

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 643

H.P. 1928 - L.D. 1911

AN ACT Concerning the On-site Storage of Spent Nuclear Fuel.

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

10 MRSA §166 is enacted to read:

§166. On-site storage of spent fuel assemblies; limitations

After July 1, 1992, no nuclear fission thermal power plant licensee may store or maintain in on-site spent fuel element pools or other on-site temporary storage facilities any spent nuclear fuel for a period exceeding 3 years from the date of the fuel's removal from the generating facility.

Effective July 13, 1982.

CHAPTER 644

H.P. 2200 - L.D. 2079

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

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

Sec. 1. 12 MRSA §7001, sub-§37, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

37. Trap. To "trap" means to set, place or tend within the fields, forests or waters of the State any trap or device which is designed primarily to take, catch or kill wild animals. To aid or assist another person in setting,

placing or tending traps shall be considered trapping.

Sec. 2. 12 MRSA §7001, sub-§38, as enacted by PL 1979, c. 420, §1, is amended to read:

38. Tributary. "Tributary" means a brook or stream or river flowing directly or indirectly into a lake, pond or another brook, stream or river. A lake or great pond shall not be construed to mean tributary. The tributary to a great pond shall not be considered a tributary to the outlet of that great pond.

Sec. 3. 12 MRSA §7051, sub-§2, as enacted by PL 1979, c. 420, §1, is amended to read:

2. Assistants. The commissioner may appoint, on a temporary basis, as assistant game wardens, ~~duly retired game wardens,~~ in accordance with rules and regulations established by the Personnel Board.

Sec. 4. 12 MRSA §7055, as amended by PL 1979, c. 723, §1, is further amended to read:

§7055. Officials with full powers of game wardens

Sheriffs, deputy sheriffs, police officers, constables, marine patrol officers, wardens of the Penobscot Indian Nation within the Penobscot Indian Territory, as defined by Title 30, section 6205, subsection 2, and special agents of the United States Fish and Wildlife Service shall have the powers of game wardens.

Sec. 5. 12 MRSA §7076, sub-§6, first sentence, as last amended by PL 1981, c. 414, §9, is further amended to read:

A combination fishing and hunting license shall be issued upon payment of \$5, plus the issuing fee, to a Maine resident on active duty in the Armed Forces of the United States, his spouse and children.

Sec. 6. 12 MRSA §7101, sub-§7, as enacted by PL 1979, c. 420, §1, is amended to read:

7. Restrictions. Any resident or nonresident hunter 10 years of age or older and under 16 may hunt with firearms only if accompanied at all times while hunting by his parent or guardian or by an adult person, at least 18 years of age, approved by his parent or guardian.

Sec. 7. 12 MRSA §7102, sub-§5, ¶C, as amended by PL 1981, c. 414, §18, is further amended to read:

C. Any person 10 years of age or older and under 16 shall be accompanied at all times while hunting by a parent or guardian or an adult, at least 18 years of age, approved by a parent or guardian;

Sec. 8. 12 MRSA §7131-A, sub-§4-A, as enacted by PL 1981, c. 244, is repealed.

Sec. 9. 12 MRSA §7133, sub-§5, ¶A, as enacted by PL 1979, c. 729, §2, is amended to read:

A. Any ~~resident~~ person under 10 years of age shall be accompanied, at all times while trapping, by a parent or guardian or an adult, at least 18 years of age, approved by a parent or guardian.

Sec. 10. 12 MRSA §7133, sub-§6 is enacted to read:

6. Licenses for persons 70 years of age and older. Notwithstanding subsection 4, the commissioner shall issue a trapping license, without a fee, to any applicant who furnishes such proof as the commissioner may require that the applicant is 70 years of age or older and is a resident of the State.

Sec. 11. 12 MRSA §7205, sub-§1, ¶B, first sentence, as enacted by PL 1979, c. 420, §1, is amended to read:

The riparian proprietor of such a private pond, or his designee, may fish for, possess, sell, transport or have transported fish cultivated in a private pond as set forth in this section.

