

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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 Company  
Augusta, Maine  
1991

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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## CHAPTER 282

S.P. 535 - L.D. 1424

## An Act to Enhance the Trapping of Beaver

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

Sec. 1. 12 MRSA §7432, sub-§11, as amended by PL 1985, c. 369, §15, is further amended to read:

11. **Use or possession of prohibited implements or aids.** A person is guilty, except as provided in subsection 14, paragraph B, of use or possession of a prohibited implement or aid if he that person:

A. Sets or tends a snare for the purpose of trapping any wild animal or wild bird, except as provided in section 7453-A;

B. Sets or tends a swivel, pivot or set gun for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild bird;

C. Deposits any poisonous or stupefying substance for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild bird; or

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

Sec. 2. 12 MRSA §7453-A is enacted to read:

§7453-A. Trapping beaver

1. Traps. A person may use snares when trapping beaver during the open beaver trapping season.

2. Rules. All rules pertaining to the trapping of beaver with the so-called Conibear trap apply to the trapping of beaver with a snare.

3. Repeal. This section is repealed on April 1, 1993.

See title page for effective date.

## CHAPTER 283

H.P. 919 - L.D. 1316

An Act to Clarify Board Membership Qualifications and Make Necessary Fee Adjustments to Meet Board and Departmental Operating Expenses for the State Board of Licensure for Professional Foresters

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** delay in the implementation of changes to the law will result in unnecessary burdens on the State Board of Licensure for Professional Foresters and the inability of the board to function independently and financially; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §5004, as amended by PL 1989, c. 503, Pt. B, §146, is further amended to read:

**§5004. State Board of Licensure for Professional Foresters**

A State Board of Licensure for Professional Foresters within the Department of Professional and Financial Regulation, as established by Title 5, section 12004-A, subsection 17, shall administer the provisions of this chapter. The board ~~shall consist~~ consists of 5 licensed professional foresters and one public member who ~~shall be~~ are selected and appointed by the Governor, ~~and the forester members shall be qualified as required by section 5005.~~ Appointments ~~shall be~~ are for ~~5-year~~ 3-year terms, except that no more than one forester member's term may expire in any one calendar year and appointments for terms of less than ~~5~~ 3 years may be made ~~in order~~ to comply with this limitation. Upon expiration of a member's term, that member shall serve until a successor is qualified and appointed. The successor's term ~~shall be 4~~ is 3 years from the date of the expiration, regardless of the date of appointment. No person may be eligible to serve more than ~~2~~ 3 full consecutive terms, ~~provided that for this purpose only a~~ A period actually served which that exceeds 1/2 of the 5-year 3-year term shall be deemed is considered a full term.

Sec. 2. 32 MRSA §5005, as enacted by PL 1975, c. 490, is repealed.

Sec. 3. 32 MRSA §5012, sub-§3, as enacted by PL 1989, c. 142, is amended to read:

3. **Examination.** Beginning January 1, 1991, successful completion, ~~at any time,~~ of a written examination, the content of which ~~shall be~~ is determined by the board. Examinations ~~shall~~ must be given at least twice each year. The board shall set a fee for the examination ~~sufficient only to cover costs related to it.~~ In some circumstances, as determined by the board, an oral exami-