

# **PENOBSCOT NATION**

## **CHAPTER VII**

### **Inland Fish and Game Regulations**



**2017 - 2018**

**APPROVED BY CHIEF AND COUNCIL  
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## CHAPTER I. GENERAL

### Section 100 – 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 (but not be limited to) 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. Hunting and/or trapping within the boundaries of Indian Island is prohibited.
- E. 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. Section 104-H (use of fraud in procurement of licenses or permits)
- 2. Night hunting (as defined in Section 104-A and Title 12)
- 3. Section 105 (transportation and registration of big game).
- 4. Exceeding bag limits
- 5. Closed season violations
- 6. Section 300-A (illegal sales of meat).

- F.** No person may hunt, fish, trap, or transport animal/birds/fish 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 or fishing license, Penobscot Nation Sustenance Permit, or is utilizing the services of a Penobscot Nation Guide, and
  2. Any permits as may be required by the Penobscot Nation.
- G.** Seasons: No one shall hunt, fish, or trap outside of the open seasons. The season dates and bag limits shall be set annually by the Chief and Council after considering recommendations from the Fish and Game Committee.
- H.** Bag Limits: The bag limits for wildlife taken under these hunting regulations shall be set annually by the Chief and Council after considering recommendations from the Fish and Game Committee.
- I.** Personnel of the Penobscot Nation Department of Natural Resources (or their agents), upon authorization of the Chief and Council, may hunt, trap, possess, band, transport, and/or release wild animals, birds, and fish for the purpose of scientific wildlife management.
- J.** The Director of the Department of Natural Resources may authorize the taking of nuisance animals outside of the established open season for the species.
- K.** 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. A guide's license may not be revoked without due process before the Tribal Court.

- L.** Possession of a loaded weapon in the field, forests, or on the water will be considered prima facie evidence of hunting.
- M.** Possession of uncased or unsecured firearms and/or bows and arrows are prohibited within Penobscot Indian Territories unless the person possesses, and has on his/her person, or immediately available to him a valid State of Maine hunting license, Penobscot Nation hunting license and any permits as may be required by the Penobscot Nation.
- N.** No person shall intentionally interfere with the lawful hunting, fishing, or trapping of a wild animal, wild bird, or wild fish; or may intentionally disturb the wild animal, wild bird, or wild fish with the intent to interfere with the hunt.
- O.** No person shall chase, harass, molest, worry or disturb any wildlife which will cause a disruption of behavioral patterns, including (but not limited to): migration, breathing, nursing, feeding, or sheltering.
- P.** No person shall litter on Penobscot Indian Territory or waters.
- Q.** No person shall cut trees or “tip” trees on Penobscot Indian Territory without a permit.
- R.** It shall be unlawful to deface posters, notices, and signs while on Penobscot Indian Territory.
- S.** All persons hunting on Penobscot Nation territory need proof of hunter safety before acquiring a new license.

## **Section 101 – Implementation, Processes and Procedures**

- A.** 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:
- 1.** A hearing to consider public comment,
  - 2.** Approval by the Penobscot Chief and Council,
  - 3.** Approval at a General Tribal Meeting by a majority of those members in attendance.
- B.** The Fish and Game Committee may recommend to the Chief 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 Chief and Council.
- C.** The Fish and Game Committee may recommend to the Chief 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 Chief and Council may adopt emergency rules only at a convened Council meeting.
- D.** The Fish and Game Committee shall have the authority to recommend to the Chief 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 Chief and Council upon authorization of their issuance.

## Section 102 – Definitions

- A.** Actively Participating: “Actively Participating” in hunting shall include, but not be limited to driving, calling, luring, tracking or otherwise pursuing or providing direct assistance to the hunter in the taking or attempted taking of 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.
- B.** Archery Equipment: “Archery Equipment” is considered a bow or crossbow 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,
  - Only crossbows with a shoulder-type stock may be used,
  - The draw weight may not be less than 100 pounds,
  - Crossbows must be equipped with a mechanical trigger safety device in working condition,
  - Crossbows equipped with scopes or sights may be used.
- C.** Bag Limit: “Bag limit” means the maximum number of wild animals, wild birds, or fish that may be taken within any given period of time as specified by these ordinances.
- D.** Bait: “Bait” means any animal or plant or derivative of any animal or plant that is used or placed in the fields or forests for the purpose of attracting or luring animals.
- E.** Beaver Dam: A “beaver dam” is any dam constructed by beaver using mud, sticks, or other debris which in its current condition is holding back water to the extent that the water level is different above and below the dam.
- F.** Beaver House: A “beaver house” is any cavity which is capped by beaver with mud and sticks which is capable of providing a beaver with shelter or concealment.



