

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
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## CHAPTER 368

S.P. 324 - L.D. 813

AN ACT Relating to Night Court Sessions for  
Small Claims Court.

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

Sec. 1. 1 MRSA §2501, sub-§4, ¶A, as enacted by PL 1983, c. 548, §1, is amended to read:

A. Title 4, section 181 shall be repealed on ~~July 17 1985~~ November 1, 1986.

Sec. 2. 4 MRSA §181, as repealed by the Maine Revised Statutes, Title 1, §2501, sub-§4, is reenacted to read:

§181. Hours for small claims

Each District Court shall be available for at least one hour, one evening each month, or one hour on one Saturday each month, for the hearing of small claims under Title 14, chapter 738. The office of the clerk to that District Court shall open at the same time to receive any small claims' notices.

This section shall be subject to repeal as provided by Title 1, chapter 29.

Effective September 19, 1985.

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## CHAPTER 369

H.P. 408 - L.D. 561

AN ACT to Modify and Update Certain Laws  
Pertaining to Inland Fisheries and  
Wildlife.

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

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

12. Fly fishing. "Fly fishing" means casting upon water and retrieving in the usual and ordinary manner ~~an~~ not more than 3 unbaited, ~~unweighted~~ artificial ~~fly~~ flies individually attached to a line to which no extra weight has been added.

Sec. 2. 12 MRSA §7034, sub-§2-A, as enacted by PL 1983, c. 489, §9, is amended to read:

2-A. Employment of personnel. The commissioner shall employ, subject to the Personnel Law, such employees as are necessary to carry out the duties of his organization, except that persons in the following positions shall be appointed by and serve at the pleasure of the commissioner: Deputy Commissioner; Game Warden Colonel; ~~Assistant to the Commissioner;~~ and Assistant to the Commissioner for Public Information.

The Game Warden Colonel shall be appointed from among the game wardens of the department with the rank of sergeant or higher. In the event that the Game Warden Colonel is not reappointed, he shall have the right to be restored to the classified position from which he shall have been promoted or to a position equivalent thereto in salary grade in an agency, without impairment of his personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would have entitled him. If his service in that unclassified supervisory position shall have been terminated for cause, his right to be so restored shall be determined by the Personnel Board.

Sec. 3. 12 MRSA §7035, sub-§1, ~~¶A~~, as enacted by PL 1979, c. 420, §1, is amended to read:

A. Fishing rules as set forth in the ~~1976~~ 1986 Open Water Fishing Regulations folder and the ~~1977~~ 1986 Ice Fishing Regulations folder, as printed and distributed to the public, are declared to be official consolidations of fishing rules. Each subsequent ~~annual~~ biennial revision of these publications shall, upon filing with the Secretary of State, constitute an official consolidation as printed.

Sec. 4. 12 MRSA §7076, sub-§6, as amended by PL 1983, c. 807, Pt. P, §1, is further amended to read:

6. Armed Forces domiciled in Maine. A combination fishing and hunting license shall be issued upon payment of \$11 in 1985, \$13 in 1986 and \$15 in 1987 and thereafter, plus the issuing fee, to a Maine res-

ident on active duty in the Armed Forces of the United States who is permanently stationed outside of the State, his spouse and children. These persons shall be issued all other licenses or permits at resident fees. The license will be valid during the year of issue.

Sec. 5. 12 MRSA §7108, sub-§§2 and 3, as enacted by PL 1983, c. 401, are amended to read:

2. Issuance. The commissioner shall issue a permit to hunt coyotes at night to eligible persons without any charge or fee at a fee of \$2.

3. Open season. Notwithstanding section 7406, subsection 5, there shall be an open season for hunting coyotes at night in all counties of the State from January 1st to ~~February 28th~~ March 31st. The commissioner may terminate this open season at any time in any area if, in his opinion, an immediate emergency action is necessary due to adverse weather conditions or illegal hunting activity.

Sec. 6. 12 MRSA §7108, sub-§4, ¶¶B, C and D, as enacted by PL 1983, c. 401, are repealed.

Sec. 7. 12 MRSA §7231, sub-§1-A is enacted to read:

1-A. Expiration. Effective June 30, 1986, all permits issued under this section are valid for one year, commencing July 1st of each year. Any license issued under this section for the 1985 calendar year shall continue to be valid through June 30, 1986.

