

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1600

S.P. 553

In Senate, May 5, 2003

### **An Act To Recodify the Laws Governing Inland Fisheries and Wildlife**

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Reported by Senator BRYANT of Oxford for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Joint Order 2003, S.P. 440.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed under Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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

2

4

PART A

6

Sec. A-1. 12 MRSA Pt. 10, as amended, is repealed.

8

Sec. A-2. 12 MRSA Pt. 13 is enacted to read:

10

PART 13

12

INLAND FISHERIES AND WILDLIFE

14

SUBPART 1

16

GENERAL DEFINITIONS

18

CHAPTER 901

20

DEFINITIONS

22

§10001. Definitions

24

As used in this Part, unless the context otherwise indicates, the following terms have the following meanings.

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1. Aircraft. "Aircraft" means a machine or device designed for flight.

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2. Alien. "Alien" means a person who is not a citizen of the United States.

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3. Antlerless moose. "Antlerless moose" means a moose without antlers or a moose with antlers that are shorter than its ears.

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4. Artificial lure. "Artificial lure" means a fishing lure constructed by humans as an imitation of or substitute for natural bait or fish forage. "Artificial lure" includes, but is not limited to, artificial flies, spinners, spoons, poppers, plugs, jigs and plastic, rubber or other artificial imitations of natural bait.

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5. Atlantic salmon. "Atlantic salmon" means the anadromous fish species *Salmo salar* that customarily migrates from inland waters to the ocean as part of its life cycle. This definition also applies to chapter 811.

50

6. Baitfish. "Baitfish" means only those species in the following list:

52

- 2           A. Lake chub, (Coesius plumbeus);  
4           B. Eastern silvery minnow, (Hybognathus regius);  
6           C. Golden shiner, (Notemigonus crysoleucas);  
8           D. Emerald shiner, (Notropis atherinoides);  
10          E. Bridle shiner, (Notropis bifrenatus);  
12          F. Common shiner, (Luxilus cornutus);  
14          G. Blacknose shiner, (Notropis heterolepis);  
16          H. Spottail shiner, (Notropis hudsonius);  
18          I. Northern redbelly dace, (Phoxinus eos);  
20          J. Finescale dace, (Phoxinus neogaeus);  
22          K. Fathead minnow, (Pimephales promelas);  
24          L. Blacknose dace, (Rhinichthys atratulus);  
26          M. Longnose dace, (Rhinichthys cataractae);  
28          N. Creek chub, (Semotilus atromaculatus);  
30          O. Fallfish, (Semotilus corporalis);  
32          P. Pearl dace, (Margariscus margarita);  
34          Q. Banded killifish, (Fundulus diaphanus);  
36          R. Mummichog, (Fundulus heteroclitus);  
38          S. Longnose sucker, (Catostomus catostomus);  
40          T. White sucker, (Catostomus commersoni);  
42          U. Creek chubsucker, (Erimyzon oblongus);  
44          V. American eel, (Anguilla rostrata); and  
46          W. Blackchin shiner, (Notropis heterodon).

48          7. Baitfish trap. "Baitfish trap" means a device used to  
50          take baitfish fitted with rigid entrance or exit holes and having  
            a volume no greater than 50 cubic feet.

2 8. Bear bait. "Bear bait" means an animal or plant or  
4 derivative of an animal or plant used to attract bear. "Bear  
6 bait" does not include packaging or container materials that fall  
8 within the definition of litter under Title 17, section 2263.

10 9. Boundary waters between Maine and New Brunswick.  
12 "Boundary waters between Maine and New Brunswick" means:

14 A. In Aroostook County: St. Francis River; Glazier Lake;  
16 St. John River; Monument Brook; North Lake; the thoroughfare  
18 between North Lake and East Grand Lake; and East Grand Lake;  
20 and

22 B. In Washington County: East Grand Lake; Mud Lake; St.  
24 Croix River; Spednic Lake and Grand Falls flowage.

26 10. Closed season. "Closed season" means the time during  
28 which it is unlawful to hunt, trap or possess any wild animal or  
30 wild bird or to fish for or possess fish.

32 11. Commissioner. "Commissioner" means the Commissioner of  
34 Inland Fisheries and Wildlife.

36 12. Department. "Department" means the Department of Inland  
38 Fisheries and Wildlife.

40 13. Domicile. "Domicile" means the place where a person's  
42 true, fixed and permanent home is located.

44 14. Drive deer or moose. To "drive deer or moose" means an  
46 organized or planned effort to pursue, drive, chase or otherwise  
48 frighten or cause a deer or moose to move in the direction of a  
50 person who is part of the organized or planned hunt and known to  
52 be waiting for the deer or moose.

54 15. Drowning set. "Drowning set" means a trap set for wild  
56 animals that is:

58 A. Set completely underwater; and

60 B. Rigged in such a way as to reasonably ensure the  
62 drowning of any species of trapped furbearer that would  
64 reasonably be expected to visit the set location and be held  
66 in the type of trap used at the set.

68 16. Eel. "Eel" means a member of the species *Anguilla*  
70 *rostrata* in that stage of its life cycle when it is 6 inches or  
72 more in length.

2 17. Eel pot. "Eel pot" means a cylindrical or rectangular  
4 trap with funnels that is baited and used to harvest eels. An  
eel pot is 50 cubic feet or less in total volume and utilizes  
wire or slatting no smaller than 1/2 inch square measure.

6 18. Elver. "Elver" means a member of the species Anguilla  
8 rostrata in that stage of its life cycle when it is less than 6  
inches in length.

10 19. Endangered species. "Endangered species" means a  
12 species of fish or wildlife that has been determined by the  
14 commissioner to be in danger of extinction throughout all or a  
significant portion of its range and that is listed as a state  
endangered species under section 12803, subsection 3.

16 20. Exotic. "Exotic" means of foreign nature or character,  
18 not native, introduced from abroad, and not fully naturalized or  
acclimatized.

20 21. Firearm. "Firearm" means any instrument used in the  
22 propulsion of pellets, shot, shells or bullets by action of  
gunpowder, compressed air or gas exploded or released within it.

24 A. "Autoloading firearm" means a firearm that reloads  
26 itself after each shot and requires that the trigger be  
pulled for each shot.

28 B. "Automatic firearm" means a firearm that will continue  
30 to fire as long as the trigger is held back.

32 22. Fish, the noun. "Fish" means a cold-blooded,  
34 completely aquatic vertebrate characteristically having gills,  
36 fins and an elongated streamlined body usually covered with  
38 scales, and includes any physical part of a fish. The term refers  
to fish living predominantly in inland waters, and anadromus and  
catadromus fish while in inland waters. Whenever the name of a  
fish, such as "bass" or "trout," is used, it means the named fish  
or any of its physical parts.

40 23. Fish, the verb. To "fish" means to take, catch, kill,  
42 molest or destroy fish or to attempt to take, catch, kill, molest  
or destroy fish.

44 24. Fishing derby. "Fishing derby" means an organized  
46 fishing event conducted on inland waters during which contestants  
compete for cash awards or other prizes.

48 25. Fishway. "Fishway" means an artificial device,  
including fish elevators, fish locks and fish ladders, used to

2 enable fish to migrate upstream past dams, waterfalls, rapids or  
3 other obstacles.

4 26. Fly. "Fly" means a single, pointed hook dressed with  
5 feathers, hair, thread, tinsel or any similar material to which  
6 no additional hook, spinner, spoon or similar device is added.

8 27. Fly-fishing. "Fly-fishing" means casting upon water  
9 and retrieving in a manner in which the weight of the fly line  
10 propels the fly. No more than 3 unbaited artificial flies  
11 individually attached to a line may be used.

12 28. Guide. "Guide" means a person who receives any form of  
13 remuneration for that person's services in accompanying or  
14 assisting a person in the fields, forests or on the waters or ice  
15 within the jurisdiction of the State while hunting, fishing,  
16 trapping, boating, snowmobiling or camping at a primitive camping  
17 area.

20 29. Harass. "Harass" means an intentional or negligent act  
21 or omission that creates the likelihood of injury to wildlife by  
22 annoying it to such an extent as to significantly disrupt normal  
23 behavioral patterns.

24 30. Hook. "Hook" means a single fishhook constructed with  
25 one, 2 or 3 points.

28 31. Hunt. To "hunt" means to pursue, catch, take, kill or  
29 harvest wild animals or wild birds or to attempt to catch, take,  
30 kill or harvest wild animals or wild birds.

32 32. Hunter orange. "Hunter orange" means a daylight  
33 fluorescent orange color with a dominant wave length between 595  
34 and 605 nanometers, excitation purity not less than 85% and  
35 luminance factor of not less than 40%.

36 33. Hunting equipment. "Hunting equipment" means:

38 A. Firearms of any type that are permitted under the laws  
39 governing hunting, including muzzle-loading firearms; or

42 B. Archery equipment that is permitted under the hunting  
43 laws governing archery, including, but not limited to,  
44 recurved bows and compound bows.

46 34. Ice-fishing shack. "Ice-fishing shack" means a  
47 temporary structure used for ice fishing on frozen inland waters.

48 35. Inland waters. "Inland waters" means all waters within  
49 the State above the rise and fall of the tide and wholly or  
50 partly within the State.

2 partially within the territorial limits of the State, except  
3 private ponds as defined in subsection 51.

4 36. Jacklight. "Jacklight" means any artificial light used  
5 while hunting, except lights used and permitted under rules  
6 regarding raccoons under the authority of section 10104,  
7 subsection 1.

8 37. Landlocked salmon. "Landlocked salmon" means the  
9 subspecies Salmo salar Sebago that does not customarily migrate  
10 from inland waters to the ocean as part of its life cycle.

11 38. Merrymeeting Bay. "Merrymeeting Bay" means the waters  
12 of the Kennebec River bounded as follows: from the high-tension  
13 wires at Chop's Point to the first dam on the Androscoggin River,  
14 to the first road bridge on the Muddy, Cathance, Abbagadasset  
15 and Eastern Rivers and to the Richmond-Dresden Bridge on the  
16 Kennebec River, in the counties of Cumberland, Sagadahoc and  
17 Lincoln.

18 39. Migratory game bird. "Migratory game bird" means any  
19 of the following birds:

20 A. Anatidae, or waterfowl, including brant, wild ducks,  
21 geese and swans;

22 B. Columbidae, or pigeons, including doves and wild pigeons;

23 C. Gruidae, or cranes, including little brown, sandhill and  
24 whooping cranes;

25 D. Limicolae, or shorebirds, including avocets, curlews,  
26 dowitchers, godwits, knots, oyster catchers, phalaropes,  
27 plovers, sandpipers, snipe, stilts, surf birds, turnstones,  
28 willet, woodcock and yellowlegs; and

29 E. Rallidae, or rails, including coots, gallinules and sora  
30 or other rails.

31 40. Migratory waterfowl. "Migratory waterfowl" means  
32 anatidae, or waterfowl, including brant, wild ducks, geese and  
33 swans.

34 41. Motor vehicle. "Motor vehicle" means any motor-driven  
35 vehicle, except motorboats.

36 42. Muzzle-loading firearm. "Muzzle-loading firearm" means  
37 a rifled or smooth-bored firearm that is:

38 A. Forty caliber or greater;



- 2           B. Capable of firing only a single charge;
- 4           C. Loaded through the muzzle with powder and a ball or  
6           bullet; and
- 8           D. Ignited by a percussion cap or priming charge of a  
10           flint, match or wheel lock mechanism.
- 12           43. Nonresident. "Nonresident" means a person who does not  
14           fall within the definition of resident in subsection 53.
- 16           44. Open firearm season on deer. "Open firearm season on  
18           deer" means the time during which it is lawful to hunt deer with  
20           a firearm, including the special muzzle-loading season as  
22           described in section 11404.
- 24           45. Open season. "Open season" means the time during which  
26           it is lawful to hunt, trap or possess wild animals and wild birds  
28           and to fish for or possess any fish, as specified and limited by  
30           law or rule.
- 32           46. Organization. "Organization" means a corporation,  
34           partnership or unincorporated association.
- 36           47. Paved way. "Paved way" means a public road treated  
38           with bituminous or concrete material.
- 40           48. Person. "Person" means a human being or an  
42           organization.
- 44           49. Premises. "Premises" includes lands, private ways and  
46           any buildings and structures located on the lands or private ways.
- 48           50. Primitive camping area. "Primitive camping area" means  
50           a camping location that does not have access to a water supply  
              that is approved by the Department of Human Services.
51. Private pond. "Private pond" means an artificially  
              constructed pond impounded within the limits of the riparian  
              owner, even though the water is not supplied directly from a  
              brook, stream or river. "Private pond" does not include a natural  
              pond or lake having a surface area of more than 10 acres.
52. Raptor. "Raptor" means a bird of the order  
              Strigiformes and of the families Accipitridae and Falconidae  
              commonly called buteos, accipiters, falcons and owls.
53. Resident. "Resident" means a citizen of the United  
              States who has been domiciled in this State continuously during

2 the 3 months next prior to the date on which the person applies  
3 for any license or permit under this Part, or an alien who has  
4 been so domiciled for one year. A person may not be considered a  
5 resident if the person has not:

6 A. If registered to vote, registered in this State;

8 B. If licensed to drive a motor vehicle, made application  
9 for a motor vehicle operator's license issued by the State;

10 C. If owning a motor vehicle located within the State,  
11 registered each such vehicle in the State; and

12 D. Complied with the state income tax laws.

13 A person who is a full-time student at a college or university in  
14 the State, who has resided in the State continuously for 3 months  
15 and has satisfied the requirements of paragraphs A to D is  
16 rebuttably presumed to have been domiciled in the State during  
17 that period.

18 54. Salmon. The word "salmon" standing alone without other  
19 identification means "landlocked salmon."

20 55. Seine. "Seine" means an ordinary commercial-type  
21 minnow seine, not exceeding 1,200 square feet, used vertically to  
22 enclose baitfish when its ends are brought together or drawn  
23 ashore.

24 56. Set line. "Set line" means a line extending into the  
25 water and rigged to catch fish that has one end secured to the  
26 shore or to a fixed or buoyant object and that is not personally  
27 attended.

28 57. Single-baited hook. "Single-baited hook" means a single  
29 baited apparatus designed to catch only one fish at a time.

30 58. Snagging. "Snagging" means to fish by manipulating a  
31 hook or hooks in such a manner as to pierce or snag the fish in a  
32 part of the body other than the mouth.

33 59. Sporting dogs. "Sporting dogs" means sporting dogs as  
34 defined by the American Kennel Club, including pointers,  
35 retrievers, setters, spaniels, Vizslas, Weimaraners and  
36 wirehaired pointing griffons.

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

2           **61. Sunset.** "Sunset" means the time computed and  
4 established for sunset for Augusta, Maine, by the Nautical  
6 Almanac Office of the United States Naval Observatory, converted  
8 to the legal standard of time in force in this State on that day.

10           **62. Threatened species.** "Threatened species" means a  
12 species of fish or wildlife that has been determined by the  
14 commissioner as likely to become an endangered species within the  
16 foreseeable future throughout all or a significant portion of its  
18 range and that is listed as a state threatened species under  
20 section 12803, subsection 3.

22           **63. Trap, the noun.** "Trap" means a device that is designed  
24 primarily to catch or hold wild animals, including, but not  
26 limited to, a foothold trap, a killer-type trap, a cage-type trap  
28 or a snare.

30           **64. Trap, the verb.** To "trap" means to set, place or tend  
32 a trap within the fields, forests or waters of the State, to kill  
34 an animal that is caught in a trap or to aid or assist another  
36 person in setting or placing a trap, tending a trap or killing an  
38 animal that is caught in a trap.

40           **65. Trap net.** "Trap net" means a funnel-shaped net  
42 designed to intercept and retain fish in a confined space.

44           **66. Tributary.** "Tributary" means a brook, stream or river  
46 flowing directly or indirectly into a lake, pond or another  
48 brook, stream or river. "Tributary" does not include a lake or  
50 great pond. The tributary to a great pond is not considered a  
52 tributary to the outlet of that great pond.

54           **67. Troll.** "Troll" means to fish by trailing a line rigged  
56 to catch fish behind a watercraft being propelled by mechanical,  
58 wind or manual power.

60           **68. Weir.** "Weir" means a device placed in the inland  
62 waters of a river, stream or brook that is designed to entrap  
64 fish and that exceeds more than 1/3 of the wetted width of the  
66 channel.

68           **69. Wild animal.** "Wild animal" means a species of mammal,  
70 wild by nature, whether or not bred or reared in captivity, as  
72 distinguished from the common domestic animals, and includes any  
74 physical part of that species of animal. Whenever the name of a  
76 wild animal, such as "deer" or "bear," is used, it means the  
78 named wild animal or any of its physical parts.

2           70. Wild bird. "Wild bird" means a species of bird wild by  
3 nature, whether or not bred or reared in captivity, as  
4 distinguished from common domestic birds, and includes any  
5 physical part of that species of bird. Whenever the name of a  
6 wild bird, such as "pheasant" or "eagle," is used, it means the  
7 named wild bird or any of its physical parts.

8           71. Wildlife. "Wildlife" means any species of the animal  
9 kingdom, except fish, that is wild by nature, whether or not bred  
10 or reared in captivity, and includes any part, egg or offspring  
11 of the animal, or the dead body or parts of the animal.  
12 "Wildlife" includes wild animals and wild birds.

13           72. Wildlife exhibit. "Wildlife exhibit" means a place  
14 where wildlife is kept in captivity, either in an enclosure or by  
15 tether, upon any street or highway or upon land, public or  
16 private, for the evident purpose of exhibition or attracting  
17 trade. The term "wildlife exhibit" does not include the showing  
18 of an animal in connection with a theatrical exhibition, circus  
19 or agricultural fair.

20           73. Wildlife management. "Wildlife management" means the  
21 art or science of producing wild animals and birds and of  
22 improving wildlife conditions in the State. It may specifically  
23 include:

24           A. Regulation of hunting and trapping;

25           B. Environmental controls, such as control of water, food,  
26 cover, special features and animal diseases;

27           C. Research or investigations to provide a basis for sound  
28 management in the State;

29           D. Manipulation of hunting pressure;

30           E. Establishment of game lands, such as parks, forests,  
31 refuges and game management areas;

32           F. Predator control;

33           G. Artificial replenishment, such as game farming and  
34 restocking; and

35           H. Introduction of exotic species of wild animals or birds  
36 where needed.

37           74. Wildlife management area. "Wildlife management area"  
38 means a tract of land or body of water owned or leased by the  
39 department for the purposes of wildlife management as defined in  
40

2 subsection 73 or created by an act of the Legislature with the  
3 landowner's permission, and subject to the commissioner's  
4 authority under section 12701.

5 75. Wolf. "Wolf" means the Gray Wolf (Canis lupus).

6  
7 **SUBPART 2**

8  
9 **DEPARTMENT ORGANIZATION**

10  
11 **CHAPTER 903**

12  
13 **DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

14  
15 **SUBCHAPTER 1**

16  
17 **DEPARTMENT ESTABLISHED**

18  
19 **§10051. Department established**

20  
21 The Department of Inland Fisheries and Wildlife is  
22 established to preserve, protect and enhance the inland fisheries  
23 and wildlife resources of the State; to encourage the wise use of  
24 these resources; to ensure coordinated planning for the future  
25 use and preservation of these resources; and to provide for  
26 effective management of these resources.

27  
28 The department consists of the Commissioner of Inland  
29 Fisheries and Wildlife, a deputy commissioner, the Bureau of  
30 Administrative Services, the Bureau of Resource Management and  
31 the Bureau of Warden Service. The department also includes the  
32 Advisory Board for the Licensing of Guides, the Junior Maine  
33 Guides and Trip Leaders' Curriculum Board and whatever state  
34 agencies that are designated. The department is under the control  
35 and supervision of the commissioner.

36  
37 **§10052. Bureau of Administrative Services**

38  
39 The Bureau of Administrative Services is established within  
40 the Department of Inland Fisheries and Wildlife. The bureau is  
41 equal in organizational level and status with other major  
42 organizational units within the department or its successors. The  
43 bureau is administered by a director who is immediately  
44 responsible to the deputy commissioner. The director possesses  
45 full authority and responsibility for administering all the  
46 powers and duties of the bureau, subject to the direction of the  
47 commissioner and except as otherwise provided by statute. The  
48 responsibilities of the bureau include, but are not limited to:

2 1. Financial accounting. The financial accounting of all  
department revenues and expenditures, including long-range  
4 financial planning and the preparation of annual and biennial  
budgets;

6 2. Personnel activities. The administration of all  
personnel activities;

8  
10 3. Licensing and registration. The administration and  
issuance of department licenses, stamps and permits and the  
12 registration of snowmobiles, watercraft and all-terrain vehicles;

14 4. Engineering. The design, maintenance and repair of  
department-owned facilities, including the preparation of a  
16 capital improvement plan to be printed in the budget document;

18 5. Land acquisition. The acquisition and development of  
land for the protection, preservation and enhancement of the  
20 inland fisheries and wildlife resources; and

22 6. Equipment inventory. The maintenance of a current  
inventory of all department-owned or department-managed property.

24 \$10053. Bureau of Resource Management

26 The Bureau of Resource Management is established within the  
Department of Inland Fisheries and Wildlife. The bureau is equal  
28 in organizational level and status with other major  
organizational units within the department or its successors. The  
30 bureau is administered by a director who is immediately  
responsible to the deputy commissioner. The director possesses  
32 full authority and responsibility for administering all the  
powers and duties of the bureau, subject to the direction of the  
34 commissioner and except as otherwise provided by statute. The  
responsibilities of the bureau include, but are not limited to:

36  
38 1. Wildlife management. The management of the wildlife  
resources in the State for their preservation, protection,  
40 enhancement and use;

42 2. Fisheries management. The management of the inland  
fisheries resources in the public waters of the State for their  
44 preservation, protection, enhancement and use;

46 3. Propagation of fish. The propagation of fish for the  
effective management of inland fisheries resources in public  
48 waters of the State;

2        4. Habitat management. The management of habitat for the  
protection, preservation, enhancement and use of inland fisheries  
and wildlife resources;

4  
6        5. Wildlife sanctuaries; wildlife management areas. The  
management of wildlife sanctuaries and wildlife management areas  
for the State as designated in chapter 925;

8  
10       6. Data collection. The collection of data for the  
effective management of the inland fisheries and wildlife  
resources;

12  
14       7. Research. Research activities for the effective  
management of the inland fisheries and wildlife resources;

16       8. Animal damage control. The coordination of animal  
damage control functions throughout the State, including  
supplemental assistance for the control of coyotes and other  
nuisance wildlife that exceeds normal funding and staffing levels  
within the department; and

22       9. Rules. The development of rules governing the effective  
management of the inland fisheries and wildlife resources of the  
State.

