

# 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 TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces for no less than 180 days or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes or are entitled to retired pay under 10 United States Code, Chapter 1223 regardless of the age of such persons.

**Sec. 10. 37-B MRSA §703, sub-§2-C** is enacted to read:

**2-C. Emergency management exercise.** "Emergency management exercise" means a focused practice activity that places participants in a simulated situation requiring them to function in the capacity that would be expected of them in a real event and is conducted to test an organization's plans and policies to evaluate an organization's capability to execute one or more portions of its response or contingency plans and to train personnel.

**Sec. 11. 37-B MRSA §704**, as amended by PL 2005, c. 634, §11, is further amended by adding at the end a new paragraph to read:

The director shall develop and conduct an annual statewide program of emergency management exercises to test the policies and plans of the state, county and local emergency management agencies. The program must address all disasters identified pursuant to section 783, subsection 1.

**Sec. 12. 37-B MRSA §1130, sub-§2**, as enacted by PL 2001, c. 460, §3, is amended to read:

**2. Purposes.** The department may use the fund provides to provide low-interest loans to municipalities for engineering, legal and construction costs involved in acquiring title to, establishing a long-term management plan for, repairs to, reconstruction of, breaching of or removal of a dam or to pay emergency costs incurred for actions taken pursuant to section 1114.

See title page for effective date.

## CHAPTER 168 H.P. 549 - L.D. 728

### An Act To Enhance the Wise Use and Sound Management of Maine's Wildlife Resources

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

**Sec. 1. 12 MRSA §10260** is enacted to read:

#### **§10260. Black Bear Research Fund**

The Black Bear Research Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding studies related to the management of black bears. Revenue from the non-resident late season bear hunting permit under section 11151-A and the bear trapping permit under 12260-A must be deposited in the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

**Sec. 2. 12 MRSA §11109, sub-§3, ¶I**, as amended by PL 2005, c. 12, Pt. III, §4, is further amended to read:

I. A nonresident big game hunting license, which permits hunting of all legal species including deer and bear subject to the permit requirements in chapter 915, subchapter 3, is \$102.

**Sec. 3. 12 MRSA §11109, sub-§3, ¶L**, as amended by PL 2005, c. 12, Pt. III, §4, is further amended to read:

L. An alien big game hunting license, which permits hunting of all legal species including deer and bear subject to the permit requirements in chapter 915, subchapter 3, is \$127.

**Sec. 4. 12 MRSA §11151-A** is enacted to read:

#### **§11151-A. Nonresident late season bear hunting permit**

**1. Permit required.** Except as otherwise authorized pursuant to this Part or for a nonresident who holds a valid bear hunting permit under section 11151, a nonresident may not hunt for bear during the regular firearm season on deer under section 11401 without a valid permit issued pursuant to this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

2. Eligibility; nonresident late season bear hunting permit. A person who possesses a valid nonresident license to hunt big game may obtain a permit to hunt for bear from the commissioner or the commissioner's authorized agent.

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a nonresident late season bear hunting permit to an eligible person. The annual fee for each permit issued is \$40.

**Sec. 5. 12 MRSA §11224** is enacted to read:  
**§11224. Waste of game**

1. Prohibition. A person may not waste a wild bird or wild animal that has been wounded or killed by that person while hunting. For purposes of this section, "waste" means to intentionally leave a wounded or killed animal in the field or forest without making a reasonable effort to retrieve and render it for consumption or use.

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

**Sec. 6. 12 MRSA §11225** is enacted to read:  
**§11225. Retrieval of wounded or killed big game after hours**

Notwithstanding section 11109, subsection 3, paragraph N or section 11206, a person licensed to guide hunters under section 12853 whose client during a guided hunt wounds or kills a bear, deer or moose may track and dispatch that animal outside of legal hunting hours.

**Sec. 7. 12 MRSA §12260-A** is enacted to read:

**§12260-A. Bear trapping permit**

1. Permit required. Except as otherwise authorized pursuant to this Part a person may not trap for bear without a valid bear trapping permit during the open bear trapping season under section 12260, subsection 1.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

2. Eligibility; trapping license required. A person who possesses a valid trapping license may obtain a permit to trap bear from the commissioner or the commissioner's authorized agent.

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a bear trapping permit to an eligible person. The annual fee for each permit issued is \$27 for residents and \$67 for nonresidents.

**Sec. 8. Effective date.** Those sections of this Act that enact the Maine Revised Statutes, Title 12, sections 10260, 11151-A and 12260-A and that amend section 11109, subsection 3, paragraph I and section 11109, subsection 3, paragraph L take effect January 1, 2008.

See title page for effective date, unless otherwise indicated.

---

---

**CHAPTER 169**  
**H.P. 673 - L.D. 888**

**An Act To Clarify the Definition of "Personal Watercraft"**

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

**Sec. 1. 12 MRSA §13001, sub-§23,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**23. Personal watercraft.** "Personal watercraft" means any motorized watercraft that is 14 feet or less in hull length as manufactured, has as its primary source of propulsion an inboard motor powering a jet pump and is capable of carrying one or more persons in a sitting, standing or kneeling position. "Personal watercraft" includes, but is not limited to, a jet ski, wet bike, surf jet and miniature speedboat. "Personal watercraft" also includes motorized watercraft whose operation is controlled by a water skier. "Personal watercraft" does not include a motorized watercraft that does not have a horsepower rating greater than 15 horsepower and does not generate an unreasonable amount of noise.

See title page for effective date.

---

---

**CHAPTER 170**  
**S.P. 124 - L.D. 380**

**An Act To Protect the Public from Dangerous Dogs**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the public safety is threatened by the failure of dog owners to properly confine dangerous dogs; and

**Whereas,** statutory changes are needed to better protect the public; and