

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

species or to ensure the humane treatment or proper husbandry for specific species.

**§7235-D. Prohibited acts**

**1. Keeping wildlife in captivity.** A person is guilty of keeping wildlife in captivity if that person keeps any wild animal in captivity for any purpose, with the exception of the provisions under sections 7035, subsection 3; sections 7235-C; 7237; 7239; 7240; 7241; 7242; section 7771, subsection 2; or Title 7, section 1809 or if the wild animal was purchased from a dealer or pet shop licensed under Title 7, section 3933.

**Sec. 9. 12 MRSA §7238,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 10. 12 MRSA §7377, sub-§7,** as corrected by RR 1993, c.1, §36, is amended to read:

**7. Breeding or rearing wild birds.** Notwithstanding section 7371 as it applies to section ~~7235-A~~ 7235-C, section 7371 does not apply to migratory game birds, partridge, grouse or pheasant owned by the department.

**Sec. 11. 12 MRSA §7406, sub-§§22 and 23** are enacted to read:

**22. Hunting on a state game farm.** A person is guilty of hunting on a state game farm if that person hunts on a state game farm at any time.

**23. Hunting in a licensed wildlife exhibit.** A person is guilty of hunting in a licensed wildlife exhibit if that person hunts in a licensed wildlife exhibit at any time.

**Sec. 12. 12 MRSA §§7456-A and 7456-B,** as enacted by PL 1979, c. 543, §43, are repealed.

**Sec. 13. 12 MRSA §7464, sub-§2,** as amended by PL 1981, c. 118, §3, is further amended to read:

**2. Illegal possession of moose.** A person is guilty of possessing moose if ~~he~~ that person possesses any moose, except in accordance with sections ~~7238,~~ 7463-A or 7503.

**Sec. 14. 12 MRSA §7731,** as amended by PL 1981, c. 644, §31, is repealed.

**Sec. 15. 12 MRSA §7732,** as amended by PL 1993, c. 438, §37, is repealed.

**Sec. 16. 12 MRSA §§7733 and 7734,** as enacted by PL 1979, c. 420, §1, are repealed.

**Sec. 17. 12 MRSA §7736,** as amended by PL 1993, c. 680, Pt. B, §1, is repealed.

**Sec. 18. 12 MRSA §7861, sub-§3,** as amended by PL 1993, c. 438, §42, is further amended to read:

**3. Rock dove permits.** Notwithstanding section 7456, the commissioner may issue permits to persons licensed under section ~~7235-A~~ 7235-C to take rock doves from the wild by the use of box traps or nets for the purpose of training sporting dogs pursuant to this section and section 7863.

**Sec. 19. 12 MRSA §7863, sub-§5, ¶A,** as amended by PL 1993, c. 438, §43, is further amended to read:

A. Notwithstanding this section, the commissioner may issue a permit to any person authorizing the use of firearms during the training of sporting dogs to shoot and kill wild birds propagated or legally acquired by the permittee and possessed in accordance with section ~~7235-A~~ 7235-C.

**Sec. 20. 12 MRSA §7901, sub-§3-A,** as enacted by PL 1987, c. 89, §2, is repealed.

**Sec. 21. 12 MRSA §7947,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 22. Revisor's review; cross-references.** The Revisor of Statutes shall review the Maine Revised Statutes and include in the errors and inconsistencies bill submitted to the Second Regular Session of the 120th Legislature pursuant to Title 1, section 94 any sections necessary to correct and update any cross-references in the statutes to provisions of law repealed in this Act.

See title page for effective date.

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**CHAPTER 270**

**H.P. 270 - L.D. 348**

**An Act to Clarify the Laws  
Pertaining to Licensing  
Requirements for Landowners**

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

**Sec. 1. 12 MRSA §7377, sub-§1,** as amended by PL 1991, c. 443, §20, is further amended to read:

**1. Hunting.** Notwithstanding section 7371 as it applies to subchapter II, any resident over 10 years of age and any member of the resident's immediate family over 10 years of age, as long as the hunter's license to hunt is not under suspension or revocation,

may hunt without a license, including an archery hunting license and a muzzle-loading license, on any single plot of land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled;
- C. Which is used exclusively for agricultural purposes; and
- D. Which is in excess of 10 acres.

**Sec. 2. 12 MRSA §7377, sub-§2**, as amended by PL 1985, c. 506, Pt. A, §15, is further amended to read:

**2. Trapping.** Notwithstanding section 7371 as it applies to subchapter III, any resident and any member of his the resident's immediate family, as long as the trapper's license to trap is not under suspension or revocation, may trap for wild animals, except beaver, without a license on land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled; and
- C. Which is used exclusively for agricultural purposes.

**Sec. 3. 12 MRSA §7377, sub-§3**, as enacted by PL 1979, c. 420, §1, is amended to read:

**3. Fishing.** Notwithstanding section 7371 as it applies to subchapter IV, any resident and any member of his the resident's immediate family, as long as the angler's license to fish is not under suspension or revocation, may fish without a license in open inland waters from land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled; and
- C. Which is used exclusively for agricultural purposes.

See title page for effective date.

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## CHAPTER 271

### S.P. 351 - L.D. 1165

#### **An Act to Authorize the Bureau of General Services to Utilize Alternative Delivery Methods for Public Improvements and to Amend the Provisions Pertaining to Prebid Qualifications of Contractors**

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

**Sec. 1. 5 MRSA §1743**, as amended by PL 1989, c. 596, Pt. N, §3, is repealed and the following enacted in its place:

#### **§1743. Public improvement construction contracts**

The Department of Administrative and Financial Services through the Bureau of General Services shall award a contract in accordance with this section for any public improvement that the State or any of its agencies hold in fee involving a total cost in excess of \$100,000, except contracts for professional, architectural and engineering services. The bureau may reject any public improvement bid, qualification package or proposal when it determines that to do so is in the best interests of the State. The contract must be awarded by competitive bid as provided in subsection 2 or by the bid method provided in subsections 3 to 7 for alternative methods of project delivery.

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

**A. "Bureau"** means the Bureau of General Services.

**B. "Construction-manager-advisor method"** means a method of project delivery in which the bureau engages a single firm for a fee to advise and consult with the bureau as to design and construction and may include consultation as to the selection of one or more design professionals to furnish the design when trade contracts for performance are held directly by the bureau. The firm is contractually bound to manage the schedule and budget to ensure adherence to both by the trade contractors.

**C. "Construction-manager-at-risk method"** means a method of project delivery in which the bureau engages a single firm for a fee to advise and consult with the bureau as to design and construction and separately engages one or more design professionals to furnish the design, and in which the firm is responsible to the bureau for schedule and price. The firm engaged to act as