- G.** Big Game: “Big Game” animals shall include moose, deer and bear.
- H.** Closed Season: “Closed season” means the time during which it is unlawful to hunt or trap any wild animal or wild bird, or to take any fish, as specified by these ordinances.
- I.** DNR: “DNR” stands for the Department of Natural Resources
- J.** Firearm: “Firearm” includes any instrument used in the propulsion of pellets, shots, shells, or bullets by action of gunpowder.  
Unsecure Firearm: “Unsecure Firearm” will be defined as a firearm (see above) not securely wrapped or fastened in a case.
- K.** Furbearer: “Furbearers” shall include muskrat, mink, marten, river otter, fisher, beaver, coyote, fox, raccoon, bobcat, skunk and weasel.
- L.** Hunt: To “hunt” means to pursue, catch, take, kill, wound, or destroy wild animals or wild birds; or to attempt to catch, take, kill, wound, or destroy wild animals or wild birds.
- M.** Hunting Equipment: “Hunting Equipment” is considered any firearms of any type that are permitted under the laws governing hunting, including muzzle-loading firearms.
- N.** Hunter Orange: “Hunter orange” means a daylight fluorescent orange color with a dominate wave length between 595 and 605 nanometers, excitation purity not less than 85% and luminance factor not less than 40%.
- O.** Litter: “Litter” shall be defined as depositing any non-organic material on the ground or in the water.
- P.** Motor vehicle: A “motor vehicle” means any motor-driven vehicle except motor boats.

- Q.** Muskrat House: A “muskrat house” means any cavity which is capped by muskrats with vegetative matter and is capable of providing a muskrat with shelter or concealment.
- R.** Non-tribal Person: A “non-tribal person” or “nonmember” means any person who is not listed on the Penobscot Nation census list.
- S.** Nuisance Animal: A “nuisance animal” is one that is creating a conflict to pets, humans, wildlife or property.
- T.** Open Season: “Open season” means the time during which it is lawful to hunt, trap or possess wild animals, birds or fish, as specified and limited by these ordinances.
- U.** PIN: “PIN” stands for the Penobscot Indian Nation
- V.** Possession limit: “Possession limit” means the maximum number of wild animals, birds or fish that may be possessed under any one license at any given time as specified by these ordinances.
- W.** Sunrise: “Sunrise” means the time computed and established for sunrise for Bangor, Maine by the nautical Almanac Office of the United States Naval Observatory, converted to the legal standard time in force in this State on this day.
- X.** Sunset: “Sunset” means the time computed and established for sunset for Bangor, Maine by the nautical Almanac Office of the United States Naval Observatory, converted to the legal standard time in force in this State on this day.
- Y.** Sustenance: “Sustenance” means the taking of wild animals or birds for use or consumption by a tribal member or his household, or trapping as a means of support of a tribal member or his household.
- Z.** Tipping: “Tipping” shall be defined as removing 6 or more inches of the end of softwood tree branches.

- Aa.** Trap: A “trap” is defined as a device so constructed so that when set it has the ability to catch, hold or kill a wild animal. This device can include, but is not limited to, so-called common foot traps, so-called conibear or killer-type traps, so-called colony traps and box or cage-type traps. For the purposes of these ordinances, snares or snare traps are not considered traps.
- Bb.** Trapping: The activity of “trapping” means the setting, placing or tending of any device, the purpose of which is to catch, hold or kill any wild animal. The activity of trapping shall also mean for a person to actively aid or assist another person in the setting, placing, or tending of a trapping device, except that mere accompaniment shall not be considered trapping.
- Cc.** Tribal Member: “Tribal member” means a person who is listed on the Penobscot Nation census list.
- Dd.** Wildlife: “Wildlife” means any species of the animal kingdom, except fish, which is wild by nature, whether or not bred or reared in captivity, and includes any part, egg or offspring thereof, or the dead body or parts thereof. Wildlife includes wild animals and wild birds.

