)

- A. The Director of the Department of Natural Resources or his authorized agent may issue small game hunting permits for Penobscot Nation trust lands in accordance with Chapter VII, Section 17.
- B. Any person requesting a small game permit must obtain the services of a registered Penobscot Indian Guide, campowner, or be accompanied by a tribal member within the territory the permit is issued for.
- C. Guides, campowners, or tribal members are required to be within or no more than one mile from the territory the permit is issued for during legal hunting hours.

PENOBSCOT INDIAN TERRITORY 2006 HUNTING AND TRAPPING SEASONS/LIMITS

MOOSE-SUSTENANCE	SEASONS	LIMITS
All Areas	Sept. 16 – Nov. 30	1 Moose Per Household Per Person Either Sex
All Areas	Dec. 01 – Dec. 31	Bulls Only

DEER-SUSTENANCE	SEASONS	LIMITS
Sustenance – Archery <u>Only</u> All Areas	Sept. 01 – Sept. 15	Annual limit for Tribal Members is (2) deer all seasons combined
All Areas	Sept. 16 – Nov. 30	Either sex allowed
All Areas	Dec. 01 – Dec. 31	Bucks Only

*DEER-GENERAL SEASON	SEASONS	LIMITS
General – All Areas	Oct. 30 – Nov. 25	1 Deer Per Person Per Season Either Sex

*BEAR	SEASONS	LIMITS
Sustenance	Sept. 11 – Dec. 31	1 Bear Per Person
*General – Split Season	Aug. 28 – Sept. 10 Oct. 30 – Nov. 25	1 Bear Per Person

*SMALL GAME- GENERAL SEASONS	SEASONS	LIMITS
General – Except Grouse	State Seasons	State Limits
Grouse	Oct. 16 – Nov. 25	State Limits

SMALL GAME/SUSTENANCE	SEASONS	LIMITS
Snowshoe Hare (Snares Legal Dec. – Mar.)	Sept. 16 – Mar. 31	8 Per Day
Ruffed Grouse (Partridge)	Sept. 01 – Dec. 31	8 Per Day
Muskrat	Sept. 16 – Dec. 31 Mar. 12 – Apr. 29	No Bag Limit
Coyote, Special Night Season Limited to 1/2 Hour After Sunset to 1/2 Before Sunrise	Jan. 01 – Apr. 29	No Bag Limit

*** PERMIT REQUIRED**

WATERFOWL-GENERAL**SEASONS****LIMITS**

General* Federal, State Stamps Required	State Seasons/Limits	State Seasons/Limits
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WATERFOWL-**SUSTENANCE SEASON****SEASONS****LIMITS**

Geese *	Sept. 16 – Nov. 30	4 Per Day
Ducks *	Sept. 16 – Nov. 30	4 Per Day

Note: May not include more than 3 wood ducks and 1 black duck

*** No Federal/State Stamp Required**

FURBEARER-**SUSTENANCE SEASON****SEASONS****LIMITS**

Fox, Raccoon & River Otter	Oct. 09 – Dec. 31	No Bag Limit
Coyote	NO CLOSED SEASON	No Bag Limit

TRAPPING-SUSTENANCE SEASON ONLY**SEASONS****LIMITS**

Mink, Otter, Marten, Fisher, Coyote, Fox, Raccoon, Bobcat, Skunk and Weasel	Oct. 09 – Jan. 31	No Bag Limit
Beaver	Dec. 01 – Mar. 31	No Bag Limit
Muskrat	Sept. 16 – Dec. 31 Mar. 12 – Apr. 30	No Bag Limit

WILD TURKEY**SUSTENANCE****SEASONS****LIMITS**

Sustenance	Sept. 01 – Sept. 30 May 01 – May 31	1 per season (male or female) 1 per season (bearded only)
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* GENERAL SEASONS are those seasons open to all persons regardless of tribal membership. “Access Permits” for non-tribal members are required for waterfowl, deer hunting, eel potting, bear hunting, and small game (including grouse).

NOTE: SUSTENANCE HUNTING IS ALLOWED ON SUNDAY