

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

the permanent loss of the use of, both lower extremities. The commissioner shall administer transfers under this subsection.

See title page for effective date.

---



---

## CHAPTER 331

S.P. 285 - L.D. 806

### An Act To Simplify the Requirements for Tagging, Registering and Transporting Harvested Animals

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

**Sec. 1. 12 MRSA §7451, sub-§2,** as repealed and replaced by PL 1989, c. 913, Pt. A, §8, is repealed.

**Sec. 2. 12 MRSA §7451, sub-§4,** as amended by PL 1997, c. 463, §1, is repealed.

**Sec. 3. 12 MRSA §7452, sub-§5-A,** as enacted by PL 1989, c. 913, Pt. A, §9, is repealed.

**Sec. 4. 12 MRSA §7452, sub-§6,** as amended by PL 1997, c. 282, §1, is repealed.

**Sec. 5. 12 MRSA §7452, sub-§7,** as amended by PL 1989, c. 493, §32, is repealed.

**Sec. 6. 12 MRSA §7452, sub-§10,** as enacted by PL 1979, c. 543, §40, is repealed.

**Sec. 7. 12 MRSA §7452, sub-§11,** as amended by PL 1995, c. 455, §27, is repealed.

**Sec. 8. 12 MRSA §7452, sub-§13,** as amended by PL 1999, c. 322, §2, is repealed.

**Sec. 9. 12 MRSA §7452, sub-§14,** as amended by PL 1999, c. 322, §3, is repealed.

**Sec. 10. 12 MRSA §7452, sub-§15,** as amended by PL 1999, c. 322, §§4 to 7, is further amended to read:

**15. Exceptions.** The following exceptions apply:

A. Notwithstanding subsection 2, a person may use a cable trap with a closing diameter of not less than 2 1/2 inches to trap bear in the State during the open season on bear; and

~~A-1. Notwithstanding subsection 6, paragraph C, a person on a hunting trip in an unorganized township and staying at a temporary place of~~

~~lodging may keep an unregistered bear at that temporary place of lodging for a period not to exceed 7 days or until that person leaves the woods, whichever comes first.~~

B. Notwithstanding subsection 9, the head, teeth, gall bladder, claws and hide of any bear may be sold;

~~C. Notwithstanding subsection 10, a person may lawfully possess an unregistered bear in accordance with chapter 709, subchapter IV;~~

~~D-1. Notwithstanding subsection 13, paragraph A, that provision does not apply to bear legally registered in accordance with this subchapter; and~~

~~G. Notwithstanding subsection 14, any nonresident who has legally killed and registered a bear may have the bear or its parts transported beyond the boundaries of the State by a transportation company, including common carriers, whether or not licensed in Maine. If transported by other than a Maine licensed transportation company, the bear or its parts shall be accompanied by a nonresident transportation permit which may be obtained by the licensee from any game warden.~~

**Sec. 11. 12 MRSA §7457, sub-§2,** as amended by PL 1989, c. 493, §35, is repealed.

**Sec. 12. 12 MRSA §7457, sub-§3,** as amended by PL 1997, c. 463, §2, is repealed.

**Sec. 13. 12 MRSA §7458, sub-§4,** as amended by PL 1981, c. 414, §33, is repealed.

**Sec. 14. 12 MRSA §7458, sub-§4-A,** as amended by PL 1997, c. 282, §2, is repealed.

**Sec. 15. 12 MRSA §7458, sub-§5,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 16. 12 MRSA §7458, sub-§6,** as amended by PL 1995, c. 455, §32, is repealed.

**Sec. 17. 12 MRSA §7458, sub-§7,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 18. 12 MRSA §7458, sub-§11,** as amended by PL 1999, c. 322, §8, is repealed.

**Sec. 19. 12 MRSA §7458, sub-§12,** as amended by PL 1999, c. 322, §9, is repealed.

**Sec. 20. 12 MRSA §7458, sub-§15,** as amended by PL 1999, c. 588, §2, is further amended to read:

**15. Exceptions.** The following exceptions apply:

A. Notwithstanding subsection 3, the head, antlers, feet and hide of any deer may be sold, and the meat from domesticated deer may be possessed, bought and sold for use as food only in accordance with Title 7, chapter 202.