## **Section 103 – Trapping General Provisions**

- A.** 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 Chief and Council, tagging and/or registration fees may be charged for certain animals.
- 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 103-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 non-kill trap at least once in every calendar day on all Penobscot Indian Territories.
- F. It shall be unlawful for any person to go more than 7 calendar days before checking any kill-type trap on all Penobscot Indian Territories.
- G. 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.
- H. It shall be lawful to use bait/or scent in the trapping of all furbearers.
- 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; however all incidental takes must be reported to DNR.
- J. All tribal members who are sustenance trapping must register with the Department of Natural Resources Administration each calendar year.

## **Section 104 – 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 or guardian.
- C.** Any person hunting during the open general season or sustenance season must wear one 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.
- D.** It is unlawful for anyone to hunt while under the influence of alcohol, drugs, or narcotics.
- E.** It shall be unlawful for any person to refuse to produce proper identification or permits upon request of any law enforcement personnel.
- F.** 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.
- G.** No person shall use archery or hunting equipment with poisonous or explosive tips.
- H.** No person shall use or carry firearms of any kind while hunting with a bow and arrow during the archery only season.
- I.** Sunday hunting shall be prohibited on Penobscot Indian Territory except as allowed for under Chapter III (Sustenance Hunting) and Chapter IV (Non-Tribal Member Permit Regulations).

- J.** It shall be unlawful for any person to refuse/fail to show location of kill to a game warden upon the request of the warden. Such request shall be made no later than 36 hours following registration of the animal.
- K.** It shall be unlawful to waste a wild bird or 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.
- L.** Tree stands and game cameras shall be labeled with the owner’s name, address and phone number, unless associated with a tagged bait site.
- M.** Hunting permits may be issued without fee to spouses of Penobscot Nation tribal members. Such permits will be issued in accordance with established general hunting seasons and annual non-member permit regulations except that such permits shall allow hunting on Sunday.
- N.** It shall be unlawful to possess a loaded firearm or shoot from a motor vehicle (including trailer, ATV, snowmobile, aircraft or railway car) or motorboat unless,

  - 1.** The motorboat is not being propelled by its motor.
- O.** It shall be unlawful to attempt to locate wildlife by means of artificial lighting from September 1<sup>st</sup> – January 30<sup>th</sup> during the times of ½ hour after sunset until ½ hour before sunrise.

## **Section 105 – Transportation and Registration of Animals**

- A.** All moose, deer, and bear harvested must be tagged immediately with the name, address, and license number of the person who harvested the animal. Such tag shall be securely attached to the animal and must be plainly visible.
  
- B.** All moose, deer, and bear harvested shall be presented for registration to a designated registration agent or a designated Penobscot Nation registration station within 24 hours of being harvested 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.

## **CHAPTER II. SPECIES SPECIFIC**

### **Section 200 – Muskrat**

- A. 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.

### **Section 201 – Mink, Marten, River Otter & Fisher**

- A. 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.
- B. 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.
- C. Traps for fisher and marten may be set on any size tree of any angle. Traps must be set at least 4 feet off the ground.

### **Section 202 – Beaver**

- A. 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.
- B. It shall be unlawful to remove any of the stored winter food supply of beaver.



## **Section 203 – Coyote, Fox, Raccoon, Bobcat, Skunk & Weasel**

- A. Closed general season for trapping.
- B. Spring bear permit holders may also hunt coyotes during the dates of the spring bear hunt.
- C. Coyote sustenance night season is limited to ½ hour after sunset to ½ hour before sunrise.

## **Section 204 – Lynx**

- A. Closed general season. There shall be no hunting, trapping, or possessing of Canada lynx.

## **Section 205 – Small Game**

- A. Small game shall include: quail, pheasant, grouse (partridge), snowshoe hare, gray squirrel and woodcock.
- B. It shall be unlawful to hunt or possess spruce grouse.

