

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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standing committee of the Legislature having jurisdiction over marine resources on or before ~~January 1st~~ March 15th of each year.

Sec. 3. 12 MRSA §6741, sub-§4, as enacted by PL 1985, c. 586, is amended to read:

4. Quahogs raised by means of aquaculture. Any person may take, possess, ship, transport, buy or sell quahogs that are more than 1/2 inch and less than 2 inches if those quahogs were raised by means of aquaculture. The commission may promulgate rules providing for the identification of quahogs raised by means of aquaculture. ~~This subsection is repealed on September 1, 1988.~~

Sec. 4. 12 MRSA §6746, sub-§2, as enacted by PL 1987, c. 328, §3, is amended to read:

2. Licensed activity. A boat license under this section may be used for dragging for mussels. The license shall also authorize the captain and ~~up to 2~~ crew members aboard the licensed boat when engaged in dragging for mussels to undertake these activities.

Sec. 5. Transition. In order to accomplish the purpose of section 1 of this Act, the first vacancy in the advisory council occurring after the effective date of this Act of a member engaged in commercial or industrial activities shall be filled by the chairman of the Lobster Advisory Council.

Effective August 4, 1988

## CHAPTER 695

H.P. 1579 — L.D. 2157

### AN ACT to Amend the Harassment Law.

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

Sec. 1. 5 MRSA §4651, sub-§2, as enacted by PL 1987, c. 515, §1, is amended to read:

2. Harassment. "Harassment" means any repeated act of intimidation, harassment, physical force or threat of physical force ~~whether or not performed under color of law,~~ directed against any person, family or their property or advocate with the intention of causing fear or intimidation or to deter free exercise or enjoyment of any rights or privileges secured by the Constitution of Maine and the United States Constitution. This definition does not include any act protected by the constitutional guarantee of free speech.

Sec. 2. 5 MRSA §4659, sub-§2, as enacted by PL 1987, c. 515, §1, is repealed and the following enacted in its place:

2. Warrantless arrest. Notwithstanding any statutory provision to the contrary, an arrest for criminal violation of an order or consent agreement may be made without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.

Sec. 3. 5 MRSA §4660, as enacted by PL 1987, c. 515, §1, is repealed.

Sec. 4. 5 MRSA §4660-A is enacted to read:

#### §4660-A. Law enforcement agency responsibilities

1. Reports. Each law enforcement agency shall report all incidents of harassment as required by the State Bureau of Identification under Title 25, section 1544.

2. Agency procedures. Law enforcement agencies shall establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of harassment or violation of an order of protection can be informed of any recorded prior incident of harassment involving the harassed party and can verify the effective dates and terms of any recorded protection order.

3. Officer training. Law enforcement agencies shall provide officers employed by them with an education and training program designed to inform the officers of the problems of harassment, procedures to deal with these problems and the provisions of this chapter. The amount and degree of officer training, beyond the distribution of information, shall be determined by each local law enforcement agency.

4. Officer responsibilities. Whenever a law enforcement officer has reason to believe that a person has been a victim of harassment, the officer shall immediately use all reasonable means to prevent further harassment, including:

A. Remaining on the scene as long as he reasonably believes there is a danger to the physical safety of that person without the presence of a law enforcement officer;

B. Assisting that person in obtaining medical treatment necessitated by an assault;

C. Giving that person written notice of his rights, which shall include information summarizing the procedures and relief available to victims of harassment; or

D. Arresting the harassing party with or without a warrant pursuant to section 4659, subsection 2.

Sec. 5. 17 MRSA §2931, as enacted by PL 1987, c. 515, §2, is amended to read:

§2931. Prohibition

No person, ~~whether or not acting under color of law,~~ may, by force or threat of force, intentionally injure, intimidate or interfere with, or intentionally attempt to injure, intimidate or interfere with or intentionally oppress or threaten any other person in the free exercise or enjoyment of any right or privilege, secured to him by the Constitution of Maine or laws of the State or by the United States Constitution or laws of the United States.

As used in this section, "intentionally" has the meaning set forth in Title 17-A, section 35.

Sec. 6. 25 MRSA §1544, last ¶, as amended by PL 1987, c. 515, §3, is further amended to read:

The bureau shall establish a category for abuse by adults of family or household members and a category for harassment, ~~as defined in Title 5, chapter 337-A,~~ which shall be supplementary to its other reported information. The bureau shall prescribe the information to be submitted in the same manner as for all other categories of the uniform crime reports.

Effective August 4, 1988.

## CHAPTER 696

H.P. 1729 — L.D. 2372

### AN ACT to Revise and Modify Certain Laws Relating to the Department of Inland Fisheries and Wildlife.

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

Sec. 1. 12 MRSA §7001, sub-§6, as enacted by PL 1979, c. 420, §1, is amended to read:

6. Drive deer or moose. To "drive deer or moose" means to intentionally pursue, drive, chase or otherwise frighten or cause a deer or moose to move in the direction of any person or persons known to be waiting for the deer or moose.

Sec. 2. 12 MRSA §7001, sub-§33-B is enacted to read:

33-B. Sporting dogs. "Sporting dogs" means sporting dogs as defined by the American Kennel Club, including pointers, retrievers, setters, spaniels, Vizslas, Weimaraners and wirehaired pointing griffons.

Sec. 3. 12 MRSA §7053, sub-§2, ¶C, as enacted by PL 1979, c. 420, §1, is amended to read:

C. Accept personal recognizances in accordance with the following procedures:

(1) Any game warden making an arrest for any violation of chapters 701 to 721 and Title 38, chapter 3, subchapter I, Article I-A, at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizance of the prisoner in an amount not to exceed ~~\$500~~ \$1,000 for his appearance before the nearest District Court on a specified date and a deposit in money to the amount of that recognizance;

(2) The warden shall report forthwith all those recognizances and forward all those deposits to the court to which the recognizance is returnable; and

(3) Recognizances and deposits shall be handled by the court in accordance with section 7910;

Sec. 4. 12 MRSA §7077, sub-§4, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 5. 12 MRSA §7101, sub-§5, ¶1, as repealed and replaced by PL 1983, c. 807, Pt. P, §3, is repealed and the following enacted in its place:

I. Alien small game hunting license \$62

(Permits hunting of all species, except deer, bear, turkey, moose, raccoon and bobcat)

Sec. 6. 12 MRSA §7133, sub-§5, ¶C is enacted to read:

C. Notwithstanding section 7406, subsections 4 and 5, any person who holds a valid trapping license may carry a .22 caliber firearm at any time during the open trapping season for the sole purpose of dispatching trapped animals.

Sec. 7. 12 MRSA §7332, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Application and issuance. Upon application of any club or organization ~~having 25 or more resident members,~~ the commissioner may, at his discretion, issue to the club or organization a license authorizing the following.

A. The licensee may hold, at the time and place stated in the license, a field trial for sporting dogs for the purpose of demonstrating the skill of the dogs in retrieving dead or wounded wild birds. ~~For purposes of this section, the term "sporting dogs" shall include sporting dogs as defined by the American Kennel Club, including pointers, retrievers, setters, spaniels, vizslas, weimaraners and wirehaired pointing griffons.~~

B. Members of the licensee club or organization may shoot and kill with firearms, ~~under supervision of a representative of the commissioner,~~ wild birds propagated or legally acquired by members of the licensee at the field trial held at the time and place specified in the license.