Sec. 12. 12 MRSA §7205, sub-§2, as amended by PL 1979, c. 543, § 22, is further amended to read:

2. Fee. The fee for such a license shall be \$12 \$17.

Sec. 13. 12 MRSA §7241, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Issuance. The commissioner may issue a permit to anyone, permitting him to take and transport in and beyond within the limits of the State, fish and wildlife taken in the State for breeding or advertising purposes.

Sec. 14. 12 MRSA §7351, sub-§3, as enacted by PL 1979, c. 420, §1, is amended to read:

3. Restrictions. Each licensed taxidermist shall, on or before the 31st day of December June 30th of each year, make a detailed report to the commissioner of all he has

done during the year by virtue of his license.

Sec. 15. 12 MRSA §7352, sub-§3, ¶B, as repealed and replaced by PL 1979, c. 543, §32, is amended to read:

B. The record shall be open for inspection by the commissioner or his agent, and shall be filed with the commissioner, after being notarized, on or before ~~December 31st~~ June 30th of each year.

Sec. 16. 12 MRSA §7406, sub-§8, ¶A, as last amended by PL 1979, c. 723, §16-A, is further amended to read:

A. Hunts any wild animal or wild bird from or with any motor vehicle, trailer or motorboat; ~~or~~

Sec. 17. 12 MRSA §7406, sub-§8, ¶C, as amended by PL 1981, c. 461, §3, is repealed and the following enacted in its place:

C. Has in or on a motor vehicle or trailer any firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder, or muzzle-loading firearm charged with powder, lead and a primed-ignition device or mechanism; or

Sec. 18. 12 MRSA §7406, sub-§8, ¶D is enacted to read:

D. Intentionally kills, injures or molests any wild animal or wild bird with any motor vehicle, motorboat or aircraft.

Sec. 19. 12 MRSA §7432, sub-§1, as amended by PL 1981, c. 414, §28, is further amended to read:

1. Closed season violation. A person is guilty of a closed season violation if he traps, or attempts to trap, any wild animal or wild bird during the closed season or possesses any wild animal or wild bird taken during the closed season on that wild animal or wild bird.

Sec. 20. 12 MRSA §7451, sub-§1, ¶C, as repealed and replaced by PL 1981, c. 224, §1, is amended to read:

C. There shall be an open season on using a dog or dogs in conjunction with bear hunting from September 1st, to the business day next preceding the open fire-arm season on deer provided in section 7457, subsection 1, paragraph A.

Sec. 21. 12 MRSA §7452, sub-§15, ¶E, last sentence, as enacted by PL 1979, c. 543, §40, is amended to read:

The bear transportation tag shall cost \$5~~7~~, 50¢ to be retained by the issuing agent;

Sec. 22. 12 MRSA §7452, sub-§15, ¶F, last sentence, as enacted by PL 1979, c. 543, §40, is amended to read:

The bear transportation tag shall cost \$5~~5-50~~, 50¢ to be retained by the issuing agency \$55, except that no fee shall may be required of any resident of this State who is serving in the Armed Forces of the United States; and

Sec. 23. 12 MRSA §7452, sub-§15, ¶G, last sentence, as enacted by PL 1979, c. 543, §40, is amended to read:

If transported by other than a Maine licensed transportation company, the bear or its parts shall be accompanied by a nonresident transportation permit which may be obtained by the licensee from a any game warden in whose district the bear was killed, or from any warden supervisor.

Sec. 24. 12 MRSA §7457, sub-§1, ¶D, sub-¶(7), as amended by PL 1981, c. 414, §32, is further amended to read:

(7) The Town of Islesboro in Waldo County, except that a person may hunt deer in that town with bow and arrow from the first day of October to ~~November 30th~~ the end of the regular firearm season on deer of each calendar year in Waldo County;

Sec. 25. 12 MRSA §7458, sub-§15, ¶D, last sentence, as amended by PL 1979, c. 704, §11, is further amended to read:

The deer transportation tag shall cost \$4~~.50~~, \$1 to be charged by the issuing agent \$5.