## **Section 206 – Waterfowl**

- A. Waterfowl shall include: brant, wild ducks, geese and swans.
- 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.

- C. It shall be unlawful to use any form of lead shot while hunting waterfowl.
- D. It shall be unlawful to hunt waterfowl with a shot gun without a plug in the magazine or with more than 3 shells in the magazine.

## **Section 207 – Bear**

- A. It shall be unlawful to hunt bear outside of the open seasons.
- B. Hunting bear with dogs is prohibited.
- C. Trapping bear is prohibited.
- D. All bear bait sites must be tagged with the hunter's name, address and phone number.
- E. All bear bait sites (GPS coordinates) must be submitted to the tribal Wardens one (1) week before the start of the hunt.
- F. All bear bait sites must be 500 yards from a camp or house.
- G. No person shall hunt bear after having harvested or registered one from Penobscot Indian Territory within that calendar year. No person shall have in their possession more than one bear harvested on Penobscot Indian Territory within that calendar year. Exceptions to the aforementioned are provided for within the provisions of the non-member spring bear baiting hunt.

## **Section 208 – Deer**

- A. It shall be unlawful to hunt deer outside of the open seasons.
- B. It shall be unlawful to drive deer on Penobscot Indian Territory other than the reservation (River Islands), and within the Argyle Indian Territory.

- C. Except as provided in Chapter III, no person shall hunt deer after having harvested or registered one from Penobscot Indian Territory within that calendar year, and no person shall possess more than one deer harvested on Penobscot Indian Territory.
- D. No firearm may be used to hunt deer which uses .17 or .22 caliber rim fire cartridges, except .22 magnum.
- E. No one shall place or hunt over bait for deer.

### **Section 209 – Moose**

- A. Except as provided in Chapter III, or as may be provided by special lottery approved by the Chief and Council there shall be no open general season for the taking of moose.
- B. It shall be illegal to use shotguns, and .17 or .22 caliber rim fire firearms while hunting moose.

### **Section 210 – Turkey**

- A. No one shall use bait while turkey hunting.

## **CHAPTER III. SUSTENANCE**

### **Section 300 – General Provisions**

- A.** It shall be unlawful to buy or sell bear, deer, moose, or wild turkey.

Exceptions: A person may sell the head, teeth, gallbladder, claws and hide of a bear; the head, hide and antlers of a deer; and the head, hide and antlers of a moose. A person may also sell muskrat and/or snowshoe hare.

- B.** It shall be unlawful for any non-tribal member to actively participate in sustenance hunting.
- C.** It shall be unlawful for any tribal member to knowingly allow a non-tribal member to actively participate in sustenance hunting. (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.)
- D.** It shall be lawful for a tribal member to call moose for another tribal member who has a valid sustenance permit issued by the Penobscot Nation.
- E.** 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 harvest a moose after anyone, living within his or her household, has harvested a moose during that sustenance season.
- F.** Sustenance bear baiting may start 30 days prior to the spring season, and 23 days prior to the fall season.

- G. Tribal members have 30 days after the last day of the fall season, and 20 days after the last day of the spring season to clear bait sites of all non-organic material.

## **Section 301 – Permits**

- A. 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 Sections 301-C and 303-C such permits shall allow hunting only during the established seasons.
- B. Sustenance permits may be approved by the Fish and Game Committee to Penobscot Indian Nation tribal 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.
- C. The Chief and Council may issue a permit designating the tribal game wardens for the taking of moose for the elderly, handicapped, or other persons who are not capable of taking wildlife for themselves.
- D. Lifetime licenses for tribal members must have a current address on them. Tribal members have 30 days to update the address after a change.

## **Section 302 – Supplemental Sustenance Hunting**

- A. In addition to the sustenance season, DNR may issue permits to members of the Penobscot Indian Nation to take one male deer during the months of July and August.

- B. The Chief, 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.

## **Section 303 – Sustenance Fishing (Reservation)**

- A. It shall be unlawful to fish outside of the open season for sustenance fishing. The season 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 303-E, 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.
- D. Atlantic salmon hooked on any part of the body other than the mouth shall be immediately released.
- E. The Director of the Department of Natural Resources may issue permits to Penobscot Indian Nation tribal 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.
- F. 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.