24  
26       **§10054. Bureau of Warden Service**

28       The Bureau of Warden Service is established within the  
Department of Inland Fisheries and Wildlife. It is equal in  
organizational level and status with other major organizational  
units within the department or its successors. The bureau is  
administered by a director who is immediately responsible to the  
deputy commissioner. The director is the Game Warden Colonel and  
is employed pursuant to section 10103, subsection 3 and Title 5,  
chapter 59, which are applicable to this position. The director  
possesses full authority and responsibility for administering all  
the powers and duties of the bureau, subject to the direction of  
the commissioner and except as otherwise provided by statute. The  
responsibilities of the bureau include, but are not limited to:

40  
42       1. General enforcement. Enforcement of laws or rules as  
designated by this Part, or as specified;

44       2. Wildlife and fisheries enforcement. Enforcement of laws  
and department rules pertaining to the management and protection  
of the inland fisheries and wildlife resources as further  
designated by section 10353;

48  
50       3. Snowmobile, watercraft and all-terrain vehicle  
enforcement. Enforcement of laws and department rules pertaining

2 to the registrations and operation of snowmobiles, watercraft and  
all-terrain vehicles;

4 4. Search and rescue. The coordination and implementation  
of all search and rescue operations as specified under section  
6 10105, subsection 4;

8 5. Safety. Assistance with programs for hunter safety and  
for the safe operation of snowmobiles, watercraft and all-terrain  
10 vehicles;

12 6. Data collection. The collection of data as needed for  
the management and protection of the inland fisheries and  
14 wildlife resources; and

16 7. Other. Such areas as specified in state law.

18 **§10055. Division of Planning**

20 The Division of Planning is established within the  
Department of Inland Fisheries and Wildlife and is responsible  
22 for developing both short-term and long-term plans for the  
preservation, protection, enhancement and use of inland fisheries  
24 and wildlife resources. The division shall undertake activities  
as directed.

26 **§10056. Division of Public Information and Education**

28 The Division of Public Information and Education is  
30 established within the Department of Inland Fisheries and  
Wildlife and is responsible for the administration of programs to  
32 increase the public's knowledge and understanding of the inland  
fisheries and wildlife resources and the management of these  
34 resources, including the administration of education programs for  
hunter safety and for the safe operation of snowmobiles,  
36 watercraft and all-terrain vehicles. The division's  
responsibilities include public education, promotion of the  
38 inland fisheries and wildlife resources and the dissemination of  
information.

40

42 **SUBCHAPTER 2**

44 **COMMISSIONER; POWERS AND DUTIES**

46 **§10101. Appointment**

48 The commissioner is appointed by the Governor, subject to  
review by the joint standing committee of the Legislature having  
50 jurisdiction over fisheries and wildlife matters and to



2 confirmation by the Legislature. The commissioner serves at the  
3 pleasure of the Governor. Any candidate for the office of  
4 commissioner must have a record of demonstrated support for, and  
5 an understanding of, the basics of modern wildlife and fisheries  
6 management and have experience in hunting, fishing or trapping.

7 **§10102. Office**

8  
9 **1. Facilities.** The commissioner is entitled to have an  
10 office at the seat of government and adequate facilities for the  
11 transaction of the business of the department.

12  
13 **2. Traveling expenses.** The commissioner is entitled to  
14 receive all necessary traveling expenses.

15 **§10103. Duties**

16  
17 In addition to other duties set out in this Part, the  
18 commissioner has the following duties.

19  
20 **1. Appointment of deputy.** The commissioner shall appoint,  
21 to serve at the commissioner's pleasure, the Deputy Commissioner  
22 of Inland Fisheries and Wildlife, who must be qualified by  
23 training and experience in fisheries and wildlife management or  
24 conservation law enforcement. Under the commissioner's direction,  
25 the deputy commissioner assists in the administration of the  
26 department. The deputy commissioner serves as the commissioner  
27 if the commissioner is disabled or absent or if the office of the  
28 commissioner becomes vacant. The commissioner may appoint an  
29 appropriate administrative officer in the department to perform  
30 the functions of the commissioner if both the commissioner and  
31 deputy commissioner are disabled or absent.

32  
33 **2. Administration and enforcement.** Except as provided by  
34 statute, the commissioner has general supervision of the  
35 administration and enforcement of the inland fisheries and  
36 wildlife laws and has the responsibility for the management of  
37 all inland fish and wildlife in the State. The commissioner has  
38 responsibility for investigations carried out on behalf of the  
39 State in matters related to the status and needs of any inland  
40 fisheries and wildlife species and is the representative of the  
41 State in providing information associated with the status and  
42 needs of these natural resources to municipalities, political  
43 subdivisions of the State and the Federal Government.

44  
45 **3. Employment of personnel.** The commissioner shall employ,  
46 subject to the Civil Service Law, such employees as are necessary  
47 to carry out the duties of the department, except that persons in  
48 the following positions are appointed by and serve at the

2 pleasure of the commissioner: deputy commissioner; Game Warden  
3 Colonel; and Assistant to the Commissioner for Public Information.

4 The Game Warden Colonel is appointed from among the game wardens  
5 of the department. In the event that the Game Warden Colonel is  
6 not reappointed, the Game Warden Colonel has the right to be  
7 restored to the classified position from which the Game Warden  
8 Colonel was promoted or to a position equivalent in salary grade  
9 in an agency, without impairment of personnel status or the loss  
10 of seniority, retirement or other rights to which uninterrupted  
11 service in the classified position would have entitled the Game  
12 Warden Colonel. If service in that unclassified supervisory  
13 position is terminated for cause, the right to be restored to  
14 that position must be determined by the State Civil Service  
15 Appeals Board.

16  
17 4. Report to Governor. The commissioner shall make a  
18 report to the Governor on or before the 31st day of December of  
19 each year for the year ending the previous June 30th.

20  
21 5. Code of operating procedure of warden service. The  
22 commissioner shall prepare a written code covering the operating  
23 procedure of the warden service that is consistent with the Civil  
24 Service Law and contractual agreements.

25  
26 6. Administration of department. The commissioner shall  
27 adopt written policies establishing procedures to control the use  
28 of department equipment and vehicles. The commissioner shall  
29 review and control all administrative expenses, including  
30 reimbursement of moving expenses.

31  
32 7. Copies of laws for town clerks or agents. The  
33 commissioner shall keep on hand at all times sufficient copies of  
34 abstracts of the inland fisheries and wildlife laws to furnish to  
35 all town clerks or agents authorized to issue licenses, so that  
36 they have copies available to issue with every license.

37  
38 8. Biennial revision of fish and wildlife laws. As soon as  
39 practicable after the adjournment of the Legislature, the Revisor  
40 of Statutes, with the assistance of the commissioner, shall issue  
41 a revision of all the public laws relating to inland fisheries  
42 and wildlife. The revision must be printed in a pamphlet of the  
43 same size pages as the Maine Revised Statutes Annotated, and its  
44 printing and distribution must be the same as that of the  
45 biennial laws, except that the commissioner may issue as many  
46 extra copies of this Part in a pamphlet of whatever size seems  
47 best to inform the people about the fish and wildlife laws.

48  
49 9. Availability of financial statement. The commissioner  
50 shall make the annual financial statement for the department

2 available for public inspection within 180 days after the close  
3 of the fiscal year that is the subject of the report.

4 10. Water level danger zones. The commissioner may  
5 establish, in accordance with section 10104, subsection 1, water  
6 level danger zones. These zones are areas of rivers and streams  
7 below water impoundment that are subject to rapidly changing  
8 water levels. The commissioner may adopt rules to protect  
9 individuals using those areas for hunting, fishing, trapping and  
10 boating purposes. The commissioner may not regulate the flow of  
11 water under this section.

12 11. Report to Legislature. The commissioner shall submit  
13 an annual report to the joint standing committee of the  
14 Legislature having jurisdiction over appropriations and financial  
15 affairs and the joint standing committee of the Legislature  
16 having jurisdiction over inland fisheries and wildlife matters.  
17 This report must identify all specific extended responsibility  
18 services provided by the department to individuals who do not pay  
19 a particular fee to the department for the provision of that  
20 service, including all search and rescue activities conducted by  
21 the department. This report must include an estimate of the  
22 total cost of providing the identified extended responsibility  
23 services. The report must be submitted on or before January 1st  
24 of each year. Upon receipt of the report, the joint standing  
25 committee of the Legislature having jurisdiction over  
26 appropriations and financial affairs and the joint standing  
27 committee of the Legislature having jurisdiction over inland  
28 fisheries and wildlife matters shall give separate consideration  
29 to funding the department's estimated cost of providing the  
30 identified extended responsibility services.

31 12. Criminal history record information. The commissioner  
32 shall collect and maintain criminal history record information  
33 pertinent to violations of this Part. The commissioner may  
34 collect and maintain other records and information pertinent to  
35 other functions of the department, including the enforcement of  
36 civil violations.

37 §10104. Rule-making power

38 In addition to other powers granted in this Part, the  
39 commissioner has the following powers.

40 1. Rules. The commissioner may, with the advice and consent  
41 of the advisory council and in conformity with Title 5, Part 18,  
42 and except as otherwise provided, adopt, amend and repeal  
43 reasonable rules, including emergency rules, necessary for the  
44 proper administration, implementation, enforcement and  
45 interpretation of any provision of law that the commissioner is

2 charged with the duty of administering. These rules duly adopted  
3 have the full force and effect of law and are effective upon  
4 filing with the Secretary of State, unless a later date is  
5 required by statute or specified in the rule.

6 2. Filing of rules. The commissioner may file certified  
7 copies of all rules adopted by the commissioner and any and all  
8 amendments to the rules with the clerks of the District Court and  
9 Superior Court. These certified copies are considered official  
10 publications of the State for all purposes, including, but not  
11 limited to, the Maine Rules of Civil Procedure, Rule 44(a)(1) and  
12 the Maine Rules of Evidence, Rule 902 (5), and judicial notice  
13 must be taken accordingly. A facsimile of the signature of the  
14 commissioner imprinted by or at the commissioner's discretion  
15 upon any such certificate of true copy has the same validity as  
16 the commissioner's written signature.

17 §10105. Other powers

18 1. Authority to issue permits. Whenever the commissioner  
19 determines it necessary for the accomplishment of the  
20 commissioner's statutory duties, the commissioner may issue  
21 permits authorizing persons to assist the commissioner in the  
22 taking and destruction of any wildlife.

23 A person may not engage in an activity for which a permit may be  
24 issued under this subsection and for which that person does not  
25 have a valid permit. Each day a person violates this subsection  
26 that person commits a Class E crime for which a minimum fine of  
27 \$50 and an amount equal to twice the applicable license fee must  
28 be imposed.

29 2. Commissioner's authority to terminate season. The  
30 commissioner may terminate open season on coyote hunting at any  
31 time in any area if, in the commissioner's opinion, an immediate  
32 emergency action is necessary due to adverse weather conditions  
33 or unlawful hunting activity.

34 3. Coyote control program. Pursuant to section 10053,  
35 subsection 8, the commissioner shall maintain a coyote control  
36 program as follows.

37 A. The commissioner may employ qualified persons to serve  
38 as agents of the department for purposes of coyote control.  
39 These agents must be trained by the department in animal  
40 damage control techniques and must be utilized by the  
41 department to perform coyote control duties in areas where  
42 predation by coyotes is posing a threat to deer or other  
43 wildlife. Each agent shall execute a cooperative agreement  
44 with the department specifying the conditions and  
45 terms of the agreement.

2 limitations of the agent's responsibilities as an agent,  
3 including any terms for reimbursement of expenses or payment  
4 of wages.

5 B. Agents must be trained in the use of snares and must be  
6 deployed in the unorganized townships to control coyotes  
7 during the winter months. All snaring must be carried out  
8 under the direction of department officials and with the  
9 knowledge of the local game warden. All areas of snaring  
10 activity must be adequately posted.

11 C. Agents may be utilized for the benefit of agricultural  
12 interests as long as the department is reimbursed annually  
13 for the cost of those efforts by the Department of  
14 Agriculture, Food and Rural Resources from funds  
15 specifically appropriated or otherwise made available to the  
16 Department of Agriculture, Food and Rural Resources for that  
17 purpose.

18 4. Search and rescue. Whenever the commissioner receives  
19 notification that any person has gone into the woodlands or onto  
20 the inland waters of the State on a hunting, fishing or other  
21 trip and has become lost, stranded or drowned, the commissioner  
22 shall exercise the authority to take reasonable steps to ensure  
23 the safe and timely recovery of that person; except in cases  
24 involving downed or lost aircraft covered by Title 6, section 303.

25 A. The commissioner may summon any person in the State to  
26 assist in search and rescue attempts. Each person summoned  
27 must be paid at a rate set by the commissioner with the  
28 approval of the Governor and must be provided with  
29 subsistence while engaged in these activities.

30 B. The commissioner may enter into written agreements with  
31 other agencies or corporations, including commercial  
32 recreational areas, allowing partial search and rescue  
33 responsibility within specified areas.

34 C. The commissioner may terminate a search and rescue  
35 operation by members of the department when, in the  
36 commissioner's opinion, all reasonable efforts have been  
37 exhausted.

38 D. The commissioner may recover all costs directly related  
39 to a specific search and rescue operation:

40 (1) From the person for whom the search and rescue  
41 operation was conducted; or  
42

2           (2) If a person knowingly provided false information  
3           that leads to a search and rescue operation, from the  
4           person who provided that false information.

5           Any person who has knowledge that another person is lost,  
6           stranded or drowned in the woodlands or inland waters of the  
7           State shall notify the Bureau of Warden Service of the department.

8           5. Boundary waters with New Hampshire and Canada. The  
9           commissioner may prescribe bag limits, size limits, open or  
10           closed seasons and methods of taking fish from the inland  
11           boundary waters between the states of Maine and New Hampshire and  
12           provinces of Canada. These rules must be mutually agreed upon by  
13           the commissioners of Maine and New Hampshire and the fishery  
14           authorities of Canada and approved by the Inland Fisheries and  
15           Wildlife Advisory Council.

16           6. Establishing line of demarcation. The commissioner,  
17           through an agent designated by the commissioner, may establish a  
18           line of demarcation between a lake or pond and its outlet or  
19           tributaries in areas where the commissioner determines it  
20           necessary.

21           7. Sale of arms and ammunition. The commissioner may sell  
22           all property held or confiscated by the State for violation of  
23           laws relating to the protection of inland fisheries and  
24           wildlife. A confiscated or forfeited handgun that was  
25           confiscated or forfeited because it was used to commit a homicide  
26           must be destroyed by the State, unless the handgun was stolen and  
27           the rightful owner was not the person who committed the homicide,  
28           in which case the handgun must be returned to the owner if  
29           ascertainable. For purposes of this subsection, "handgun" means  
30           a firearm, including a pistol or revolver, designed to be fired  
31           by use of a single hand. The commissioner shall transmit all  
32           money received by the sales to the Treasurer of State to be  
33           credited to the department.

34           8. Employee discipline. The commissioner may dismiss,  
35           suspend or otherwise discipline any department employee for  
36           cause. This right is subject to the right of appeal and  
37           arbitration of grievances as set forth in statute.

38           9. Possession and disposal of fish and wildlife. The  
39           commissioner may take possession of sick, injured or dead fish  
40           and wildlife that is not the property of another person. For any  
41           fish and wildlife possessed by the commissioner under this  
42           subsection, the commissioner may:

2       A. For sick or injured fish or wildlife, destroy that fish  
3       or wildlife when necessary in a manner consistent with the  
4       provisions of Title 17, section 1043; and

5       B. For dead fish or wildlife, dispose of that fish or  
6       wildlife in any manner considered appropriate by the  
7       commissioner.

8  
9       This subsection does not apply to fish or wildlife seized by the  
10       commissioner under section 10502.

11       10. Taking and importing wildlife. The commissioner may  
12       take fish or wildlife for scientific purposes and may bring fish  
13       and wildlife into the State or authorize others to do so.

14       11. Take or import animals and birds. The commissioner may  
15       take or import wild animals or wild birds of any kind, dead or  
16       alive, for the purposes of inspection, cultivation, propagation,  
17       distribution or for scientific or other purposes considered by  
18       the commissioner to be of interest to the game industry of this  
19       State.

20       12. Purchase or sale of wildlife for use as evidence. An  
21       agent of the commissioner may buy or sell wildlife for use as  
22       evidence in prosecution of a violation of this Part.

#### 23       §10106. Fish and wildlife restoration

24       1. Commissioner's authority. The State assents to the  
25       Federal Aid in Wildlife Restoration Act, Public Law, September 2,  
26       1937, chapter 899, as amended, and the Federal Aid in Fish  
27       Restoration Act, Public Law, August 9, 1950, chapter 658, as  
28       amended. The commissioner is authorized, empowered and directed  
29       to perform such acts as may be necessary to the conduct and  
30       establishment of cooperative wildlife and fish restoration  
31       projects, as defined in those Acts of Congress, in compliance  
32       with those Acts and with rules and regulations promulgated by the  
33       United States Secretaries of Agriculture and Interior under those  
34       Acts.

35       2. Control of distribution and conservation of hares and  
36       rabbits. The commissioner may at any time take and transport live  
37       hares or rabbits by purchasing them from local trappers whenever  
38       the commissioner determines it necessary for the proper  
39       distribution and conservation of the hares and rabbits.

#### 40       §10107. Deer wintering areas

41       1. Identification of deer wintering areas. The  
42       commissioner shall, by rule, establish criteria for the  
43       commissioner shall, by rule, establish criteria for the  
44       commissioner shall, by rule, establish criteria for the  
45       commissioner shall, by rule, establish criteria for the  
46       commissioner shall, by rule, establish criteria for the  
47       commissioner shall, by rule, establish criteria for the  
48       commissioner shall, by rule, establish criteria for the  
49       commissioner shall, by rule, establish criteria for the  
50       commissioner shall, by rule, establish criteria for the

2 identification of deer wintering areas in the State. The  
3 criteria must include:

4 A. Observation by department personnel;

6 B. Deer tracks;

8 C. Evidence of current or past browsing;

10 D. Deer pellet depositions; or

12 E. Bedding sites.

14 2. Notification. Whenever evidence indicates, according to  
15 criteria established by the commissioner, the existence of a deer  
16 wintering area in any municipality or plantation, the  
17 commissioner shall notify the officials of the municipality or  
18 plantation and the owner or owners of record of the property on  
19 which the area is located of the existence of the deer wintering  
20 area and shall provide information to those persons as to actions  
21 that may be taken to protect the deer in that area.

22 **§10108. Programs**

24 1. Training in firearm safety. The commissioner shall  
25 establish a program for training individuals in the safe handling  
26 of firearms and for this purpose may cooperate with any public or  
27 private association or organization having as one of its  
28 objectives the promotion of safety in firearms handling.

30 In establishing the program under this subsection, the  
31 commissioner shall:

34 A. Prescribe the qualifications of instructors. Each  
35 instructor authorized by the commissioner to conduct  
36 training under the program must be covered by liability  
37 insurance protecting that person from liability for damages  
38 during the time when instruction is being given. The cost of  
39 this insurance must be borne by the State and must be a  
40 charge against the funds credited to the department;

42 B. Prescribe the type and course of instruction and the  
43 time and place of examinations; and

44 C. Issue a certificate of competency to individuals who  
45 successfully complete the examination.

48 2. Promotion of hunting, fishing and camping. The  
49 commissioner may implement a program designed to promote  
50 fisheries and wildlife resources and attract hunters and anglers



2 to the State. As part of this program, the commissioner may  
3 reduce the price of certain types of licenses for specified  
4 periods of time to promote license sales for hunting and fishing  
5 in the State. This program may include coordination of  
6 activities between the public and private sectors and utilization  
7 of promotional missions, exhibits, brochures, technical  
8 assistance and expertise as necessary to develop and promote  
9 hunting, fishing and camping activities within the State. The  
10 commissioner shall coordinate this program with the activities of  
11 the Department of Economic and Community Development. Any  
12 purchases made as a result of that coordination must be by  
13 competitive bid.

14 3. Supersport certificate. A person may be designated as a  
15 supersport by obtaining a supersport certificate from the  
16 commissioner or the commissioner's agent for a fee of \$15.

17 4. Landowner relations program. The commissioner shall  
18 develop and implement a program to improve landowner relations.  
19 The program must foster public use of private land for hunting  
20 and fishing and promote high standards of courtesy, respect and  
21 responsibility by hunters and anglers for private lands and  
22 prevent abuse of private lands by hunters and anglers. The  
23 program must have the following 2 components:

24 A. A program that supports landowners, called the Support  
25 Landowners Program. Twelve dollars of each \$15 collected  
26 under subsection 3 is dedicated to the Support Landowners  
27 Program. The Support Landowners Program may:

28 (1) Offer a toll-free number for landowner concerns;

29 (2) From among existing staff, appoint a landowner  
30 relations coordinator at the Augusta office of the  
31 department and regional landowner relations  
32 coordinators at the regional offices. Regional  
33 landowner relations coordinators may be appointed only  
34 from the department's recreational safety coordinators  
35 and volunteers;

36 (3) Provide linkage with local conservation  
37 organizations, volunteer groups and advisory groups;

38 (4) Enhance enforcement of trespass, dumping and  
39 property damage violations;

40 (5) Provide educational materials and signs;

41 (6) Coordinate with other related landowner relations  
42 activities, including Landowner Recognition Day; and

2           (7) Encourage landowners who allow access to their  
3           property only with permission to conspicuously post  
4           signs on the property indicating the name and address  
5           of the owner or other person with authority to grant  
6           permission; and

7           B. A program called the Sport Hunter Program. The Sport  
8           Hunter Program is established to combat disrespect and  
9           misconduct and to improve the hunter's image through  
10           landowner relations, coordination with hunter safety  
11           programs and conservation ethics. Three dollars of each \$15  
12           collected under subsection 3 is dedicated to the Sport  
13           Hunter Program.

