

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

natural resources matters by January 1, 2002 on the following:

1. Educational efforts undertaken pursuant to the Maine Revised Statutes, Title 38, section 569-A, subsection 8, paragraph M;

2. The department's evaluation of the appropriateness of Title 38, section 569-A, subsection 8, paragraph M, subparagraph (2) and how the use of a means test may impact the overall cost effectiveness of retrofitting, repairing or replacing aboveground oil storage tanks or facilities pursuant to paragraph M; and

3. The department's evaluation of the cost effectiveness of establishing a loan or loan guarantee program to assist persons in retrofitting, repairing or replacing home oil storage tanks and associated piping.

See title page for effective date.

CHAPTER 636

S.P. 936 - L.D. 2386

An Act to Allow Deer Hunting with Local Approval in Certain Areas Previously Permanently Closed to Deer Hunting

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

Sec. 1. 12 MRSA §7035, sub-§3, as amended by PL 1985, c. 408, §2, is further amended to read:

3. Destruction of wildlife. Whenever ~~he deems~~ the commissioner determines it necessary for the accomplishment of ~~his the commissioner's~~ statutory duties, the commissioner may, ~~in conjunction with such persons as he may designate~~ issue permits authorizing persons to assist him, take and destroy the commissioner in the taking and destruction of any wildlife. Pursuant to section 7013, subsection 7-A, the commissioner shall maintain a coyote control program as follows.

A. The commissioner may employ qualified persons to serve as agents of the department for purposes of coyote control. These agents ~~shall~~ must be trained by the department in animal damage control techniques and ~~shall~~ must be utilized by the department to perform coyote control duties in areas where predation by coyotes is posing a threat to deer or other wildlife. Each agent shall execute a cooperative agreement with the department specifying the conditions and limita-

tions of ~~his the agent's~~ responsibilities as an agent, including any terms for reimbursement of expenses or payment of wages.

B. Agents ~~shall~~ must be trained in the use of snares and ~~shall~~ must be deployed in the unorganized townships to control coyotes during the winter months. All snaring ~~shall~~ must be carried out under the direction of department officials and with the knowledge of the local game warden. All areas of snaring activity ~~shall~~ must be adequately posted.

C. Agents may be utilized for the benefit of agricultural interests provided that the department ~~shall be~~ is reimbursed annually for the cost of those efforts by the Department of Agriculture, Food and Rural Resources from funds specifically appropriated or otherwise made available to the Department of Agriculture, Food and Rural Resources for that purpose.

Sec. 2. 12 MRSA §7457, sub-§1, ¶D, as amended by PL 1995, c. 455, §30, is further amended to read:

D. ~~There~~ Except as provided by rule pursuant to paragraph D-1, there is a continual closed season on deer in the following places:

- (1) Mount Desert Island;
- (2) Cross Island in Washington County;
- (3) Scotch Island in Washington County;
- (4) The Town of Isle au Haut and the islands within the confines of the Town of Isle au Haut in Knox County;
- ~~(5) Wildlife sanctuaries that have been established by law, except as provided in section 7653;~~
- (6) All of Swan Island in the Town of Swan's Island in Hancock County;
- (7) The Town of Islesboro in Waldo County, except that a person may hunt deer in that town with bow and arrow from the first day of the special archery season on deer, established in accordance with section 7102-A, subsection 6, paragraph C, to the end of the regular firearm season on deer of each calendar year in Waldo County;
- (8) The whole of Cranberry Isles in Hancock County, except that a person may hunt deer in the Cranberry Isles with a shotgun or archery equipment in accordance with applicable laws and rules; and

(9) The whole of Long Island in Long Island Plantation in Hancock County.

Sec. 3. 12 MRSA §7457, sub-§1, ¶D-1 is enacted to read:

D-1. The commissioner by rule may open any of the areas closed to deer hunting under paragraph D, as long as the legislative body of each affected town approves the opening. For purposes of this paragraph, "affected towns" means any town, township or municipality that contains within its borders any area proposed to be opened under this paragraph. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 4. 12 MRSA §7457, sub-§1, ¶I, as amended by PL 1997, c. 432, §43, is further amended to read:

I. The commissioner, by rule, may create special hunting seasons for the taking of deer in any part of the State to maintain deer populations in balance with available habitat, subject to the following.

(1) The demarcation of each area must follow recognizable physical boundaries, such as rivers, roads and railroad rights-of-way.

(2) The determination of these areas must be made and published prior to August 1st of each year.

(3) The commissioner may implement a permit system and establish fees to regulate hunter participation in a special season and the number, sex and age of deer harvested.

~~(4) Special hunts must take place between the close of the special muzzle loading season and January 31st.~~

(5) The commissioner may establish limits on the number of deer taken or possessed by persons during any special season. Limits established by the commissioner under this subparagraph are exceptions to the limits imposed under section 7458, subsections 1 and 2.

(6) The commissioner may specify types of weapons to be used during a special season.

Sec. 5. Hunting season for deer in the Cranberry Isles in 2000. Prior to holding any open season on deer in the Cranberry Isles, the Commissioner of Inland Fisheries and Wildlife shall hold a depredation hunt for the taking of deer on the

whole of the Cranberry Isles under the authority of the Maine Revised Statutes, Title 12, section 7035, subsection 3. Permits for that hunt may only be issued to owners of land on those isles or to their designees.

Sec. 6. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 12, section 7457, subsection 1, paragraph D, subparagraph (8) takes effect July 1, 2001.

See title page for effective date, unless otherwise indicated.

CHAPTER 637

H.P. 1709 - L.D. 2415

An Act to Remove Certain Barriers for Low-income Working Parents

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

Sec. 1. 22 MRSA §3104, sub-§13 is enacted to read:

13. Categorical eligibility. The department shall adopt rules that maximize access to the food stamp program for households in which there is a child who would be a dependent child under the Temporary Assistance for Needy Families program but that do not receive a monthly cash assistance grant from the Temporary Assistance for Needy Families program. Under rules adopted pursuant to this subsection, certain of these families must be authorized to receive referral services provided through the Temporary Assistance to Needy Families block grant and be categorically eligible for food stamps in accordance with federal law. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 638

H.P. 1639 - L.D. 2290

An Act to Improve Business Entity Filings and Authorize Mergers, Consolidations and Conversions of Various Business Entities

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

Sec. 1. 13-A MRSA §908, sub-§1, ¶A, as enacted by PL 1971, c. 439, §1, is amended to read: