

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

after the effective date of this Act, revert to its use prior to becoming the Council's Chamber.

Sec. 430. Effective date. This Act shall take effect on January 4, 1977.

Effective January 4, 1977

CHAPTER 772

AN ACT to Clarify the Fish and Game Laws.

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

Sec. 1. 7 MRSA § 3551-A, first sentence, as enacted by PL 1975, c. 249, § 2, is amended to read:

The commissioner may issue to any licensed hunter a permit for training ~~coon hounds~~ dogs on ~~game~~ raccoons during the closed season upon application and the payment of a \$3 fee.

Sec. 2. 12 MRSA § 1955, first sentence, is amended to read :

An advisory council, as heretofore appointed by the Governor with the advice and consent of the Executive Council, shall consist of 7 members ~~chosen one from each councilor districts~~ chosen in the following manner: One member to represent Oxford and York Counties; one member to represent Cumberland County; one member to represent Sagadahoc, Androscoggin and Franklin Counties; one member to represent Kennebec and Somerset Counties; one member to represent Hancock, Waldo, Knox and Lincoln Counties; one member to represent Piscataquis and Penobscot Counties and one member to represent Aroostook and Washington Counties.

Sec. 3. 12 MRSA § 1972, first ¶, as amended by PL 1975, c. 497, § 3, is further amended to read:

Except as otherwise provided, no snowmobile shall be operated within the jurisdiction of the State unless registered by the owner as provided in this chapter. All snowmobiles owned by Maine residents and operated in Maine must be registered in this State unless specifically exempted elsewhere in this chapter. The Commissioner of Inland Fisheries and Wildlife is authorized to register and assign a registration number to all snowmobiles, upon application and payment of an annual fee of ~~\$12.50~~ \$11.25 by the owner. The resident registration fee shall be credited as follows: ~~\$5.50~~ \$4.75 of each fee shall be credited to the Department of Inland Fisheries and Wildlife; ~~\$7.50~~ \$6 of each fee shall be credited by to the Bureau of Parks and Recreation and \$6 of each fee shall be annually distributed to the municipality of the owner's residence as shown on his registration certificate, except that in unorganized townships \$6 of each fee shall be annually distributed to the county of the owner's residence as shown on his registration certificate. The nonresident registration

fee shall be credited as follows: ~~\$7.50~~ \$4.75 of each fee shall be credited to the Department of Inland Fisheries and Wildlife and ~~\$5.50~~ of each fee shall be credited to the Parks and Recreation Snowmobile Trail Fund. All other moneys received under this chapter, including dealer license fees, shall be credited to the Department of Inland Fisheries and Wildlife.

Sec. 4. 12 MRSA § 1972, last ¶, as last amended by PL 1975, c. 590, § 4, is further amended to read:

Whoever transfers the ownership or permanently discontinues the use of a registered snowmobile and applies for registration of another snowmobile in the same registration year shall be entitled to a certificate of registration upon payment of a transfer fee of \$2 and shall not be required to pay the regular registration fee of ~~\$12.50~~ \$11.25.

Sec. 5. 12 MRSA § 2070, sub-§ 10, as enacted by PL 1973, c. 734, § 1, is amended to read:

10. Notice to assessors. ~~Within 30 days of receipt of an application for a certificate of number, the division shall comply with the following:~~ Where the legal residence of the applicant is a municipality within the State, the division shall mail annually a copy of the application or list of registrations issued to the assessors or assessor of such municipality. Where the legal residence is outside of the State and the boat is situated within a municipality in the State, the division shall mail annually a copy of the application or list of registrations issued to the assessors or assessor of such municipality. In all other cases, the division shall ~~transfer a copy of the application or~~ send a list of regulations issued annually to the Bureau of Taxation.

