

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

commissioners. The budget adopted by the budget advisory committee may be changed by a majority vote of the board of county commissioners. If the adopted budget is changed by the county commissioners, the budget advisory committee may reject that change by a 2/3 vote of its membership. The budget is final and not subject to further action by either the county commissioners or the budget advisory committee upon failure of the commissioners to recommend changes in the budget transmitted from the budget advisory committee or upon acceptance or rejection of changes by the budget advisory committee. The entire budget approval process must be completed by December 31st.

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

Effective May 27, 1997.

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**CHAPTER 280**

**H.P. 1132 - L.D. 1588**

**An Act Concerning Rabbit Hunting with Dogs**

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

**Sec. 1. 12 MRSA §7461, sub-§2** is enacted to read:

**2. Hunting with a dog.** A person may use a dog to hunt, or be accompanied by a dog while hunting, for wild hares or rabbits during the open firearm season on deer.

See title page for effective date.

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**CHAPTER 281**

**H.P. 531 - L.D. 722**

**An Act to Amend the Laws Regarding Scallop Harvesting**

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

**Sec. 1. 12 MRSA §§6726 and 6727** are enacted to read:

**§6726. Ring size**

**1. Minimum size.** It is unlawful to utilize a drag to fish for or take scallops in the coastal waters with rings that measure less than:

A. From November 1, 1997 to April 15, 1999, 3 inches in diameter;

B. From November 1, 1999 to April 15, 2001, 3 1/4 inches in diameter; and

C. On November 1, 2001 and thereafter, 3 1/2 inches in diameter.

**2. Measurement of rings.** Ring size is determined by measuring the shortest straight line passing through the center of the ring from one inside edge to the opposite inside edge of the ring. The measurement may not include links or normal welds from ring manufacturing. The rings measured must be at least 5 rings away from the mouth and at least 2 rings away from other rigid portions of the drag.

**3. Configuration of drag.** The commissioner shall adopt rules that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. Rules initially adopted pursuant to this subsection must be identical to federal regulations in the Atlantic sea scallop fishery in effect on March 25, 1997 that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**§6727. Drag width**

**1. Opening month of season.** It is unlawful from November 1st to November 30th for a person to possess on any vessel fishing for scallops in the coastal waters, or to utilize when fishing for or taking scallops in the coastal waters, a drag or any combination of drags that measures in excess of 5 feet, 6 inches across from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge.

**2. Remainder of season.** It is unlawful from December 1st to April 15th for a person to possess on any vessel fishing for scallops in the coastal waters, or to utilize when fishing for or taking scallops in the coastal waters, a drag or any combination of drags that measures in excess of 10 feet, 6 inches across from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge.

**Sec. 2. 12 MRSA §6954-B**, as amended by PL 1995, c. 518, §1, is repealed.

**Sec. 3. 12 MRSA §6954-C** is enacted to read:

**§6954-C. Drag limits north of international bridge, Lubec**

**1. Gear requirements.** It is unlawful to fish in the coastal waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada with any drag or combination of drags:

A. That measures in excess of 5 feet, 6 inches in width measuring from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge; and

B. If used for the taking of scallops, that is greater than 8 rings deep.

See title page for effective date.

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**CHAPTER 282**

**H.P. 643 - L.D. 896**

**An Act Increasing from 12 Hours to 18 Hours the Time Limit for Registering Deer and Bear**

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

**Sec. 1. 12 MRSA §7452, sub-§6,** as enacted by PL 1979, c. 420, §1, is amended to read:

**6. Failure to register bear.** A person is guilty of failure to register a bear if he that person:

A. Possesses a bear ~~which~~ that has not been legally registered as provided in section 7451 except in accordance with chapter 709, subchapter IV;

B. Kills a bear and fails to present it for registration in ~~his~~ that person's name at the first open bear registration station on the route taken by ~~him~~ that person; or

C. Keeps an unregistered bear at ~~his~~ that person's home, or at any place of storage except a bear registration station, more than ~~42~~ 18 hours.

**Sec. 2. 12 MRSA §7458, sub-§4-A,** as enacted by PL 1979, c. 723, §18-E, is amended to read:

**4-A. Keeping an unregistered deer.** A person is guilty, except as provided in subsection 15, paragraph G, of keeping an unregistered deer if ~~he~~ that person keeps an unregistered deer at ~~his~~ home, or at

any place of storage except a deer registration station, more than ~~42~~ 18 hours.

See title page for effective date.

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**CHAPTER 283**

**H.P. 161 - L.D. 203**

**An Act Regarding Trap-tending Requirements**

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

**Sec. 1. 12 MRSA §7432, sub-§2,** as amended by PL 1989, c. 913, Pt. B, §6, is repealed.

**Sec. 2. 12 MRSA §7432, sub-§2-A** is enacted to read:

**2-A. Failure to visit traps.** Except as provided in subsection 14, paragraph C, a person is guilty of failure to visit traps if that person:

A. While trapping in any organized or incorporated place, fails to visit each trap, except killer-type traps, or fails to cause each trap to be visited at least once in every calendar day;

B. While trapping in any organized or incorporated place, fails to visit each killer-type trap or fails to cause each trap to be visited at least once in every 3 calendar days;

C. While trapping in any unorganized place, fails to visit each trap, except killer-type traps and water sets, or fails to cause each trap to be visited at least once in every calendar day; or

D. While trapping in any unorganized place, fails to visit each killer-type trap or water set or fails to cause each trap to be visited at least once in every 5 calendar days.

**Sec. 3. 12 MRSA §7432, sub-§14, ¶C** is enacted to read:

C. The requirements of subsection 2-A do not apply to under ice water sets for beaver and muskrat.

See title page for effective date.

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