14           The Support Landowners Program and the Sport Hunter Program must  
15           operate within the department and must be implemented no later  
16           than January 1, 1996.

17           5. "Hooked on Fishing Not on Drugs" program. The "Hooked  
18           on Fishing Not on Drugs" program is established in the department  
19           to encourage youth fishing activities in the State. The  
20           commissioner may accept money, goods or services donated to the  
21           department for the "Hooked on Fishing Not on Drugs" program.  
22           Money, goods and services accepted by the commissioner under this  
23           subsection may be used only for those program activities.

24           6. Archery hunting education program. The commissioner  
25           shall establish a program for training individuals in safe and  
26           responsible archery hunting skills and behavior. This program  
27           includes instruction in fisheries and wildlife laws, rights of  
28           landowners and hunters and appropriate principles of wildlife  
29           management. The commissioner may charge an enrollment fee of up  
30           to \$10 per person to help defray the costs of this program. The  
31           commissioner may cooperate with any public or private association  
32           dedicated to responsible and safe archery hunting to establish  
33           this program.

34           In establishing the program, the commissioner shall:

35           A. Prescribe the qualifications of instructors;

36           B. Provide liability insurance for each instructor  
37           authorized by the commissioner to conduct training under the  
38           program protecting that person from liability for damages  
39           during the time when instruction is being given. The cost  
40           of this insurance must be borne by the State and charged  
41           against funds credited to the department;

2           C. Prescribe the type and length of instruction and the  
time and place of examinations; and

4           D. Issue a certificate of competency to individuals who  
successfully complete the examination.

6  
8           7. Trapper education program established. The commissioner  
shall establish a program for training individuals in safe and  
10 responsible trapping skills and behavior. This program must  
include instruction in the applicable laws and rights and in the  
12 appropriate principals of wildlife management. The commissioner  
may charge an enrollment fee of up to \$10 a person to help defray  
14 the costs of this program. For the purpose of establishing the  
program, the commissioner may cooperate with any public or  
16 private association having similar goals.

18           In establishing the program, the commissioner shall:

20           A. Prescribe the qualifications of instructors;

22           B. Provide for insurance. Each instructor authorized by  
the commissioner to conduct training under the program must  
24 be covered by liability insurance protecting that person  
from liability for damages during the time when instruction  
26 is being given. The cost of this insurance must be borne by  
the State and must be a charge against the funds credited to  
the department;

28           C. Prescribe the type and length of instruction and the  
30 time and place of examinations; and

32           D. Issue a certificate of competency to individuals who  
successfully complete the examination.

34  
36           8. Hunters for the Hungry Program. The Hunters for the  
Hungry Program, referred to in this subsection as the "program,"  
38 is established to allow the department and persons who are  
lawfully in the possession of wild game meat to donate that wild  
40 game meat for distribution to needy persons through the food  
assistance programs of the Department of Agriculture, Food and  
42 Rural Resources.

44           A. The department shall develop and implement this program  
in cooperation with the Department of Agriculture, Food and  
46 Rural Resources. In developing the program, the department  
shall investigate, in cooperation with the Department of  
48 Agriculture, Food and Rural Resources, the costs and  
benefits of establishing a toll-free telephone line for  
facilitating the donation of meat.

50

2 B. The department may adopt rules to implement the  
3 program. If rules are determined necessary, the department  
4 shall develop those rules in cooperation with the Department  
5 of Agriculture, Food and Rural Resources. Rules adopted  
6 pursuant to this subsection are routine technical rules as  
7 defined in Title 5, chapter 375, subchapter 2-A. Rules  
8 adopted under this subsection may include, but are not  
9 limited to:

10 (1) Procedures for donating wild game meat;

12 (2) Provisions for a quality control program;

14 (3) Procedures for distributing donated wild game meat  
15 through the food assistance programs administered by  
16 the Department of Agriculture, Food and Rural Resources;

18 (4) Methods for supporting private sporting groups  
19 throughout the State with program education and  
20 promotion efforts; and

22 (5) Limiting the distribution of wild game meat to  
23 certain types of facilities.

24  
25 C. A person who donates lawfully obtained wild game meat  
26 that is apparently fit for human consumption to the program  
27 and a charitable, nonprofit or other organization authorized  
28 by the department to receive and distribute meat donated  
29 under the program are immune from civil liability arising  
30 from injury or death due to the condition of the donated  
31 food, unless the injury or death is a direct result of the  
32 intentional misconduct of the donor or the organization.

34 9. Pheasant program. The commissioner may enter into an  
35 agreement with a qualified rod and gun club or qualified  
36 hunting-oriented organization to allow the club or organization  
37 to purchase and raise pheasants. An agreement entered into  
38 pursuant to this subsection may provide for the use of department  
39 facilities for raising pheasants by a qualified rod and gun club  
40 or qualified hunting-oriented organization. For purposes of this  
41 subsection, "qualified rod and gun club or qualified  
42 hunting-oriented organization" means a rod and gun club or a  
43 hunting-oriented organization that has demonstrated involvement  
44 in raising and releasing pheasants in the year prior to entering  
45 into an agreement with the commissioner to purchase and raise  
46 pheasants.

48 The following provisions must be observed.

2           A. The department is not authorized to purchase or raise pheasants.

4           B. All pheasants purchased and raised under an agreement with the commissioner pursuant to this subsection must be released under the direction of department officials in areas open to hunting for the general public.

8  
10       §10109. Acquisition and disposal of land

12           1. Acquisition of land; wildlife management and public access. The commissioner may acquire property pursuant to this subsection for fish hatchery or fish feeding stations or wildlife management areas or public access sites.

16           A. The commissioner may acquire in the name of the State, by gift, bequest or otherwise, real and personal property for the location, construction and convenient operation of a fish hatchery or fish feeding station or a wildlife management area or public access sites to inland or coastal waters. When acquiring land or interest in land for a wildlife management area or for a public access site, the commissioner shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the commissioner shall describe the acquisition in the annual report submitted pursuant to section 10103, subsection 11 and the justification for that acquisition.

20           B. The commissioner may purchase, lease or take and hold, for and in behalf of the State as for public uses, land and all materials in and upon it or any rights necessary for the purpose of establishing, erecting and operating fish hatcheries or fish feeding stations or wildlife management areas or public access sites to inland or coastal waters.

24           C. When the commissioner finds that a public need requires the taking of any land or rights for the purposes set out in this subsection, the commissioner shall cause the land or rights to be surveyed, located and described so that the land or rights can be located.

28           D. A plan of the land or rights must be filed and recorded in the registry of deeds where the land or rights are located.

32           E. The filing of the plan and description vests the title to the land and right in the State or its grantees, to be held at the pleasure of the State.



2 Kennebec County and Sagadahoc County; one member representing  
3 Aroostook County; one member representing Cumberland County; one  
4 member representing Franklin County and Oxford County; one member  
5 representing Hancock County; one member representing Knox County,  
6 Lincoln County and Waldo County; one member representing  
7 Penobscot County; one member representing Piscataquis County and  
8 Somerset County; one member representing Washington County; and  
9 one member representing York County. Members of the advisory  
10 council are appointed by the Governor, subject to review by the  
11 joint standing committee of the Legislature having jurisdiction  
12 over fisheries and wildlife matters and to confirmation by the  
13 Legislature. The commissioner is a nonvoting, ex officio member  
14 of the advisory council, but may vote to break a tie.

15 An employee of the department may not serve as a member of the  
16 advisory council prior to the expiration of one year from that  
17 employee's last day of employment with the department. A  
18 Legislator may not serve as a member of the advisory council. A  
19 former Legislator who was a member of the joint standing  
20 committee of the Legislature having jurisdiction over fisheries  
21 and wildlife matters may not serve as a member of the advisory  
22 council prior to the expiration of one year from that former  
23 Legislator's last day of membership on that committee.

24 2. Length of terms. Appointments are for a term of 3 years  
25 and until successors are appointed and qualified. A person may  
26 not serve more than 2 consecutive 3-year terms. On the death,  
27 resignation or removal from office of any person appointed to the  
28 advisory council, the Governor shall appoint a member to serve  
29 for the unexpired term.

30 3. Expenses. The members of the advisory council are  
31 entitled to compensation as provided in Title 5, chapter 379.

32 4. Duties. The advisory council shall perform the  
33 following duties.

34 A. The advisory council shall render to the commissioner  
35 information and advice concerning the administration of the  
36 department and carry out other duties specifically delegated  
37 by this Part.

38 B. The advisory council shall hold regular meetings with  
39 the commissioner or the commissioner's deputy in December  
40 and May of each year and may hold special meetings at such  
41 other times and places as are advisable.

42 5. Meetings. All regular and special meetings of the  
43 advisory council must be public meetings and must be held in a  
44 public meeting place convenient for the public. Public comment  
45 may be invited at any public meeting.

2 must be accepted at regular and special meetings of the advisory  
3 council. Comments may be restricted to subjects before the  
4 advisory council at the meeting and consistent with any  
5 applicable requirements and limitations of the Maine  
6 Administrative Procedure Act. Public notice of all regular and  
7 special advisory council meetings must be published in a daily  
8 newspaper of general circulation in the geographic area where the  
9 meeting is scheduled at least 7 days and not more than 21 days  
10 prior to the meeting. That notice must include an agenda or  
11 statement of purpose of the meeting. That notice may be combined  
12 with any other notice of the meeting required by law.

13 6. Officers. At the meeting held in May of each year, the  
14 advisory council may elect one member as chair and one member as  
15 vice-chair.

16 **§10152. Disabled hunter, trapper and angler advisory committee**

17 The commissioner shall establish a disabled hunter, trapper  
18 and angler advisory committee referred to in this section as the  
19 "advisory committee," composed of 4 disabled persons, a licensed  
20 physician, a representative of state agencies that work on  
21 disability issues, 2 statewide organizations representing  
22 hunters, trappers or anglers and one interested person. The  
23 purpose of the advisory committee is to advise the commissioner  
24 on applications for a special permit under section 10853,  
25 subsection 11 and to provide recommendations to the commissioner  
26 on ways to promote and enhance access to hunting, fishing and  
27 trapping opportunities in this State for disabled persons. The  
28 commissioner shall meet with the advisory committee at least  
29 twice a year, once during the month of January, February or March  
30 and once during the month of July, August or September, to review  
31 applications for special permits to accommodate permanent  
32 physical disabilities provided for in section 10853, subsection  
33 11 but may meet more often as the commissioner determines  
34 necessary. The commissioner may, within existing budgeted  
35 resources, reimburse advisory committee members for mileage or  
36 other expenses related to attending meetings of the advisory  
37 committee.

38 **§10153. Advisory Board for the Licensing of Guides**

39 1. Members. The Advisory Board for the Licensing of  
40 Guides, established by Title 5, section 12004-I, subsection 23  
41 and referred to in this section as "the board," consists of the  
42 following 8 members:

43 A. One subordinate officer of the department designated by  
44 the commissioner;



2           B. Two wardens of the department;

4           C. Four representatives of the public, with no more than 3  
6           holding a license under chapter 927, to be appointed by the  
8           Governor for a term of 3 years to reflect a wide diversity  
10           of guiding experience. At least 2 members must be chosen  
12           for their expertise in outdoor recreation. The public  
14           members must be compensated as provided in Title 5, chapter  
16           379; and

18           D. One marine patrol officer of the Department of Marine  
20           Resources.

22           2. Duties. The board has the following duties:

24           A. To provide advice and consent regarding rules proposed  
26           by the commissioner;

28           B. At the request of the commissioner, to conduct oral  
30           examinations of applicants for guide licenses;

32           C. To advise the commissioner on granting and revoking  
34           guide licenses; and

36           D. At the board's discretion, to designate examiners for  
38           the purpose of conducting oral examinations pursuant to  
40           section 12855, subsection 6. Examiners must be selected  
42           from active or retired members of the Bureau of Warden  
44           Service, current or former board members, active or retired  
46           members of the marine patrol or currently licensed Maine  
48           guides. Designated examiners are entitled to compensation  
50           under the same provisions as the board.

3. Quorum. Five members of the board constitute a quorum.

36           §10154. Junior Maine Guides and Trip Leaders  
38           Curriculum Advisory Board

40           1. Board established. The commissioner shall appoint a  
42           board of 5 members to be known as the "Junior Maine Guides and  
44           Trip Leaders Curriculum Advisory Board" and referred to in this  
46           section as "the board," as established by Title 5, section  
48           12004-I, subsection 24.

50           2. Membership. The board consists of one member from the  
          department, one member from the Department of Human Services and  
          3 members of the public, one of whom must be a Maine camp  
          director. Appointments to the board are for 3 years or until  
          successors are appointed.

2           3. Duties. The board has the duty to advise the  
3 commissioner on the adoption of a trip leader safety course  
4 curriculum and on the adoption of rules for the administration of  
5 this section and sections 12859 and 12860.

6           4. Compensation. The public members are entitled to  
7 compensation as provided in Title 5, chapter 379.

8  
9 **§10155. Advisory Board for the Licensing of**  
10 **Taxidermists**

11           The Advisory Board for the Licensing of Taxidermists is  
12 established by Title 5, section 12004-I, subsection 23-A and  
13 referred to in this section as "the board."

14           1. Membership. Members of the board must be residents of  
15 the State. The board consists of the following 5 members:

16           A. Two employees of the department, appointed by the  
17 commissioner;

18           B. Two licensed taxidermists with expertise in the art of  
19 taxidermy, appointed by the Governor; and

20           C. One member of the general public with no affiliation to  
21 the art of taxidermy, appointed by the Governor.

22           2. Term. The term of office for members of the board is 3  
23 years, except that the terms must be staggered to the extent  
24 possible. Appointments for terms of less than 3 years may be  
25 made in order to stagger the terms. Upon expiration of a  
26 member's term, that member shall serve until a qualified  
27 successor is appointed. The successor's term is 3 years from the  
28 date of the expiration, regardless of the date of appointment. A  
29 vacancy in the office of a member is filled by the appointing  
30 authority for that position for the unexpired term. The  
31 department members may be removed by the commissioner for cause.  
32 All other members may be removed by the Governor for cause.

33           3. Staff assistance. The department shall provide staff  
34 assistance as necessary.

35           4. Duties. The board shall advise the commissioner  
36 regarding implementation of sections 10909, 12952, 12953 and this  
37 section and any related rules and shall assist in the development  
38 and conduct of examinations.

39           5. Quorum. Three members of the board constitute a quorum  
40 for the transaction of business.

2 6. Compensation. All members of the board except state  
3 employees, are entitled to receive compensation as provided in  
4 Title 5, chapter 379.

6 §10156. Advisory Board for the Licensing of Whitewater Guides

8 1. Members. The Advisory Board for the Licensing of  
9 Whitewater Guides, referred to in this section as the "board" and  
10 established by Title 5, section 12004-I, subsection 23-B,  
11 consists of the following 10 members:

12 A. The commissioner or an employee of the department who is  
13 the commissioner's designee;

14 B. One warden or retired warden of the department,  
15 appointed by the commissioner; and

16 C. Eight persons representing the public who are licensed  
17 whitewater guides, appointed by the Governor for staggered  
18 terms of 3 years. In making appointments under this  
19 paragraph, the Governor shall ensure that those appointments  
20 establish and maintain a wide diversity of whitewater guide  
21 experience on the State's rapidly flowing rivers. The  
22 Governor may not appoint a person who holds a commercial  
23 whitewater outfitter's license. At least 5 persons  
24 appointed under this paragraph must have expertise in  
25 whitewater rafting on both the Kennebec River and the West  
26 Branch of the Penobscot River, including the cribworks.

27 2. Compensation. Members who are not employed by the  
28 department are entitled to compensation as provided in Title 5,  
29 chapter 379.

30 3. Duties. The board has the following duties:

31 A. To provide advice regarding rules proposed by the  
32 commissioner;

33 B. At the request of the commissioner, to conduct an  
34 examination of applicants for the whitewater guide's license  
35 as provided in section 12909, except that oral examinations  
36 are conducted by 2 members; and

37 C. To advise the commissioner on granting and revoking  
38 whitewater guide's licenses.

39 4. Quorum. Five members of the board constitute a quorum.

40 SUBCHAPTER 4

2 **FINANCES**

4 **§10201. Power to raise revenue**

6 **1. Sale of publications.** If the commissioner determines it  
8 advisable for the more effective dissemination of factual  
10 information, information of public interest or information  
12 tending to promote better public relations, the commissioner may  
14 fix the price, if any, of certain publications and materials of  
16 the department and sell and deliver them. Publications and  
18 materials included within this authority are all publications,  
20 articles, biological and statistical data, professional and  
22 technical service reports by departmental personnel and other  
materials in the department's possession and pertaining to the  
department, except publications of the laws in whatever form.  
These publications may not carry any advertising of a political  
nature, but may carry commercial advertising. The commissioner  
shall accept commercial advertising in the department's general  
circulation magazine entitled "Maine Fish and Wildlife" and any  
successor or similar publication developed by the department.

The commissioner may sell or lease video tapes, photographs or  
negatives owned by the department and may fix the price, if any,  
giving consideration to their fair market value.

26 **2. Sale of advertising in abstracts of fish and wildlife**  
28 **laws.** The commissioner may sell advertising, except advertising  
30 of a political nature, in abstracts of laws published by the  
32 department pursuant to section 10103, subsection 7. All revenue  
derived from the sale of advertising in these publications must  
be used to offset the cost of printing these publications.

34 **3. Sale of general merchandise.** The commissioner may  
36 engage in the selling and marketing of general merchandise  
38 products such as T-shirts, aprons, coffee mugs and greeting cards  
40 when the express purpose is to accommodate public demand and  
generate supplemental funds. These funds may not be used for any  
costs associated with a quarterly magazine produced by the  
department.

42 **A.** The commissioner may create dedicated accounts to  
44 deposit money received from the sale of general merchandise  
46 pursuant to this subsection and may accept money, goods and  
48 services donated to the department to support specific  
programs carried out by the department. Any money donated  
to the department in support of a specific program must be  
deposited into a dedicated account for the purpose of  
funding activities carried out by that program.

50

2 B. Funds received by the commissioner for the sale of  
3 general merchandise products pursuant to this subsection  
4 must be deposited in a dedicated account to be used only for  
5 the purposes described in section 10108, subsection 2.

6 4. Promotion and education on lead sinkers and lures. The  
7 commissioner may accept money, goods or services donated to the  
8 department for the purpose of educating the public on ways to  
9 minimize the threat to loons and other bird species from  
10 discarded or lost lead sinkers and lures. Any money, goods or  
11 services accepted by the commissioner under this subsection may  
12 be used only for those purposes.

13 5. Design of migratory waterfowl permit; sale of prints.  
14 The design of migratory waterfowl permits pursuant to section  
15 11157 and sale of prints must be as follows.

16 A. The commissioner may provide for the reproduction, sale,  
17 licensing, distribution and other disposal of any art  
18 created in conjunction with the permit and shall establish  
19 by rule the procedures governing the design of the permit  
20 and reproduction, sale, licensing, distribution and other  
21 disposal of any art created in conjunction with the permit.

22 B. The design of the permit and any art created in  
23 conjunction with it may be selected through an art contest.

24 **§10202. Department funds**

25 1. Appropriation. The amount of funds appropriated to the  
26 department in each fiscal year may not be less than the dollar  
27 amount collected, received or recovered by the department from  
28 license and permit fees, fines, penalties and all other money  
29 received by the department, except for any funds received from  
30 the Federal Government and money relating to the following:

31 A. The department's account for the acquisition of  
32 waterfowl habitat set forth in section 10206, subsection 4;

33 B. Whitewater rafting;

34 C. The Maine Endangered and Nongame Wildlife Fund  
35 established in section 10253;

36 D. The watercraft fund of the Department of Marine  
37 Resources;

38 E. The Snowmobile Trail Fund of the Department of  
39 Conservation, Bureau of Parks and Lands;

40

2 F. The ATV Recreational Management Fund of the Department  
3 of Conservation; and

4 G. Boating access sites.

6 2. Additional funding. The appropriation of certain  
7 additional funds are governed by the following.

8  
9 A. Appropriations to the Department-wide Inland Fisheries  
10 and Wildlife program in the department for costs that are  
11 associated with search and rescue may not be considered  
12 amounts appropriated to the department under the  
13 Constitution of Maine, Article IX, Section 22. The  
14 liability of the General Fund for search and rescue costs is  
15 limited to the amount appropriated.

16  
17 B. General Fund appropriations to the Fiscal Stability  
18 Program under subsection 9 may not be considered to be  
19 amounts appropriated to the department under the  
20 Constitution of Maine, Article IX, Section 22.

22 3. Revenues. Actual revenues received in excess of that  
23 estimated and allocated by the Legislature may not be expended  
24 without allocation by the Legislature, except that excess federal  
25 revenues received are subject to the expenditure provisions of  
26 Title 5, section 1669.

28 4. Unencumbered balances. Any unencumbered allocated  
29 balances, including existing balances, must be carried forward  
30 into the next fiscal year and may not be expended without  
31 allocation by the Legislature, except as provided in this  
32 section. Unencumbered balances in the boating access sites  
33 account are nonlapsing and must be carried forward to be used for  
34 the same purpose.

36 5. Nonlapsing appropriations. General Fund appropriations  
37 to the department may not lapse but must be carried forward in a  
38 separate General Fund program to be used by the department for  
39 the purposes described in section 10801, subsection 5. The  
40 department, pursuant to the Constitution of Maine, Article IX,  
41 Section 22, shall seek legislatively authorized transfers from  
42 this program to meet the various costs associated with the  
43 department's other programs.