## **Section 304 – Special Fishing 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
- B. N.L.F.A.B. – (NO LIVE FISH AS BAIT)**
- C. The use of all motors prohibited.**
- D. 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.”**

## **CHAPTER IV. NON-TRIBAL MEMBER PERMIT REGULATIONS**

### **Section 400 – Deer Hunting Access Permits (\$30)**

- 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 Penobscot Nation 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 Penobscot Nation Guide, a tribal member campowner, or a tribal member. The intent is also that the Penobscot Nation Guide, campowner, and/or tribal member is to be within no more than one (1) mile from the territory in which the permit is issued for, during legal hunting hours. It is not intended that Penobscot Nation Guide, campowner, and/or tribal member 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 Penobscot Nation Guide, campowner and/or tribal member is not in compliance with the intent of this regulation.



Also, if DNR determines that a Penobscot Nation 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 only permit applications bearing an **August 1-31** postmark will be accepted. Following this deadline any available permits will be distributed on a first come first serve basis.
- D. Only guide assisted permits bearing an **August 1-31** postmark will be accepted. Following this deadline any available permits will be distributed on a first come first serve basis.
- E. The maximum number of deer hunting access permits per week for each Indian Territory area shall be determined annually (Table 4, attached).
- F. There shall be a **\$30.00** non-refundable application fee.
- G. Deer hunting access permit application fee shall be waived for non-tribal member spouses.

## **Section 401 – Duck Hunting Access Permits (\$40)**

- A. The Director of Natural Resources, or his authorized agent, may issue duck hunting permits in accordance with Section 101-D of these ordinances.

- B. The duck hunting access permit fee shall be waived for persons accompanied by a Penobscot tribal member. No more than three persons may accompany any tribal member.

### **Section 402 – Eel Trapping Access Permits (\$100)**

- A. The Director of Natural Resources, or his authorized agent, may issue eel trapping permits in accordance with Section 101-D of these ordinances. The Director may impose permit conditions as deemed appropriate by DNR in consultation with the Fish and Game Committee.

### **Section 403 – Bear Hunting Access Permits (\$50 – fall, \$500 – spring)**

- A. The Director of Natural Resources, or his authorized agent, may issue bear hunting access permits for Penobscot Trust Lands, in accordance with Section 101-D of these ordinances.
- B. Any person requesting a bear hunting access permit must obtain the services of a Penobscot Nation Guide, in order to be eligible to obtain an access permit.
- C. Fall Hunt: Access permits will be available in the fall, during the general deer season, for a fee of \$50. No baiting will be permitted for non-tribal members.

Fall bear hunting access permit application fee shall be waived for non-tribal member spouses.

- D. Spring Hunt: Access permits will be available in the spring, during the “spring bear baiting hunt” for a fee of \$500 each. Permits for this hunt are available through the approved bear guides of the Penobscot Nation, and it is the intent that the Penobscot Nation Guide participates fully in all aspects of the hunt (pre-baiting, hunting, tracking and field care, etc. of animals). The Director of

DNR or his designee shall invalidate any permit(s) issued for the spring bear hunt if it is determined that the tribal member guide is not in compliance with the intent of this regulation.

1. Penobscot Nation territories will be issued to guides. There shall be no more than (1) guide per territory.
2. Baiting may not begin earlier than 30 days prior to the start of the season.
3. Guides have 20 days after the last day of the season to clear bait sites of all non-organic material.
4. Tribal trust lands with gated entry in the spring will be restricted to ATV (or snowmobile) use only.
5. Guides may not cut, damage, or destroy any timber over (3) inches in diameter, except with written permission from DNR.
6. The Director of DNR reserves the right to shut down the spring bear baiting hunt at any time for any reason.

## **Section 404 – Small Game Access Permits (\$30)**

- 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 Section 101-D of these ordinances.
- B. Any person requesting a small game permit must obtain the services of a registered Penobscot Nation Guide, campowner, or be accompanied by a tribal member.
- C. Guides, campowners, or tribal members are required to be within or no more than one (1) mile from the territory the permit is issued for during legal hunting hours.

