

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.

J.S. McCarthy Company
Augusta, Maine
2001

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,

llamas, poultry, rabbits and domesticated deer as defined in Title 7, section 1331.

See title page for effective date.

CHAPTER 309

S.P. 363 - L.D. 1201

An Act to Require the State to Provide Flags for Persons Who Are Listed on the Law Enforcement Memorial Located on State Street in Augusta

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

Sec. 1. 25 MRSA §2916 is enacted to read:

§2916. Flags for public servants

The commissioner shall provide a gravesite flag holder and flag for placement during the period of time designated by a national law enforcement organization for honoring law enforcement officers at the gravesite of each public servant listed on the law enforcement memorial located at the State Capitol complex memorial site in accordance with this section.

1. Fund established. The Flags for Public Servants Fund, referred to in this section as the "fund," is established as a nonlapsing fund. The commissioner may use this fund only to support the costs of providing flag holders and flags for public servants listed on the law enforcement memorial at the State Capitol complex memorial site. Revenue deposited in the fund pursuant to subsection 2 must be the sole source of funding for the costs of providing flags and flag holders.

2. Revenue sources. The commissioner may accept court-mandated and private contributions intended to be used for the purposes of the fund. Any revenues accepted under this subsection must be deposited in the fund and used only for the purposes described in this section.

3. Budget. The commissioner shall submit a budget for the fund for each biennium pursuant to Title 5, sections 1663 and 1666.

4. Gravesite flag holder and flag. The gravesite flag holder must include the State of Maine seal and the words "Law Enforcement Officer Killed in the Line of Duty" and a Maine flag. The state flag must be 12 inches by 8 inches in size.

5. Placement responsibility. The commissioner shall provide to each law enforcement agency

the appropriate number of gravesite flag holders and flags for that agency to place on the gravesites of the agency's officers listed on the law enforcement memorial located at the State Capitol complex memorial site if the gravesites can be reasonably found. If an agency can not carry out the responsibilities of this subsection, then the commissioner shall designate the Bureau of State Police to place the flag holder and flag at the gravesite.

6. Exceptions. A gravesite flag holder and flag may not be placed on the gravesite of an officer listed on the law enforcement memorial at the State Capitol complex memorial site if the family of the officer objects or the placement is prohibited by cemetery rules.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
PUBLIC SAFETY, DEPARTMENT OF Administration - Public Safety		
All Other	\$500	\$500
Provides initial allocations for the Flags for Public Servants Fund.		

See title page for effective date.

CHAPTER 310

H.P. 798 - L.D. 1042

An Act to Amend the Election Laws

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

Sec. 1. 21-A MRSA §1, sub-§20, as amended by PL 1997, c. 436, §3, is further amended to read:

20. Immediate family. "Immediate family" means a person's spouse, parent, grandparent, child, grandchild, sister, brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian or former guardian.

Sec. 2. 21-A MRSA §1, sub-§§27-A and 30-A are enacted to read:

27-A. Official tally tape. "Official tally tape" means the first tape produced by an electronic tabulating machine that tallies the final vote totals at