

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.

J.S. McCarthy Company
Augusta, Maine
1999

Personal Services line category on June 30, 1999 in the Governor's Office program in the Executive Department may not lapse but must be carried forward to June 30, 2000.

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

Effective June 4, 1999, unless otherwise indicated.

CHAPTER 402

4.P. 245 - L.D. 667

An Act to Allow the Commissioner of Inland Fisheries and Wildlife to Determine the Number of Moose Permits to Be Awarded

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

Whereas, the moose herd has grown substantially in the past decade; and

Whereas, certain areas of the State are in need of moose population control; and

Whereas, an additional 1,000 moose hunting permits should be issued for the 1999 season to further manage the size of the herd; 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 §7001, sub-§1-E is enacted to read:

1-E. Antlerless moose. "Antlerless moose" means a moose without antlers or moose with antlers that are shorter in size than their ears.

Sec. 2. 12 MRSA §7463-A, sub-§2-A, as corrected by RR 1997, c. 1, §11, is amended to read:

2-A. Number of permits. The commissioner may issue moose hunting permits according to the following schedule:

A. In 1994, no more than 1,200 permits;

B. In 1995, no more than 1,400 permits;

C. In 1996 and 1997, no more than 1,500 permits; ~~and~~

D. In 1998 ~~and in each year thereafter~~, no more than 2,000 permits; ~~and~~

E. In 1999 and 2000, no more than 3,000 permits, including the 1,000 permits for the bonus chance drawing pursuant to subsection 7-A.

This subsection is repealed October 16, 2000.

Sec. 3. 12 MRSA §7463-A, sub-§2-B is enacted to read:

2-B. Moose management. To effectively manage the moose herd in the State, the commissioner may by rule establish the following:

A. The number of moose permits to be issued every year, including a percentage for antlerless moose;

B. The length of the moose hunting season; and

C. The timing of the moose hunting season.

The commissioner shall adopt rules for paragraphs B and C governing moose hunts occurring after 1999 and rules for paragraph A governing moose hunts occurring after 2000. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over wildlife matters by February 1st of each year on proposed actions under this subsection.

Sec. 4. 12 MRSA §7463-A, sub-§3, as amended by PL 1997, c. 432, §45, is repealed.

Sec. 5. 12 MRSA §7463-A, sub-§4, as amended by PL 1995, c. 443, §1, is further amended to read:

4. Hunting permits. In accordance with the provisions of subsections 1-A ~~and~~, 2-A ~~and~~ 2-B, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each moose hunting zone. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. A person whose application is selected may purchase a moose hunting permit upon presentation of proof that the person possesses:

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

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

The fee for a moose hunting permit is ~~\$25 for 1993, \$27 for 1994, \$28 for 1995 and \$29 for 1996 and every year thereafter~~ for residents and ~~\$200 for 1993, \$202 for 1994, \$300 for 1995 and every year thereafter~~ for nonresidents and aliens. While hunting moose, each nonresident or alien hunter, both permittee and subpermittee, must be in possession of a valid Maine nonresident or alien big game hunting license, whichever is applicable.

Sec. 6. 12 MRSA §7463-A, sub-§7-A is enacted to read:

7-A. Bonus chance drawing. In 1999 and 2000, a bonus chance drawing must be held after the regular public chance drawing for an additional 1000 moose permits. Applicants for the public chance drawing who are not selected for permits at that drawing are automatically entered into the bonus chance drawing. The additional 1,000 moose permits must be allocated so that 500 permits are specifically for antlerless moose. Ten percent of these additional permits must be allocated to nonresidents.

Within 30 days of being notified, any person selected for an antlerless permit through the bonus chance drawing may decline the opportunity to purchase a moose permit without affecting that person's eligibility to apply for another permit in subsequent years.

This subsection is repealed October 15, 2000.

Sec. 7. 12 MRSA §7463-A, sub-§10, as repealed and replaced by PL 1987, c. 696, §11, is amended to read:

10. Registration of harvested moose. All moose legally harvested ~~shall~~ must be presented for inspection at an official moose registration station established by the commissioner. The entire animal, including all edible meat, except the viscera, lower legs, rib cage, head and hide, must be presented, but the animal may be dismembered for ease of transportation. The following conditions apply to moose registration.

A. An agent designated by the commissioner ~~shall~~ must be in charge of each moose registration station.

B. Moose registration agents shall register each moose legally presented for registration and shall attach a seal to each moose in the manner directed by and with materials furnished by the commissioner.

C. Any person killing a moose under this section shall present it for registration at an official

moose registration station and the moose ~~shall~~ must be registered in the name of the person who killed the moose. ~~No~~ A person may ~~not~~ present a moose for registration or allow a moose ~~which~~ that that person did not lawfully kill to be registered in that person's name.