## **Section 405 – Special Moose Auction**

- A. Five moose permits will be auctioned off to the highest bidder.
- B. Applications will be available through Penobscot Nation DNR, or [www.pinmoosehunt.com](http://www.pinmoosehunt.com)
- C. It is required for the hunter to retain the services of an approved Penobscot Nation Moose Guide and for that guide to accompany the hunter at all times while on trust land.

## **Section 406 – Permit Revocation**

- A. Non-member permits will be revoked for a minimum of 1 year and up to indefinitely following a fish and game violation on Penobscot Nation territory.
  - 1. Misdemeanor: 1-5 year loss
  - 2. Class D Violation: Permanent loss of license

## CHAPTER V. FIDDLEHEADS

### **Section 500 – General Provisions**

- A. The use of a knife or other cutting instrument in harvesting fiddlehead ferns or Cinnamon Fern (*Osmunda cinnamomea*) is prohibited.
- B. No persons other than a member of the Penobscot Nation or spouse of such member shall take or harvest fiddleheads without obtaining a permit from the Penobscot Nation DNR.
- C. One person may not obtain more than two (2) permits in a calendar year.

### **Section 501 – Permits**

- A. The permit fee shall be \$50.00 to pick for one day, not to exceed 1 bushel (8 gallons) of fiddleheads.
- B. Non-member Spouse: Any non-member spouse who is accompanied by their family will be permitted to harvest commercially to supplement the tribal member's family income.
- C. Permit Waiver: The fiddlehead permit fee shall be waived for persons over the age of 60.
- D. Free Permits: An Indian person of the Passamaquoddy, Maliseet and Mic Mac tribes shall be issued a free permit to pick (1) bushel of fiddleheads per permit per season. It will be up to the Indian to prove their membership in any one of the three mentioned tribes. PIN employees are also eligible for a free permit.

- E. Landowner Permit: Tribal wardens may issue a complimentary fiddlehead permit without fee to landowners providing access to the Penobscot River for tribal employees and members of the Penobscot Nation.

## VIOLATION INDEX

Section	Pg.	Violation	Min. Fine
<b>GENERAL</b>			
100-D	3	Hunting/trapping on Indian Island	\$150
100-F	4	Hunt/trap/fish without permit	\$150-\$500
100-G	4	Closed season violation:	\$150-\$1,000
		<i>Fish</i>	<i>\$150</i>
		<i>Furbearers</i>	<i>\$150</i>
		<i>Small game/waterfowl</i>	<i>\$150</i>
		<i>Big game</i>	<i>\$1,000</i>
100-H	4	Exceeding the bag limit:	\$150-\$1,000
		<i>Fish</i>	<i>\$150</i>
		<i>Furbearers</i>	<i>\$150</i>
		<i>Small game/waterfowl</i>	<i>\$150</i>
		<i>Big game</i>	<i>\$1,000</i>
100-K	4	Providing guide services without PIN guide permit	\$1,000
100-M	5	Unsecure firearm	\$150
100-N	5	Interference with taking	\$150
100-O	5	Harassment of wildlife	\$150
100-P	5	Littering	\$200
100-Q	5	Tipping	\$150
100-R	5	Defacing property	\$250
<b>TRAPPING</b>			
103-A	10	Failure to tag fur	\$200
103-B	10	Failure to label traps	\$200
103-D	11	Disturbing the traps of another	\$200-\$500
103-E, F	11	Failure to visit traps	\$150
103-G	11	Use/possess poison while trapping	\$200-\$500
<b>HUNTING</b>			
104-A	11	Night hunting	\$1,000
104-B	12	Supervisor not accompanying junior hunter	\$150
104-C	12	Hunter orange required	\$150

