

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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**  
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By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee, except as otherwise provided in this subchapter, at the rate of less than ~~\$2.30~~ **\$2.90** per hour; or to require any employee to work more than 40 hours in one week, unless 1½ times the regular hourly rate is paid for all work done over 40 hours in any one week; and whenever the highest federal minimum wage is increased in excess of ~~\$2.30~~ **\$2.90** per hour, the minimum wage established under this section shall be increased to the same amount, effective on the same date as the increase in the highest federal minimum wage, but in no case shall the minimum wage exceed ~~\$3~~ **\$4** per hour.

Effective September 14, 1979

## CHAPTER 55

H. P. 127 — L. D. 136

**AN ACT Authorizing the Use of Nondeadly Disabling Chemicals for Self-defense and for Property Protection in Certain Circumstances.**

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

17-A MRSA § 1002, sub-§ 3, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

3. This section shall not apply to the use of those disabling chemicals when that use is for the purpose of:

- A. Defending a person under section 108;
- B. Defending premises under section 104; or
- C. Retaking property, preventing that taking or preventing criminal mischief under section 105;

as authorized for the use of nondeadly force.

Effective September 14, 1979

## CHAPTER 56

S. P. 42 — L. D. 28

**AN ACT to Test an Experimental Season on Moose for a One-year Period.**

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

12 MRSA § 2355-F, is enacted to read:

§ 2355-F. Moose season

1. **Experimental season established.** There shall be a controlled, experimental open firearm's season on moose for the year 1980 within the hunting district described in subsection 3.

2. **Open season.** The open season for moose shall be from September 22, 1980, to September 27, 1980.

3. **District.** There shall be one moose hunting district described as follows: All 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 309.

4. **Hunting permits.** The commissioner is authorized to issue not more than 700 moose hunting permits.

Permits shall be chosen by public chance drawing. To be eligible for this drawing, a person shall hold a valid Maine resident hunting license and shall submit a written application, accompanied by a \$5 application fee. These applications shall be provided by the commissioner and obtainable from licensing agents. Application fees shall not be refunded. In addition to the application fee, there shall be a fee of \$10 for a moose permit.

Each hunter receiving a moose permit may choose another person, hereinafter referred to as the subpermittee, to hunt with him by including his name on the permit application. The subpermittee shall be required to possess a valid Maine hunting license. The hunters shall receive one permit indicating the name of the permittee and subpermittee, if any. This permit shall be carried by the permittee while hunting. This permittee may hunt alone if he chooses, but the subpermittee shall always be accompanied by the permittee. There shall be no additional charge for designating a subpermittee.

5. **Bag limit.** The bag limit shall be one moose of either sex per permit holder. In the case of a permittee and a selected subpermittee, the permit will allow one of them to take one moose.

6. **Weapons permitted.** Shotguns larger than .410 gauge using rifled slugs only and all other firearms, except handguns and rim fires, shall be considered legal for hunting moose.

7. **Registration of harvested moose.**

A. All moose legally harvested shall be presented for inspection at official

registration stations, to be established by the commissioner, to allow collecting of biological and hunting data. The entire animal shall be presented, although it may be dismembered for ease of transportation. The head and legs shall be intact. A fee of \$10 shall be assessed for registration.

**B. Inland fisheries and wildlife wardens and biologists shall register each moose legally presented for registration and shall attach a seal to each moose in the manner as directed and with the materials furnished by the commissioner.**

(1) No person shall, at any time in any manner, move or transport any moose, or part thereof, unless it is open to view and there is securely attached to the head the moose tag portion of the permit, bearing the name and address of the person who killed the moose. The moose shall be accompanied by the permittee, or by the subpermittee, while being moved or transported.

(2) The department shall establish official moose tagging stations. Any moose killed under this section shall be presented to a moose tagging station by the permittee, and that moose shall be registered in his name.

(3) No person shall present a moose for registration or allow to be registered in his name any moose which he or his subpermittee did not lawfully kill.

**C. Except as provided in section 2951, no person shall keep a moose at his home or at any place of storage, except at an official registration station or at the office of an inland fisheries and wildlife warden, for more than 12 hours, unless that moose has been legally registered.**

**D. Prior to presenting a moose for registration, it shall be unlawful for any person to possess or to leave in the fields or forest a moose which he has killed which does not have securely attached to its head, and plainly visible, the moose tag portion of his permit, bearing his full name and address. Any moose so found, to which the moose tag portion of that permit has not been attached, shall be seized and disposed of as directed by the commissioner.**

**8. Giving moose away; labels. Notwithstanding subsection 7, paragraph B, subparagraph (1), no person shall have in his possession any part or parts of a moose given to him, unless each separate part is plainly labeled with the name and address of the person who registered the moose and the name and address of the person to whom it was given and, if that part is transported by any 3rd party, the name and address of the party transporting the moose to be affixed thereto. This subsection shall not apply to any moose or parts of moose being transported by a Maine licensed transportation company, including common carriers, in accordance with chapters 301 to 337.**

**9. Closing of moose season. If, during the open season on moose, it shall be the opinion of the commissioner that more moose are being killed in the district indicated than is in the best interest of conserving the species, he shall have the authority to terminate that season at once.**

10. **Authority of commissioner.** The commissioner is authorized to issue applications for moose hunting permits, issue permits and make all rules and regulations pertaining thereto. The commissioner is authorized to make all other rules and regulations which he deems necessary for the protection of the moose resource.

The commissioner shall use at least  $\frac{1}{2}$ , or \$85,000, whichever is smaller, of the revenue generated by moose permits and application fees for moose research and management.

11. Each permittee and subpermittee shall complete a questionnaire. Each permittee and subpermittee 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. **Precedence of this section.** Any moose legally taken under this section shall not be in violation of section 2467.

13. **Penalties.** Notwithstanding the provisions of Title 17-A, section 4-A, whoever violates any of the provisions of this section or rules and regulations promulgated thereunder, except violations of subsection 7, paragraph C, and subsection 11, shall be punished, upon conviction, by a fine of not less than \$500 nor more than \$1,000 and by imprisonment of not less than 3 nor more than 5 consecutive days for the first offense, and by a fine of not less than \$500 nor more than \$1,000 and by imprisonment of not less than 10 nor more than 15 consecutive days for each succeeding offense. No punishment under this section shall be suspended. Any firearms seized in connection with a violation of this section shall be retained by the State pending disposition of criminal proceedings and sold at public auction by the State upon conviction. In addition, the commissioner may suspend the hunting license of a convicted violator for a period of 3 years. Violations of subsection 7, paragraph C, and subsection 11 shall be punishable under section 3060.

Effective September 14, 1979

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## CHAPTER 57

H. P. 280 — L. D. 358

**AN ACT to Transfer Jury Commissioners' Functions to Clerks of Courts and Permit Grand Jury Terms to be Set by Order of the Chief Justice.**

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

Sec. 1. 14 MRSA § 1251 is repealed and the following enacted in its place: