

MAINE STATE LEGISLATURE

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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

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Sec. 32. 12 MRSA §7531, as amended by PL 1999, c. 322, §14, is repealed and the following enacted in its place: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Sec. 33. 12 MRSA §7532-A, as enacted by PL 1999, c. 322, §16, is repealed.

Sec. 34. 12 MRSA §7533, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 35. 12 MRSA §7535, as enacted by PL 1979, c. 420, §1, is repealed.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 B, §10, is repealed and the following enacted in its place: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

points of reference. For purposes of this subsection, the term "clearly defined physical boundaries" includes but is not limited to roads, waterways and utility corridors. After January 1, 2000, a municipality that adopts or amends a firearm discharge ordinance shall provide the Commissioner of Inland Fisheries and Wildlife with a copy of the new or amended firearm discharge ordinance and a copy of any maps that show the areas in the municipality affected by the new or amended ordinance within 30 days from the date that the ordinance is enacted or amended. A municipality may not include bows and arrows in any firearms discharge ordinance.

See title page for effective date.

CHAPTER 333

H.P. 801 - L.D. 1083

An Act To Encourage Hunting by Simplifying Hunting Laws

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

Sec. 1. 12 MRSA §7001, sub-§§34 and 35, as enacted by PL 1979, c. 420, §1, are amended to read:

34. Sunrise. "Sunrise" means the time computed and established for sunrise for ~~Augusta~~ Bangor, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

35. Sunset. "Sunset" means the time computed and established for sunset for ~~Augusta~~ Bangor, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

Sec. 2. 12 MRSA §7072, sub-§5 is enacted to read:

5. Agent fee cap. A clerk or agent appointed by the commissioner under this section to issue licenses or permits may charge agent fees as provided in this Part up to a maximum of \$6 during a single transaction. For purposes of this subsection, "transaction" means a single event in which one or more licenses or permits are issued to a person in that person's name.

Sec. 3. 12 MRSA §7101-A is enacted to read:

§7101-A. Hunting without a license

Notwithstanding section 7371, subsection 3, a person may assist in a hunt without a license or permit for that activity as long as that person does not carry

hunting equipment or engage in driving deer as described in section 7458, subsection 10.

Sec. 4. 12 MRSA §7102-A, sub-§6, ¶C, as amended by PL 2001, c. 387, §9, is further amended to read:

C. The commissioner shall by rule establish a special archery season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 7457, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the special archery season on deer, the following restrictions apply.

(1) Deer may be taken only by means of a hand-held bow and broadhead arrow:

(a) Bows must have a minimum draw weight of 35 pounds; and

(b) Arrowheads, including mechanical broadheads when open, must be at least 7/8 inch in width.

(2) A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the special archery season on deer, except that any person who holds a license that allows hunting with firearms may carry a handgun.

(3) If a person takes a deer with bow and arrow during the special archery season on deer, that person is precluded from further hunting for deer during that year.

(4) Except as provided in this subsection, the provisions of chapters 701 to 721 concerning deer are applicable to the taking of deer with bow and arrow, including the transportation, registration and possession of deer taken by this method.

Sec. 5. 12 MRSA §7406, sub-§5, as amended by PL 1991, c. 443, §23, is further amended to read:

5. Night hunting. ~~A- Except as otherwise provided in this Part, a person is guilty of night hunting if that person may not:~~

A. ~~Hunts~~ Hunt wild birds or wild animals from 30 minutes after sunset to ~~1/2 hour~~ 30 minutes before sunrise of the following day; ~~or.~~

B. ~~Hunts~~ hunt wild animals, except raccoons and coyotes as provided in chapters 701 to 721, from ~~1/2 hour after sunset until 1/2 hour before sunrise~~ the following day.