104-D	12	Hunting under the influence	Criminal
104-E	12	Failure to produce ID/permit	\$150
104-F	12	Fraudulently obtaining license/permit	\$200
104-G	12	Use of arrow/bolt with poisonous or explosive tip	\$200
104-H	12	Carrying firearm while archery hunting	\$200
104-I	12	Hunting on Sunday	Criminal
104-J	13	Failure to identify kill site	\$150
104-K	13	Waste of wild game	\$150
104-L	13	Failure to label tree stands/cameras	\$150
104-N	13	Loaded/discharging firearm in motor vehicle/boat	\$200
104-O	13	Illuminating wildlife	\$200
<b>TRANSPORTATION/REGISTRATION</b>			
105-A	14	Failure to attach tag	\$150
105-B	14	Failure to timely register big game	\$300
<b>SPECIES SPECIFIC</b>			
200-A	15	Violation of trap set distance limits	\$150
201-C	15	Violation of trap set height limits	\$150
202-A	15	Violation of trap set distance limits	\$150
202-B	15	Disturbing beaver feed bed	\$150
203-A	16	Closed season violation	\$200
204-A	16	Prohibited acts regarding endangered or threatened species	Criminal
205-B	16	Prohibited acts regarding endangered or threatened species	Criminal
206-B	16	Hunting without a permit	\$150
206-C	17	Hunting waterfowl with lead shot	\$150
206-D	17	Hunting waterfowl without a plug	\$150
207-A	17	Closed season violation	\$1,000
207-B	17	Hunting bear with dogs	\$500
207-C	17	Trapping bear	\$500
207-D	17	Failure to label bait sites	\$150
207-E	17	Failure to submit GPS coordinates	\$150
207-F	17	Bear site too close to a camp/house	\$150
207-G	17	Exceeding the bag limit	\$1,000
208-A	17	Closed season violation	\$1,000
208-B	17	Driving deer	\$200



208-C	18	Exceeding the bag limit	\$1,000
208-D	18	Use of illegal hunting equipment	\$150
208-E	18	Baiting deer	\$200
209-A	18	Closed season violation	\$1,000
209-B	18	Use of illegal hunting equipment	\$150
210-A	18	Baiting turkey	\$200
<b>SUSTENANCE</b>			
300-A	19	Buy, sell, or offer for sale (animal)	\$1,000
300-B	19	Non-tribal member actively participating in sustenance hunting	\$200
300-C	19	Tribal member allowing a non-member to actively participate in sustenance hunting	\$200
300-E	19	Exceeding the bag limit	\$1,000
300-G	20	Illegal placing of bear bait: failure to clean site	\$150
301-A	20	Hunting without a permit	\$150
301-B	20	Hunting without a permit	\$150
301-D	20	Failure to comply w/license requirement	\$150
303-A	21	Closed season violation	\$150, \$20/fish
303-B.1	21	Exceeding the bag limit	\$150, \$20/fish
303-C	21	Use of unlawful implements/devices	\$200, \$20/fish
303-D	21	Fish by snagging	\$200, \$20/fish
303-F	21	Failure to register salmon	\$150
304-B	22	Unlawful use of live bait	\$150
304-C	22	Operating motor in prohibited area	\$150
304-D	22	Operating motor in prohibited area	\$150
<b>NON-TRIBAL MEMBER PERMIT REGULATIONS</b>			
403-D.2	26	Illegal placing of bear bait	\$150
403-D.3	26	Illegal placing of bear bait: failure to clean site	\$150
403-D.4	26	Trespass by motor vehicle	\$150
<b>FIDDLEHEADS</b>			
500-A	28	Illegal use of cutting instrument	\$150

500-B	28	Picking fiddleheads without permit	\$150
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\*Fine amounts listed herein shall be the minimum amount charged for an offense.

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**Penobscot Nation Dispatch**

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**Table 1: Season Dates & Bag Limits**

