

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
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PUBLIC LAWS
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“roadblock” means a physical barrier, a vehicular or other obstruction placed upon a way at the direction of a law enforcement officer.

2. Failure to stop. It is unlawful for the operator of any motor vehicle to fail or refuse to stop that vehicle upon request or signal of any **uniformed law enforcement** officer. Failure to comply with this subsection is a Class E crime.

3. Eluding an officer. Whoever, after being requested or signaled to stop, attempts to elude ~~the~~ **a law enforcement** officer by driving a vehicle at a reckless rate of speed which results in a high-speed chase between the operator’s vehicle and any law enforcement vehicle using a blue light or siren is guilty of a Class D crime.

Sec. 3. 29 MRSA § 2501-A, sub-§ 4 is enacted to read:

4. Passing a roadblock. It is unlawful for the operator of any motor vehicle to pass or attempt to pass a roadblock, clearly identifiable as a police roadblock, without authorization. Failure to comply with this subsection is a Class C crime.

Sec. 4. 29 MRSA § 2506, sub-§ 5, ¶ A, as enacted by PL 1979, c. 464, § 5, is amended to read:

A. Any farm truck subject to partial inspection shall bear the name of the town in which the excise tax is paid in 4-inch letters on the left door of the cab of the truck; and

Sec. 5. 29 MRSA § 2506, sub-§ 6 is enacted to read:

6. Motor vehicles operated on islands. Motor vehicles registered under section 242 which are to be operated exclusively on islands.

Effective September 18, 1981

CHAPTER 118

S. P. 128 — L. D. 300

AN ACT to Provide an Open Season on Moose.

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

Sec. 1. 12 MRSA § 7463, as repealed and replaced by PL 1979, c. 543, § 50, is repealed.

Sec. 2. 12 MRSA § 7463-A is enacted to read:

§ 7463-A. Moose

1. **Moose hunting district.** A moose hunting district is established in that area of the State north of the Canadian Pacific Railroad mainline running from Vanceboro, through Brownville to the Canadian border, except for those areas of the State closed to hunting described in chapter 713, subchapter I.

2. **Hunting zones.** The commissioner may establish moose hunting zones within the moose hunting district. Physical boundaries shall be used to delineate all zones. The boundaries of each zone and number of permits to be issued for each zone shall be made public at least 14 days before application for permits may be made.

3. **Length of season.** On or after January 1, 1982, the commissioner may establish open seasons on moose within the moose hunting district, provided that the number of hunting days in each year does not exceed 6.

4. **Hunting permits.** The commissioner may issue up to 1,000 moose hunting permits annually and may establish the number of moose hunting permits to be issued for each moose hunting zone. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. A person whose application is selected may purchase a moose hunting permit upon presentation of proof that he possesses:

A. A valid Maine hunting license, if he is a resident of the State; or

B. A valid Maine big game hunting license, if he is a nonresident or alien.

The fee for a moose hunting permit is \$25 for residents and \$200 for nonresidents and aliens. At the time the permit is obtained, the permittee may designate a subpermittee to hunt with him. The permittee may choose not to designate a subpermittee and hunt alone, but a subpermittee must always be accompanied by the permittee while hunting moose. While hunting moose each nonresident or alien hunter shall be in possession of a valid Maine nonresident or alien big game hunting license, whichever is applicable.

5. **Eligibility.** Any Maine resident, nonresident or alien who is eligible to obtain a Maine hunting license is eligible to apply for a moose hunting permit.

6. **Application procedure.** Eligible persons wishing to apply for a permit shall file a written application for a permit on a form furnished by the commissioner. The application shall be accompanied by an application fee of \$5 for residents and \$10 for nonresidents and aliens. The application fee may not be refunded. No person may file more than one application. Any person who submits more than one application shall be disqualified from the selection of permittees.

7. **Selection procedure.** Permittees shall be selected by a public chance drawing. Alternates shall be chosen and may receive permits in the event that selected hunters do not purchase permits.

8. **Research and management.** Up to \$25,000 may be provided from the revenues generated by application and permit fees to carry out the department's documented moose research.

9. **Bag limit.** The bag limit is one moose per permit holder. In the case of a permittee and a subpermittee, the permit shall allow one of them to take one moose.

10. **Registration of harvested moose.** All moose legally harvested shall be presented for inspection at official registration stations to be established by the commissioner to allow collection of biological and hunting data. The entire animal except the viscera shall be presented, but it may be dismembered for ease of transportation.

A. Inland fisheries and wildlife wardens shall register each moose legally presented for registration and shall attach a metal seal to each moose in the manner directed by and with materials furnished by the commissioner. No fee may be assessed for registration.

B. Any person killing a moose under this section shall present it for registration at an official registration station and that moose shall be registered in the name of the person who killed the moose. No person may present a moose for registration or allow to be registered in his name any moose which he himself did not lawfully kill.

