

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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when approved.

Effective June 16, 1983.

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## CHAPTER 440

S.P. 548 - L.D. 1599

### 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 §7034, sub-§4, as enacted by PL 1979, c. 420, §1, is amended to read:

4. Code of operating procedure of warden service. The commissioner shall prepare a written code covering the operating procedure of the warden service which becomes effective when approved by the Personnel Board Commissioner of Personnel.

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

1. Qualifications. The commissioner shall appoint as game wardens persons who have qualified under the written code prepared by the commissioner and approved by the Personnel Board Commissioner of Personnel.

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

1. Residents over 70 years of age. A complimentary license to hunt or fish, or a combination hunting and fishing license, shall be issued to any resident of Maine who is 70 years of age or older and applies for it to the commissioner. The application shall be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. Each license issued under this subsection shall remain valid for 3 calendar years from the date of issue through December 31st of the 2nd complete calendar year following the year of issuance.

Sec. 4. 12 MRSA §7076, sub-§4, as amended by PL 1981, c. 58, is further amended to read:

4. Resident disabled war veterans. A complimentary license to hunt or fish, or a combination hunting and fishing license and, if requested, a pheasant

hunting permit, shall be issued to any resident of Maine who:

- A. Is a veteran, as defined in Title 37-A, section 28;
- B. Has a service connected disability of 75% or more as a result of honorable military service;
- C. Has served in a combat zone during either World War I, World War II, the Korean War or the Viet Nam War; and
- D. Applies for that license to the commissioner.

This application shall be accompanied by a photo copy of the applicant's final DD form 214 or other evidence satisfactory to the commissioner that the applicant meets the requirements of this subsection. Each license issued under this subsection shall remain valid for 3 calendar years from the date of its issue through December 31st of the 2nd complete calendar year following the year of issuance.

Sec. 5. 12 MRSA §7076, sub-§8, ¶A, as amended by PL 1981, c. 493, §2, is repealed and the following enacted in its place:

A. Residents or groups of residents at any state institution under the control of the Department of Mental Health and Mental Retardation;

Sec. 6. 12 MRSA §7077, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Conviction of violation. If any person holding a license or permit issued under chapters 701 to 721 is convicted of the violation of any provision of chapters 701 to 721, the commissioner may revoke, or refuse to grant, any license or permit held by the person for a period of not less than 3 months nor more than one year.

Sec. 7. 12 MRSA §7101, sub-§3, ¶C, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 8. 12 MRSA §7154, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Application. Any Maine bass club seeking approval to conduct a one-day bass tournament pursuant to this section may make application to the commissioner in a manner and form to be designated by the commissioner. The application shall include the club's tournament rules, any amendments or changes to the rules and a schedule of the dates, places and times of the proposed tournament.

Sec. 9. 12 MRSA §7239, sub-§3, as enacted by PL 1979, c. 420, §1, is amended to read:

3. Restrictions. Upon receipt of shipment, importers of mallard ducks, quail or Chukar partridge shall attach securely to each bird a metallic seal, the type and design of which shall be designated by the commissioner leg band.

A. The seal shall be supplied by the department at a cost to be prescribed by the commissioner.

B. The seal leg band shall remain attached to the birds until they are finally prepared for consumption.

Sec. 10. 12 MRSA §7406, sub-§7, as enacted by PL 1979, c. 420, §1, is amended to read:

7. Hunting from paved way. A person is guilty of hunting from a paved way if he hunts any wild animal or wild bird from any paved way or from within the right-of-way of any controlled access highway, except that a person who has a valid permit to carry a concealed weapon may possess such a weapon provided it is not used for hunting wild animals or wild birds.

Sec. 11. 12 MRSA §7504, sub-§1, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

1. Bear. The following apply to the taking or killing of bear found doing damage.

A. Section 7502 shall not prohibit the taking or killing of bear found doing damage to blueberry land.

B. The commissioner may issue a permit to any licensed beekeeper authorizing that person to protect beehives from damage by bear.

Sec. 12. 12 MRSA §7552, sub-§5, ¶E, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 13. 12 MRSA §7608, as enacted by PL 1979, c. 420, §1, is amended to read:

§7608. Fishing with illegal implements or devices

A person is guilty of fishing with illegal implements or devices if he uses any fish spawn, grapnel, spear, spear gun, trawl, weir, gaff, seine, gill net, trap or set lines or electronic, sonic or battery powered devices for fishing, except that a person may take suckers, eels, hornpout, alewives, yellow perch, whitefish and cusk in accordance with section 7153

and except as otherwise provided.

Sec. 14. 12 MRSA §7736, sub-§1, ¶A, as enacted by PL 1979, c. 420, §1, is amended to read:

A. A person may keep a wild animal in captivity in accordance with sections 7231~~7~~; 7235~~7~~; 7241~~7~~; 7242~~7~~; 7035, subsection 4 3; section 7771, subsection 2~~7~~; or Title 7, section 1809; and

Sec. 15. 12 MRSA §7901, sub-§4, as amended by PL 1979, c. 543, §83, is further amended to read:

4. A violation of section 7505, subsection 3, paragraph A, failure to restrain nuisance dog ~~chasing or pursuing, but not wounding or killing~~ any wild animal, is a civil violation, for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged of which not more than \$50 may be suspended.

Sec. 16. 12 MRSA §7901, sub-§5 is enacted to read:

5. Violation of terms or conditions. A violation of section 7776 or a violation of any of the terms or conditions of a permit issued pursuant to section 7777, in addition to being a Class E crime, is a civil violation for which a forfeiture of not less than \$100 nor more than \$10,000 may be adjudged.

Effective September 23, 1983.

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## CHAPTER 441

H.P. 1256 - L.D. 1669

### AN ACT to Revise Certain Sections of the Probate Code.

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

Sec. 1. 18-A MRSA §2-201, sub-§(b), as enacted by PL 1979, c. 540, §1, is amended to read:

(b) If a married person not domiciled in this State dies, the right, if any, of the surviving spouse to take an elective share in property in this State is governed by the law of the decedent's domicile at death; provided that no claim under this sub-