

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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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
1999

CHAPTER 317

S.P. 241 - L.D. 663

An Act to Clarify the Powers of Game Wardens When Stopping Motor Vehicles

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

Whereas, the authority of a game warden to stop a vehicle to protect a person from threat of death or personal injury is essential;

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. 12 MRSA §7053, sub-§2, ¶D-1, as enacted by PL 1989, c. 493, §5, is amended to read:

D-1. If in uniform and if they have a reasonable and articulable suspicion that a motor vehicle or other conveyance, or its operator or occupant, is or has been involved in, or may contain evidence of, a violation of chapters 701 to 721 or when necessary to protect a person from the threat of death or personal injury, stop the motor vehicle or other conveyance to check its registration and vehicle identification number, request personal identification of the operator or occupant and question the operator or occupant about the violation. This paragraph is repealed 90 days after adjournment of the Second Regular Session of the 119th Legislature;

Sec. 2. 12 MRSA §7053, sub-§2, ¶D-2 is enacted to read:

D-2. If in uniform and if they have a reasonable and articulable suspicion that a motor vehicle or other conveyance, or its operator or occupant, is or has been involved in, or may contain evidence of, a violation of chapters 701 to 721, stop the motor vehicle or other conveyance to check its registration and vehicle identification number, request personal identification of the operator or occupant and question the operator or occupant about the violation. This paragraph takes effect 90 days after adjournment of the Second Regular Session of the 119th Legislature.

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

Effective May 25, 1999.

CHAPTER 318

H.P. 56 - L.D. 70

An Act to Increase Penalties for Standing or Walking on Railroad Tracks

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

Sec. 1. 23 MRSA §7007, as amended by PL 1991, c. 797, §8, is further amended to read:

§7007. Penalty for being on track or bridge or entering track with team

~~Whoever A person who,~~ without right, stands or walks on a railroad track or railroad bridge or passes over such a bridge except by railroad conveyance ~~forfeits not less than \$5 nor more than \$20, to be recovered by complaint commits a civil violation for which the following forfeiture must be adjudged: for a first offense, not less than \$5 nor more than \$100; for a 2nd offense, not less than \$100 nor more than \$500; for a 3rd and subsequent offenses, not less than \$500 nor more than \$1000.~~ Whoever A person who, without right, enters upon any railroad track with any team, or any vehicle however propelled or drives any team or propels any vehicle upon any railroad track commits a Class E crime.

See title page for effective date.

CHAPTER 319

H.P. 530 - L.D. 737

An Act to Extend the Open Water Fishing Season

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

Sec. 1. 12 MRSA §7552, sub-§5-A, ¶D, as amended by PL 1995, c. 406, §9, is further amended to read:

D. The commissioner by rule ~~shall~~ may extend the open-water fishing season ~~through the month of November in lakes and ponds that are managed primarily for warm water sport fish in the following counties: Androscoggin, Cumberland,~~

~~Hancock, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, Washington and York as long as such an extension does not pose a threat to the fishery.~~ Rules adopted under this paragraph may include provisions that establish catch-and-release-only restrictions on landlocked salmon, trout, togue and bass.

Sec. 2. Report. The Commissioner of Inland Fisheries and Wildlife shall report to the Joint Standing Committee on Inland Fisheries and Wildlife on any rule-making activities undertaken or anticipated pursuant to the Maine Revised Statutes, Title 12, section 7552, subsection 5-A, paragraph D. The report may be made orally or by letter, but must be made no later than February 15, 2000.

See title page for effective date.

CHAPTER 320

H.P. 554 - L.D. 775

An Act to Revise Hunting and Fishing License Revocation Laws

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

Sec. 1. 12 MRSA §7077, sub-§1-A, ¶E, as enacted by PL 1993, c. 136, §1, is repealed.

Sec. 2. 12 MRSA §7077, sub-§1-B, ¶¶E and F, as enacted by PL 1993, c. 136, §1, are amended to read:

E. Buying or selling freshwater sport fish, in violation of section 7615; and

F. Taking fish by explosive, poisonous or stupefying substances, in violation of section 7617; and.

Sec. 3. 12 MRSA §7077, sub-§1-B, ¶G, as enacted by PL 1993, c. 136, §1, is repealed.

See title page for effective date.

CHAPTER 321

S.P. 415 - L.D. 1204

An Act to Amend the Fishing Laws

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

Sec. 1. 12 MRSA §7001, sub-§11, as enacted by PL 1979, c. 420, §1, is amended to read:

11. Fly. "Fly" means a single pointed hook dressed with feathers, hair, thread, tinsel, or any similar material to which no additional weights, hook, spinner, spoon or similar device is added.

Sec. 2. 12 MRSA §7001, sub-§12, as amended by PL 1985, c. 369, §1, is further amended to read:

12. Fly fishing. "Fly fishing" means casting upon water and retrieving in ~~the usual and ordinary a manner not in which the weight of the fly line propels the fly.~~ No more than 3 unbaited artificial flies individually attached to a line to which no extra weight has been added may be used.

Sec. 3. 12 MRSA §7001, sub-§33-D, as enacted by PL 1991, c. 443, §4, is amended to read:

33-D. Single-baited hook. "Single-baited hook" means ~~up to 3 hooks attached together or in tandem to the end of a line and baited as a single baited apparatus designed to catch only one fish at a time.~~

Sec. 4. 12 MRSA §7001, sub-§38-A, as enacted by PL 1991, c. 443, §4, is amended to read:

38-A. Troll. "Troll" means to fish by trailing a line rigged to catch fish ~~through or over the water~~ behind a watercraft being propelled by mechanical, wind or manual power.

Sec. 5. 12 MRSA §7101, sub-§5, ¶H-1, as amended by PL 1995, c. 667, Pt. A, §18, is further amended to read:

H-1. Nonresident 3-day small game hunting license, valid for 3 consecutive hunting days (Permits hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat) (Valid for the 72-hour period specified on the license) 0 0 \$30 \$30

Sec. 6. 12 MRSA §7151, sub-§5, ¶¶E and J, as repealed and replaced by PL 1993, c. 419, §13, are amended to read:

E. Three-day fishing license (Resident or nonresident) (Valid for the 72-hour period specified on the license) \$17 \$19 \$20 \$21

J. One-day fishing license (Resident or nonresident) (Valid for