11. **Questionnaires.** Each permittee shall complete a questionnaire, to be provided by the commissioner, and return this questionnaire to the commissioner within a period of 10 days after the close of the moose hunting season.

12. **Authority of commissioner.** The commissioner may issue applications for moose hunting permits, issue permits and make all rules and regulations pertaining thereto. The commissioner may make all other rules and regulations which he considers necessary for the protection of the moose resource.

Sec. 3. 12 MRSA § 7464, sub-§§ 1 and 2, as repealed and replaced by PL 1979, c. 543, § 50, are amended to read:

1. **Illegal hunting of moose.** A person is guilty of illegal hunting of moose if he hunts any moose, except in accordance with section ~~7463~~ 7463-A.

2. **Illegal possession of moose.** A person is guilty of possessing moose if he possesses any moose, except in accordance with sections 7238, ~~7463~~ 7463-A or 7503.

Sec. 4. 12 MRSA § 7464, sub-§ 3, as enacted by PL 1979, c. 543, § 50, is amended to read:

3. **Illegally transporting moose.** A person is guilty of illegally transporting moose if he, at any time in any manner, moves or transports any moose, or any part of a moose which has been dismembered for transportation, and:

- A. ~~The A portion of the~~ moose is not open to view;
- B. The moose tag portion of the permit bearing the name and address of the person who killed the moose is not securely attached to the head of the moose;
or
- C. The person who killed the moose does not accompany the moose while it is being moved or transported; or
- D. **If the moose is dismembered for ease of transportation, all pieces of the moose are not labeled with the name and address of the person who killed the moose.**

Sec. 5. 12 MRSA § 7464, sub-§ 4, as enacted by PL 1979, c. 543, § 50, is amended to read:

4. **False registrations of a moose.** A person is guilty of false registration if he presents for registration, or allows to be registered in his name, any moose which he ~~or his subpermittee~~ did not lawfully kill.

Sec. 6. 12 MRSA § 7464, sub-§ 5, as enacted by PL 1979, c. 543, § 50, is repealed and the following enacted in its place:

5. **Failure to register moose.** A person is guilty of failure to register a moose if he kills a moose and fails to present it for registration in his name at the first open moose registration station on the route taken by him.

Sec. 7. 12 MRSA § 7464, sub-§ 5-A is enacted to read:

5-A. **Keeping an unregistered moose.** A person is guilty of keeping an unregistered moose if he keeps an unregistered moose at his home, or any place of storage except at an official moose registration station or at the office of an inland fisheries and wildlife warden, for more than 12 hours. A person may leave an unregistered moose in the woods if he notifies a warden within 12 hours as to the location of the moose and the circumstances necessitating his leaving the moose in the woods.

Sec. 8. 12 MRSA § 7464, sub-§ 7, as enacted by PL 1979, c. 543, § 50, is repealed and the following enacted in its place:

7. **Illegal possession of moose parts.** A person is guilty, notwithstanding subsection 3, of illegal possession of moose parts if he possesses any part or parts of a moose taken in accordance with this section, unless each separate part is plainly labeled with the following:

- A. The registration seal number; and
- B. The name and address of the person who registered the moose.

Sec. 9. 12 MRSA § 7464, sub-§ 8-A is enacted to read:

8-A. Illegal firearms. A person is guilty of using illegal firearms if he uses a handgun, .22 caliber rimfire firearm or a shotgun using shot loads to hunt moose.

Effective September 18, 1981

CHAPTER 119

H. P. 467 — L. D. 519

AN ACT to Establish Guidelines for the Issuance of Concealed Weapon Permits.

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

Sec. 1. 25 MRSA § 2031, as last amended by PL 1975, c. 449, §§ 1 and 2, is repealed and the following enacted in its place:

§ 2031. Threatening display of or carrying a concealed weapon

No person may display in a threatening manner, or wear under his clothes or conceal about his person, any firearm, slung shot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapons usually employed in the attack on or defense of a person, unless excepted by a provision of law.

The provisions of this section concerning the carrying of concealed weapons do not apply to:

1. Permit issued. Persons to whom a permit to carry a concealed weapon has been issued as provided in this chapter;

2. Law enforcement officers. Law enforcement officers within their area of jurisdiction while in performance of their official duties and at such other times and places as may by law be provided, or as may be required or permitted by written authority of the chief executive officer of their employing agency; or

3. Private investigators. Private investigators licensed under the laws of this State.

Sec. 2. 25 MRSA §§ 2032 - 2035 are enacted to read:

§ 2032. Permits to carry concealed weapons

1. Municipal officers. The mayor and aldermen or councillors of a city, the selectmen or councillors of a town, or the assessors of a plantation shall designate