

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
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
2001

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~~ A game warden shall ~~immediately~~ investigate the case an incident under this section as soon as possible and, if ~~he the~~ 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.

2. Standards for private lines. The commission shall by rule establish standards for the construction of a line by a person other than a transmission and distribution utility. The rules:

A. Must establish standards for the construction of lines. The commission may establish different standards in different transmission and distribution utility territories. The standards must be the same as the standards that would apply if the transmission and distribution utility in whose territory the line is constructed built the line unless there are compelling public safety reasons for applying different standards. If these standards and any other reasonable conditions established by the commission are met, a transmission and distribution utility may not refuse to connect the line to the utility's system or to deliver energy over the line;

B. Must establish terms and conditions for transferring the ownership of a line to a transmission and distribution utility. The rules may establish a requirement that certain types of lines, lines under certain conditions, or lines in certain locations, such as lines located in the public way, must be transferred to the transmission and distribution utility; and

C. May require that a person that is not a transmission and distribution utility that constructs a line meet minimum qualifications established or approved by the commission.

3. Apportionment of costs of line extensions. The commission shall adopt rules establishing requirements for apportioning the costs of a single-phase overhead line extension among persons who take service through the line after the construction of the line. The commission may provide for exemptions from the apportionment methodology established by the commission for any transmission and distribution utility that petitions the commission for an exemption and establishes to the satisfaction of the commission that the transmission and distribution utility's apportionment methodology adequately serves the public interest and balances competing interests of customers.

4. Lines constructed in the public way. Nothing in this section or rules adopted under this section limits the application of section 2305 to any line constructed in a public way.

5. Submission of rules. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A and must be submitted to the Legislature for review no later than February 1, 2002.

Sec. 2. Public Utilities Commission examination of minimum qualifications of line

constructors. The Public Utilities Commission shall examine whether minimum qualifications should be established for persons who construct private line extensions and if so, how the qualifications should be established and what mechanisms are most appropriate for ensuring the qualifications are met. The commission shall, with any rules submitted to the Legislature pursuant to the Maine Revised Statutes, Title 35-A, section 314, submit a report to the Joint Standing Committee on Utilities and Energy on the commission's findings and recommendations under this section.

See title page for effective date.

CHAPTER 202

S.P. 375 - L.D. 1213

An Act to Amend the Hunting Laws Relating to Blaze Orange

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

Sec. 1. 12 MRSA §7406, sub-§12, as repealed and replaced by PL 1991, c. 824, Pt. A, §21, is amended to read:

12. Hunting without hunter orange clothing. A person is guilty of hunting without hunter orange clothing if that person hunts with firearms during the open firearm season on deer and fails to wear 2 articles of ~~solid-colored~~ hunter orange clothing that are in good, serviceable condition and visible from all sides, except that persons hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys need not wear hunter orange clothing. One article of clothing must be a solid-colored hunter orange hat. The other article of clothing must cover a major portion of the torso, such as a jacket, vest, coat or poncho, and must be a minimum of 50% hunter orange in color. The presence of a decal on an article of clothing that is otherwise solid-colored hunter orange does not disqualify that article of clothing from satisfying the requirements of this subsection.

See title page for effective date.

CHAPTER 203

S.P. 489 - L.D. 1578

An Act to Clarify the Laws Governing Employment by the State

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