44  
45 6. Savings fund; offset against future fee increases. A  
46 savings fund, referred to in this subsection as the "fund," is  
47 established in the department. Appropriations to the fund are  
48 considered funds appropriated to the department under the meaning  
49 of the Constitution of Maine, Article IX, Section 22. Money  
50 appropriated to the fund does not lapse but must be carried

2 forward and may be used by the department only to offset license  
4 fee increases if the use of that money for that purpose is  
6 approved by the joint standing committee of the Legislature  
8 having jurisdiction over inland fisheries and wildlife matters.

6 7. Cash reserve. The department shall maintain as  
8 practical a cash reserve for the purpose of ensuring an adequate  
10 cash flow.

10 8. Snowmobile enforcement expenditures not to diminish. In  
12 every fiscal year, the department shall budget from  
14 appropriations to the enforcement operations program an amount  
16 for snowmobile enforcement activities that is not less than the  
18 average General Fund expenditures from that program for those  
20 purposes over the previous 2 fiscal years. Expenditures from the  
22 Snowmobile Enforcement Fund, established in section 10258, may  
24 not be included in calculating average expenditures.

18 9. Fiscal Stability Program. The Fiscal Stability Program  
20 is established to ensure that the general public and hunters and  
22 anglers share the cost of the fish and wildlife conservation  
24 programs of the department. To achieve this goal, beginning with  
26 the 2004-2005 biennial budget and for each biennial budget  
28 thereafter, the biennial budget submitted by the executive branch  
30 must include a General Fund appropriation of 18% of the  
32 department's requested biennial budget.

28 10. Review of budget. The joint standing committee of the  
30 Legislature having jurisdiction over inland fisheries and  
32 wildlife matters shall review that part of the current services  
34 budget bill and any supplemental budget bills pertaining to the  
36 department in accordance with Title 5, section 522-A.

34 11. Review of license and permit fees, fines and  
36 penalties. The joint standing committee of the Legislature  
38 having jurisdiction over inland fisheries and wildlife matters  
40 shall review license and permit fees, fines, penalties and all  
42 other money received by the department and shall submit a written  
44 report to the joint standing committee of the Legislature having  
46 jurisdiction over appropriations and financial affairs on or  
48 before March 1st of each year.

42 12. Monthly report. By the 15th day of each month, the  
44 department shall submit a report to the joint standing committee  
46 of the Legislature having jurisdiction over inland fisheries and  
48 wildlife matters. When the Legislature is in session, the  
50 department shall submit its report at a meeting of the  
committee. When the Legislature is not in session, the  
department shall mail the report to each member of the committee  
with a copy to the Executive Director of the Legislative

2 Council. The report must identify for the immediately preceding  
3 month:

4 A. Revenues of the department;

6 B. Expenditures of the department; and

8 C. The difference between the projected revenues and  
10 expenditures of the department and the actual revenues and  
11 expenditures.

12 13. Equipment. The department shall notify the joint  
13 standing committee of the Legislature having jurisdiction over  
14 inland fisheries and wildlife matters of any heavy equipment  
15 purchase prior to that purchase, including the name of the item  
16 and expected cost. This same information must be supplied prior  
17 to the purchase of any vehicle. In addition, the department  
18 shall develop and implement a formal replacement schedule for the  
19 department's radio communication system. This plan must be  
20 reviewed by the joint standing committee of the Legislature  
21 having jurisdiction over inland fisheries and wildlife matters.

22 14. Bond issue. The department shall submit to the joint  
23 standing committee of the Legislature having jurisdiction over  
24 inland fisheries and wildlife matters plans for a bond issue  
25 prior to submission of the bond issue to the full Legislature.

26 §10203. Collection and disposition of money

27 1. General. The following money must be paid to the  
28 Treasurer of State as undedicated revenue to the General Fund:

29 A. All fees, fines, penalties, officers' costs and all  
30 other money received, collected or recovered by the court or  
31 the department under any provisions of this Part except  
32 section 10206, subsections 1 and 3; section 10259; section  
33 10353, subsection 3; section 11157; chapter 925, subchapter  
34 3; and chapter 929;

35 B. Any fees, fines and penalties recovered by the court  
36 from any prosecution by wardens pursuant to their acting,  
37 under section 10353, subsection 3, with the same powers and  
38 duties as sheriffs; and

39 C. Money received from sale, lease or rental of  
40 department-owned property.

41 2. Counties not to pay unpaid officers' fees. Officers'  
42 fees taxed against a respondent, if any, under this Part that are  
43 not to be paid.



2 not paid by or recovered from the respondent may not be assumed  
3 or paid by the county where the offense was committed.

4 3. License and permit fees. License and permit fees must  
5 be collected and expended in accordance with section 10801.

6  
7 4. Watercraft. Money relating to watercraft laws and rules  
8 must be collected and expended in accordance with section 10206,  
9 subsection 3.

10  
11 5. Snowmobiles. Money relating to snowmobile laws and  
12 rules must be collected and expended in accordance with section  
13 1893, subsection 3 and section 10206, subsection 2.

14  
15 6. Failure to pay fine or fee. A person who receives money  
16 for any fine, or part thereof, for a violation of this Part, or  
17 any fee for a license or permit issued under the authority of  
18 this Part, may not neglect for more than 30 days to pay the money  
19 over as provided this section.

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

21 **§10204. Administrative costs recovered; federal and**  
22 **dedicated money**

23  
24  
25 The department is entitled to reimbursement for  
26 administrative costs associated with activities of the department  
27 performed in support of federal and other special revenue  
28 accounts from those accounts.

29 **§10205. Funding of new programs**

30  
31 Any new program or service involving a mandated  
32 responsibility to the department must include provisions that  
33 specify that full funding for the new program or service is  
34 collected from those individuals who receive the service from the  
35 department.

36  
37 **§10206. Disposition of specific revenues**

38  
39 1. All-terrain vehicle revenues. Revenues received under  
40 the provisions of this Part relating to ATVs, including chapter  
41 939, must be disbursed and used as follows.

42  
43 A. After administrative costs, revenues received under the  
44 provisions of this Part relating to ATVs, including chapter  
45 939, are credited as undedicated revenue to the General Fund  
46 except that 50% of those revenues is credited to the ATV  
47 Recreational Management Fund of the Department of  
48 Conservation. The Legislature shall appropriate to the  
49 Conservation.

2 department in each fiscal year an amount equal to the  
3 administrative costs incurred by the department in  
4 collecting revenue under this subsection. Those  
5 administrative costs must be verified by the Department of  
6 Conservation and the Department of Administrative and  
7 Financial Services.

8 B. The department shall use a portion of the revenue  
9 dedicated to the ATV Recreational Management Fund for an ATV  
10 law enforcement grant-in-aid program to assist law  
11 enforcement agencies other than the Bureau of Warden Service.

12 2. Snowmobile revenues. The Legislature shall appropriate  
13 to the department in each fiscal year an amount equal to the  
14 administrative costs incurred by the department in collecting  
15 revenue under this subsection. The department's administrative  
16 costs must be verified by the Department of Conservation and the  
17 Department of Administrative and Financial Services.

18 A. The snowmobile registration fee for residents collected  
19 under chapter 937 is credited as follows:

20 (1) Twenty-two percent is credited to the General Fund  
21 as undedicated revenue;

22 (2) Fifty-two percent is credited to the Snowmobile  
23 Trail Fund of the Department of Conservation, Bureau of  
24 Parks and Lands; and

25 (3) Twenty-six percent is annually distributed to the  
26 municipality of the owner's residence as shown on the  
27 owner's registration certificate, except that in  
28 unorganized territory, 26% is annually distributed to  
29 the county of the owner's residence as shown on the  
30 owner's registration certificate and credited to the  
31 unorganized territory fund of that county established  
32 in Title 30-A, section 7502.

33 B. The snowmobile registration fee for nonresidents  
34 collected under chapter 937 is credited as follows.

35 (1) Eighteen percent is credited to the General Fund  
36 as undedicated revenue.

37 (2) Seven percent is credited to the Snowmobile  
38 Enforcement Fund established under section 10258.

39 (3) The remainder is credited to the Snowmobile Trail  
40 Fund of the Department of Conservation, Bureau of Parks  
41 and Lands.

2           C. All money received under the provisions of this Part  
3           relating to snowmobiles, including chapter 937, other than  
4           snowmobile registration fees credited pursuant to paragraphs  
5           A and B, including dealer license fees, is credited to the  
6           General Fund as undedicated revenue.

8           D. The annual fee for each snowmobile dealer number plate  
9           issued pursuant to section 13109 is credited as follows:

10                   (1) Thirty percent is credited to the General Fund as  
11                   undedicated revenue; and

12                   (2) Seventy percent is credited to the Snowmobile  
13                   Trail Fund of the Department of Conservation, Bureau of  
14                   Parks and Lands.

15           E. All money received under the provisions of this Part  
16           relating to snowmobiles, including chapter 937, other than  
17           that credited pursuant to paragraphs A to D, including  
18           snowmobile dealer license fees, is credited to the General  
19           Fund as undedicated revenue.

20           3. Watercraft revenues. All revenues collected under the  
21           provisions of this Part relating to watercraft, including  
22           chapter 935, are disposed of as follows.

23                   A. All fees collected for certificates, licenses and  
24                   permits by the commissioner are paid daily to the Treasurer  
25                   of State and accrue as undedicated revenue to the General  
26                   Fund and as dedicated revenue to the Department of Marine  
27                   Resources in accordance with paragraph C.

28                   B. Each county shall pay all fines, forfeitures and  
29                   penalties collected for violations of the provisions of this  
30                   Part relating to watercraft, including chapter 935, and all  
31                   officers' costs collected for either coastal wardens or game  
32                   wardens to the Treasurer of State, monthly, and that money  
33                   accrues as undedicated revenue to the General Fund. All  
34                   fines, forfeitures and penalties collected as a result of  
35                   the efforts of municipal law enforcement officers or harbor  
36                   masters enforcing the provisions of this Part relating to  
37                   watercraft, including chapter 935, in their respective  
38                   jurisdictions are paid to that municipality for the local  
39                   enforcement efforts. The department shall record as  
40                   dedicated revenue to the Department of Marine Resources that  
41                   portion of fines, forfeitures and penalties allocable to the  
42                   Department of Marine Resources in accordance with paragraph  
43                   C.

50

2 C. All revenues collected under the provisions of this Part  
3 relating to watercraft, including chapter 935, including  
4 finances, fees and other available money, must be distributed  
5 as undedicated revenue to the General Fund and the  
6 Department of Marine Resources according to an allocation  
7 rate that directly relates to the administrative costs of  
8 the Division of Licensing and Registration. The Legislature  
9 shall appropriate to the department in each fiscal year an  
10 amount equal to the administrative costs incurred by the  
11 department in collecting revenue under this subsection.  
12 Those costs must be verified by the Department of Marine  
13 Resources and the Department of Administrative and Financial  
14 Services. The allocation rate must also allow for any  
15 necessary year-end reconciliation and accounting  
16 distribution. The allocation rate must be jointly agreed to  
17 by the department and the Department of Marine Resources and  
18 approved by the Department of Administrative and Financial  
19 Services, Bureau of the Budget.

20 4. Migratory waterfowl revenues. All revenues derived from  
21 the sale of permits and art in conjunction with the permits under  
22 section 10201, subsection 5 and section 11157 must be deposited  
23 into a special account within the department, and that account  
24 must be used for acquisition of waterfowl habitat and waterfowl  
25 management activities.

26 5. Alewife, sucker and yellow perch permit revenues. All  
27 fees collected under section 12506 accrue to the Eel and Elver  
28 Management Fund established in section 6505-D, except that \$42  
29 accrues to the General Fund for each eel pot or eel weir permit  
30 issued under section 12506.

31 6. Lake and river protection sticker revenues. All fees  
32 collected by the commissioner from the sale of stickers under  
33 section 13058, subsection 3 must be paid daily to the Treasurer  
34 of State. Notwithstanding subsection 3, the Treasurer of State  
35 shall credit funds received under this subsection as follows:

36 A. Sixty percent of the revenues must be credited to the  
37 Invasive Aquatic Plant and Nuisance Species Fund established  
38 in the Department of Environmental Protection under Title  
39 38, section 1863; and

40 B. Forty percent of the revenues must be credited to the  
41 Lake and River Protection Fund established in the department  
42 under section 10257.

43 7. Resident lifetime license revenues. Revenue from the  
44 sale of lifetime licenses under section 10851 is dedicated  
45 revenue and must be deposited in the Lifetime License Fund  
46

2 established in subchapter 5. The department may establish payment  
3 procedures for licenses under section 10851; a license may not be  
4 issued until full payment is received.

6 8. Moose hunting permit revenues. All revenues derived  
7 from the sale of moose hunting permits under section 11154,  
8 subsection 11, including all bidding fees, must be deposited into  
9 a special nonlapsing account within the department, and that  
10 account must be used to pay the costs of administering the  
11 process of issuing permits and to fund youth conservation  
12 education programs.

14 9. Certain revenues; moose hunting research and management.  
15 Up to \$25,000 may be provided from the revenues generated by  
16 application and permit fees to carry out the department's  
17 documented moose research.

18 10. Pheasant hunting permit revenues. Revenues generated  
19 from the sale of pheasant hunting permits must be deposited into  
20 a separate account within the department, to be known as the  
21 Pheasant Fund and referred to in this subsection as the "fund."  
22 The fund is nonlapsing. The fund may be used only for costs  
23 directly related to the administration of the pheasant program,  
24 including grants to a qualified rod and gun club or qualified  
25 hunting-oriented organization to help defray the costs of  
26 purchasing and raising pheasants in accordance with an agreement  
27 with the commissioner entered into in accordance with section  
28 10108, subsection 9.

30 **SUBCHAPTER 5**

32 **SPECIAL FUNDS**

34  
36 **§10251. Lifetime License Fund; establishment; management**

38 1. Fund established. The Lifetime License Fund, referred  
39 to in this section as the "fund," is established in the  
40 department to accept all revenue derived from the sale of  
41 lifetime hunting and fishing licenses under section 10851. The  
42 Treasurer of State shall administer the fund and shall invest the  
43 fund, subject to the limitations of this section, for growth and  
44 income in a manner consistent with the Treasurer of State's  
45 fiduciary responsibilities. Money in the fund may not be  
46 expended for any purpose except as provided in this section.

48 2. Treasurer of State. The Treasurer of State shall  
49 contract with investment firms as necessary to manage the fund;  
50 may agree to the payment of reasonable management fees to those

1 firms, using money in the fund; and may direct those firms to  
2 purchase or sell investment opportunities as necessary to  
3 prudently manage the fund. The Treasurer of State annually may  
4 reimburse the State for costs incurred to oversee the fund from  
5 earnings of the fund.

6  
7 3. Commissioner. The commissioner may accept donations to  
8 the fund but may not use any principal or earnings of the fund  
9 except upon the approval of the Treasurer of State and for the  
10 purposes set forth in this section.

11  
12 4. Uses of fund. Prior to July 1, 2010, the Treasurer of  
13 State continuously shall reinvest all earnings of the fund and  
14 may not authorize any payments from the fund or use any earnings  
15 of the fund, except those necessary to pay the costs of  
16 administering the fund. On July 1, 2010, and on July 1st of each  
17 year thereafter, the Treasurer of State shall transfer to the  
18 department an amount equal to 5% of the fund principal.  
19 Additional interest earned by the fund, if any, must be  
20 reinvested. All funds received from the department under section  
21 10851 and this section are subject to allocation by the  
22 Legislature.

23  
24 5. Report. The Treasurer of State shall report quarterly  
25 to the commissioner and to the joint standing committee of the  
26 Legislature having jurisdiction over inland fisheries and  
27 wildlife matters on the status of the fund, including the sources  
28 and amount of revenue deposited into the fund, interest earnings  
29 and payments from the fund.

30 **§10252. Fish hatchery maintenance fund**

31  
32 The fish hatchery maintenance fund, referred to in this  
33 section as the "fund," is established in the department as a  
34 nonlapsing fund to be used by the commissioner to fund or assist  
35 in funding engineering designs for the Embden Hatchery, a  
36 statewide assessment of all other hatchery facilities and  
37 maintenance, repair and capital improvements at fish hatcheries  
38 and feeding stations owned by the State and the per diem and  
39 related expenses of 4 meetings of the Commission to Study the  
40 Needs and Opportunities Associated with the Production of  
41 Salmonid Fish in Maine in fiscal year 2001-02 and 4 meetings of  
42 the commission in fiscal year 2002-03. The fund may not be used  
43 to fund personnel services costs or general operating costs of a  
44 fish hatchery. The commissioner may accept and deposit into the  
45 fund any monetary gifts, donations or other contributions from  
46 public or private sources and must use that money for the  
47 purposes specified in this section.

48  
49 **§10253. Maine Endangered and Nongame Wildlife Fund**

2        1. Fund established. The Maine Endangered and Nongame  
Wildlife Fund, referred to in this section as the "fund," is  
4        established. The fund receives money deposited by the Treasurer  
of State pursuant to section 10255 and Title 36, section 5284,  
6        revenues generated in accordance with this section and any money  
contributed voluntarily to the fund. All money deposited in the  
8        fund and the earnings on that money remain in the fund to be used  
for the management of nongame wildlife and for necessary  
10       administrative and personnel costs associated with the management  
of nongame wildlife and may not be deposited in the General Fund  
12       or any other fund, except as specifically provided by law.

14       2. Report and allocation. The commissioner shall include a  
report on the fund as part of the report submitted to the  
16       Governor pursuant to section 10103. This report must also be  
submitted to the joint standing committee of the Legislature  
18       having jurisdiction over fisheries and wildlife matters. The  
commissioner shall submit a budget for each biennium in  
20       accordance with Title 5, sections 1663 to 1666. The State  
Controller shall authorize expenditures from the fund as  
22       allocated by the Legislature.

24       3. Grants. Any person, organization or agency of the State  
may apply to the department for a grant to undertake research and  
26       nongame wildlife management activities. The department may award  
grants out of the fund. For the purposes of this section,  
28       "nongame wildlife" includes all unconfined terrestrial,  
freshwater and saltwater species that are not ordinarily  
30       collected, captured or killed for sport or profit.

32       4. Fundraising. The commissioner or the commissioner's  
authorized agent may provide for the creation, reproduction,  
34       sale, licensing, distribution and other disposal of any art or  
products for the purpose of generating revenues for the  
36       management of the State's nongame wildlife. All money generated  
from the sale of these items must be deposited in the fund.

38       5. WE CARE support program. The Wildlife Enthusiast's  
40       Conservation Appreciation, Recreation and Enjoyment, or "WE  
CARE," support program is established to encourage voluntary  
42       support for the programs and services provided by the  
department. The fee for participating in this program is \$19.  
44       All money generated pursuant to this subsection must be deposited  
in the fund.

46       **\$10254. Maine Wildlife Park Fund**

48       1. Fund established. The Maine Wildlife Park Fund,  
50       referred to in this section as the "fund," is established. The

2 fund receives all funds collected by the department from the  
3 operation of the Maine Wildlife Park, including gate fees, the  
4 proceeds of any sales at the Maine Wildlife Park and any  
5 donations, grants or other funds presented to the department for  
6 the benefit of the Maine Wildlife Park. All money deposited in  
7 the fund and the earnings on the money remain in the fund to be  
8 used for the management and maintenance of the Maine Wildlife  
9 Park. Unexpended balances in the fund at the end of the fiscal  
10 year may not lapse but must be carried forward to the next fiscal  
11 year to be used for the same purposes.

12 2. Report. By February 1st of each year, the commissioner  
13 shall submit an annual report to the joint standing committee of  
14 the Legislature having jurisdiction over fisheries and wildlife  
15 matters and the joint standing committee of the Legislature  
16 having jurisdiction over appropriations and financial affairs.  
17 The report must detail the amount of money collected in the fund  
18 over the course of the prior year and the expense of managing and  
19 maintaining the Maine Wildlife Park. The commissioner shall make  
20 recommendations concerning how the fund may be increased or  
21 expenses reduced or both so that the Maine Wildlife Park becomes  
22 increasingly financially self-sustaining.

24 **§10255. Maine Environmental Trust Fund**

26 1. Fund established. The Maine Environmental Trust Fund,  
27 referred to in this section as the "fund," is established as a  
28 nonlapsing fund administered by the commissioner for the purposes  
29 of improving state parks and historic sites by supporting the  
30 Maine State Parks Fund established in section 1825, subsection 2  
31 and managing nongame wildlife by supporting the Maine Endangered  
32 and Nongame Wildlife Fund established in section 10253,  
33 subsection 1. Money deposited with the Treasurer of State to the  
34 credit of the fund may be invested as provided by law. Income  
35 from these investments must be credited to the fund.

36 2. Fund sources. The fund receives money deposited by the  
37 Treasurer of State pursuant to Title 29-A, section 455 and any  
38 other gift, grant or other source of revenue deposited for that  
39 use.

40 3. Distribution from fund. Money distributed from the fund  
41 may be used for marketing the plates and for the production and  
42 marketing of goods using the environmental plate design. After  
43 the Treasurer of State has reimbursed the Secretary of State for  
44 costs of producing and issuing environmental registration plates  
45 in accordance with Title 29-A, section 455, the Treasurer of  
46 State shall, at the end of each quarter in the fiscal year,  
47 distribute the balance in the fund as follows:



2           A. Sixty percent of the balance must be deposited in the  
3           Maine State Parks Fund established in section 1825,  
4           subsection 2; and

5           B. Forty percent of the balance must be deposited in the  
6           Maine Endangered and Nongame Wildlife Fund established in  
7           section 10253.

8           4. Budget. The commissioner shall submit a budget for each  
9           biennium pursuant to Title 5, sections 1663 and 1666.

10           **§10256. Land Management Fund**

11           The Land Management Fund is established within the  
12           department. The fund is authorized to receive revenue from the  
13           sale of timber, lease of lands, gifts and other revenues  
14           associated with the use of department-owned land. The fund must  
15           be held separate and apart from all other money, funds and  
16           accounts. Any balance remaining in the fund at the end of any  
17           fiscal year must be carried forward to the next fiscal year.