Sec. 26. 12 MRSA §7458, sub-§15, ¶E, last sentence, as amended by PL 1979, c. 704, §12, is further amended to read:

The deer transportation tag shall cost \$5~~7~~, \$1 to be charged by the issuing agent, except that no fee shall may be required of any resident of this State who is serving in the Armed Forces of the United States.

Sec. 27. 12 MRSA §7458, sub-§15, ¶F, last sentence, as enacted by PL 1979, c. 420, §1, is amended to read:

If transported by other than a Maine licensed transportation company, the deer or its parts shall be accompanied by a nonresident transportation permit which may be obtained by the licensee from a any game warden

in whose district the deer was killed, or from any warden supervisor.

Sec. 28. 12 MRSA §7503, sub-§2, as amended by PL 1979, c. 723, §23, is further amended to read:

2. Deer, moose and bear.

A. The operator or owner having knowledge of every any motor vehicle which has encountered apparent damage by been involved in an accidental collision with a deer, moose or bear shall, by the quickest means, report the accident to a game warden.

B. The warden shall investigate and, if he finds the damage has been done as alleged that the motor vehicle has encountered apparent damage as the result of the collision, he shall give a certificate to the person entitling him to the ownership of the carcass. The person may then take possession and immediately remove the entire carcass from the scene of the collision.

Sec. 29. 12 MRSA §7652, sub-§3, ¶B, 4th ¶, as enacted by PL 1979, c. 420, §1, is amended to read:

Coast of Maine--certain coastal islands in Washington, Hancock, Knox, Lincoln and and Cumberland, Waldo, Sagadahoc and York Counties.

Sec. 30. 12 MRSA §7654, sub-§3, as enacted by PL 1979, c. 420, §1, is amended to read:

3. Possessing hunting implements in a wildlife sanctuary. A person is guilty, except as provided in subsection 8, of possessing firearms hunting implements in a wildlife sanctuary if he possesses firearms a firearm or bow and arrow within the limits of any wildlife sanctuary, except that a person may carry unloaded firearms in the area designated for motorboat use in subsection 4.

Sec. 31. 12 MRSA §7731, as enacted by PL 1979, c. 420, §1, is amended to read:

§7731. Wildlife exhibits

The possessing, breeding, exhibiting, purchasing, selling, importing and transporting of wildlife in captivity in roadside menageries wildlife exhibits is governed by sections 7231, 7232, 7233 and 7234.

Sec. 32. 12 MRSA §7736, sub-§1, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. A person may keep a wild animal in captivity if the animal was purchased or obtained originally from a dealer, pet shop or licensed roadside menagerie wild-life exhibit.

Sec. 33. 12 MRSA §7736, sub-§3, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

3. Hunting in a licensed wildlife exhibit. A person is guilty of hunting in a licensed wildlife exhibit if he hunts in a licensed wildlife exhibit at any time.

Sec. 34. 12 MRSA §7801, sub-§19, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. A report of the occurrence, by the quickest means of communication, to the nearest available law enforcement officer to the place where the accident occurred.

Sec. 35. 12 MRSA §7827, sub-§4, as enacted by PL 1979, c. 420, §1, is amended to read:

4. Operating a snowmobile on a public way. A person is guilty, except as provided in subsection 3 and subsection 23, paragraph D, of operating a snowmobile on a public way if he operates a snowmobile upon the main traveled portion, the sidewalks or the plowed snowbanks of a public way.

Sec. 36. 12 MRSA §7827, sub-§22, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. He fails to give notice of the accident, by the quickest means of communication, to a law enforcement officer available nearest to the place where the accident occurred.

Effective July 13, 1982.

CHAPTER 645

H.P. 2228 - L.D. 2086

AN ACT to Amend the Certification Process for Admission into Public Mental Retardation Institutions and to Clarify the Jurisdiction of the District Court.