

# 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**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

the ~~date~~ 24-hour period \$5 \$7 \$8 \$9 indicated on license)

**Sec. 7. 12 MRSA §7608**, as amended by PL 1997, c. 432, §49, is further amended to read:

**§7608. Fishing with illegal implements or devices**

A person is guilty of fishing with illegal implements or devices if that person uses any fish ~~spawn~~, grapnel, spear, spear gun, trawl, weir, gaff, seine, gill net, trap or set lines 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, alewives and yellow perch in accordance with section 7153 and except as otherwise provided.

**Sec. 8. 12 MRSA §7609**, as enacted by PL 1979, c. 420, §1, is amended to read:

**§7609. Possession of illegal implements and devices**

A person is guilty of possession of illegal implements and devices if ~~he~~ that person possesses any grapnel, trawl, weir, seine, gill net or trap or set line ~~in any lodge or place of resort for hunters or fishermen or in its immediate vicinity, or on or adjacent to any of the inland waters of the State, or in their immediate vicinity, in the inland territory of the State~~, except that a person may possess these prohibited implements and devices in accordance with sections 7153, 7241 and 7771.

**Sec. 9. 12 MRSA §7610**, as enacted by PL 1979, c. 420, §1, is repealed.

See title page for effective date.

**CHAPTER 322**

**S.P. 182 - L.D. 536**

**An Act to Improve Wild Game Transportation Laws**

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

**Sec. 1. 12 MRSA §7452, sub-§12**, as enacted by PL 1979, c. 543, §40, is amended to read:

**12. Illegal possession of a gift bear.** A person is guilty, except as provided in ~~subsection 15, paragraph D~~ section 7531, and notwithstanding the provisions of subsection 13, of illegal possession of a gift bear if ~~he~~ that person possesses any part or parts of a bear given to ~~him~~ that person and:

- A. Each part is not plainly labeled with the name and address of the person who registered the bear;

- B. Each part is not plainly labeled with the name and address of the person to whom it was given; or

- C. Each part is not plainly labeled with the name and address of the party transporting the part or parts, if a 3rd party transports a part or parts.

**Sec. 2. 12 MRSA §7452, sub-§13**, as amended by PL 1995, c. 455, §28, is further amended to read:

**13. Illegally transporting bear.** A person is guilty, except as otherwise provided in chapters 701 to 721 and except as provided in ~~subsection 15, paragraph E~~ section 7531, of illegally transporting bear if, at any time and in any manner, that person moves or transports any bear, and:

- A. The bear is not open to view;
- B. A bear tag that conforms to the requirements of section 7451, subsection 4 is not securely attached to the bear; or
- C. The person who killed the bear does not accompany the bear while it is being moved or transported.

**Sec. 3. 12 MRSA §7452, sub-§14**, as enacted by PL 1979, c. 543, §40, is amended to read:

**14. Transporting bear out-of-state.** A person is guilty, except as provided in ~~subsection 15, paragraphs F and G~~ section 7531, of transporting bear out of this State if ~~he~~ that person transports or attempts to transport any bear beyond the limits of this State.

**Sec. 4. 12 MRSA §7452, sub-§15, ¶D**, as enacted by PL 1979, c. 543, §40, is repealed.

**Sec. 5. 12 MRSA §7452, sub-§15, ¶D-1**, as enacted by PL 1989, c. 493, §34, is amended to read:

- D-1. Notwithstanding subsection 13, paragraph A, that provision does not apply to bear legally registered in accordance with this subchapter; and

**Sec. 6. 12 MRSA §7452, sub-§15, ¶E**, as amended by PL 1981, c. 644, §21, is repealed.

**Sec. 7. 12 MRSA §7452, sub-§15, ¶F**, as amended by PL 1981, c. 644, §22, is repealed.

**Sec. 8. 12 MRSA §7458, sub-§11**, as amended by PL 1995, c. 455, §33, is further amended to read:

**11. Illegally transporting deer.** A person is guilty, except as otherwise provided in chapters 701 to 721 and except as provided in subsection 15, para-

graphs C-1, and C-2 and ~~D~~ section 7531, of illegally transporting deer if that person, at any time and in any manner, moves or transports any deer and:

- A. The deer is not open to view;
- B. A deer tag bearing the name and address of the person who killed the deer that conforms to the requirements of section 7457, subsection 3 is not securely attached to the deer; or
- C. The person who killed the deer does not accompany the deer while it is being moved or transported or allows the deer to be transported while accompanied by another person without obtaining the transportation permit required under section 7531.

**Sec. 9. 12 MRSA §7458, sub-§12,** as enacted by PL 1979, c. 420, §1, is amended to read:

**12. Transporting deer out of state.** A person is guilty, except as provided in subsection 15, ~~paragraphs E and F~~ section 7531, of transporting deer out of this State if ~~he~~ that person transports or attempts to transport any deer beyond the limits of this State.

**Sec. 10. 12 MRSA §7458, sub-§15, ¶D,** as amended by PL 1981, c. 644, §25, is repealed.

**Sec. 11. 12 MRSA §7458, sub-§15, ¶E,** as amended by PL 1981, c. 644, §26, is repealed.

**Sec. 12. 12 MRSA §7458, sub-§15, ¶F,** as amended by PL 1981, c. 644, §27, is repealed.

**Sec. 13. 12 MRSA §7464, sub-§3, ¶C,** as amended by PL 1981, c. 118, §4, is further amended to read:

- C. The person who killed the moose does not accompany the moose while it is being moved or transported or allows the moose to be transported while accompanied by another person without obtaining the transportation permit required under section 7531; or

**Sec. 14. 12 MRSA §7531,** as enacted by PL 1979, c. 420, §1, is amended to read:

#### **§7531. Transportation by residents**

Any resident may transport ~~to his~~ to his home any wild animal or wild bird ~~which he that that resident~~ has killed and ~~which that~~ which that is legally ~~in his possession~~ possessed, provided ~~he that that resident~~ is properly licensed and has met all other requirements of chapters 701 to 721. A resident may have any lawfully harvested wild animal or wild bird transported to a location other than that person's home without accompanying the wild animal or wild bird by obtaining a transportation permit from any game

warden. There is no fee for a permit issued under this section.

**Sec. 15. 12 MRSA §7532,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 16. 12 MRSA §7532-A** is enacted to read:

#### **§7532-A. Transportation by nonresidents**

A nonresident may transport to that person's home any lawfully harvested wild animal or wild bird. A nonresident may have transported to that person's home by another individual or common carrier any wild animal or wild bird that that nonresident has lawfully harvested, as long as that person has obtained a transportation permit from any game warden and has met all the other requirements of chapters 701 to 721. There is no fee for a permit issued under this section.

See title page for effective date.

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## **CHAPTER 323**

### **H.P. 970 - L.D. 1368**

#### **An Act to Ensure a Fair Distribution of Hunting Permits**

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

**Sec. 1. 12 MRSA §7457, sub-§1, ¶H,** as amended by PL 1999, c. 141, §1, is further amended to read:

H. The commissioner may regulate the taking of antlerless deer within any area of the State, as necessary, to maintain deer populations in balance with available habitat if the following conditions are met.

- (1) The demarcation of each area must follow recognizable physical boundaries such as rivers, roads and railroad rights-of-way.
- (2) The determination must be made and published prior to August 1st of each year.
- (3) The application fee for a permit to take an antlerless deer may not exceed \$1. The application must include a detachable portion on which the applicant shall write the applicant's name and address and to which the applicant shall affix a stamp of adequate postage. The department shall return this portion of the application to the applicant in acknowledgement of the department's receipt of the application.