18           **§10257. Lake and River Protection Fund**

19           1. Fund established. The Lake and River Protection Fund,  
20           referred to in this section as the "fund," is established within  
21           the department as a nonlapsing fund. The fund must be  
22           administered by the commissioner. The fund is funded from fees  
23           collected for lake and river protection stickers issued under  
24           section 13058, subsection 3 and from other funds accepted for  
25           those purposes by the commissioner or allocated or appropriated  
26           by the Legislature. Money in the fund may be used for enforcing  
27           laws pertaining to invasive aquatic plants, inspecting watercraft  
28           for invasive aquatic plant materials, educational and  
29           informational efforts targeted at invasive aquatic plant  
30           prevention, eradication and management activities and the  
31           production and distribution of lake and river protection stickers  
32           required under section 13058, subsection 3.

33           **§10258. Snowmobile Enforcement Fund**

34           1. Fund established. The Snowmobile Enforcement Fund,  
35           referred to in this section as the "fund," is established in the  
36           department's Bureau of Warden Service. All funds credited to the  
37           fund are available for use by the Game Warden Colonel of the  
38           Bureau of Warden Service only for the purposes established in  
39           this section. Money in the fund may be used only to supplement  
40           other funds appropriated to the enforcement operations program.  
41           Money in the fund at the end of each fiscal year does not lapse  
42           and must be carried forward to the next fiscal year.

43

2           2. Fund uses. The Game Warden Colonel may use money in the  
3           fund only for the following purposes:

4           A. Regular or overtime personnel services costs of the  
5           warden service related to enforcement of snowmobile laws;

6           B. Safety or other education programs conducted by the  
7           department or authorized by the department that are related  
8           to the operation of snowmobiles; or

9           C. Purposes, including the purchase of equipment or  
10           machinery, determined by the Game Warden Colonel as  
11           necessary for effective snowmobile safety and enforcement  
12           activities.

13           §10259. Whitewater Rafting Fund

14           1. Fund established. The Whitewater Rafting Fund, referred  
15           to in this section as the "fund," is established to be used by  
16           the department, the Department of Conservation, Bureau of Parks  
17           and Lands and the affected counties and municipalities to fund  
18           activities related to river recreation with primary emphasis on  
19           those activities that relate to whitewater trips.

20           2. Funding. All fees and surcharges collected under  
21           chapter 929 must be credited to the fund, except for license fees  
22           collected in accordance with sections 12907 and 12909.

23           3. Budget. The expenditures from the fund are subject to  
24           legislative approval in the same manner as the General Fund  
25           budgets of the department and the Department of Conservation,  
26           Bureau of Parks and Lands are approved. The department and the  
27           Department of Conservation, Bureau of Parks and Lands shall  
28           report annually, before February 1st, to the joint standing  
29           committee of the Legislature having jurisdiction over inland  
30           fisheries and wildlife matters on its planned expenditures for  
31           the next fiscal year, its actual and planned expenditures for the  
32           current fiscal year and its final expenditures for the last  
33           fiscal year.

34           4. Use of fund. The fund must be used according to this  
35           subsection.

36           A. The money deposited in the fund must be credited as  
37           follows.

38                   (1) Sixty-five percent of each fee or surcharge must  
39                   be credited to the department.



2                    4. Fund. "Fund" means the Maine Outdoor Heritage Fund.

4                    5. Matching funds. "Matching funds" means any combination  
6 of public and private funds used in conjunction with the Maine  
8 Outdoor Heritage Fund for the purpose of this subchapter,  
10 including, but not limited to, private contributions of cash or  
12 securities, money from municipal or other public agencies, money  
14 from a federal matching program, in-kind contributions or any  
16 combination thereof.

18                    6. Natural resources agencies. "Natural resources  
20 agencies" means state agencies, bureaus, boards, commissions or  
22 other instrumentalities having jurisdiction over the protection  
24 of the State's natural resources.

26                    7. Public-private partnership. "Public-private  
28 partnership" means any partnership between federal agencies,  
30 state agencies or individuals or any combination of federal  
32 agencies, state agencies or individuals, including corporations  
34 and private persons or organizations, where at least 1/3 of the  
36 funding is contributed by a nongovernmental organization or  
38 individual.

40                    8. Wildlife. "Wildlife" means wild organisms, including  
42 vertebrate, invertebrate and plant species.

44                    **§10302. Fund established**

46                    There is established the Maine Outdoor Heritage Fund. The  
48 fund consists of revenues received pursuant to Title 8, section  
50 387 and any funds received as contributions from private and  
public sources. The fund, to be accounted within the department,  
must be held separate and apart from all other money, funds and  
accounts. Eligible investment earnings credited to the assets of  
the fund become part of the assets of the fund. Any balance  
remaining in the fund at the end of any fiscal year must be  
carried forward to the next fiscal year.

52                    **§102303 Purpose of fund**

54                    The fund is for the sole purpose of maintaining, improving  
56 and expanding state and local natural resource conservation  
58 programs and associated compatible public uses in accordance with  
60 the strategic plan provided for by section 10308, subsection 5,  
paragraph A.

62                    **§10304. Relation to other funding**

64                    The fund supplements sources and levels of funding  
66 appropriated and allocated by the Legislature to natural

2 resources agencies. It is the intent of the Legislature that a  
3 grant received from the fund not be considered a substitute for  
4 funds previously appropriated or allocated to a natural resources  
5 agency.

6 **§10305. Fund availability**

8 The fund must be available to natural resources agencies in  
9 accordance with section 10307. Natural resources agencies may  
10 contract with nongovernmental organizations and individuals for  
11 the purpose of carrying out projects funded by the fund.

12 **§10306. Fund administration**

14 The Maine Outdoor Heritage Fund Board shall administer the  
15 fund.

16 **§10307. Expenditures from fund; distribution**

18 The board shall make grants, applications for which must be  
19 reviewed in accordance with section 10309, to natural resources  
20 agencies for projects found consistent with the criteria and the  
21 strategic plan adopted by the board pursuant to section 10308,  
22 subsection 5, paragraph A. Except as otherwise provided in this  
23 subchapter, the board shall distribute annually available grant  
24 money as follows:

25 **1. Fisheries and wildlife; habitat conservation.**  
26 Thirty-five percent of the money in the fund for fisheries and  
27 wildlife and habitat conservation projects;

28 **2. Public lands and access; outdoor recreation sites and**  
29 **facilities.** Thirty-five percent of the money in the fund for  
30 acquisition and management of public lands, parks, wildlife  
31 conservation areas and public access and outdoor recreation sites  
32 and facilities;

33 **3. Endangered and threatened species.** Fifteen percent of  
34 the money in the fund for endangered and threatened species  
35 conservation projects; and

36 **4. Natural resources law enforcement.** Fifteen percent of  
37 the money in the fund for natural resources law enforcement.

38 The board is authorized to carry forward money in any of the  
39 percentage categories of this section into a successive year in  
40 the same category in the event that this carry-over better serves  
41 the strategic plan or that no grant applications in a particular  
42 year adhere to the strategic plan for a particular percentage  
43 category.

2        **§10308. Maine Outdoor Heritage Fund Board**

4            The Maine Outdoor Heritage Fund Board is established within  
6        the department and shall carry out its duties in accordance with  
      this section.

8            1. Members. The board consists of 7 members. The  
10        commissioner, the Commissioner of Conservation and the  
12        Coordinator of the Natural Areas Program are permanent members  
14        and their designees may represent them at board meetings. The  
16        Governor shall appoint the remaining 4 citizen members subject to  
18        the review of the joint standing committee of the Legislature  
      having jurisdiction over natural resources matters and  
      confirmation by the Senate. One of these members must be a  
      representative of a state sportsmen's organization, one must be a  
      representative of a state wildlife conservation organization and  
      one must work in a field related to natural resources.

20          2. Terms. The Governor shall appoint citizen members to  
22        staggered 4-year terms. Appointed citizens may not serve more  
      than 2 consecutive 4-year terms.

24          3. Chair. The Governor shall appoint a citizen member of  
26        the board to serve as chair. The chair may not serve more than 2  
      consecutive 4-year terms.

28          4. Board meetings, rules and administration. The board  
30        shall conduct its meetings as follows.

32            A. The board shall meet at least 3 times a year at the call  
      of the chair.

34            B. The board, acting in accordance with the Maine  
36        Administrative Procedure Act, may adopt any rules necessary  
38        for the conduct of its business. The board shall adopt by  
      rule a schedule for submission and action on grant proposals  
      submitted pursuant to subsection 5, paragraph B.

40            C. Appointed citizen members are entitled to compensation  
42        equal to legislative per diem and travel expenses under  
44        Title 5, section 12004-G, subsection 29-B while engaged in  
      board activities.

46            D. A quorum of the board for the transaction of business is  
      4 members.

48            E. Board members are governed by the conflict of interest  
50        provisions in Title 5, section 18.

5. Board functions. The board has the following functions.

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A. The board, in accordance with the rule-making provisions of the Maine Administrative Procedure Act and in consultation with natural resources agencies, shall adopt a strategic plan for each of the funding categories listed in section 10307. The board may cooperate with other state or federal agencies in developing the plan or carrying out other functions under this subchapter. The strategic plan must identify the priority areas for funding for 6 years using the criteria listed in section 10309. The board may amend the strategic plan.

B. The board shall review and award annually funding requests for specific projects from natural resources agencies. The board may award grants only to proposals that conform to the strategic plan adopted pursuant to paragraph A. Grant proposals that establish a public-private partnership are encouraged. Grant proposals must include a stated purpose, a time line, potential outcomes, a budget and an explanation of need.

C. The board shall submit an annual report to the Governor and the joint standing committees of the Legislature having jurisdiction over energy matters, natural resources matters and inland fisheries and wildlife matters. In the annual report, the board shall detail expenditures made from the fund and the board's progress in implementing the strategic plan.

D. Responsibility for administration of the board lies with the chair. The board shall hire an executive director. The executive director may hire an additional staff person, if the board determines it necessary. The executive director directs the daily operation of the board. Staff positions may be part-time. The executive director position is unclassified and the executive director serves at the pleasure of the board. The board shall prepare and adopt an annual budget to be included with the report required under paragraph C. The board may obtain the services of consultants as necessary to carry out its functions under this subchapter. The board may spend money to cover administrative costs. The board shall endeavor to keep the level of administrative expenses as low as practicable and include, in its annual report, discussion of efforts to minimize administrative expenses. State natural resources agencies shall provide staff support and assistance as determined necessary by the board.

§10309. Fund distribution criteria for strategic

plan and grants

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In developing the strategic plan provided for by section 10308, subsection 5, paragraph A and reviewing and awarding grant proposals submitted pursuant to section 10308, subsection 5, paragraph B, the board shall consider whether a project involves:

1. Fisheries and wildlife and habitat conservation. For the category of fisheries and wildlife and habitat conservation:

- A. A species or species group adversely affected due to lack of management or habitat loss;
- B. A species or species group that is adversely affected due to unusual vulnerability to man-made disturbances and requirements for a special or limited habitat type;
- C. Measurable benefits vital to the future welfare of a species or species group; and
- D. Available matching funds;

2. Acquisition and management of public lands, parks, wildlife conservation areas, and public access and outdoor recreation sites and facilities. For the category of acquisition and management of public lands, parks, wildlife conservation areas, and public access and outdoor recreation sites and facilities:

- A. Public recreation opportunities of statewide or regional significance;
- B. Fish or wildlife habitat of statewide or regional significance;
- C. Habitat of a threatened or endangered species listed under state or federal law;
- D. Rare or exemplary natural communities or ecosystems as determined by the State's Natural Areas Program database;
- E. Lands or areas providing for public recreation opportunities of statewide or regional significance;
- F. Rare or exemplary geological features;
- G. Areas with proximity to lands dedicated to conservation purposes or public recreation or with access to lands or waters with significant natural resources values; and





2 LAW ENFORCEMENT AND GENERAL OFFENSES

4 CHAPTER 905

6 ENFORCEMENT OFFICERS

8 SUBCHAPTER 1

10 GAME WARDENS

12 §10351. Appointment of wardens

14 1. Qualifications. The commissioner shall appoint as game  
16 wardens persons who have qualified under the written code  
18 prepared by the commissioner and approved by the Director of  
Human Resources within the Department of Administrative and  
Financial Services.

20 2. Assistants. The commissioner may appoint, on a temporary  
22 basis, assistant game wardens.

24 §10352. Office

26 1. Conflicts. Wardens appointed under the authority of  
28 section 10351 may hold no other governmental office from which  
they receive compensation, except elected positions in municipal  
or county government.

30 2. Compensation. The compensation of the wardens appointed  
32 pursuant to section 10351, subsection 1 is determined under the  
34 Civil Service Law. Assistant game wardens appointed pursuant to  
section 10351, subsection 2 are not entitled to compensation.

36 §10353. Duties and powers

38 1. Duties. In addition to other duties set out in this  
40 Part, a game warden shall:

42 A. Enforce:

44 (1) This Part;

46 (2) All rules adopted by the commissioner; and

48 (3) The federal Migratory Bird Treaty Act, 16 United  
50 State Code, Chapter 7, subchapter II, section 703 as  
amended, and all rules and regulations promulgated in  
pursuance of that Act; and

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B. Act as a state fire warden.

(1) A warden shall, when possible, while in and about the woods, caution all sportsmen of the danger from fires in the woods and, if possible, extinguish a fire left burning by anyone.

(2) A warden shall, when possible, give notice to all interested parties of a fire raging and beyond the warden's control in order that the fire may be controlled and extinguished.

2. Powers. In addition to other powers granted in this Part, a game warden may:

A. Arrest, summons and prosecute a violator of the following:

- (1) This Part;
- (2) Rules adopted by the commissioner; and
- (3) The federal Migratory Bird Treaty Act, 16 United States Code, Chapter 7, subchapter II, section 703 and all rules and regulations promulgated in pursuance of that Act.

A game warden shall, without unnecessary delay, take any person so arrested before the District Court nearest the place of violation:

B. Serve criminal processes on offenders of the law and serve all processes pertaining to the enforcement of this Part:

C. Accept personal recognizances in accordance with the following procedures:

(1) A game warden making an arrest for any violation of this Part and Title 38, chapter 3, subchapter 1, former article 1-A, at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizance of the prisoner in an amount not to exceed \$1,000 for the prisoner's appearance before the nearest District Court on a specified date and a deposit in money to the amount of that recognizance; and

2           (2) The warden shall report forthwith all those  
3           recognizances and forward all those deposits to the  
4           court to which the recognizance is returnable.

5           Recognizances and deposits must be handled by the court  
6           in accordance with sections 10202 and 10203;

7           D. If the warden is in uniform and has reasonable and  
8           articulable suspicion to believe that a violation of law has  
9           taken place or is taking place, stop a motor vehicle or  
10           watercraft for the purpose of:

11                   (1) Arresting the operator for a criminal violation;

12                   (2) Issuing the appropriate written process for a  
13                   criminal or civil violation or a traffic infraction; or

14                   (3) Questioning the operator or occupants;

15           E. In order to protect fish and wildlife:

16                   (1) If the warden is in uniform, stop a person for the  
17                   purpose of determining compliance with license, permit,  
18                   equipment or other requirements or restrictions if the  
19                   person, at the time of the stop, is:

20                           (a) Engaged in hunting, fishing or trapping; and

21                           (b) Not in or on a motor vehicle; and

22                   (2) Pursuant to policy established by the  
23                   commissioner, establish checkpoints to stop any type of  
24                   vehicle and conduct checks to gather statistics  
25                   concerning hunting, fishing and trapping and to  
26                   determine compliance with fish and wildlife laws;

27           F. Stop any watercraft to inspect the craft, its equipment  
28           and its documents or certificates; board a watercraft when  
29           necessary to enforce chapter 935 or any other provision of  
30           this Part regarding watercraft; and order any watercraft  
31           ashore to correct a violation or to protect the safety of  
32           its occupants, if in the opinion of the warden their safety  
33           is in jeopardy;

34           G. Stop and examine any all-terrain vehicle to ascertain  
35           whether it is being operated in compliance with chapter 939  
36           or any other provision of this Part regulating ATVs, demand  
37           and inspect the operator's certificate of registration and,  
38           when appropriate, demand and inspect evidence that the

operator has satisfactorily completed a training course as required by section 13152;

H. Stop and examine any snowmobile to ascertain whether it is being operated in compliance with chapter 937 or any other provision of this Part regulating snowmobiles; demand and inspect the operator's certificate of registration; and examine the identification numbers of the snowmobile and any marks on it; and

I. Do anything otherwise prohibited by this Part if necessary to carry out the warden's duties and powers. This paragraph does not authorize a warden to stop any person, motor vehicle or watercraft except as specifically provided in this section.

**3. Same duties and powers as sheriffs.** In addition to specified duties and powers, a warden has the same duties and powers throughout the several counties of the State as sheriffs have in their respective counties, except that a warden's primary responsibility is enforcement of laws protecting fish and wildlife.

A. A warden has the same rights as sheriffs to require aid in executing the duties of their offices.

B. A warden is entitled to the same fees as sheriffs and their deputies for like services, except before the District Court. All the fees must be paid to the commissioner.

**4. Agents of commissioner.** A warden may act as an agent of the commissioner.

**5. Assistance to federal agencies.** The Bureau of Warden Service may provide assistance to federal agencies. The director of the Bureau of Warden Service may charge the various federal agencies for these services. Revenues received from these agencies must be allocated for the purpose of funding the cost of providing the services.

## **SUBCHAPTER 2**

### **OTHER ENFORCEMENT OFFICERS**

#### **§10401. Officials with full powers of game wardens**

Sheriffs, deputy sheriffs, police officers, constables, marine patrol officers, Baxter Park rangers, wardens of the Penobscot Indian Nation within the Penobscot Indian Territory, as

2 defined by Title 30, section 6205, subsection 2, wardens of the  
4 Passamaquoddy Tribe within the Passamaquoddy Indian Territory, as  
6 defined by Title 30, section 6205, subsection 1, and law  
8 enforcement personnel employed by the United States Department of  
10 the Interior have the powers of game wardens.

12 The commissioner shall grant the powers of game wardens  
14 outside the Penobscot Indian Territory to wardens of the  
16 Penobscot Indian Nation and game wardens outside the  
18 Passamaquoddy Indian Territory to wardens of the Passamaquoddy  
20 Tribe who have qualified under the written code prepared by the  
22 commissioner and approved by the Director of Human Resources  
24 within the Department of Administrative and Financial Services,  
26 as specified in section 10351. The commissioner may revoke these  
28 powers for good cause shown and shall provide a subsequent  
30 hearing on the revocation under Title 5, chapter 375, subchapter  
32 4, if requested.

34 **§10402. Officials with certain powers and duties of**  
36 **wardens**

38 1. Watercraft laws. All harbor masters, except those harbor  
40 masters whose authority is restricted as described in Title 38,  
42 section 1, have the same powers and duties as game wardens to  
44 enforce chapter 935 and any other provision of this Part  
46 regulating watercraft.

48 2. Snowmobile laws. All law enforcement personnel of the  
50 State, including those of the Bureau of Forestry, and supervisors  
and rangers of the Department of Conservation, Bureau of Parks  
and Lands and the Allagash Wilderness Waterway have the same  
powers and duties as game wardens to enforce chapter 937 and any  
other provision of this Part regulating snowmobiles.

3. Airmobile laws. All law enforcement personnel of the  
State, including those of the Bureau of Forestry, have the same  
powers and duties as game wardens to enforce chapter 935, as it  
applies to airmobiles, and any other provision of this Part  
regulating airmobiles.

4. All-terrain vehicle laws. All law enforcement personnel  
of the State, including those of the Bureau of Forestry, have the  
powers and duties to enforce chapter 939 and any other provision  
of this Part regulating ATVs.

**§10403. Enforcement of watercraft laws**

Any municipal, county or state law enforcement officer or  
any harbor master appointed pursuant to section 13072 or Title  
38, section 1 has the authority to enforce, in the respective

jurisdictions, the watercraft laws in chapter 935 and the rules related to those laws.

**§10404. New Hampshire officers**

Whenever a violation of the marine resources laws or the inland fish and wildlife laws of the State of New Hampshire or the State of Maine is committed or attempted to be committed by any person or persons fishing in any waters or portion of any waters lying between New Hampshire and Maine, any warden or other person who is authorized to make arrests for violations of the marine resources laws and the inland fish and wildlife laws of New Hampshire may make arrests on any part of the waters between New Hampshire and Maine or the shores of those waters and to take the person or persons arrested for trial to the state in which the violation was committed and there to prosecute that person or persons according to the laws of that state.

**CHAPTER 907**

**ENFORCEMENT PROCEDURES**

**SUBCHAPTER 1**

**FISH AND WILDLIFE CITATIONS**

**§10451. Fish and wildlife citation form**

**1. Form.** The commissioner shall designate the Uniform Summons and Complaint as the citation form to be used by the warden service.

**2. Responsibility for issuance and disposition.** Responsibility for issuance and disposition is as follows.

**A.** The commissioner is responsible for all fish and wildlife citation forms approved by the Chief Judge of the District Court prior to May 1, 1991. The Department of Public Safety is responsible for all Uniform Summons and Complaints issued to the warden service. The commissioner or the commissioner's designee is responsible for the further issuance of Uniform Summons and Complaint books to individual wardens and for the proper disposition of those books.

**3. Lawful complaint.** If the citation provided for in this section or a Uniform Summons and Complaint is duly sworn to as required by law and otherwise legally sufficient in respect to the form of a complaint and charging an offense, it may be filed

2 in a court having jurisdiction and constitutes a lawful complaint  
3 for the purpose of the commencement of any criminal prosecution  
4 or civil violation proceeding.

5 4. Lawful summons. A citation as provided for in this  
6 section or a Uniform Summons and Complaint, when served upon a  
7 person by a law enforcement officer, acts as a summons to appear  
8 in court or to otherwise respond in accordance with law on or  
9 before the date specified in the summons. Any person who fails  
10 to appear in court as directed by the summons or to otherwise  
11 respond in accordance with law on or before the date specified in  
12 the summons commits a Class E crime. Upon that person's failure  
13 to appear or respond in accordance with law, the court may issue  
14 a warrant of arrest. It is an affirmative defense to prosecution  
15 under this subsection that the failure to appear or respond  
16 resulted from just cause.

