

MAINE STATE LEGISLATURE

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1 (After Deadline)

2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 2446

7
8 S.P. 908

In Senate, April 6, 1984

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

11 Referred to the Committee on Fisheries and Wildlife. Sent down for
concurrence and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Usher of Cumberland.

Cosponsor: Representative MacEachern of Lincoln.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FOUR
17

18 AN ACT to Clarify and Make Corrections in
19 the Inland Fisheries and Wildlife Laws.
20

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

23 Sec. 1. 12 MRSA §7001, sub-§32, as enacted by PL
24 1979, c. 420, §1, is amended to read:

25 32. Resident. "Resident" means a citizen of the
26 United States who has been domiciled in this State
27 continuously during the 3 months next prior to the
28 date on which he applies for any license or permit
29 under chapter 707, or an alien who has been so domi-
30 ciled for one year. No person ~~shall~~ may be considered
31 a resident if he has not:

32 A. If registered to vote, registered in Maine;

1 B. If licensed to drive a motor vehicle, made
2 application for a Maine motor vehicle operator's
3 license;

4 C. If owning a motor vehicle or vehicles located
5 within the State, registered each such vehicle in
6 Maine; and

7 D. Complied with the state income tax laws.

8 A person who is a full-time student at a Maine col-
9 lege or university, who has resided in Maine continu-
10 ously for 3 months and has satisfied the requirements
11 of paragraphs A to D shall be rebuttably presumed to
12 have been domiciled in Maine during that period.

13 Sec. 2. 12 MRSA §7076, sub-§1, as amended by PL
14 1983, c. 440, §3, is further amended to read:

15 1. Residents over 70 years of age. A complimen-
16 tary license to hunt, trap or fish, ~~or a combination~~
17 ~~hunting and fishing license,~~ shall be issued to any
18 resident of Maine who is 70 years of age or older and
19 applies for it to the commissioner. The application
20 shall be accompanied by a birth certificate or other
21 certified evidence of the applicant's date of birth
22 and residency. Each license issued under this subsec-
23 tion shall remain valid through December 31st of the
24 2nd complete calendar year following the year of is-
25 suance.

26 Sec. 3. 12 MRSA §7076, sub-§4, ¶B, as enacted by
27 PL 1979, c. 420, §1, is amended to read:

28 B. Has a service connected disability ~~of~~ 75%
29 evaluated at 70% or more as a result of honorable
30 military service;

31 Sec. 4. 12 MRSA §7108, sub-§1, as enacted by PL
32 1983, c. 401, is amended to read:

33 1. Eligibility. Any person who possesses a valid
34 hunting license is eligible to obtain a permit from
35 the commissioner to hunt coyotes at night, except
36 that no permit may be issued to any person who has
37 been convicted of a violation of section 7406, sub-
38 section 5 within 5 years of the date of application

1 for the permit.

2 Sec. 5. 12 MRSA §7133, sub-§3, as repealed and
3 replaced by PL 1981, c. 123, §1, is amended to read:

4 3. Expiration.

5 A. ~~Effective June 30, 1982,~~ all All licenses is-
6 sued under this section are valid for one year
7 commencing July 1st of each year.

8 B- ~~Any license issued under this section for the~~
9 ~~1981 calendar year shall continue to be valid~~
10 ~~through June 30, 1982-~~

11 C. A resident junior trapping license issued to
12 a person who has passed his 15th birthday is val-
13 id through the year for which the license was is-
14 sued.

15 Sec. 6. 12 MRSA §7133, sub-§6, as enacted by PL
16 1981, c. 644, §10, is repealed.

17 Sec. 7. 12 MRSA §7151, sub-§3, ¶D, as amended by
18 PL 1979, c. 704, §8, is further amended to read:

19 D. A 15-day nonresident license may be exchanged
20 for an annual nonresident license upon the addi-
21 tional payment of ~~the~~ \$12, the difference between
22 the 15-day license and the annual license, for
23 the license and \$1 to the clerk or issuing agent.

24 Sec. 8. 12 MRSA §7301, sub-§1-A, as amended by
25 PL 1983, c. 100, §1, is further amended to read:

26 1-A. Rules. The commissioner, with the advice
27 and consent of the board of examiners, shall make
28 such rules pertaining to the licensing of guides as
29 ~~it~~ he deems necessary, including safety standards to
30 provide the clients of guides reasonable protection
31 from hazards.

32 Sec. 9. 12 MRSA §7406, sub-§20, ¶A, as enacted
33 by PL 1979, c. 420, §1, is amended to read:

34 A. Notwithstanding the provisions of subsection
35 8:

1 (1) A person may hunt migratory waterfowl
2 from a motorboat in accordance with federal
3 regulations;

4 (2) A person who has a valid Maine permit
5 to carry a concealed weapon may have in or
6 on a motor vehicle or trailer a loaded pis-
7 tol or revolver covered by such permit; and

8 (3) Paraplegics and single or double ampu-
9 tees of the legs may hunt from motor vehi-
10 cles which are not in motion.

