

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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 This section is repealed on April 1, 1993.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-

nation may be substituted for the written examination. Persons who are licensed on or before January 1, 1991, shall be required to complete an examination as a condition for continuing licensure. All applicants must have met all other qualifications for licensure prior to taking an examination.

Sec. 4. 32 MRSA §5013, as amended by PL 1987, c. 395, Pt. A, §185, is further amended to read:

§5013. Applications; fees

Applications for licensure shall be made on forms prescribed and furnished by the board, and shall contain statements made under oath as to residence, the applicant's education, a detailed summary of his technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be foresters having personal or professional knowledge of his forestry experience. Notwithstanding any other provision of law, any communications solicited or received by the board as references may be kept confidential by the board and any discussion of these references may be conducted in executive session. An application fee may be established by the board in an amount which is reasonable and necessary for its purpose. The fee for a license as a licensed professional forester shall be fixed by the board, but shall not exceed \$25 for 2 years be less than \$40 nor more than \$55 annually and shall be paid before the issuance of the license. Should the applicant fail to remit the licensure fee within 30 days after being notified by certified mail that his application has been accepted, he shall forfeit the right to have a license so issued and the applicant may be required to again submit an original application.

Sec. 5. 32 MRSA §5015, 2nd ¶, as amended by PL 1987, c. 395, Pt. A, §187, is further amended to read:

Licenses shall expire on December 31st or as designated by the Commissioner of Professional and Financial Regulation, following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Division of Licensing and Enforcement to notify, at his last known address, every person licensed under this chapter of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for 2 years, that notice to be mailed at least one month in advance of the date of the expiration of that license. The board shall fix the renewal fee for licenses, which fee shall not exceed the sum of \$25 for 2 years be less than \$40 nor more than \$55 annually. Renewal of licenses for the following 2 years may be effected at any time during the month of December renewal of the year in which the license is due for renewal by payment of the renewal fee fixed by the board. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90

days after the license renewal date shall be subject to all requirements governing new applicants under this chapter. The board shall make an exception to the foregoing renewal provision in the case of a person who is in the Armed Services of the United States.

Sec. 6. Transition; board members. Any member serving on the State Board of Licensure for Professional Foresters on the effective date of this Act shall serve until the term for which that member was appointed expires.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
State Board of Licensure for Professional Foresters		
All Other	\$4,000	\$2,500
Provides funds for rulemaking and to publish and distribute a newsletter.		

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 14, 1991.

CHAPTER 284

S.P. 456 - L.D. 1232

An Act Regarding the Exclusivity of an Authorized Aquaculture Lease Site

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

12 MRSA §6073, sub-§3, is enacted to read:

3. Penalty. Any person who knowingly and willfully violates this section is guilty of a Class D crime, except that, notwithstanding Title 17-A, sections 4-A and 1301, the court shall impose a fine of not less than \$1,000 and restitution may be ordered made to the owner of the lease in an amount set by the court.

See title page for effective date.

CHAPTER 285

S.P. 450 - L.D. 1226

An Act to Foster Marine Research