17 **§10452. Refusal to sign**

18 A person who refuses to sign a citation or Uniform Summons  
19 and Complaint after having been ordered to do so by a law  
20 enforcement officer commits a Class E crime.

21 **§10453. Unlawful disposition of citations**

22 It is unlawful and official misconduct for a warden or other  
23 public employee to dispose of an official citation form or  
24 Uniform Summons and Complaint, except in accordance with law and  
25 as provided for in any applicable official policy or procedure of  
26 the Bureau of Warden Service.

27 **SUBCHAPTER 2**

28 **EVIDENCE**

29 **§10501. Admissibility of department records and prima**  
30 **facie evidence**

31 1. Certificate; admissible evidence. A certificate, signed  
32 by the commissioner or the commissioner's designee, stating what  
33 the records of the department show on any given matter is  
34 admissible in evidence in all courts of this State to prove what  
35 the records of the department are on that matter. Upon the  
36 testimony of a law enforcement officer that the certificate and  
37 records were obtained by that officer from the department, the  
38 court shall admit that certificate and those records as evidence  
39 without any further foundation or testimony.



2        2. Certificate prima facie evidence person not holder of  
3 license, permit, registration or certificate of number. A  
4 certificate, signed by the commissioner or the commissioner's  
5 designee, stating that the records of the department do not show  
6 that a particular person on a stated date held a license, permit,  
7 registration or certificate of number issued under this Part is  
8 admissible in evidence in all courts of this State and is prima  
9 facie evidence that the particular person named in the  
10 certificate did not hold a license, permit, registration or  
11 certificate of number as specified in the certificate on the date  
12 specified in the certificate.

13        3. Certificate prima facie evidence of license, permit,  
14 registration or certificate of number revocation. A certificate,  
15 signed by the commissioner or the commissioner's designee,  
16 stating that the records of the department show that a particular  
17 person's license, permit, registration or certificate of number  
18 issued under this Part was revoked or suspended on a particular  
19 stated date is admissible in evidence in all courts of this State  
20 and is prima facie evidence that the particular person's license,  
21 permit, registration or certificate of number as specified in the  
22 certificate was revoked or suspended on the date stated.

23        4. Use of snowmobile accident reports. Accident reports  
24 made by investigating officers are for the purpose of statistical  
25 analysis and accident prevention and are not admissible in  
26 evidence in any trial, civil or criminal, arising out of an  
27 accident, but any investigating agency may disclose, upon the  
28 request of any person, the date, time and location of the  
29 accident and the names and addresses of drivers, owners, injured  
30 persons, witnesses and the investigating officer. The  
31 investigating agency may upon written request furnish a photocopy  
32 of any report at the expense of the person making the request.

33        5. Certificate of number for motorboat. If the operator of  
34 a motorboat requiring a certificate of number under section  
35 13056, subsection 2 fails to produce a current certificate of  
36 number for the motorboat that person is operating within a  
37 reasonable time after demand of a law enforcement officer  
38 authorized to enforce the law, it is prima facie evidence that  
39 the motorboat is being operated without a current certificate of  
40 number.

41        6. Failure to produce license. A person's failure to  
42 produce a license within a reasonable time when requested by any  
43 authorized person is prima facie evidence that the person does  
44 not possess that license.

45        7. Possession of hunting equipment without license. The  
46 possession of any hunting equipment in the fields, forests or on  
47 land is prima facie evidence that the person does not possess  
48 that license.

2 the waters or ice within the territorial limits of the State by  
3 any person who does not possess the required hunting license duly  
4 issued to that person, covering the period of time within which  
5 the hunting equipment is found in that person's possession, is  
6 prima facie evidence of hunting in violation of law, unless the  
7 person furnishes satisfactory evidence of the issuance of a  
8 hunting license.

9 8. Possession of fishing tackle without license. The  
10 possession of any fishing tackle in the fields, forests or on the  
11 waters or ice within the territorial limits of the State by any  
12 person who does not possess the required fishing license duly  
13 issued to that person, covering the period of time within which  
14 the fishing tackle is found in that person's possession, is prima  
15 facie evidence of fishing in violation of law, unless the person  
16 furnishes satisfactory evidence of the issuance of a fishing  
17 license.

18 9. Possession of hunting equipment on Sunday. Possession  
19 of hunting equipment in the fields or forests or on the waters or  
20 ice in the State or in a motor vehicle being operated on an  
21 unpaved highway or road located in an unorganized township on  
22 Sunday is prima facie evidence of a violation of section 11205,  
23 unless:

24 A. The hunting equipment is carried, securely wrapped, in a  
25 complete cover;

26 B. The hunting equipment is fastened in a case; or

27 C. The hunting equipment is carried in at least 2 separate  
28 pieces in such a manner that it can not be fired, unless the  
29 separate pieces are joined together. For the purpose of  
30 this subsection, a clip, magazine or cylinder of a firearm  
31 may not be considered a piece of the hunting equipment.  
32 Bows and arrows must be kept in a case or cover if  
33 broadheads or field points are kept attached to the arrows.

34 10. Possession of firearm on public paved way. Possession  
35 of a loaded firearm on a public paved way or within 10 feet of  
36 the edge of the pavement of a public paved way or within the  
37 right-of-way of any controlled access highway, except as  
38 otherwise provided in section 11208, subsection 1, is prima facie  
39 evidence of hunting.

40 11. Failure to give notice of snowmobile accident. Failure  
41 of a person who is required to give notice of a snowmobile  
42 accident under section 13106, subsection 22 to give that notice  
43 to the available law enforcement officer nearest to the place  
44 of the accident.

2 where the accident occurred is prima facie evidence that the  
3 accident was not reported.

4 **§10502. Seizure of fish, wildlife and equipment**

6 **1. Seizure; filing libel.** All fish or wildlife hunted,  
7 trapped, fished, bought, sold, carried, transported or found in  
8 possession of any person in violation of this Part, and all  
9 equipment, including firearms, possessed or used in violation of  
10 this Part are contraband and subject to seizure by any officer  
11 authorized to enforce this Part. Except for property exempted  
12 from libel under subsection 2, an officer making such a seizure  
13 shall file, within a reasonable time, with the court a libel  
14 against that property. The libel must describe the property  
15 seized and the date and place of that seizure, cite the provision  
16 of law that is alleged to have been violated and request a decree  
17 of forfeiture. The libel proceedings and disposal of property  
18 are governed by section 10503.

20 **2. Exemption from libel proceedings.** The following  
21 property may be lawfully seized under this section but is not  
22 subject to the libel requirements of this section:

24 **A. Unless reasonable doubt exists as to ownership, property**  
25 **having a value less than \$10;**

26 **B. Any firearm seized in connection with a violation of:**

28 **(1) Section 11206;**

30 **(2) Section 10902, subsection 6; or**

32 **(3) Section 10752, subsection 6, paragraph B and**  
34 **section 10902, subsection 4, paragraphs A and B;**

36 **C. Any fishing equipment that is contraband under this**  
37 **section and is seized in connection with a violation of**  
38 **section 10902, subsection 8; and**

40 **D. Any fish or wildlife that is contraband under this**  
41 **section and is seized in connection with any violation of**  
42 **this Part.**

44 Property seized by the commissioner that is exempt from libel  
45 under this subsection must be retained by the commissioner  
46 pending disposition of criminal proceedings and is forfeited to  
47 the State upon conviction.

48

2 Property forfeited to the State under this section may be  
3 disposed of by the commissioner in any manner considered  
4 appropriate by the commissioner.

6 **§10503. Forfeiture of seized fish, wildlife and equipment**

8 Whenever a libel has been filed pursuant to section 10502:

10 1. Notice and hearing of libel. The judge shall fix a time  
11 for the hearing of the libel and issue a notice of the libel to  
12 all persons interested, citing them to appear at the time and  
13 place appointed and show cause why the fish, wildlife or  
14 equipment possessed should not be declared forfeited. A true and  
15 attested copy of the libel and notice must be posted in 2  
16 conspicuous places in the town or place where the fish, wildlife  
17 or equipment possessed was seized, or in such place or places as  
18 is ordered by the court, at least 10 days before the day on which  
19 the libel is returnable. Copies must be served on common carriers;

20 2. Disposal and sale of fish or wildlife. If the court  
21 finds that the fish or wildlife seized will be unsuitable for  
22 food or other use on the day on which the libel is returnable,  
23 the court shall order the officer making the seizure to dispose  
24 of the seized fish or wildlife. The officer disposing of the  
25 seized fish or wildlife shall, in case of sale, hold the proceeds  
26 of the sale subject to order of the court for decision as to the  
27 right of the claimant, if any appear, to the fish or wildlife. If  
28 the court finds the claimant, if any appear, is not entitled to  
29 the fish or wildlife, the officer making the seizure shall turn  
30 over to the court the proceeds of the sale, and the court shall  
31 forward the proceeds to the commissioner in the same manner as is  
32 provided by section 10203;

34 3. Declaration of forfeiture. If no claimant appears, the  
35 court shall, on proof of notice, declare the articles forfeited  
36 to the State;

38 4. Claim procedures. If a person appears and claims the  
39 articles, or any part of the articles, as having a right to the  
40 possession of them at the time when they were seized, that  
41 claimant shall file with the court a claim in writing stating  
42 specifically:

44 A. The right so claimed;

46 B. The foundation of the claim;

48 C. The item so claimed;

50 D. The time and place of the seizure;

2           E. The name of the officer by whom the articles were seized;

4           F. That the articles were not possessed in violation of  
6           this Part with the person's knowledge or consent; and

8           G. That person's business and place of residence.

10          If a person makes a claim in accordance with this subsection,  
12          that claimant must be admitted as a party to the process, and the  
14          court shall proceed to determine the truth of the allegations in  
16          the claim and libel and may hear any pertinent evidence offered  
18          by the libelant or claimant;

20          5. Return of articles or proceeds to claimant. If the court  
22          is, upon the hearing, satisfied that the fish, wildlife or  
24          equipment possessed was not possessed in violation of this Part  
26          and that the claimant is entitled to the custody of any part of  
28          the articles, the court shall give the claimant an order in  
30          writing, directed to the officer having the articles in custody,  
32          commanding delivery to the claimant of the articles or proceeds  
34          derived from the sale of the articles, to which the claimant is  
36          found to be entitled, within 48 hours after demand;

38          6. Judgment against claimant. If the court finds the  
40          claimant entitled to no part of the articles seized, the court  
42          shall render judgment against that claimant for the libelant for  
44          costs, to be taxed as in civil cases before the court, and issue  
46          execution thereon, and declare the articles forfeited to the  
48          State;

50          7. Appeal. The claimant may appeal and shall recognize with  
52          sureties as on appeals in civil causes from a judge;

54          8. Costs. The costs are:

56           A. For the libel, 50¢;

58           B. For entering the libel, 30¢;

60           C. For trying the libel, \$1;

62           D. For a notice, 50¢;

64           E. For posting notices and return, \$1;

66           F. For an order to restore or deliver, 25¢;

68           G. For executing the order, 50¢; and

70

2           H. Per mile for all necessary travel; 10¢ and

4           9. Forms. The department shall provide forms for all cases  
arising under the this section.

6           §10504. Officer's report

8           In all cases, the officer making any seizure or sale of fish  
or wildlife shall, within 10 days after the seizure or sale,  
10           report all particulars of the seizure or sale and an itemized  
statement of the proceeds, expenses and fees and the disposition  
12           of the proceeds to the commissioner.

14                           SUBCHAPTER 3

16                                   JUDICIAL ACTIONS

18           §10551. Prosecution by district attorney

20           Each district attorney shall prosecute all violations of  
this Part occurring within the district attorney's district when  
22           requested by the commissioner or a game warden or other law  
enforcement officer authorized to enforce these chapters.

24           §10552. Compulsory testimony and witness immunity

26           In any prosecution under this Part, any participant in a  
violation of this Part, when requested by the district attorney,  
28           commissioner or other officer instituting the prosecution, may be  
compelled to testify as a witness against any other person  
30           charged with violating those chapters, but the evidence given may  
not be used against the person testifying in any prosecution for  
32           such a violation.

34           §10553. Jurisdiction

36           The District Court has concurrent jurisdiction with the  
Superior Court in all criminal prosecutions under this Part.  
38

40           §10554. Court procedure

42           The provisions of Titles 14 and 15 relating to court  
procedure apply in all prosecutions under this Part.  
44

46           §10555. Failure to appear

48           If a person from whom a game warden has accepted personal  
recognizance and a deposit in accordance with section 10353,  
48           subsection 2, paragraph C fails to appear in court on the day  
50           specified in the summons, either in person or by counsel, the

2 court shall order the recognizance and deposit forfeited, and the  
3 clerk shall immediately notify the commissioner. The default and  
4 forfeiture is considered a conviction for purposes of revocation  
5 of licenses.

6 **§10556. Clerks to notify commissioner**

8 The clerks of the District Court and the clerks of the  
9 Superior Court shall notify the commissioner of the conviction of  
10 a person of a violation of this Part, the sentence of the court  
11 and any appeal taken from the sentence.

14 **SUBCHAPTER 4**

16 **GENERAL PENALTIES AND SENTENCING**

18 **§10601. General penalty statement**

20 A person who violates a provision of this Part commits a  
21 Class E crime, except as otherwise provided in this Part.

22 **§10602. Rule violations; general**

24 Except as otherwise provided, a person who violates any  
25 provision of any rule of the commissioner adopted in accordance  
26 with this Part commits a Class E crime.

28 **§10603. Crime of multiple civil violations**

30 The violation of a prohibited act under this Part by a  
31 person who has 3 or more adjudications of having committed civil  
32 violations under this Part within the previous 5-year period is a  
33 Class E crime.

34 **§10604. Conviction record of habitual violator**

36 A certificate, signed by the commissioner or a person  
37 designated by the commissioner, setting forth the conviction  
38 record as maintained by the department of any person whose record  
39 brings that person within the definition of an habitual violator,  
40 as defined in section 10605, subsection 1, is admissible in  
41 evidence in all courts of the State for purposes of sentencing.  
42 That certificate is prima facie evidence that the person named in  
43 the certificate was duly convicted by the court in which that  
44 conviction was made of each offense set forth in the  
45 certificate. If the person named in the certificate denies any  
46 of the facts stated in the certificate, that person has the  
47 burden of proof.

50

2  
3 **§10605. Sentencing alternative; habitual violator**

4 **1. Habitual violator defined.** For purposes of this  
5 section, "habitual violator" means a person whose record, as  
6 maintained by the department, shows that:

7 **A. The person has been convicted of 3 or more prohibited**  
8 **acts under this Part within the previous 5-year period,**  
9 **except that, whenever more than one prohibited act is**  
10 **violated at the same time, multiple convictions are deemed**  
11 **to be one offense; or**

12 **B. The person has been convicted of 2 or more Class E**  
13 **crimes pursuant to section 10603 within the previous 5-year**  
14 **period.**

15 **2. Sentencing alternative for habitual violators.** When an  
16 habitual violator is convicted of a crime in this Part the court  
17 shall impose a sentencing alternative involving not less than 3  
18 days imprisonment, none of which may be suspended, and a fine of  
19 not less than \$500, none of which may be suspended.  
20

21 **§10606. License or permit violation**

22  
23 **A person may not violate any restriction of a license or**  
24 **permit issued in accordance with this Part. Unless otherwise**  
25 **provided in this Part, each day a person violates a restriction**  
26 **of a license or permit issued in accordance with this Part, that**  
27 **person commits a Class E crime.**

28 **§10607. Rule violations; operation of motor vehicles on public**  
29 **water supply**

30  
31 **Notwithstanding section 10602, a person who violates a rule**  
32 **regulating the operation of motor vehicles on public water**  
33 **supplies commits a civil violation for which a forfeiture of not**  
34 **less than \$100 nor more than \$500 may be adjudged.**

35 **CHAPTER 909**

36 **GENERAL OFFENSES**

37 **§10651. Failure to stop for law enforcement officer**

38 **1. Prohibition.** A person may not:

39 **A. Fail or refuse to stop a motor vehicle or other**  
40 **conveyance immediately upon request or signal of any officer**  
41 **in uniform whose duty it is to enforce this Part;**



2 B. Fail to stop or move that person's watercraft upon being  
ordered or directed to do so by any law enforcement officer  
in uniform whose duty it is to enforce chapter 935;

4  
6 C. Fail or refuse to stop any snowmobile on request or  
signal of any law enforcement officer in uniform whose duty  
it is to enforce chapter 937; or

8  
10 D. Fail or refuse to stop any all-terrain vehicle on  
request or signal of any law enforcement officer in uniform  
whose duty it is to enforce chapter 939.

12  
14 2. Penalty. A person who violates this section commits a  
Class E crime.

16 **§10652. Abuse of another person's property while fishing,**  
**hunting or trapping**

18  
20 1. Prohibitions. Prohibitions on the abuse of another  
person's property while fishing, hunting or trapping are as  
follows.

22  
24 A. A person may not, while fishing, hunting or trapping any  
wild animal or wild bird:

26 (1) Tear down or destroy any fence or wall on another  
person's land;

28  
30 (2) Leave open any gate or bars on another person's  
land; or

32 (3) Trample or destroy any crop on another person's  
land.

34  
36 A person, who while fishing, violates this paragraph commits  
a Class E crime. The court shall also impose a fine of \$20  
for each fish unlawfully possessed, none of which may be  
38 suspended.

40 B. A person may not, while hunting any wild animal or wild  
bird:

42  
44 (1) Damage or destroy a tree on another person's land  
by inserting into that tree any metallic or ceramic  
object to be used as, or as part of, a ladder or  
46 observation stand, unless the person has the permission  
of the landowner; or

48  
50 (2) Except as provided in this paragraph, erect or use  
either a portable or permanent tree ladder or stand

2                   attached to a tree on the land of another person,  
3                   unless:

4                   (a) That person has obtained verbal or written  
5                   authorization to erect and use a tree ladder or  
6                   stand from the landowner or the landowner's  
7                   representative; and

8                   (b) The tree ladder or stand is plainly labeled  
9                   with a 2-inch by 4-inch tag identifying the name  
10                   and address of the person or persons authorized by  
11                   the landowner to use the tree stand or ladder.

12                   This subparagraph does not apply to a portable tree  
13                   ladder or stand that is located on land within the  
14                   jurisdiction of the Maine Land Use Regulation  
15                   Commission and attended by the person who owns the  
16                   ladder or stand.

17                   A person may not possess any wild animal or wild bird taken by  
18                   hunting or trapping in violation of this subsection, except as  
19                   otherwise provided in this Part.

20                   **§10653. Nonfeasance**

21                   A person may not fail to perform any act, duty or obligation  
22                   enjoined upon that person by this Part.

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

24                   **§10654. Harassment of hunters, trappers and anglers**

25                   **1. Interference with taking.** A person may not  
26                   intentionally or knowingly:

27                   A. Interfere with the lawful hunting, fishing or trapping  
28                   of a wild animal, wild bird or fish; or

29                   B. Disturb or attempt to disturb a wild animal, wild bird  
30                   or fish with the intent to interfere with the hunting,  
31                   fishing or trapping of them.

32                   **2. Penalty.** A person who violates subsection 1 commits a  
33                   civil violation for which a forfeiture of not less than \$100 nor  
34                   more than \$500 may be adjudged.

35                   **3. Injunctions.** The District Court or Superior Court may  
36                   enjoin conduct that would be in violation of this section upon  
37                   petition by a person affected or who reasonably may be affected  
38                   by the conduct, upon a showing that the conduct is threatened or

2 that it has occurred on particular premises in the past and that  
3 it is not unreasonable to expect that under similar circumstances  
4 it will be repeated.

5 4. Property rights otherwise provided by law. This section  
6 may not be construed in any way to limit the ownership use,  
7 access or control of property rights otherwise provided by law.

8 **§10655. Failure to notify**

9  
10 Except as otherwise provided through written agreement, a  
11 person may not, if that person has knowledge that a person is  
12 lost, stranded or drowned in the woodlands or inland waters of  
13 the State, fail to give notice of the lost, stranded or drowned  
14 person by quickest means to the Bureau of Warden Service.

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

16  
17 **§10656. Defacement of notices**

18  
19 1. Prohibition on defacement of notices. A person may not  
20 intentionally or knowingly mutilate, deface or destroy any notice  
21 or rule of the commissioner posted in conformity with this Part.

22  
23 2. Penalties. A person who violates this section commits a  
24 civil violation for which a forfeiture of not less than \$100 nor  
25 more than \$500 may be adjudged.

26  
27  
28  
29 **CHAPTER 911**

30  
31 **HUNTING AND OPERATING UNDER THE INFLUENCE**

32  
33 **§10701. Hunting under the influence; operating watercraft,**  
34 **snowmobile or ATV under the influence**

35  
36 1. Prohibition. A person may not hunt wild animals or wild  
37 birds or operate or attempt to operate a watercraft, snowmobile  
38 or ATV:

39 A. While under the influence of intoxicating liquor or  
40 drugs or a combination of liquor and drugs;

41 B. For a person 21 years of age or older, while having  
42 0.08% or more by weight of alcohol in that person's blood; or

43 C. For a person less than 21 years of age, while having any  
44 amount of alcohol in the blood.  
45  
46  
47  
48



2 previous 6-year period, the fine may not be less than  
4 \$1,000. If that person was adjudicated within the previous  
6 6-year period for failure to comply with the duty to submit  
8 to and complete a blood-alcohol or drug concentration test  
under section 10702, subsection 1, the fine may not be less  
than \$1,300. A conviction under this paragraph must include  
a period of incarceration of not less than 30 days, none of  
which may be suspended.

10 D. In addition to the penalties provided under paragraphs A  
12 to C, the court may order the defendant to participate in  
14 the alcohol and other drug education, evaluation and  
16 treatment programs for multiple offenders administered by  
the Department of Behavioral and Developmental Services,  
Office of Substance Abuse, as established in Title 5,  
chapter 521.