Sec. 6. 12 MRSA § 2401, sub-§ 6, as enacted by PL 1973, c. 16, § 1 and as amended by PL 1973, c. 739, § 6, is repealed and the following enacted in place thereof:

6. Hunting stamp required. It shall be unlawful for any person who has attained the age of 16 years to hunt or have in possession any pheasant unless at the time of such hunting or possession he has on his person an unexpired Maine pheasant hunting stamp, validated by his signature written across the face of the stamp in ink. Such stamp shall be issued by the commissioner or his authorized agent for a fee of \$3.25, 25¢ of which shall be retained by the agent and shall be exhibited to any warden or employee of the department upon request.

Sec. 7. 12 MRSA § 2401-B, sub-§ 17, as enacted by PL 1975, c. 623, § 8-C, is amended to read:

17. Servicemen permanently stationed in Maine. Any person serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State, that person's spouse and that person's children, provided that the spouse and children permanently reside with that person, shall be eligible for any ~~fishing or hunting license~~ fishing, hunting or combination fishing and hunting license ~~which may be issued to a Maine resident under this Title, and those licenses issued to persons eligible under this subsection shall be issued for the statutory fees charged Maine residents at the resident fee.~~ Such member of the Armed Forces, desiring a hunting, fishing or combination license, shall present certification from

the commander of his post, station or base, or the commander's designated agent, that the person mentioned in the certificate is permanently stationed at that post, station or base. Licenses shall be issued by the clerk or agent of the town in which that military or naval post, station or base is situated.

Sec. 8. 12 MRSA § 2402, 7th ¶, as last repealed and replaced by PL 1971, c. 231, § 9, and as amended by PL 1971, c. 403, § 22, is repealed.

Sec. 9. 12 MRSA § 2402, next to the last ¶, as enacted by PL 1973, c. 739, § 8, is repealed.

Sec. 10. 12 MRSA § 2456, 2nd ¶, as last repealed and replaced by PL 1971, c. 300, § 1, is amended to read:

Notwithstanding this section, paraplegics, single or double amputees of the legs may hunt from motor vehicles which are not in motion.

Sec. 11. 12 MRSA § 2469 is enacted to read:

§ 2469. Discharge of firearm near dwelling

It shall be unlawful to discharge a firearm within 100 feet of a residential dwelling without the permission of the owner or, in his absence, of an adult occupant of that dwelling.

Sec. 12. 12 MRSA § 2552, § 6, as amended, is repealed as follows:

6. Black bass. In any waters where the bag limit on black bass has been removed by rule and regulation of the commissioner, the method of fishing for black bass shall be the same as for trout and salmon.

Sec. 13. 12 MRSA § 2552, sub-§ 7, ¶ A, as last amended by PL 1973, c. 314, is further amended to read:

A. Resident and nonresident stamps; fee. An Atlantic salmon stamp shall be issued by the commissioner to fish for Atlantic salmon. ~~under this chapter, the~~ The fee for which such stamp shall be \$1 for any resident of this State, excluding members of Maine's Indian tribes who shall be exempt from the fee, 16 years of age or older, and \$15 for any nonresident, 16 years of age or older. The commissioner may also appoint clerks of towns or other agents to issue said such stamp. Any clerk or agent so appointed shall retain 25¢ for each stamp issued. Immediately after issuance of such stamp, the purchaser shall sign that stamp across its face and affix the same to the back of a current valid fishing license. Such stamp shall be issued for use to fish for Atlantic salmon in the same manner as a regular license to fish, except that said stamp shall be in addition to a regular license to fish in this State and all All proceeds, except for necessary expenses for issuing, shall be paid to the Atlantic Sea Run Salmon Commission for the purposes of developing the Atlantic Sea Run Salmon Restoration Program.