11 Sec. 10. 12 MRSA §7463-A, sub-§10, ¶A, as en-
12 acted by PL 1981, c. 118, §2, is amended to read:

13 A. Inland fisheries and wildlife wardens
14 personnel shall register each moose legally pre-
15 sented for registration and shall attach a metal
16 seal to each moose in the manner directed by and
17 with materials furnished by the commissioner. No
18 fee may be assessed for registration.

19 Sec. 11. 12 MRSA §7465, as enacted by PL 1979,
20 c. 420, §1, is repealed.

21 Sec. 12. 12 MRSA §7857, sub-§24, ¶¶D and F, as
22 enacted by PL 1983, c. 297, §1, are amended to read:

23 D. Notwithstanding the provisions of subsection
24 5:

25 (1) Properly registered ATV's may operate
26 on a public way only the distance necessary,
27 but in no case to exceed 300 yards, on the
28 extreme right of the traveled way for the
29 purpose of crossing, as directly as possi-
30 ble, a public way, sidewalk or culvert;

31 (2) Properly registered ATV's may operate
32 on a public way only the distance necessary,
33 but in no case to exceed 500 yards, on the
34 extreme right of the traveled way for the
35 sole purpose of crossing, as directly as
36 possible, a bridge, overpass or underpass,
37 provided that that operation can be made in
38 safety and that it does not interfere with

1 traffic approaching from either direction on
2 the public way;

3 (3) ATV's may operate on any portion of
4 public ways when the public way has been
5 closed in accordance with Title 23, section
6 2953;

7 (4) ATV's may operate on ~~any portion of~~ a
8 public way which is not maintained or uti-
9 lized for the operation of conventional mo-
10 tor vehicles, except that operation on the
11 left side of the way shall be prohibited
12 during the hours from sunset to sunrise;

13 (5) ATV's may be operated on streets and
14 public ways during a period of emergency
15 when the emergency has been so declared by a
16 police agency having jurisdiction and when
17 travel by conventional motor vehicles is not
18 practicable; and

19 (6) ATV's may be operated on streets and
20 public ways in special events of limited du-
21 ration conducted according to a prearranged
22 schedule, under a permit from the governmen-
23 tal unit having jurisdiction.

24 F. Notwithstanding subsection ~~19 20~~, that sub-
25 section does not apply in the following situa-
26 tions:

27 (1) When operating on public ways in ac-
28 cordance with subsections 5, 6, 7 and 8 and
29 subsection 24, paragraph C;

30 (2) When operating on the frozen surface of
31 any body of water; and

32 (3) When operating on land which the opera-
33 tor owns or is permitted to use.

1 STATEMENT OF FACT

2 Section 1 makes it easier to determine the state
3 of domicile of full-time college students by provid-
4 ing that students living in Maine for 3 months who
5 meet all other requirements are presumed to be domi-
6 ciled here.

7 Section 2 consolidates the provisions for compli-
8 mentary licenses to residents over 70 years of age.
9 A single license will now be issued allowing the
10 bearer to hunt, trap or fish.

11 Section 3 makes the minimum required disability
12 rating 70% instead of 75%. This makes the standard
13 consistent with the evaluations of the Veterans' Ad-
14 ministration which evaluate in increments of 10%.

15 Section 4 allows persons with stale convictions
16 of night hunting to obtain coyote hunting permits.

17 Section 5 repeals an unnecessary provision which
18 was needed in 1981-82 to provide for the change from
19 calendar year trapping licenses to fiscal year.

20 Section 7 corrects an error in recent legislation
21 which adjusted license fees. As a result of that
22 law, it became cheaper to buy a 15-day license and
23 exchange it for a season license immediately than to
24 buy the season license in the first place.

25 Section 8 removes an inconsistency in the law
26 pertaining to the licensing of guides. The commis-
27 sioner has rule-making authority according to the Re-
28 vised Statutes, section 7301, subsections 3 and 8,
29 while the examining board may make rules pursuant to
30 subsection 1-A. The board has not used its rule-
31 making authority.

32 Section 9 makes clear that concealed weapon per-
33 mits issued by other states do not authorize posses-
34 sion of loaded weapons in motor vehicles in Maine.
35 This change is intended to effect no substantive
36 change, but will make the law more comprehensible to
37 the lay reader.

1 Section 10 allows inland fisheries and wildlife
2 personnel other than wardens to tag moose, thus giving
3 the wardens service more flexibility to meet duties
4 in the field if necessary. This corrects what
5 appears to have been an oversight in the original
6 law.

7 Section 11 repeals a provision which related to
8 trapping on lands of the Passamaquoddy Tribe. That
9 tribe now exercises jurisdiction over fish and wild-
10 life on tribal lands.

11 Section 12 clarifies ambiguity in the ATV law.
12 Some persons had interpreted the provision as allowing
13 the regular use of the shoulder of a highway or
14 other less used portions of active public ways. Section
15 12 also corrects an error in the cross-
16 referencing in the ATV law.

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