18 E. The penalties provided under paragraphs B, C and D may  
20 not be suspended by the court.

22 F. If the State pleads and proves that, while hunting or  
24 operating a snowmobile, all-terrain vehicle or watercraft in  
26 violation of this section, the defendant in fact caused  
28 serious bodily injury as defined in Title 17-A, section 2,  
30 subsection 23, to another person or in fact caused the death  
of another person, the sentencing class for the offenses in  
subsection 1 is Class C crimes. The minimum penalties  
specified in this subsection apply, unless a longer minimum  
period otherwise applies.

32 Any alternatives defined in subsection 1 may be pleaded in the  
34 alternative. The State may, but is not required to, elect an  
alternative prior to submission to the fact finder.

36 For purposes of this subsection, a prior conviction has occurred  
38 within the 6-year period if the date of docket entry by the clerk  
of a judgment of conviction or adjudication is 6 years or less  
from the date of the new conduct that is penalized or for which  
the penalty is or may be enhanced.

40 In determining the appropriate sentence, the court shall consider  
42 the defendant's record of convictions for hunting under the  
44 influence or operating a snowmobile, all-terrain vehicle or  
watercraft while under the influence of intoxicating liquor or  
drugs and for failure to comply with the duty to submit. The  
46 court may rely upon oral representations based on records  
maintained by the courts, by the Department of Public Safety,  
48 State Bureau of Identification; by the Secretary of State,  
50 including telecommunications of records maintained by the  
Secretary of State; or by the department. If the defendant

2 disputes the accuracy of any representation concerning a  
3 conviction or adjudication, the court shall grant a continuance  
4 for the purposes of determining the accuracy of the record.

5 References in this Title to this subsection are deemed to refer  
6 to the juvenile crime stated in Title 15, section 3103,  
7 subsection 1, paragraph E and to the disposition, including a  
8 suspension, for that juvenile crime as provided in Title 15,  
9 section 3314, subsection 3, except as otherwise provided or when  
10 the context clearly requires otherwise.

11 **§10702. Chemical tests**

12 **1. Duty to submit.** The following persons have a duty to  
13 submit to chemical testing.

14 **A.** A person who operates or attempts to operate a  
15 watercraft within this State has the duty to submit to a  
16 test to determine that person's blood-alcohol level by  
17 analysis of blood or breath if there is probable cause to  
18 believe that person has operated or attempted to operate a  
19 watercraft while under the influence of intoxicating  
20 liquor. The duty to submit to a blood-alcohol test includes  
21 the duty to complete either a blood or breath test. Tests  
22 and procedures applicable in determining whether a person is  
23 under the influence are governed by section 10703.

24 **B.** A person who hunts wild animals or wild birds or  
25 operates or attempts to operate a snowmobile or ATV within  
26 this State has a duty to submit to a test to determine that  
27 person's blood-alcohol level or drug concentration by  
28 analysis of blood, breath or urine if there is probable  
29 cause to believe that the person is hunting wild animals or  
30 wild birds or operating or attempting to operate a  
31 snowmobile or ATV while under the influence of intoxicating  
32 liquor or drugs. The duty to submit to a blood-alcohol or  
33 drug concentration test includes the duty to complete either  
34 a blood, breath or urine test, or any combination of those  
35 tests. Tests and procedures for determining whether a  
36 person is under the influence of intoxicating liquor or  
37 drugs are governed by section 10703.

38 **2. Failure to comply with duty to submit.** This subsection  
39 applies to a person refusing to submit to chemical testing.

40 **A.** A person may not refuse to submit to or fail to complete  
41 a blood-alcohol test when requested to do so by a law  
42 enforcement officer:

2 (1) Who has probable cause to believe that the person  
3 operated or attempted to operate a watercraft while  
4 under the influence of intoxicating liquor; or

5 (2) When the person was the operator of a watercraft  
6 involved in a watercraft accident that results in the  
7 death of any person, as provided in section 10703,  
8 subsection 11.

9 B. A person may not refuse to submit to or fail to complete  
10 a blood-alcohol or drug concentration test, or both, when  
11 requested to do so by a law enforcement officer who has  
12 probable cause to believe that the person hunted while under  
13 the influence or operated or attempted to operate an ATV or  
14 a snowmobile while under the influence of intoxicating  
15 liquor or drugs.

16 3. Penalties. A person who violates this section commits a  
17 civil violation for which a forfeiture of up to \$500 may be  
18 adjudged.

19 §10703. Administering chemical tests; test results; evidence;  
20 reporting; immunity

21 1. Blood or breath test. If the law enforcement officer  
22 has probable cause to believe a person hunted wild animals or  
23 wild birds or operated or attempted to operate a watercraft,  
24 snowmobile or ATV while under the influence of intoxicating  
25 liquor, then the officer shall inform the person that a breath  
26 test will be administered, unless, in the determination of the  
27 officer, it is unreasonable for a breath test to be administered,  
28 in which case a blood test must be administered. When a blood  
29 test is required, the test may be administered by a physician of  
30 the accused's choice, at the request of the accused and if  
31 reasonably available. The law enforcement officer may determine  
32 which type of breath test, as described in subsection 5, will be  
33 administered.

34 2. Prerequisites to tests. Before any test is given, the  
35 law enforcement officer shall inform the person to be tested of  
36 the consequences of refusing to comply with the test. If the  
37 person fails to comply with the duty to submit to and complete  
38 the requested chemical tests at the direction of the law  
39 enforcement officer, that person is committing a civil violation  
40 for which the person may be required to pay a civil forfeiture of  
41 up to \$500. The officer shall also inform the person that the  
42 failure to comply with the duty to submit to a chemical test is  
43 admissible in evidence against that person at any trial for  
44 hunting or operating under the influence of intoxicating liquor  
45 or drugs or a combination of liquor and drugs.

2 Test results may not be excluded as evidence in any proceeding  
4 before any administrative officer or court of this State as a  
6 result of the failure of the law enforcement officer to comply  
8 with these prerequisites. The only effects of the failure of the  
10 officer to comply with the prerequisites are as provided in  
12 subsection 7.

14 3. Results of test. Upon the request of the person who  
16 submits to a chemical test or tests at the request of a law  
18 enforcement officer, full information concerning the test or  
20 tests must be made available to that person or that person's  
22 attorney by the law enforcement officer.

24 4. Blood-alcohol level. The following percentages by  
26 weight of alcohol in the defendant's blood have the following  
28 evidentiary effect.

30 A. If there was, at the time alleged, 0.05% or less by  
32 weight of alcohol in the blood of a defendant who was 21  
34 years of age or older at the time of arrest, it is prima  
36 facie evidence that the defendant was not under the  
38 influence of intoxicating liquor.

40 B. If there was, at the time alleged, in excess of 0.05%  
42 but less than 0.08% by weight of alcohol in the blood of a  
44 defendant who was 21 years of age or older at the time of  
46 the arrest, it is relevant evidence, but it is not to be  
48 given prima facie effect in indicating whether or not the  
defendant was under the influence of intoxicating liquor  
within the meaning of this section, but that fact may be  
considered with other competent evidence in determining  
whether or not the defendant was under the influence of  
intoxicating liquor.

C. For purposes of evidence in proceedings other than those  
arising under section 10701, subsection 1, it is presumed  
that a person was under the influence of intoxicating liquor  
when that person has:

40 (1) For a person 21 years of age or older, a  
42 blood-alcohol level of 0.08% or more by weight; and

44 (2) For a person less than 21 years of age, any amount  
46 of alcohol in the blood.

48 D. Percent by weight of alcohol in the blood is based upon  
grams of alcohol per 100 milliliters of blood.



2 5. Administration of tests. Persons conducting analyses of  
3 blood, breath or urine for the purpose of determining the  
4 blood-alcohol level or drug concentration must be certified for  
5 each purpose by the Department of Human Services under  
6 certification standards set by that department.

7  
8 A. Only a duly licensed physician, registered physician's  
9 assistant, registered nurse or a person certified by the  
10 Department of Human Services under certification standards  
11 set by that department, acting at the request of a law  
12 enforcement officer, may draw a specimen of blood to  
13 determine the blood-alcohol level or drug concentration of a  
14 person who is complying with the duty to submit to a  
15 chemical test. This limitation does not apply to the taking  
16 of breath or urine specimens. When a person draws a  
17 specimen of blood at the request of a law enforcement  
18 officer, that person may issue a certificate that states  
19 that the person is in fact a duly licensed or certified  
20 person as required by this subsection and that the person  
21 followed the proper procedure for drawing a specimen of  
22 blood to determine the blood-alcohol level or drug  
23 concentration. That certificate, when duly signed and sworn  
24 to by the person, is admissible as evidence in any court of  
25 the State. It is prima facie evidence that the person was  
26 duly licensed or certified and that the person followed the  
27 proper procedure for drawing a specimen of blood for  
28 chemical testing, unless, with 10 days' written notice to  
29 the prosecution, the defendant requests that the person  
30 testify as to licensure or certification, or the procedure  
31 for drawing the specimen of blood.

32 B. A law enforcement officer may take a sample specimen of  
33 the breath or urine of any person whom the officer has  
34 probable cause to believe hunted wild animals or wild birds  
35 or operated or attempted to operate a watercraft, snowmobile  
36 or ATV while under the influence of intoxicating liquor or  
37 drugs and who is complying with the duty to submit to and  
38 complete a chemical test. The sample specimen must be  
39 submitted to the Department of Human Services or a person  
40 certified by the Department of Human Services for the  
41 purpose of conducting chemical tests of the sample specimen  
42 to determine the blood-alcohol level or drug concentration  
43 of that sample.

44  
45 C. Only equipment approved by the Department of Human  
46 Services may be used by a law enforcement officer to take a  
47 sample specimen of the defendant's breath or urine for  
48 submission to the Department of Human Services or a person  
49 certified by the Department of Human Services for the  
50 purpose of conducting tests of the sample specimen to

2 determine the blood-alcohol level or drug concentration of  
3 that sample. Approved equipment must have a stamp of  
4 approval affixed by the Department of Human Services.  
5 Evidence that the equipment was in a sealed carton bearing  
6 the stamp of approval must be accepted in court as prima  
7 facie evidence that the equipment was approved by the  
8 Department of Human Services for use by the law enforcement  
9 officer to take the sample specimen of the defendant's  
10 breath or urine.

11  
12 D. As an alternative to the method of breath testing  
13 described in this subsection, a law enforcement officer may  
14 test the breath of any person whom the officer has probable  
15 cause to believe hunted wild birds or wild animals or  
16 operated or attempted to operate a watercraft, snowmobile or  
17 ATV while under the influence of intoxicating liquor, by use  
18 of a self-contained, breath-alcohol testing apparatus to  
19 determine the blood-alcohol level, provided the testing  
20 apparatus is reasonably available. The procedures for the  
21 operation and testing of self-contained, breath-alcohol  
22 testing apparatuses must be as provided by rule adopted by  
23 the Department of Human Services. The result of any such  
24 test must be accepted as prima facie evidence of the  
25 blood-alcohol level in any court.

26 E. Approved self-contained, breath-alcohol testing  
27 apparatuses must have a stamp of approval affixed by the  
28 Department of Human Services after periodic testing. That  
29 stamp of approval is valid for a limited period of no more  
30 than one year. Testimony or other evidence that the  
31 equipment was bearing the stamp of approval must be accepted  
32 in court as prima facie evidence that the equipment was  
33 approved by the Department of Human Services for use by the  
34 law enforcement officer to collect and analyze a sample  
35 specimen of the defendant's breath.

36  
37 F. Failure to comply with any provision of this subsection  
38 or with any rule adopted under this subsection does not, by  
39 itself, result in the exclusion of evidence of blood-alcohol  
40 level or drug concentration, unless the evidence is  
41 determined to be not sufficiently reliable.

42  
43 G. Testimony or other evidence that any materials used in  
44 operating or checking the operation of the equipment were  
45 bearing a statement of the manufacturer or of the Department  
46 of Human Services must be accepted in court as prima facie  
47 evidence that the materials were of a composition and  
48 quality as stated.

2 H. A person certified by the Maine Criminal Justice  
3 Academy, under certification standards set by the academy,  
4 as qualified to operate approved self-contained,  
5 breath-alcohol testing apparatuses may operate those  
6 apparatuses to collect and analyze a sample specimen of a  
7 defendant's breath.

8 6. Liability. A physician, physician's assistant,  
9 registered nurse, person certified by the Department of Human  
10 Services or hospital or other health care provider in the  
11 exercise of due care is not liable in damages or otherwise for  
12 any act done or omitted in performing the act of collecting or  
13 withdrawing specimens of blood at the request of a law  
14 enforcement officer pursuant to this section.

15 7. Evidence. The percentage by weight of alcohol in the  
16 defendant's blood at the time alleged and the concentration of  
17 drugs at the time alleged, as shown by the chemical analysis of  
18 the defendant's blood, breath or urine or by any test authorized  
19 by subsection 5 is admissible in evidence.

20  
21  
22 A. When a person certified under subsection 5 conducts a  
23 chemical analysis of blood, breath or urine to determine  
24 blood-alcohol level or drug concentration, the person may  
25 issue a certificate stating the results of the analysis.  
26 That certificate, when duly signed and sworn to by the  
27 certified person, is admissible in evidence in any court of  
28 the State. It is prima facie evidence that the person  
29 taking a specimen of blood or urine was a person authorized  
30 by subsection 5; that the equipment, chemicals and other  
31 materials used in the taking of the blood or urine specimen  
32 or a breath sample were of a quality appropriate for the  
33 purpose of producing reliable test results; that any  
34 equipment, chemicals or materials required by subsection 5  
35 to be approved by the Department of Human Services were in  
36 fact approved; that the sample tested by the person  
37 certified under subsection 5 was in fact the same sample  
38 taken from the defendant; and that the drug concentration or  
39 percentage by weight of alcohol in the defendant's blood  
40 was, at the time the blood, breath or urine sample was  
41 taken, as stated in the certificate, unless with 10 days'  
42 written notice to the prosecution, the defendant requests  
43 that a qualified witness testify as to any of the matters as  
44 to which the certificate constitutes prima facie evidence.  
45 The notice must specify those matters concerning which the  
46 defendant requests testimony.

47  
48 B. A person certified under subsection 5 as qualified to  
49 operate a self-contained, breath-alcohol testing apparatus  
50 to determine the blood-alcohol level may issue a certificate

2 stating the results of the analysis. That certificate, when  
3 duly signed and sworn to by the certified person, is  
4 admissible in evidence in any court of the State. It is  
5 prima facie evidence that the percentage by weight of  
6 alcohol in the defendant's blood was, at the time the breath  
7 sample was taken, as stated in the certificate, unless, with  
8 10 days' written notice to the prosecution, the defendant  
9 requests that the operator or other qualified witness  
10 testify as to the results of the analysis.

11 C. Transfer of sample specimens to and from a laboratory  
12 for purposes of analysis must be by certified or registered  
13 mail and, when so made, is deemed to comply with all  
14 requirements regarding the continuity of custody of physical  
15 evidence.

16 D. The failure of a person to comply with the duty to  
17 submit to and complete a chemical test under section 10702,  
18 subsection 1 is admissible in evidence on the issue of  
19 whether that person was under the influence of intoxicating  
20 liquor or drugs. If the law enforcement officer having  
21 probable cause to believe that the person hunted wild  
22 animals or wild birds or operated or attempted to operate a  
23 watercraft, snowmobile or ATV while under the influence of  
24 intoxicating liquor or drugs fails to give either of the  
25 warnings required under subsection 2, the failure of the  
26 person to comply with the duty to submit to a chemical test  
27 is not admissible, except when a test was required pursuant  
28 to subsection 11. If a failure to submit to and complete a  
29 chemical test is not admitted into evidence, the court may  
30 inform the jury of the fact that a test result is not  
31 available.

32 E. If a test result is not available for a reason other  
33 than a person's failure to comply with the duty to submit to  
34 and complete a chemical test, the unavailability and the  
35 reason are admissible in evidence.

36 8. Statements by accused. Any statement by a defendant  
37 that the defendant was the operator of a watercraft, snowmobile  
38 or ATV that the defendant is accused of operating in violation of  
39 section 10701, subsection 1 is admissible if it was made  
40 voluntarily and is otherwise admissible under the United States  
41 Constitution or the Constitution of Maine. The statement may  
42 constitute sufficient proof by itself, without further proof of  
43 corpus delicti, that the watercraft, snowmobile or ATV was  
44 operated by the defendant. Any statement by a defendant that the  
45 defendant was hunting wild animals or wild birds is admissible  
46 against a defendant accused of hunting wild animals or wild birds  
47 in violation of section 10701, subsection 1 if the statement was  
48 made voluntarily and is otherwise admissible under the United States  
49 Constitution or the Constitution of Maine.  
50 The statement may constitute sufficient proof by itself, without further proof of

2 made voluntarily and is otherwise admissible under the United  
3 States Constitution or the Constitution of Maine. The statement  
4 may constitute sufficient proof by itself, without further proof  
5 of corpus delicti, that the defendant was hunting wild animals or  
6 wild birds.

7 9. Payment for tests. Persons authorized to take specimens  
8 of blood at the direction of a law enforcement officer and  
9 persons authorized to perform chemical tests of specimens of  
10 blood or breath must be paid from the General Fund or from  
11 dedicated revenues of the department when a law enforcement  
12 officer of the department authorizes the chemical tests. The  
13 Department of Marine Resources shall pay for chemical tests  
14 authorized by marine patrol officers with funds available within  
15 that department.

16 10. Accidents and officer's duties. The law enforcement  
17 officer has the following duties.

18 A. After a person has been charged with hunting wild  
19 animals or wild birds or with operating or attempting to  
20 operate a watercraft, snowmobile or ATV while under the  
21 influence of intoxicating liquor or drugs or with an  
22 excessive blood-alcohol level, the investigating or  
23 arresting officer shall investigate to determine whether the  
24 charged person has any previous convictions of a violation  
25 of section 10701, subsection 1 or adjudications for failure  
26 to comply with the duty to submit to and complete a chemical  
27 test under section 10702, subsection 1. As part of that  
28 investigation, the officer shall review the records  
29 maintained by the courts, the State Bureau of  
30 Identification, the Secretary of State, including  
31 telecommunications of records maintained by the Secretary of  
32 State, or the department.

33 B. A law enforcement officer may arrest, without a warrant,  
34 any person whom the officer has probable cause to believe  
35 hunted any wild animal or wild bird or operated or attempted  
36 to operate a watercraft, snowmobile or ATV while under the  
37 influence of intoxicating liquor or drugs if the arrest  
38 occurs within a period following the offense reasonably  
39 likely to result in the obtaining of probative evidence that  
40 the person was under the influence of intoxicating liquor or  
41 drugs.

42 11. Fatalities. Notwithstanding any other provision of  
43 this section, any person hunting wild animals or wild birds who  
44 is involved in a hunting accident or any operator of a  
45 watercraft, snowmobile or ATV who is involved in a watercraft,  
46 snowmobile or ATV accident that results in the death of any

2 person must submit to and complete chemical tests to determine  
3 that person's blood-alcohol level or other chemical use by  
4 analysis of blood, breath or urine. A law enforcement officer  
5 may determine which types of tests will be administered. The  
6 results of tests taken pursuant to this subsection are not  
7 admissible at trial unless the court is satisfied that probable  
8 cause exists, independent of the test results, to believe that  
9 the hunter or operator was under the influence of intoxicating  
10 liquor or drugs or had an excessive blood-alcohol level.

11 12. Aid in enforcement among municipalities. Except as  
12 otherwise prohibited by municipal charter or ordinance,  
13 municipalities may, in the manner provided by Title 30-A, section  
14 2674, enter into agreements regarding mutual aid in enforcing  
15 laws governing the hunting of wild animals or wild birds while  
16 under the influence of intoxicating liquor or drugs or the  
17 operation of a watercraft, snowmobile or ATV while under the  
18 influence of intoxicating liquor or drugs.

19 13. Reporting; immunity. Immunity from certain criminal  
20 and civil liabilities for the act of good faith reporting by  
21 certain health care professionals on accidents that the reporting  
22 person reasonably believes involved a person who was hunting or  
23 operating a snowmobile, ATV or watercraft while under the  
24 influence of intoxicating liquor or drugs is set forth in Title  
25 29-A, section 2405.

26  
27  
28  
29 **SUBPART 4**

30  
31 **FISH AND WILDLIFE**

32  
33 **CHAPTER 913**

34  
35 **GENERAL LICENSE AND PERMIT PROVISIONS**

36  
37 **SUBCHAPTER 1**

38  
39 **LICENSES AND PERMITS; ELIGIBILITY, ISSUANCE**  
40 **AND REQUIREMENTS**

41  
42 **§10751. Application and license specifications**

43  
44 1. Form. The commissioner shall furnish application blanks,  
45 licenses and permits in such form as the commissioner may  
46 designate. The department may charge a fee of up to \$10 to cover  
47 administrative costs for the issuance of miscellaneous licenses  
48 and permits for which a fee is not provided by law.  
49  
50

2           2. Identification number. The commissioner may require an  
4           identification number and any other pertinent information on any  
              licenses or permits issued by the department as the commissioner  
              determines necessary.

6           3. Statement of right to possess firearms. The  
8           department's applications for licenses and permits that authorize  
              a person to hunt with a firearm must include the following  
10           statement signed by the applicant:

12           I CERTIFY THAT EITHER I AM NOT A CONVICTED FELON OR THAT I AM A  
14           CONVICTED FELON WITH A PERMIT TO CARRY A FIREARM. BY MAKING  
              FALSE STATEMENTS ON THIS DOCUMENT, I REALIZE I AM COMMITTING A  
              CLASS D CRIME PUNISHABLE UNDER MAINE LAW.

16           4. Stamps. Whenever a license or permit to hunt is in the  
18           form of a stamp, the licensee must affix the stamp to the  
              licensee's hunting license and validate it by signing the  
20           licensee's name across the face of the stamp.

22           5. Preissue. A license or permit may be issued prior to the  
              date upon which it goes into force.

