

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,
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Twin City Printery
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1988

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

§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.

C. Persons may participate in a field trial pursuant to this section without a hunting license.

Sec. 8. 12 MRSA §7332, sub-§3, ¶C, as amended by PL 1979, c. 543, §30, is repealed.

Sec. 9. 12 MRSA §7451, sub-§3, ¶A, as enacted by PL 1987, c. 212, §2, is amended to read:

A. Bait may not be used to hunt black bear, unless:

(1) The bait is placed at least 50 yards from any travel way that is accessible by a conventional 2-wheel or 4-wheel drive vehicle;

(2) The stand, blind and bait area are tagged by a 2-inch by 4-inch tag with the name and address of the baiter;

(3) The bait is placed more than 500 yards from any dump or campground;

(4) The bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or leasee;

(5) The bait is placed not more than 30 days before the opening day of the season and not after October 31st;

(6) The bait areas will be cleaned up by November 10, as defined by the state litter laws; and

(7) The person hunting from any stand or blind of another person has permission of the owner of that stand or blind.

Sec. 10. 12 MRSA §7452, sub-§1-B is enacted to read:

1-B. Illegal harvest of bear. A person is guilty of illegally harvesting bear if without the permission of the person conducting the hunt that person kills or wounds a bear that is treed or held at bay by another person's dog or dogs.

Sec. 11. 12 MRSA §7463-A, sub-§10, as amended by PL 1983, c. 797, §11, is repealed and the following enacted in its place:

10. Registration of harvested moose. All moose legally harvested shall be presented for inspection at an official moose registration station established by the commissioner. The entire animal except the viscera shall be presented, but the animal may be dismembered for ease of transportation. The following conditions apply to moose registration.

A. An agent designated by the commissioner shall be in charge of each moose registration station.

B. Moose registration agents shall register each

moose legally presented for registration and shall attach a seal to each moose in the manner directed by and with materials furnished by the commissioner.

C. Any person killing a moose under this section shall present it for registration at an official moose registration station and the moose shall be registered in the name of the person who killed the moose. No person may present a moose for registration or allow a moose which that person did not lawfully kill to be registered in that person's name.

Sec. 12. 12 MRSA §7464, sub-§3, ¶B, as amended by PL 1981, c. 118, §4, is further amended to read:

B. The moose tag portion of the permit bearing the name and address of the person who killed the moose is not securely attached to the head of the moose;

Sec. 13. 12 MRSA §7464, sub-§8-A, as amended by PL 1987, c. 317, §22, is further amended to read:

8-A. Illegal firearms. A person is guilty of using illegal firearms if he uses a handgun which is less than .35 caliber, a .22 caliber rimfire firearm or a shotgun using shot loads to hunt moose.

Sec. 14. 12 MRSA §7464, sub-§8-B is enacted to read:

8-B. Driving moose. A person is guilty of driving moose if that person participates in a joint hunt for moose during which an effort is made to drive moose.

Sec. 15. 12 MRSA §7553, sub-§1, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. At the following places, the fishway and the area within 75 feet of ~~the mouth~~ any part of the fishway shall be closed to fishing at all times:

(1) Woodland Dam and Grand Falls Powerhouse Dam on the St. Croix River in the Town of Baileyville;

(2) East Grand Lake Dam, T9 R4; and

(3) Spednic Lake Dam, Vanceboro; and

Sec. 16. 12 MRSA, §7572, sub-§1, as amended by PL 1985, c. 369, §22, is further 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 observe his lines and does not remove himself more than 500 yards from the most distant line.

Sec. 17. 12 MRSA §7608, as amended by PL 1983, c. 440, §13, is further 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, grapple, spear, spear gun, trawl, weir, gaff, seine, gill net, trap or set lines or electronic, sonic or battery-powered devices for fishing or if that person uses any electronic or battery-powered devices for luring or attracting fish, except that a person may take suckers, eels, hornpout, alewives, yellow perch and cusk in accordance with section 7153 and except as otherwise provided.

Sec. 18. 12 MRSA §7861, sub-§1-A is enacted to read:

1-A. Training of sporting dogs. It is lawful to train sporting dogs on wild birds at any time.

Sec. 19. 12 MRSA §7863, sub-§5 is enacted to read:

5. Exceptions. The following exceptions apply to the training of sporting dogs.

A. Notwithstanding this section, the commissioner may issue a permit to any person authorizing the use of firearms during the training of sporting dogs to shoot and kill wild birds propagated or legally acquired by the permittee and possessed in accordance with section 7235.

Effective August 4, 1988.

CHAPTER 697

S.P. 912 — L.D. 2378

AN ACT Providing for the 1988 Amendments to the Finance Authority of Maine Act.

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

Sec. 1. 10 MRSA §972, sub-§9, as enacted by PL 1983, c. 519, §6, is repealed and the following enacted in its place:

9. Provide information on employment opportunities. Provide copies of the employment plans required by section 979 to the Department of Labor and the Department of Human Services.

Sec. 2. 10 MRSA §974, sub-§1, ¶G, as amended by PL 1985, c. 344, §23, is further amended to read:

G. A description summary of the actual and potential employment opportunities that have been and are being developed for recipients of Aid to Families with Dependent Children reported on employment plans pursuant to section 979;

Sec. 3. 10 MRSA §975-A, sub-§3, ¶D, as enacted by PL 1985, c. 344, §25, is amended to read:

D. Information necessary to comply with any federal or state law, including section 979, or rule or with any agreement pertaining to financial assistance;

Sec. 4. 10 MRSA §979, as enacted by PL 1983, c. 730, §3, is repealed and the following enacted in its place:

§979. Employment plan

The authority and its chief executive officer shall ensure that each applicant for assistance submit an employment plan which describes the business and its products or services and which provides information on new employment opportunities, including types of jobs, skills and training necessary for placement and training the applicant could provide. The chief executive officer shall provide this information to the Department of Labor and the Department of Human Services. This provision shall apply only to those applicants with more than 10 employees.

Sec. 5. 10 MRSA §1024, sub-§2, as amended by PL 1987, c. 521, §6, is further amended to read:

2. Issuance of bonds. If a request for funds is made under subsection 1 and if there are insufficient funds in the State Contingent Account, bonds of the State shall be issued in the following manner:

A. By the Treasurer of State on orders from the Governor;

B. In the amount required, but not exceeding in the aggregate at any one time outstanding the amount set forth in:

(1) The Constitution of Maine, Article IX, Section 14-A, as it may be from time to time amended, except that bonds issued under that section and this subsection shall not exceed in the aggregate at any one time outstanding the principal amount of \$82,500,000; and

(2) The Constitution of Maine, Article IX, Section 14-D, as it may be from time to time amended, except that bonds issued under that section and this subsection shall not exceed in the aggregate at any one time outstanding the principal amount of \$4,000,000;

C. To mature serially or to run for such periods as the Governor may determine, not to exceed 10 years, to be subject to prior redemption or repurchase at the option of the State or the holder, as the Governor may determine, with or without premium;

D. At variable or fixed rates of interest, in such denominations, at such price, at public or private sale, in such manner and on such other terms and conditions as approved by the Governor; and