

# 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**

(4) The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this subsection, except that there may not be an antlerless deer permit system unless otherwise specified in this paragraph. Any rules adopted by the commissioner that provide for permits to be issued to nonresident or alien hunters must provide that:

(a) The percentage of antlerless deer permits issued to nonresident and alien hunters may not exceed the average percentage of applicants for antlerless deer permits over the previous 3 years who were nonresidents or aliens; and

(b) No more than 15% of the antlerless deer permits issued in any one district or in any one zone may be issued to nonresident and alien hunters.

(5) An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public. Any 2 or more areas of land owned by the same person that are open for hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purposes of determining landowner eligibility for special consideration under this subparagraph.

A junior hunter or a person 65 years of age or older may take an antlerless deer, if an adult who holds a valid antlerless deer permit transfers the permit to the junior hunter or person 65 years of age or older by identifying the name, age and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. The commissioner shall record the transfer and return the permit to the junior hunter or person 65 years of age or older. A valid permit must be in the possession of the transferee to take an antlerless deer. If the adult transfers the permit to the junior hunter or person 65 years of age or older, that adult is prohibited from taking an antlerless deer.

**Sec. 2. 12 MRSA §7468, sub-§4**, as enacted by PL 1985, c. 95, §1, is amended to read:

**4. Hunting permits.** The commissioner may establish the number of wild turkey permits for each wild turkey hunting zone and may issue those permits annually. ~~No more than 10% of the~~ The percentage of

total wild turkey permits ~~may be~~ issued to nonresident ~~or~~ and alien hunters may not exceed the average percentage of applicants for wild turkey permits over the previous 3 years who were nonresidents and aliens and may not be more than 10% of the total wild turkey permits issued statewide. A person whose application is selected may obtain a wild turkey hunting permit upon presentation of proof that ~~he~~ the person possesses:

A. A valid Maine hunting license, if ~~he~~ the person is a resident of the State; or

B. A valid Maine big game hunting license, if ~~he~~ the person is a nonresident or alien.

**Sec. 3. Effective date.** This Act takes effect January 1, 2000.

Effective January 1, 2000.

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## CHAPTER 324

### S.P. 256 - L.D. 751

#### An Act to Amend the Moose Hunting Laws

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

**Whereas**, the moose lottery drawing in April 1999 requires immediate rectification of age-related deficiencies in the moose permit application process; 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. 12 MRSA §7463-A, sub-§5**, as amended by PL 1985, c. 120, §§1 and 2, is further amended to read:

**5. Eligibility.** Except as provided in this subsection, any Maine resident, nonresident or alien who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening day of the open moose season is eligible to apply for a moose hunting permit. ~~No~~ A person who has obtained a moose hunting permit may not obtain another permit until 2 years have elapsed since the

issuance of the last permit. This limitation does not apply to subpermittees.

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

Effective May 25, 1999.

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## CHAPTER 325

H.P. 561 - L.D. 782

### An Act to Amend the Laws Governing Commercial Shooting Area Hunting Licenses

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

**Whereas,** commercial shooting areas are heavily used throughout the summer months; and

**Whereas,** this legislation allows for reduced fees for one-day and 3-day licenses that could be used throughout the summer months; 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. 12 MRSA §7105, sub-§2,** as amended by PL 1993, c. 574, §10, is repealed.

**Sec. 2. 12 MRSA §7105, sub-§2-A** is enacted to read:

**2-A. Fees.** The fees for special commercial shooting area hunting licenses are as follows:

A. The fee for a 24-hour license is \$5.00. This amount must be credited against the annual fee if the licensee applies for an annual license in the same year; and

B. The fee for an annual special commercial shooting area hunting license is \$19.

The commissioner may waive the requirement for a special commercial shooting area hunting license for a person who completes a safe hunter course.

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

Effective May 25, 1999.

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## CHAPTER 326

S.P. 406 - L.D. 1195

### An Act to Create Accountability in the Management of Trout and Salmon in Maine

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

**Sec. 1. 12 MRSA §7035, sub-§19** is enacted to read:

**19. Management of brook trout and landlocked salmon.** Notwithstanding any other provision of chapters 701 to 721, any rule that includes a proposal to establish or amend the time, place or manner in which a person may fish for brook trout or landlocked salmon on inland waters is a routine technical rule as defined in Title 5, chapter 375, subchapter II-A. The department shall provide the following information to any person upon request and at all hearings or meetings that relate to the time, place or manner in which a person may fish for brook trout or landlocked salmon on inland waters:

A. Information and interpretation leading to rule proposals including alternative proposals that staff have considered but not proposed;

B. An assessment of the biological potential of the waters affected and management goals for those waters, including the best scientific judgment of the probable outcome and the probability of success of the plan relating to the management of brook trout and landlocked salmon; and

C. A realistic assessment of the ability of fisheries staff to evaluate success of the management through future surveys.

See title page for effective date.

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## CHAPTER 327

H.P. 787 - L.D. 1110

### An Act Regarding the Calculation of Child Support When the Child Receives Disability Benefits