D. Evidence of gender must remain attached to at least one part of the dressed animal. A canine tooth or the lower jaw also must be presented at the time of registration if the head is not brought to the registration station.

E. Any parts that are not presented for registration may not be placed where they are visible to a person traveling on a public or private way.

Sec. 8. Report. By February 1, 2000, the Commissioner of Inland Fisheries and Wildlife shall report to the Joint Standing Committee on Inland Fisheries and Wildlife on moose management guidelines and other considerations for the moose hunting season. This report must include the proposed number of permits to be issued, including a percentage for antlerless moose and the proposed length and timing of the moose hunting season. The Joint Standing Committee on Inland Fisheries and Wildlife may submit a bill to implement changes the committee considers necessary as a result of this report.

Sec. 9. Allocation of additional moose hunting permits for 1999 moose hunt. The number of additional permits to be issued in 1999 for each moose hunting zone from the bonus chance drawing authorized in this Act are as follows.

| Zone | Antlerless | Any moose |
|--------------|------------|-----------|
| Northeastern | 250 | 50 |
| Southwestern | 250 | 50 |
| Southeastern | | 150 |
| Northwestern | | 25 |
| Central | | 150 |
| Southern | | 75 |
| Total | 500 | 500 |

Sec. 10. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

| | 1999-00 | 2000-01 |
|---|----------|----------|
| INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF | | |
| Savings Fund Program | | |
| All Other | \$56,100 | \$56,100 |
| Appropriates funds to be used only to avoid future license fee increases. | | |

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except that section of this Act that repeals the Maine Revised Statutes, Title 12, section 7463-A, subsection 3 takes effect October 15, 1999.

Effective June 4, 1999, unless otherwise indicated.

CHAPTER 403

S.P. 738 - L.D. 2088

An Act to Revise Certain Provisions of the Fish and Wildlife Laws

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

Whereas, confusion exists as to the application of certain laws administered by the Department of Inland Fisheries and Wildlife; and

Whereas, this confusion poses difficulties for the sporting public and those charged with enforcement of these laws; and

Whereas, it is vitally necessary that this confusion be resolved to prevent any injustice or hardship to the hunters, anglers, trappers and recreational vehicle owners of the State; 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 §7071, sub-§9, as enacted by PL 1993, c. 459, §1, is amended to read:

9. Persons prohibited from possessing firearm. A person who is prohibited from possessing a firearm under Title 15, section 393, subsection 1 is not eligible to obtain or possess any license or permit issued by the department that authorizes a person to hunt with a firearm, unless that person possesses a valid permit in accordance with Title 15, section 393, subsection 2.

Sec. 2. 12 MRSA §7073, sub-§7 is enacted to read:

7. License must be signed. A license issued by the department must be signed by the licensee prior to use.

Sec. 3. 12 MRSA §7076, sub-§1, as repealed and replaced by PL 1995, c. 462, Pt. A, §33, is amended to read:

1. Residents over 70 years of age. A complimentary license to hunt, trap or fish, including an archery license under section 7102-A or 7102-B, a pheasant hunting permit under section 7106-B and a muzzle-loading hunting license under section 7107-A, must be issued to any resident of Maine who is 70 years of age or older upon application to the commissioner. These complimentary licenses, upon issuance, remain valid for the remainder of the life of the license holder, provided the license holder continues to satisfy the residency requirements set out in section 7001, subsection 32 and provided the license is not revoked or suspended. Residents who apply for these complimentary licenses at any time during the calendar year of their 70th birthday must be issued a license upon application, regardless of the actual date during that calendar year in which they attain age 70. A guide license may be renewed without charge for any resident of Maine who is 70 years of age or older upon application to the commissioner. The application must be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. When the holder of a license issued under this subsection no longer satisfies the residency requirements set out in section 7001, subsection 32, the license is no longer valid and further use of the license for purposes of hunting, fishing or trapping constitutes a license violation under section 7371, subsection 3.

Sec. 4. 12 MRSA §7076, sub-§4-B, as enacted by PL 1997, c. 432, §14, is amended to read:

4-B. Resident disabled veteran. A resident disabled veteran may apply to the commissioner for one or more of the following complimentary permits and licenses: a license to hunt with a firearm, a license to fish, ~~an~~ archery hunting ~~license~~ licenses as provided in ~~section~~ sections 7102-A and 7102-B, a pheasant hunting permit as provided in section 7106-B and a muzzle-loading hunting license as provided in section 7107-A. The commissioner must issue the permit, license or licenses requested under this subsection if the commissioner determines the applicant is a resident disabled veteran and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "resident disabled veteran" means a person who:

A. Is a resident as defined in section 7001, subsection 32;

B. Is a veteran as defined in Title 37-B, section 505, subsection 1, paragraph A, subparagraph (5); and