~~B. Notwithstanding subsection 5, a person may lawfully possess an unregistered deer in accordance with chapter 709, subchapter IV.~~

~~C. Notwithstanding subsection 8, that provision does not apply to any deer or parts of deer being transported by a Maine licensed transportation company, including common carriers, in accordance with other provisions of chapters 701 to 721.~~

~~C-1. Notwithstanding subsection 11, paragraph A, that provision does not apply to deer legally registered in accordance with this subchapter.~~

~~C-2. Notwithstanding subsection 11, paragraph B, any person who takes a deer on land that that person owns, in accordance with section 7377, subsection 1, may move or transport that deer if a tag bearing the name and address of the person who killed the deer is securely attached to the deer.~~

~~G. Notwithstanding the provisions of subsection 4-A:~~

~~(1) A person on a hunting trip in an unorganized township and staying at a temporary place of lodging may keep an unregistered deer at that temporary place of lodging for a period not to exceed 7 days or until that person leaves the woods, whichever comes first; and~~

~~(2) A person may leave an unregistered deer in the woods if that person notifies a warden within 18 hours as to the location of the deer and the circumstances necessitating leaving the deer in the woods.~~

H. Subsection 9, paragraph B does not apply to hunting from an observation stand or blind overlooking:

- (1) Standing crops;
- (2) Foods that have been left as a result of normal agricultural operations or as a result of natural occurrence; or
- (3) Bear bait that has been placed at a bear hunting stand or blind in accordance with section 7451, subsection 3.

I. Notwithstanding subsection 10, 3 or fewer persons may hunt together as long as they do not use noisemaking devices.

**Sec. 21. 12 MRSA §7462, sub-§4**, as enacted by PL 1979, c. 420, §1, is amended to read:

**4. Illegally possessing wild hares or rabbits.** A person is guilty of illegally possessing or transporting wild hares or rabbits if ~~he~~ that person possesses or transports at any time any wild hares or rabbits taken:

A. During the closed season; or

B. By any method or with any device prohibited by subsection 1, paragraph A, or section 7432, subsection 11, paragraphs A, B and C.

**Sec. 22. 12 MRSA §7463-A, sub-§10**, as amended by PL 2001, c. 387, §26, is repealed.

**Sec. 23. 12 MRSA §7464, sub-§3**, as amended by PL 1999, c. 790, Pt. A, §16, is repealed.

**Sec. 24. 12 MRSA §7464, sub-§4**, as amended by PL 1981, c. 118, §5, is repealed.

**Sec. 25. 12 MRSA §7464, sub-§5**, as repealed and replaced by PL 1981, c. 118, §6, is repealed.

**Sec. 26. 12 MRSA §7464, sub-§5-A**, as amended by PL 1999, c. 403, §27, is repealed.

**Sec. 27. 12 MRSA §7464, sub-§6**, as amended by PL 1995, c. 455, §35, is repealed.

**Sec. 28. 12 MRSA §7464, sub-§9, ¶B**, as enacted by PL 1989, c. 493, §39, is repealed.

**Sec. 29. 12 MRSA §7468, sub-§10**, as amended by PL 1985, c. 506, Pt. A, §16, is repealed.

**Sec. 30. 12 MRSA §7469, sub-§§3, 4, 6, 7 and 8**, as enacted by PL 1985, c. 95, §1, are repealed.

**Sec. 31. 12 MRSA c. 709, sub-c. 4-B** is enacted to read:

#### SUBCHAPTER 4-B

#### TAGGING AND REGISTRATION OF WILD ANIMALS AND WILD BIRDS

#### §7523. Registration stations and agents

**1. Registration stations established.** The commissioner shall adopt rules governing the establishment and closure of bear, deer, moose and wild turkey registration stations for the purpose of registering harvested bear, deer, moose and wild turkey and to allow for the collection of biological and

hunting data. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Agents designated.** An agent designated by the commissioner must be in charge of each bear, deer, moose or wild turkey registration station.

**3. Agent duties.** Registration agents shall:

A. Register every bear, deer, moose or wild turkey legally presented for registration;

B. Attach a seal to each bear, deer, moose or wild turkey in the manner directed and with the materials furnished by the commissioner; and

C. Collect and retain \$1 for each seal from the person registering a bear, deer, moose or wild turkey.

#### **§7524. Tags and tagging**

**1. Tags.** The commissioner shall prescribe the form and content of and produce bear, deer, moose and wild turkey tags.

**2. Tagging.** Prior to presenting a bear, deer, moose or wild turkey for registration, a person may not possess or leave in the field or forest that bear, deer, moose or wild turkey killed by that person unless that animal has securely attached to it a plainly visible tag that conforms to the requirements established under this section.

**3. Penalty.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

#### **§7525. Registration of bear, deer, moose or wild turkey**

**1. Prohibition.** A person who kills a bear, deer, moose or wild turkey may not fail to:

A. Remain with that animal until it is registered, except as provided in section 7527;

B. Present that animal for registration in that person's name at the first open registration station for that animal on the route taken by that person; and

C. Leave the registration seal attached to the animal in accordance with section 7523 until that animal is processed and packaged for consumption.