Sec. 14. 12 MRSA § 2553, 4th ¶, as enacted by PL 1965, c. 192, § 2, is repealed as follows:

No person shall take, catch or kill in any one day or have in possession at

any time more than 7½ pounds or 5 fish in the aggregate of trout, salmon, togue and black bass, unless the last fish caught increases the combined weight to more than 7½ pounds. This paragraph shall apply only to Sebago Lake, Cumberland County

Sec. 15. 12 MRSA § 2553, sub-§ 1, as last amended by PL 1971, c. 143, § 2, is further amended to read:

1. Salmon or togue. A salmon or togue less than 14 inches in length, except that the length limit on salmon taken from any of the waters in Aroostook County shall be 12 inches and except that the legal length of salmon taken from Green Lake in Dedham and Ellsworth, Hancock County, Alligator Lake in T34 MD and T28 MD, Spring River Lake in T10 SD, Hancock County and Upper Middle Branch Pond in Aurora and T28 MD, Hancock County, shall be 12 inches;

Sec. 16. 12 MRSA § 2553, sub-§ 2, as amended by PL 1969, c. 169, and PL 1975, c. 516, § 20 and repealed and replaced by PL 1975, c. 401, § 6, is repealed and replaced by the following:

2. Trout. A trout less than 6 inches in length, a brown trout or rainbow trout less than 12 inches in length, except that there shall be no length limit for brook trout, brown trout or rainbow trout taken from brooks, streams and rivers.

Sec. 17. 12 MRSA § 2553-A, as enacted by PL 1965, c. 346, is repealed.

Sec. 18. 12 MRSA § 2554-B, as enacted by PL 1967, c. 544, § 31, is repealed.

Sec. 19. 12 MRSA § 2558, 4th ¶, is amended to read:

Persons having a bait dealer's license under this section may take smelts in accordance with section 2704, and a license bait dealer may possess more than 4 quarts of bait smelts at any time providing the taking was legal.

Sec. 20. 12 MRSA § 2951, first sentence, as amended by PL 1975, c. 277, is amended to read:

The resident owner of every motor vehicle which has been substantially damaged by accidental collision with a deer or moose shall, within 24 hours thereafter by the quickest means, report the accident to a game warden.

Sec. 21. 12 MRSA § 2951, last sentence, as enacted by PL 1975, c. 277, is repealed and replaced by the following:

Such person shall then take possession and immediately remove the entire carcass from the scene of the collision.

Sec. 22. 12 MRSA § 2953-A, as amended by PL 1975, c. 306, is repealed and replaced by the following:

§ 2953-A. Shooting domestic animals, dogs, cats or birds; penalty

Whoever, while on a hunting trip or in the pursuit of wild animals or game birds or migratory game birds, negligently or carelessly or willfully shoots and wounds, or kills any domestic animals, including dogs, cats or domestic birds shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment for not more than 90 days, or by both.

Sec. 23. 12 MRSA § 3060, sub-§ 2, as amended by PL 1971, c. 85, § 30, is amended to read:

2. Violation of § 2451. Whoever violates any of the provisions of the ~~first 2~~ first, 2nd or 5th paragraphs of section 2451 shall be punished by a fine of not less than \$200 nor more than \$1,000 and costs, or by imprisonment for not more than 90 days, or by both.

Sec. 24. Amendatory clause. Any reference in this Act to the Executive Council shall be deleted from this Act as of January 4, 1977.

Effective July 29, 1976

CHAPTER 773

AN ACT to Exempt Community Based Retardation Services from the Sales Tax.

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

36 MRSA § 1760, sub-§ 28, as enacted by PL 1967, c. 46, is repealed and the following enacted in place thereof:

28. Community mental health facilities and community mental retardation facilities. Sales to mental health facilities and mental retardation facilities which receive support under the Federal Community Mental Health Centers Act, as amended, or its successors, or from the Department of Mental Health and Corrections pursuant to Title 34, chapters 183 or 184-C.

Effective July 29, 1976

CHAPTER 774

AN ACT Relating to Voting Places in Certain Unorganized Townships.

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

Sec. 1. 21 MRSA § 1573 is repealed and the following enacted in place thereof: