

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

Sale of a portion of a parcel of forest land subject to taxation under this subchapter ~~shall~~ does not affect the taxation under this subchapter of the resulting parcels, unless any is less than 10 forested acres in area. Each resulting parcel ~~shall~~ must be taxed to the owners under this subchapter until the parcel is withdrawn from taxation under this subchapter, in which case the penalties provided for in sections 579 and 581 ~~shall~~ apply only to the owner of that parcel. If a parcel resulting from that sale is less than 10 forested acres in area, ~~the~~ that parcel ~~shall~~ must be considered ~~as~~ withdrawn from taxation under this subchapter as a result of the sale and the penalty assessed against the ~~owner~~ transferor of the resulting parcel of less than 10 forested acres.

Sec. 2. Application. This Act applies to transfers of land occurring on or after November 1, 2001.

See title page for effective date.

CHAPTER 306

H.P. 1084 - L.D. 1453

An Act to Amend the Laws that Govern Property that is Exempt from Attachment and Execution

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

Sec. 1. 14 MRSA §4422, sub-§1, ¶A, as amended by PL 1991, c. 741, §1, is further amended to read:

A. Except as provided in paragraph B, the debtor's aggregate interest, not to exceed ~~\$12,500~~ \$25,000 in value, in real or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor, provided that if minor dependents of the debtor have their principal place of residence with the debtor, the debtor's aggregate interest may not exceed ~~\$25,000~~ \$50,000 and provided further that if the debtor's interest is held jointly with any other person or persons, the exemption may not exceed in value the lesser of ~~\$12,500~~ \$25,000 or the product of the debtor's fractional share times ~~\$25,000~~ \$50,000.

Sec. 2. 14 MRSA §4422, sub-§2, as amended by PL 1991, c. 741, §2, is further amended to read:

2. Motor vehicle. The debtor's interest, not to exceed ~~\$2,500~~ \$5,000 in value, in one motor vehicle.

Sec. 3. 14 MRSA §4422, sub-§13, ¶D, as enacted by PL 1981, c. 431, §2, is amended to read:

D. Alimony, support or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor; ~~or~~

Sec. 4. 14 MRSA §4422, sub-§13, ¶E, as amended by PL 1995, c. 35, §1, is further amended to read:

E. A payment or account under a stock bonus, pension, profitsharing, annuity, ~~individual retirement account~~ or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, unless:

(1) The plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose;

(2) The payment is on account of age or length of service; and

(3) The plan or contract does not qualify under the United States Internal Revenue Code of 1954, Section 401(a), 403(a), 403(b), 408 or 409; or

Sec. 5. 14 MRSA §4422, sub-§13, ¶F is enacted to read:

F. A payment or account under an individual retirement account or similar plan or contract on account of illness, disability, death, age or length of service to the sum of \$15,000 or to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, whichever is greater.

See title page for effective date.

CHAPTER 307

H.P. 901 - L.D. 1193

An Act to Clarify Certain Laws Relating to the Harvesting of Wild Animals

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

Sec. 1. 12 MRSA §7001, sub-§5-B is enacted to read:

5-B. Drowning set. "Drowning set" means a trap set for wild animals that is:

- A. Set completely underwater; and
- B. Rigged in such a way as to reasonably ensure the drowning of any species of trapped furbearer that would reasonably be expected to visit the set location and be held in the type of trap used at the set.

Sec. 2. 12 MRSA §7001, sub-§39, as repealed and replaced by PL 1989, c. 493, §1, is repealed.

Sec. 3. 12 MRSA §7036, sub-§7 is enacted to read:

7. Trapping by agents of the commissioner. A person, except a full-time department employee, serving as an agent of the commissioner for purposes of animal damage control, including animal control officers appointed pursuant to Title 7, section 3947, must satisfy the licensing requirements of section 7133 prior to trapping or attempting to trap any wild animal.

Sec. 4. 12 MRSA §7076, sub-§4-B, as amended by PL 1999, c. 403, §4, is further 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 trap, a license to fish, archery hunting licenses as provided in 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~~ shall 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
- C. Has a service-connected disability evaluated at:
 - (1) One hundred percent; or
 - (2) Seventy percent or more as a result of honorable military service and who has served in a combat zone during any armed conflict in which participants were exposed

to war risk hazards as defined in 42 United States Code, Section 1711 (b).

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to satisfy the residency requirement in section 7001, subsection 32 and the permit or license is not revoked or suspended.