***SUSTENANCE: Fall 2017 – Spr 2018***

<b>Species</b>	<b>Dates</b>	<b>Bag Limits</b>
<b>Moose</b>	Sept 16 – Nov 30  (Either sex)	1 moose per person. 1 moose per household. <b>BULLS ONLY IN ALDER STREAM</b>
	Dec 1 – Dec 31	Bulls only
<b>Deer</b>	Sept 1 – Sept 15 * archery only	Annual limit: (2) deer all seasons combined
	Sept 16 – Nov 30	Either sex
	Dec 1 – Dec 31	Bucks only **
<b>Bear</b>	Fall: Aug 28 – Dec 31 (fair chase)	1 bear per person per season
	Aug 28 – Sept 30 (bait)	
	Spr: May 7 – June 30	
<b>Snowshoe Hare</b>	Sept 1 – Mar 31 * snares legal Dec-Mar	8 per day, No possession limit
<b>Ruffed Grouse</b>	Sept 1 – Dec 31	8 per day, No possession limit
<b>Geese</b>	Sept 1 – Nov 30	4 per day
<b>Ducks</b>	Sept 1 – Nov 30	4 per day
		* may not include more than 3 wood ducks & 1 black duck
<b>Fox, Raccoon, River Otter</b>	Oct 1 – Dec 31	No bag limit
<b>Coyote</b>	No closed season	No bag limit
<b>Coyote – Night Season</b>	Jan 1 – April 30	No bag limit
<b>Turkey</b>	Fall: Sept 1 – Dec 31	4 per season – male or female 4 bearded total * 8 total both seasons
	Spr: April 1 – May 31	

**NOTE: SUSTENANCE HUNTING IS ALLOWED ON SUNDAY, SPOUSES MAY HUNT ON SUNDAY.**

**Table 2: Season Dates & Bag Limits**

***GENERAL (Non-Member): Fall 2017 – Spr 2018***

<b>Species</b>	<b>Dates</b>	<b>Bag Limits</b>	<b>Notes</b>
<b>Moose</b>	2017: Sept 18-22 or Sept 25-29 2018: Sept 17-21 or Sept 24-28	1 moose per permit holder	No hunting on River Islands <b>BULLS ONLY IN ALDER STREAM &amp; MATAGAMON</b>
<b>Deer</b>	Oct 30 – Nov 25	1 deer per person	
<b>Bear</b>	Fall: Oct 30 – Nov 25 Spr: May 7 – June 30	1 bear per person	<b>Fair chase only</b>
		Bag limits for a territory will not exceed the amount of permits allocated for that territory	
<b>Small Game</b>	State Seasons	State Limits (daily & possession)	
<b>Ruffed Grouse</b>	Oct 9 – Nov 18	State Limits (daily & possession)	
<b>Waterfowl</b>	State Seasons	State Limits (daily & possession)	<b>Federal, State stamps required</b>
<b>Coyote</b>	Fall: Oct 30 – Nov 25 Spr: May 7 – June 30	No bag limit	<b>Spring: only to holders of a bear hunt permit.</b>

\* GENERAL SEASONS are those seasons open to all persons regardless of tribal membership. "Access Permits" for non-tribal members are required for waterfowl, deer, moose, bear, and small game hunting (including grouse), and eel potting.

\*\*BUCKS will be defined as having antlers 3 inches or greater.

**Table 3: Season Dates & Bag Limits**

***SUSTENANCE TRAPPING: Fall 2017 – Spr 2018***

<b>Species</b>	<b>Dates</b>	<b>Bag Limits</b>	<b>Notes</b>
<b>Beaver</b>	Oct 1 – Apr 30	No bag limit	
<b>Muskrat</b>	Oct 1 – April 30	No bag limit	
<b>Mink, Otter, Marten, Fox, Fisher, Skunk, Coyote, Bobcat, Raccoon, Weasel</b>	Oct 1 – Jan 31	No bag limit	

**Table 4: 2017 Non-member Deer Permits**

<b>Territory</b>	<b>Regular Permits</b>	<b>Guide Permits</b>	<b>Total</b>
Mattamiscontis (T2&3R9 and T2R8)	15 buck*	5 any sex	20
Matagamon (T6R8)	5 buck	3 buck	8
Argyle	10 buck	5 any sex	15
Alder Stream (T2R5)	5 buck	5 buck	10
Williamsburg	10 buck	5 any sex	15
Lakeville	7 buck	5 any sex	12
Grindstone	7 buck	5 any sex	12

\* Spousal permits will be any sex

\*\* 10 additional season long deer permits will be provided by DNR for the citizens of Lakeville on a first come first serve basis (due to a prior arrangement with the Town).