**2. Penalty.** A person who violates this section commits a Class E crime.

#### **§7526. Condition of animal presented for registration**

**1. Requirement.** A person may not present a bear, deer, moose or wild turkey for registration unless it is presented in its entirety, except that:

A. The viscera and rib cage of the animal may be removed in a manner that still allows the determination of the sex of the animal; and

B. A moose may be dismembered for ease of transportation, and the lower legs, head and hide of a moose may be removed. If the head of the moose is not brought to the registration station, a canine tooth or the lower jaw must be presented at the time of registration.

**2. Disposal of moose parts not presented for registration.** A person may not place the parts of moose not presented for registration where they are visible to a person traveling on a public or private way.

**3. Penalty.** A person who violates this section commits a Class E crime.

#### **§7527. Time limits for registering bear, deer, moose or wild turkey**

**1. Time limits.** A person may not keep an unregistered bear, deer, moose or wild turkey at home or any place of storage for more than 18 hours. This subsection does not apply to an animal that is kept in an official registration station for that animal or at the office of a game warden. A person may leave in the woods an unregistered harvested animal if that person notifies a game warden within 18 hours as to the location of that animal and the circumstances necessitating leaving that animal in the woods.

**2. Penalty.** A person who violates this section commits a Class E crime.

#### **§7528. False registration of bear, deer, moose or wild turkey**

**1. Prohibition.** A person may not present for registration or allow to be registered in that person's name a bear, deer, moose or wild turkey that that person did not lawfully kill.

**2. Penalty.** A person who violates this section commits a Class E crime.

#### **§7529. Possessing unregistered bear, deer, moose or wild turkey**

**1. Prohibition.** A person may not possess a bear, deer, moose or wild turkey that has not been legally registered as provided in this subchapter.

unless that animal is possessed in accordance with subchapter 4.

**2. Penalty.** A person who violates this section commits a Class E crime.

**Sec. 32. 12 MRSA §7531,** as amended by PL 1999, c. 322, §14, is repealed and the following enacted in its place:

**§7531. Transportation**

A person may not transport a harvested wild animal or wild bird unless that animal is lawfully possessed by that person.

A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. 33. 12 MRSA §7532-A,** as enacted by PL 1999, c. 322, §16, is repealed.

**Sec. 34. 12 MRSA §7533,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 35. 12 MRSA §7535,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 36. 12 MRSA §7901-A, sub-§6, ¶C,** as amended by PL 2001, c. 655, §18 and c. 667, Pt. B, §10, is repealed and the following enacted in its place:

C. Chapter 709, subchapter III violations:

(1) Hunting or trapping bear near dumps as described in section 7452, subsection 5;

(2) Leaving a bear as described in section 7452, subsection 8;

(3) Hunting migratory game birds without certification as described in section 7456, subsection 1-A;

(4) Hunting waterfowl on Haley Pond as described in section 7456, subsection 2;

(5) Hunting deer with .22 caliber rim fire cartridge as described in section 7458, subsection 13;

(6) Use of firearm in the Town of Southport as described in section 7458, subsection 14;

(7) Possessing wild hares or rabbits as described in section 7462, subsection 4;

(8) Use of illegal firearms as described in section 7464, subsection 8-A;

(9) Illegal hunting methods as described in section 7464, subsection 8-C;

(10) Use of illegal weapons or ammunition as described in section 7469, subsection 11; and

(11) Taking of snakes and turtles from the wild for commercial purposes as described in section 7471; and

**Sec. 37. 12 MRSA §7901-A, sub-§6, ¶D,** as enacted by PL 2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

D. Chapter 709, subchapter IV violations:

(1) Failure to report an accident with deer, moose or bear as described in section 7505, subsection 1;

(2) Removing a portion of carcass as described in section 7505, subsection 2; and

(3) Failure to restrain or control a nuisance dog as described in section 7505, subsection 3, except that a forfeiture of not less than \$500 nor more than \$1,000, none of which may be suspended, may be adjudged for failure to restrain a nuisance dog as described in section 7505, subsection 3, paragraph A or B; ~~and~~

**Sec. 38. 12 MRSA §7901-A, sub-§6, ¶E,** as enacted by PL 2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is repealed.

See title page for effective date.

---



---

**CHAPTER 332**

**H.P. 781 - L.D. 1063**

**An Act Concerning Municipal  
Firearms Discharge Ordinances**

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

**Sec. 1. 30-A MRSA §3007, sub-§5,** as amended by PL 1999, c. 154, §1, is further amended to read:

**5. Firearms and bows and arrows.** A municipality shall consult with the Department of Inland Fisheries and Wildlife during the process of the consideration of the adoption or amendment of a firearm discharge ordinance. The area in which the discharge of firearms is prohibited by a firearm discharge ordinance must be described in the ordinance using clearly defined physical boundaries as