Sec. 5. 12 MRSA §7432, sub-§2-A, ¶¶C and D, as enacted by PL 1997, c. 283, §2, are amended to read:

- C. While trapping in any unorganized place, fails to visit each trap, except killer-type traps and ~~water~~ drowning sets, or fails to cause each trap to be visited at least once in every calendar day; or
- D. While trapping in any unorganized place, fails to visit each killer-type trap or ~~water~~ drowning set or fails to cause each trap to be visited at least once in every 5 calendar days.

Sec. 6. 12 MRSA §7432, sub-§§4 and 5, as enacted by PL 1979, c. 420, §1, are amended to read:

4. Trapping without consent. A person trapping for any wild animal, ~~except beaver,~~ is guilty, except as provided in subsection 14, paragraphs D, E and F, of trapping without consent if ~~he~~ that person traps without first obtaining the written consent of the owner or occupant:

- A. On land in any organized or incorporated place; or
- B. On the cultivated or pasture area of land that is used for agricultural purposes in any unorganized place and on which land there is an occupied dwelling.

5. Trapping near occupied dwelling without consent. A person trapping for any wild animal, ~~except beaver,~~ is guilty, except as provided in subsection 14, paragraphs D and F, of trapping near an occupied dwelling without consent if ~~he~~ that person:

- A. Traps within 200 yards of an occupied dwelling; and
- B. Fails to first obtain the written consent of the owner or occupant of the land on which the trap is to be set.

Sec. 7. 12 MRSA §7432, sub-§11, ¶A, as amended by PL 1991, c. 282, §1, is further amended to read:

A. Sets or tends a snare for the purpose of trapping any wild animal or wild bird, except as provided in section ~~7453-A 7035~~, subsection 3 and section 7453-B;

Sec. 8. 12 MRSA §7432, sub-§11, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. Sets or tends a ~~swivel, pivot or~~ set gun for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild bird;

Sec. 9. 12 MRSA §7432, sub-§11, ¶D, as amended by PL 1985, c. 369, §15, is further amended to read:

D. Sells, advertises, gives notice of the sale or keeps for sale any ~~swivel, pivot or~~ set gun or poisonous substance for the taking of wild animals or wild birds.

Sec. 10. 12 MRSA §7432, sub-§14, as amended by PL 1997, c. 283, §3, is further amended to read:

14. Exceptions.

A. Notwithstanding subsection 6:

(1) A person may trap within 1/2 mile of the built-up portion of a city or village by the use of ~~water~~ drowning sets for ~~mink and muskrat~~; and

(2) A person who has a written permit from the landowner may trap on that landowner's land with cage-type live traps ~~and with water sets~~ within 1/2 mile of the built-up portion of a city or village.

B. Notwithstanding subsection 11:

(1) A landowner or member of ~~his~~ the landowner's immediate family may use gas cartridges on ~~his~~ the landowner's own land for woodchuck control; and

(2) A person may sell, advertise, give notice of sale or keep for sale rodenticide for orchard mouse control and gas cartridges for woodchuck control.

C. The requirements of subsection 2-A do not apply to under ice ~~water~~ drowning sets for beaver and muskrat.

D. The requirements of subsections 4 and 5 do not apply to beaver trapping.

E. The requirements of subsection 4 do not apply when trapping with the use of drowning sets in navigable rivers and streams.

F. The requirements of subsections 4 and 5 do not apply when trapping with the use of drowning sets on state-owned land and public rights of way.

This subsection may not be construed as giving license or permission to set, place or tend traps on property that is owned by another person.

See title page for effective date.

CHAPTER 308

H.P. 1063 - L.D. 1426

An Act to Allow the Purchase of Rabies Vaccine by Livestock Farmers

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

Sec. 1. 7 MRSA §1808-A is enacted to read:

§1808-A. Direct purchase of rabies vaccine

A veterinarian licensed in this State may sell rabies vaccine to a person who owns cattle, sheep, goats or domesticated deer as defined in section 1331. A veterinarian who sells rabies vaccine in accordance with this section is not, as a result of selling the vaccine, liable for claims arising from the administration of the vaccine by the purchaser.

An animal vaccinated against rabies by a person who is not a licensed veterinarian or under the direct supervision of a licensed veterinarian may not be certified as vaccinated against rabies and must be treated as an unvaccinated animal under Title 22, chapter 251, subchapter 5 and rules adopted pursuant to that chapter.

Sec. 2. 22 MRSA §2383-B, sub-§6 is enacted to read:

6. Lawful possession of hypodermic apparatuses by livestock owners. A person who owns livestock is authorized to possess and have control of hypodermic apparatuses for the purpose of administering antibiotics, vitamins and vaccines to treat medical conditions or promote the health of that person's livestock. For the purposes of this subsection, "livestock" means cattle, equines, sheep, goats, swine,