

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

Sec. 2. 12 MRSA §7654, sub-§8, ¶¶B and C, as enacted by PL 1979, c. 420, §1, are amended to read:

B. Notwithstanding subsections 1, ~~and 2 and 3:~~

(1) If the commissioner determines that the public health and safety ~~is~~ are threatened by diseased animals within Rangeley Plantation Sanctuary, ~~he~~ the commissioner may authorize the use of firearms or any other device ~~he deems~~ the commissioner determines appropriate to eliminate diseased animals;

(2) The Augusta Water District may use Carleton Pond in the Readfield and Winthrop Sanctuary as it ~~deems~~ determines necessary; and

(3) ~~Those subsections~~ Subsections 1 and 2 apply only to ~~such~~ lands within the Readfield and Winthrop Sanctuary as that are or may be hereafter fenced.

C. Notwithstanding ~~subsections~~ subsection 1 and 3:

~~(1) The Camden Rifle Club may establish and maintain a rifle range for target practice within the limits of Megunticook Lake and Vicinity Sanctuary, this target practice to be held under the regulations of the United States War Department as established by the national board for the promotion of rifle practice in the United States; and~~

(2) The use of firearms on Megunticook Lake and Vicinity Sanctuary is prohibited only from the first day of April of each year to the 30th day of September following.

See title page for effective date.

CHAPTER 199

S.P. 168 - L.D. 587

An Act to Clarify Laws Pertaining to Nuisance Wildlife

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

Sec. 1. 12 MRSA §7501, as amended by PL 1981, c. 563, §1, is further amended to read:

§7501. Attacking domestic animals or destroying property

Except as provided in sections 7502 and 7504, any person may lawfully kill, or cause to be killed, any wild animal, night or day, found in the act of attacking, worrying or wounding that person's domestic animals or domestic birds or destroying that person's property. Any person who kills a wild animal by authority of this section shall report the incident to a ~~game warden~~ the Maine Warden Service as provided in section 7502, subsections 3 and 4.

Sec. 2. 12 MRSA §7502, as amended by PL 1981, c. 563, §2, is further amended to read:

§7502. Damage to crops or orchards

1. Permission to kill nuisance animals. Except as provided in section 7504, the cultivator, owner, mortgagee or keeper of any orchard or growing crop, except ~~grass~~ all types of grasses, clover and grain fields, ~~or the owner or occupier of land on which such an orchard or crop are located,~~ may take or kill deer or other wild animals night or day; ~~when they~~ the wild animals are ~~doing substantial damage to~~ located within the orchard or crop where substantial damage to the orchard or crop is occurring. For purposes of this section, corn ~~shall~~ is not be considered grain.

2. Employment of agents. ~~That person may authorize a member of his immediate family or someone employed by him to take or kill those deer or other wild animals. When he employs someone not domiciled on the land where the damage is being done to take or kill the deer or other wild animals, he shall apply to the a game warden in charge of the district in which the orchard or crop are located for permission to employ such a person and shall obtain permission from the warden in writing. When a person wants to employ someone outside of that person's immediate family to take or kill wild animals, that person shall contact a game warden. If the warden is satisfied that substantial damage is occurring, the warden may arrange for a department agent to alleviate the damage, when an agent is not available, may authorize a person who is knowledgeable and can perform the work in a reasonable, safe and proficient manner. Permission to take or kill wild animals may not be granted to any person whose license to hunt has been revoked or suspended, who is an habitual violator as defined in section 7001, subsection 13-A or who has been convicted of night hunting within the past 5 years.~~

3. Report to Maine Warden Service; dressing of carcass. The person by whom or under whose direction the ~~deer or other~~ wild animal is wounded, taken or killed under this section shall:

A. Within 12 hours, report all the facts relative to the act to ~~a game warden~~ the Maine Warden Service, stating the time and place of the wounding, taking or killing; and

B. Immediately In all cases of deer, bear or moose, immediately and properly dress the carcass or carcasses and care for the meat.

4. Warden's certificate. ~~The~~ A game warden shall ~~immediately~~ investigate ~~the case~~ an incident under this section as soon as possible and, if ~~he~~ the game warden is satisfied that the ~~deer or other~~ wild animal was taken as provided in this section, ~~he shall~~ give the person who killed the ~~deer or other~~ wild animal a certificate ~~of his finding in the matter.~~ The certificate that entitles the person cultivator, owner, mortgagee or keeper of the orchard or growing crop to the ownership of own the carcass or carcasses, to be possessed and consumed only within the immediate family of the ~~owner of the crops or the person who killed the deer or other wild animal~~ cultivator, owner, mortgagee or keeper of the orchard or growing crop, or, in accordance with the labeling requirements for possession of deer, bear or moose, to transfer possession of those wild animals to another person. Any excess carcasses after the first 2 carcasses of deer, bear or moose killed or taken under subsection 1 or 2 must be distributed to recipients authorized through the Hunters for the Hungry Program established in section 7481 or as otherwise authorized by the game warden.

Sec. 3. 12 MRSA §7504, sub-§1, ¶B, as enacted by PL 1983, c. 440, §11, is amended to read:

B. The commissioner may issue a permit to any licensed beekeeper, or to a person entrusted with the custody of the beehives of a licensed beekeeper, authorizing that person to protect beehives from damage by bear.

Sec. 4. 12 MRSA §7505, sub-§4 is enacted to read:

4. Failure to report the wounding, taking or killing of a nuisance wild animal or properly care for carcass. A person is guilty of:

A. Failure to report the wounding, taking or killing of a wild animal if that person wounds, takes or kills a wild animal under section 7501 or 7502 and fails to report all the facts relative to the incident to the Maine Warden Service within 12 hours; and

B. Failure to care for the carcass and meat of a wild animal if that person kills a deer, bear or moose pursuant to section 7501 or 7502 and fails

to immediately and properly dress the carcass and care for the meat to prevent spoilage.

See title page for effective date.

CHAPTER 200

H.P. 824 - L.D. 1078

An Act to Restrict the Commercial Harvest of Snapping Turtles in Order to Ensure Sustainability of the Resource

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

Sec. 1. 12 MRSA §7470, sub-§2, as enacted by PL 1987, c. 608, is amended to read:

2. Rules. The commissioner shall ~~promulgate~~ adopt rules pertaining to harvest methods, confinement and disposal of snapping turtles. The commissioner may by rule:

A. Require reporting of commercial harvest activities;

B. Establish a season including daily and season possession limits;

C. Establish size limits; and

D. Establish a fee schedule to implement a permit system under this section.

See title page for effective date.

CHAPTER 201

S.P. 263 - L.D. 910

An Act Concerning Private Line Extensions

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

Sec. 1. 35-A MRSA §314 is enacted to read:

§314. Private line extensions

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Line" means an electric distribution line, including poles and other related structures.