Sec. 8. 12 MRSA §7235, sub-§1, as repealed and replaced by PL 1979, c. 543, §24, is amended to read:

1. Issuance. The commissioner may issue a license to any person complying with this section, permitting him to:

A. Breed, rear or possess ~~any wild bird~~ birds or ~~animal~~ wild animals; or

B. ~~Consume; sell~~ Sell, transport or kill and sell any wild bird or wild animal raised by virtue of this section;.

C. ~~Sell, live or dressed, wild birds or animals outside this State, subject to laws governing the importation of wild birds and animals of the state in which they are sold.~~

Sec. 9. 12 MRSA §7235, sub-§5, ¶C, as enacted by PL 1979, c. 543, §24, is repealed.

Sec. 10. 12 MRSA §7235, sub-§6, as enacted by PL 1979, c. 543, §24, is repealed and the following enacted in its place:

6. Reports. Every breeder licensed under this section shall report the sale or transfer of each wild bird or wild animal on forms provided by the commissioner. The forms shall be printed in triplicate, one copy to be retained by the licensee, one copy to accompany the bird or birds or animal or animals being sold or transferred and one copy to be submitted to the commissioner on the last day of the month in which the sale or transfer took place.

Sec. 11. 12 MRSA §7237, sub-§1, ¶A, as enacted by PL 1979, c. 420, §1, is amended to read:

A. Introduce or import any wildlife into the State; and

Sec. 12. 12 MRSA §7331, sub-§3, ¶¶A, C, F and G, as enacted by PL 1979, c. 420, §1, are amended to read:

A. Each club so licensed may establish not more than 2 special dog training areas, each of which shall be not less than ~~100~~ 20 acres.

C. Licenses shall not be issued to more than ~~2~~ 5 clubs in any one county.

F. Any person not a licensee may train his own dogs or the dogs of other persons on a special dog training area, unless the area is completely enclosed with rabbit-proof fence, under the following conditions.

(1) He shall apply in writing to the licensee and receive a permit to do so, for which a charge not to exceed ~~\$1-10~~ \$2 may be made ~~for residents, of which amount \$1 shall be paid to the commissioner, and for which a charge not to exceed \$5-10 may be made for nonresidents, of, which amount \$5 shall be paid to the commissioner~~ retained by the licensee.

(2) Failure of a licensee to make reasonable provision for the use of a special dog training area, unless it is completely en-

closed by rabbit-proof fence, by persons not licensees shall be deemed sufficient grounds for the department to deny a renewal of license.

G. The boundary line of a special dog training area shall be plainly and conspicuously posted ~~prior to October 1st of each year~~ with legible notices at least 11 inches square, placed not more than 100 yards apart, which shall bear the following warning:

"SPECIAL DOG TRAINING FIELD TRIAL AREA -- HUNTING AND TRAPPING IS UNLAWFUL. This land is set aside under special license for the training of dogs and the holding of field trials. Entering on this land for the purpose of hunting or permitting dogs to enter without proper authorization is prohibited."

The name and address of the licensee shall be printed on the notice.

Sec. 13. 12 MRSA §7351, sub-§2, as amended by PL 1983, c. 807, Pt. P, §22, is repealed and the following enacted in its place:

2. Fee. The annual fee for a taxidermist license shall be \$11 for 1985, \$12 for 1986 and \$13 for 1987 and every year thereafter.

Sec. 14. 12 MRSA §7352, as amended by PL 1983, c. 807, Pt. P, §23, is further amended to read:

§7352. Hide dealer's license

1. Issuance. The commissioner may issue a hide dealer's license permitting a person to commercially:

A. Buy, sell, barter, take in trade or take in exchange for any services rendered any raw, untanned wild animal hide or head or the gall bladder from any bear; and

B. Aid or assist another in buying, selling or bartering raw, untanned hides or heads of wild animals or bear galls.

1-A. Expiration.

A. ~~Effective June 30, 1982, all~~ All licenses issued under this section are valid for one year commencing July 1st of each year.



B. Any license issued under this section for the 1981 calendar year shall continue to be valid through June 30, 1982.

2. Fee. The annual fee for a hide dealer's license shall be \$52 for 1985, \$53 for 1986 and \$54 for 1987 and every year thereafter for residents and \$102 for 1985, \$103 for 1986 and \$104 for 1987 and every year thereafter for nonresidents.

3. Restrictions.

A. Each licensee shall keep a true and complete record, in such form as is required by the commissioner, of all heads and, hides and bear galls purchased; and

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 June 30th of each year.

4. Exception.

A. Notwithstanding this section, a person who lawfully possesses any deer, moose or bear, or lawfully possesses any furbearing animal, may sell the hide or, head or gall bladder thereof.

Sec. 15. 12 MRSA §7432, sub-§11, ¶D, as enacted by PL 1979, c. 420, §1, is amended to read:

D. Sells, advertises, gives notice of the sale or keeps for sale any snare, swivel, pivot or set gun or poisonous substance for the taking of wild animals or wild birds.

Sec. 16. 12 MRSA §7432, sub-§14, ¶A, as enacted by PL 1979, c. 420, §1, is amended to read:

A. Notwithstanding subsection 6:

(1) A person may trap within 1/2 mile of the built-up portion of a city or village by the use of water sets for mink and muskrat; and

(2) A person who has a written permit from the landowner may trap on that landowner's land with cage-type live traps and with water sets within 1/2 mile of the built-up portion of a city or village.

Sec. 17. 12 MRSA §7452, sub-§1-A is enacted to read:

1-A. Nonresident hunting bear with dogs. A non-resident is guilty of unlawfully hunting bear with dogs if he:

A. Hunts bear with the use of a dog or dogs; and

B. Does not employ and hunt in conjunction with a resident Maine guide.

Sec. 18. 12 MRSA §7452, sub-§15, ¶B, as repealed and replaced by PL 1979, c. 723, §18-B, is amended to read:

B. Notwithstanding subsection 9, the head, teeth, gall bladder, claws and hide of any bear may be sold;

Sec. 19. 12 MRSA §7455, first ¶, as enacted by PL 1983, c. 69, is amended to read:

The open season on hunting partridge shall not extend any later than November 30th in any calendar year, in Wildlife Management Units 1, 2, 3, 4 and 5, nor any later than December 10th in any calendar year in Wildlife Management Units 6, 7 and 8, except as provided in subsection 1.

Sec. 20. 12 MRSA §7458, sub-§15, ¶A, as repealed and replaced by PL 1979, c. 723, §19-A, is amended to read:

A. Notwithstanding subsection 3, the head, antlers, feet and hide of any deer may be sold.

Sec. 21. 12 MRSA §7464, sub-§9, ¶A, as enacted by PL 1979, c. 723, §21, is amended to read:

A. Notwithstanding subsection 8, the head, antlers, feet and hide of any moose may be sold.

Sec. 22. 12 MRSA §7572, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Five-line limit. A person licensed to fish may fish through ice in the daytime with not more than 5 lines set or otherwise, which shall be under his immediate supervision, in any waters which have been opened to ice fishing by the commissioner. Lines shall be considered under immediate supervision if the person remains in a position to visually ob-

serve his lines and does not remove himself more than 500 yards from the most distant line.

Sec. 23. 12 MRSA §7630, sub-§2, as enacted by PL 1979, c. 420, §1, is amended to read:

2. Section 7615. Notwithstanding the provisions of section 7615:

A. Pickerel may be sold in Washington County; ~~and~~

B. That section shall not apply to fish which have been lawfully produced by commercial producers within the State or which have been lawfully imported from without the State; and

C. That section shall not apply to the skins of fish which have been preserved for display through the art of taxidermy.

Sec. 24. 12 MRSA §7857, sub-§22-A is enacted to read:

22-A. Operating an ATV on salt marshes, intertidal zones, sand dunes or beaches. A person is guilty of operating an ATV on a salt marsh, intertidal zone or sand dune if he operates an ATV on a salt marsh, intertidal zone or sand dune. A person is guilty of operating an ATV on a beach if he operates an ATV on a beach without the permission of the owner.

Sec. 25. 12 MRSA §7857, sub-§24, ¶D, as amended by PL 1983, c. 797, § 13, is amended to read:

D. Notwithstanding the provisions of subsection 5:

- (1) Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed ~~300~~ 100 yards, on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, sidewalk or culvert;
- (2) Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed ~~500~~ 100 yards, on the extreme right of the traveled way for the sole purpose of crossing, as directly as possible, a bridge, overpass or underpass,

provided that that operation can be made in safety and that it does not interfere with traffic approaching from either direction on the public way;

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

(4) ATV's may operate on a public way which is not maintained or utilized for the operation of conventional motor vehicles, except that operation on the left side of the way shall be prohibited during the hours from sunset to sunrise;

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

(6) ATV's may be operated on streets and public ways in special events of limited duration conducted according to a prearranged schedule, under a permit from the governmental unit having jurisdiction.

Effective September 19, 1985.

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## CHAPTER 370

S.P. 568 - L.D. 1496

### AN ACT to Establish Mandatory Energy Standards for Publicly-funded Buildings.

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

Sec. 1. 10 MRSA §1412, as enacted by PL 1979, c. 503, §2, is amended to read:

§1412. Legislative findings and purpose