24           6. Duplicates. A duplicate license or permit may be  
26           obtained by a person who has accidentally lost or destroyed a  
              license or permit issued to that person under this chapter upon  
28           payment of a fee of \$2, all of which must be retained by the  
              agent.

30           7. License must be signed. A license issued by the  
32           department must be signed by the licensee prior to use.

34           §10752. Eligibility

36           1. Residents. A resident is eligible for a resident license  
              or permit under this Part.

38           2. Nonresidents. A nonresident is eligible for a  
40           nonresident license or permit under this Part.

42           3. Aliens. An alien is eligible for an alien license or  
              permit under this Part.

44           4. Member of United States Armed Forces permanently  
46           stationed in State. The following persons are eligible for any  
48           trapping, fishing, hunting or combination fishing and hunting  
              license or permit at the resident fee and have the same  
50           privileges as residents of this State in regard to trapping,  
              hunting and fishing:

2           A. A person serving in the Armed Forces of the United  
4           States who is permanently stationed at a military or naval  
          post, station or base in the State; and

6           B. The spouse and children of a person under paragraph A if  
8           the spouse and children permanently reside with that person.

10          A member of the Armed Forces of the United States stationed in  
12          the State who desires a trapping, hunting, fishing or combination  
14          license or permit shall present certification from the commander  
          of the member's post, station or base, or from the commander's  
          designated agent, that the person is permanently stationed at  
          that post, station or base.

16          5. Persons convicted of burglary, criminal trespass or  
18          theft. Persons convicted of the following offenses are not  
          eligible to obtain a license or permit issued by the department:

20           A. Burglary or criminal trespass of a building located  
22           within the unorganized territories;

24           B. Theft of equipment used for trapping, hunting or  
          fishing; or

26           C. Theft of an animal that has been obtained by trapping or  
28           hunting and that was in the possession or control of the  
          person who trapped or hunted the animal.

30          If the conviction under paragraph A, B or C was a first  
32          conviction, the person convicted is not eligible to obtain a  
34          license or permit issued by the department within 2 years of the  
          date of that first conviction.

36          6. Persons convicted of certain offenses. The following  
          applies to the conviction of certain offenses.

38           A. A person convicted of a violation of section 12256,  
40           disturbing traps, is not eligible to obtain any license  
42           issued by the department for 3 years from the date of  
44           conviction in the case of a first offense and 5 years from  
          the date of conviction in the case of a 2nd or subsequent  
          offense.

46           B. Notwithstanding any other provision of this Part, a  
48           person is not eligible to obtain a hunting license under the  
          following circumstances.

50           (1) A person convicted of shooting a domestic animal  
          in violation of section 11210 is not eligible to obtain



2 a license to hunt in this State for a period of at  
least 5 years from the date of conviction.

4 (2) A person convicted of hunting while under the  
influence of intoxicating liquor or drugs in violation  
6 of section 10701, subsection 1 is not eligible to  
obtain a license to hunt in this State for a period of  
8 5 years from the date of conviction.

10 (3) A person convicted of a violation of Title 17-A,  
chapter 9, if the offense occurred in the context of a  
12 hunting activity and if, through failure of the hunter  
to make proper target identification, the offense  
14 resulted in the injury or death of another person, is  
not eligible to obtain a license to hunt in this State  
16 for a period of at least 10 years from the date of the  
conviction.

18  
20 **§10753. Proof of residency**

22 An applicant for a license or permit under this Part is  
responsible for submitting proof of residency to the agent or the  
24 department, or both. A resident license issued to a person  
unable to meet the residency requirements at the time the license  
26 was issued is invalid and must be returned to the commissioner  
upon request.

28 **§10754. Trespass reminder**

30 The following notice must be printed on each hunting and  
fishing license: "This document does not authorize you to enter  
32 private property without permission."

34 **§10755. Intentional issuance of resident license or**  
**permit to nonresident**

36 A town clerk or agent may not intentionally issue a resident  
38 license or permit to a person who is not a resident. A person  
who violates this section commits a Class E crime.

40 **§10756. Duty to carry and exhibit license or permit**

42 A person who holds a license or permit issued under this  
44 Part shall, while engaged in the licensed activity or while  
transporting fish, wild animals or wild birds:

46 1. Carry license or permit. Have on that person that  
48 license or permit; and



2 agents and the procedure for payment of all funds collected for  
3 the reporting period. If these rules include a requirement that  
4 agents must report more frequently than once a month, the  
5 commissioner is responsible for all costs associated with the  
6 additional reporting requirement, including mailing costs. Rules  
7 adopted under this subsection are major substantive rules as  
8 defined in Title 5, chapter 375, subchapter 2-A.

9  
10 4. Deposit. The commissioner shall deposit funds collected  
11 by agents from the sale of licenses and permits and any  
12 unencumbered balances as of June 30, 1990 in the State Treasury  
13 as undedicated revenue to the General Fund.

14 5. Purposes. All funds derived from the sale of licenses  
15 or permits under this Part must be used for the following  
16 purposes only:

17 A. The administration of the department;

18  
19 B. The protection, propagation, preservation, promotion and  
20 investigation of fish and wildlife;

21  
22 C. Conservation education; and

23  
24 D. Other expenses incident to the administration of the  
25 functions set out in this subsection.

26  
27 6. Delinquent agents. An agent is delinquent if that agent  
28 fails to forward to the commissioner funds collected by that  
29 agent by the date established in rules adopted under subsection  
30 3. Failure to remit the funds as provided in this section  
31 results in the following sanctions, in addition to any others  
32 provided by law.

33  
34 A. The commissioner shall charge interest on the amount  
35 owed at the rate of 18% a year for each day the agent is  
36 delinquent.

37  
38 B. If the agent has not paid the amount owed by the 60th  
39 day after the agent becomes delinquent, the commissioner  
40 shall assess a surcharge of 5% of the principal amount owed.

41  
42 C. If an agent is delinquent for more than 150 days or is  
43 delinquent 3 or more times in one calendar year, the  
44 commissioner shall:

45 (1) Terminate the agency for the balance of the year;  
46 and  
47



2           (2) A junior resident lifetime hunting license. The  
3           fee for a junior resident lifetime hunting license is  
4           \$300;

6           (3) A junior resident lifetime archery hunting  
7           license. The fee for a junior resident lifetime  
8           archery hunting license is \$300;

10          (4) A junior resident combination of any 2 lifetime  
11          licenses. The fee for a junior resident combination of  
12          any 2 lifetime licenses is \$500; and

14          (5) A junior resident combination of all 3 lifetime  
15          licenses. The fee for a junior resident combination of  
16          all 3 lifetime licenses is \$800;

18          C. For a resident from 65 to 69 years of age:

20           (1) A senior resident lifetime fishing license. The  
21           fee for a senior resident lifetime fishing license is  
22           \$50 for a person who purchases the license in the year  
23           in which that person turns 65 years of age, \$40 for a  
24           person who purchases the license in the year in which  
25           that person turns 66 years of age, \$30 for a person who  
26           purchases the license in the year in which that person  
27           turns 67 years of age, \$20 for a person who purchases  
28           the license in the year in which that person turns 68  
29           years of age and \$10 for a person who purchases the  
30           license in the year in which that person turns 69 years  
31           of age;

32           (2) A senior resident lifetime hunting license. The  
33           fee for a senior resident lifetime hunting license is  
34           \$50 for a person who purchases the license in the year  
35           in which that person turns 65 years of age, \$40 for a  
36           person who purchases the license in the year in which  
37           that person turns 66 years of age, \$30 for a person who  
38           purchases the license in the year in which that person  
39           turns 67 years of age, \$20 for a person who purchases  
40           the license in the year in which that person turns 68  
41           years of age and \$10 for a person who purchases the  
42           license in the year in which that person turns 69 years  
43           of age;

44           (3) A senior resident lifetime archery hunting  
45           license. The fee for a senior resident lifetime  
46           archery hunting license is \$50 for a person who  
47           purchases the license in the year in which that person  
48           turns 65 years of age, \$40 for a person who purchases  
49           the license in the year in which that person turns 66 years  
50           of age, \$30 for a person who purchases the license in the year in which that person turns 67 years of age, \$20 for a person who purchases the license in the year in which that person turns 68 years of age and \$10 for a person who purchases the license in the year in which that person turns 69 years of age;

2 the license in the year in which that person turns 66  
4 years of age, \$30 for a person who purchases the  
6 license in the year in which that person turns 67 years  
8 of age, \$20 for a person who purchases the license in  
10 the year in which that person turns 68 years of age and  
12 \$10 for a person who purchases the license in the year  
14 in which that person turns 69 years of age;

16 (4) A senior resident combination of any 2 lifetime  
18 licenses. The fee for a senior resident combination of  
20 any 2 lifetime licenses is \$80 for a person who  
22 purchases the license in the year in which that person  
24 turns 65 years of age, \$64 for a person who purchases  
26 the license in the year in which that person turns 66  
28 years of age, \$48 for a person who purchases the  
30 license in the year in which that person turns 67 years  
32 of age, \$32 for a person who purchases the license in  
34 the year in which that person turns 68 years of age and  
36 \$16 for a person who purchases the license in the year  
38 in which that person turns 69 years of age; and

40 (5) A senior resident combination of all 3 lifetime  
42 licenses. The fee for a senior resident combination of  
44 all 3 lifetime licenses is \$110 for a person who  
46 purchases the license in the year in which that person  
48 turns 65 years of age, \$94 for a person who purchases  
50 the license in the year in which that person turns 66  
52 years of age, \$78 for a person who purchases the  
54 license in the year in which that person turns 67 years  
56 of age, \$62 for a person who purchases the license in  
58 the year in which that person turns 68 years of age and  
60 \$46 for a person who purchases the license in the year  
62 in which that person turns 69 years of age; and

64 D. For a resident 70 years of age or older. A person who  
66 holds a valid senior lifetime license under this section  
68 upon turning 70 years of age may obtain at no cost a hunting  
70 license, fishing license, trapping license, archery license  
72 under section 11109, subsection 7, a pheasant hunting permit  
74 under section 11156, a muzzle-loading hunting license under  
76 section 11109, subsection 4, a migratory waterfowl permit  
78 under section 11157 and a bear hunting permit under section  
80 11151 and may renew at no cost a guide license under section  
82 12853. A person who is 70 years of age or older may  
84 purchase a senior lifetime license that entitles the holder  
86 to all the privileges described in this paragraph for a  
88 one-time \$8 fee.

90 A person must be a resident to purchase a resident lifetime  
92 license under this section. Once purchased, a resident lifetime

2 license is valid for the life of the holder without regard to  
3 subsequent changes in the legal residence of the holder. The  
4 license entitles the holder to all fishing or hunting privileges  
5 extended to residents of that same age who hold the equivalent  
6 annual license and subjects the holder to all limitations and  
7 prerequisites on those fishing or hunting privileges that apply  
8 to residents of that same age who hold the equivalent annual  
9 license.

10 Notwithstanding any other provision of this section, if the  
11 commissioner determines that the sale of lifetime licenses for  
12 persons 65 years of age or older will result in a loss of license  
13 revenue to the department in any fiscal year, the commissioner  
14 shall withhold from deposit to the fund established in section  
15 10251 an amount necessary to avoid that loss in revenue. Money  
16 withheld under this paragraph may be withheld only from revenue  
17 from the sale of lifetime licenses to persons 65 years of age or  
18 older. This paragraph is repealed on July 1, 2010.

20 **§10852. Lifetime privileges to be honored**

22 A lifetime license issued under this subchapter is valid for  
23 the life of the license holder unless lawfully suspended or  
24 revoked by the commissioner for a violation of fish and wildlife  
25 laws under this Part. The Legislature may not otherwise act in  
26 any way to limit or end the right of a person holding a lifetime  
27 license to the lifetime enjoyment of all the rights and  
28 privileges authorized by that license.

30 **§10853. Complimentary and reduced-rate licenses**

32 1. Residents over 70 years of age. A complimentary license  
33 to hunt, trap or fish, including an archery license under section  
34 11109, subsection 7, a pheasant hunting permit under section  
35 11156, a muzzle-loading hunting license under section 11109,  
36 subsection 4, a migratory waterfowl permit under section 11157  
37 and a bear hunting permit under section 11151 must be issued to a  
38 resident who is 70 years of age or older upon application to the  
39 commissioner.

40 A. A resident who applies for a complimentary license under  
41 this section at any time during the calendar year of that  
42 resident's 70th birthday must be issued a license upon  
43 application, regardless of the actual date during that  
44 calendar year in which that resident attains 70 years of  
45 age. A guide license may be renewed without charge for a  
46 resident who is 70 years of age or older upon application to  
47 the commissioner. The application must be accompanied by a  
48 birth certificate or other certified evidence of the  
49 applicant's date of birth and residency.

2 B. Beginning January 1, 2006, the department may not issue  
3 a complimentary license to a resident over 70 years of age.  
4 A complimentary license issued to a resident over 70 years  
5 of age prior to January 1, 2006 is valid as long as the  
6 license holder satisfies the residency requirements set out  
7 in section 10001, subsection 53.

8  
9 C. A complimentary license issued under this subsection  
10 remains valid for the remainder of the life of the license  
11 holder, as long as the license holder continues to satisfy  
12 the residency requirements set out in section 10001,  
13 subsection 53 and the license is not revoked or suspended.

14  
15 2. Blind residents. A complimentary license to fish must  
16 be issued to a resident who is 16 years of age or older and blind  
17 and applies for the fishing license to the commissioner. This  
18 complimentary license remains valid for the life of the license  
19 holder if the license holder continues to satisfy the residency  
20 requirements in section 10001, subsection 53 and the license is  
21 not revoked or suspended. The application must be accompanied by  
22 certified evidence that the applicant is permanently blind. For  
23 the purpose of this subsection, "blind" means having visual  
24 acuity for distant vision of 20/200 if the widest diameter of  
25 field of vision subtends an angle no greater than 20 degrees.

26  
27 3. Paraplegics. The commissioner may issue, upon  
28 application, complimentary resident hunting and fishing licenses  
29 to a resident who has lost, or who has permanently lost the use  
30 of, both lower extremities. A license issued under this  
31 subsection remains valid for the life of the license holder if  
32 the license holder continues to satisfy the residency  
33 requirements in section 10001, subsection 53 and the license is  
34 not revoked or suspended.

35 The commissioner may issue, upon application, complimentary  
36 nonresident hunting and fishing licenses to a person from another  
37 state who would qualify under this subsection as long as the  
38 state where the person resides provides a reciprocal privilege  
39 for residents of this State.

40  
41 4. Resident disabled veteran. A resident disabled veteran  
42 may apply to the commissioner for one or more of the following  
43 complimentary permits and licenses: a license to hunt with a  
44 firearm, a license to trap, a license to fish, archery hunting  
45 licenses as provided in section 11109, subsection 7, a pheasant  
46 hunting permit as provided in section 11156 and a muzzle-loading  
47 hunting license as provided in section 11109, subsection 4. The  
48 commissioner shall issue the permit, license or licenses  
49 requested under this subsection if the commissioner determines  
50 requested under this subsection if the commissioner determines



2 the applicant is a resident disabled veteran and is not otherwise  
3 ineligible to hold that permit or license. For the purposes of  
4 this subsection, "resident disabled veteran" means a person who:

5 A. Is a resident as defined in section 10001, subsection 53;

6 B. Is a veteran as defined in Title 37-B, section 505,  
7 subsection 2, paragraph A, subparagraph (3); and

8 C. Has a service-connected disability evaluated at:

9 (1) One hundred percent; or

10 (2) Seventy percent or more as a result of honorable  
11 military service and who has served in a combat zone  
12 during any armed conflict in which participants were  
13 exposed to war risk hazards as defined in 42 United  
14 States Code, Section 1711 (b).

15 Each application must be accompanied by satisfactory evidence  
16 that the applicant meets the requirements of this subsection. A  
17 permit or license issued under this subsection remains valid for  
18 the life of the permit or license holder, as long as the permit  
19 or license holder continues to satisfy the residency requirement  
20 in section 10001, subsection 53 and the permit or license is not  
21 revoked or suspended.

22 5. Holders of Congressional Medal of Honor. Upon  
23 application, the Governor may grant 2-year complimentary hunting  
24 and fishing licenses to holders of the Congressional Medal of  
25 Honor.

26 6. Members of Armed Forces domiciled in State. A member of  
27 the Armed Forces of the United States on active duty who is  
28 permanently stationed outside of the State may be issued a  
29 combination fishing and hunting license for an amount equal to  
30 the administrative costs associated with issuing the license as  
31 determined by the department. Administrative costs do not  
32 include agent fees. To qualify, the member of the Armed Forces of  
33 the United States must show proof that that member's home of  
34 record, as recorded in that person's service records, is Maine.  
35 That person may purchase all other licenses or permits at  
36 resident fees. The license is valid during the year of issue.  
37 That person's spouse and children may purchase hunting and  
38 fishing licenses at reduced rates. The reduced fees are as  
39 follows:

40 A. Twenty dollars, plus the issuing fee for a combination  
41 fishing and hunting license;

2           B. Ten dollars, plus the issuing fee for a hunting license;  
3           and

4           C. Ten dollars, plus the issuing fee for a fishing license.

6           7. Patients and inmates in certain state institutions. The  
7           commissioner may issue free fishing permits covering:

8           A. Residents or groups of residents at any state  
9           institution under the control of the Department of  
10           Behavioral and Developmental Services;

11           B. Groups of full-time patients at a nursing home, as  
12           defined in Title 22, section 1812-A; and

13           C. Groups of full-time residents of a facility licensed  
14           under Title 22, chapter 1663.

15           8. Native American. The commissioner shall issue a  
16           hunting, trapping and fishing license to any Native American, 10  
17           years of age or older, of the Passamaquoddy Tribe, the Penobscot  
18           Nation, the Houlton Band of Maliseet Indians or the Aroostook  
19           Band of Micmacs without any charge or fee if the Native American  
20           presents a certificate from the respective reservation governor,  
21           the Aroostook Micmac Council or "Wesget-Sipu" stating that the  
22           person described is a Native American and a member of that  
23           nation, band or tribe. Holders of these licenses are subject to  
24           this Part.

25           9. Foreign exchange students. A resident license to hunt  
26           or fish must be issued, at a fee equal to the resident license  
27           fee for a person of like age and status, to any citizen of a  
28           foreign nation under 21 years of age who is domiciled with a  
29           family within the State pursuant to any cultural or educational  
30           exchange program conducted by any governmental, educational,  
31           cultural or religious organization.

32           10. Persons with mental retardation. A complimentary  
33           license to fish must be issued to any person with mental  
34           retardation, as defined in Title 34-B, section 5001, subsection  
35           3, upon application to the commissioner. The application must be  
36           accompanied by certified evidence that the applicant meets the  
37           defined condition. This complimentary license remains effective  
38           for the life of the license holder, if the license is not revoked  
39           or suspended.

40           11. Permits to accommodate permanent physical  
41           disabilities. The commissioner may issue a special permit to a  
42           person with a permanent physical disability that includes special  
43           authorization that allows that person to hunt, trap or fish at  
44           any place where hunting, trapping or fishing is permitted.

2 times or in a manner otherwise prohibited by this Part in order  
3 to enhance access to hunting, trapping and fishing  
4 opportunities. No laws or rules may be waived except as are  
5 necessary to effect this subsection. A permit may be issued  
6 under this subsection only if:

7 A. The applicant provides the commissioner with a letter  
8 signed by a licensed physician clearly stating the nature of  
9 that person's disability, the permanence of the disability  
10 and the extent to which the disability affects that person's  
11 ambulatory ability or endurance; use of one or both hands,  
12 arms or legs; or sight or hearing;

13 B. The commissioner determines that the permanent physical  
14 disability prevents that person from safely accessing  
15 hunting, trapping or fishing opportunities at the times or  
16 in the manner allowed by this Part or by rules adopted  
17 pursuant to this Part; and

18 C. The person meets all other requirements for issuance of  
19 that permit and related licensing requirements and is not  
20 otherwise ineligible for that permit.

21 Prior to making a determination of eligibility under this  
22 subsection, the commissioner or the commissioner's agent shall  
23 meet with the applicant in person at a location chosen by the  
24 commissioner to discuss the applicant's needs. Each applicant's  
25 disability and needs must be reviewed in consultation with the  
26 disabled hunter, trapper and angler advisory committee  
27 established in section 10152 and a determination made regarding  
28 the special authorization that may be made to enhance the  
29 applicant's access to fishing, hunting and trapping  
30 opportunities. A permit issued under this subsection must be  
31 signed by the commissioner and include a clear and specific  
32 description of the activities authorized by that permit. The  
33 disabled person shall carry the permit whenever that person is  
34 hunting, trapping or fishing, and the permit must be presented to  
35 a game warden or other law enforcement officer upon request. No  
36 laws or rules may be waived except as are necessary to effect  
37 this subsection.

38 The commissioner may authorize only the minimum special  
39 exceptions necessary to overcome the applicant's disability and  
40 allow that applicant to safely hunt, trap or fish. This does not  
41 authorize the commissioner to issue special exceptions that  
42 endanger public safety. A permit issued under this subsection  
43 may not authorize a person to exceed the allowable bag or size  
44 limits for any fish or wildlife species; to fish for or take a  
45 fish or wildlife species for which a license is not otherwise  
46 issued; to fish for, trap or hunt a fish or wildlife species more  
47 than once in a season; or to hunt or trap a fish or wildlife species  
48 more than once in a season.

2 than 7 days before the opening or more than 7 days after the  
3 closing of the regular open season for that species; or to fish,  
4 trap or hunt in any area permanently closed to those activities  
5 by state law or rule.

6  
7 **SUBCHAPTER 4**

8  
9 **REVOCATION AND SUSPENSION OF LICENSES OR PERMITS**

10  
11 **§10901. Compliance; noncompliance**

12  
13 **1. Definitions.** As used in this subchapter, unless the  
14 context otherwise indicates, the following terms have the  
15 following meanings.

16  
17 **A. "Compliance with a court order of support"** means that  
18 the support obligor is no more than 90 days in arrears in  
19 making payments in full for current support, in making  
20 periodic payments on a support arrearage pursuant to a  
21 written agreement with the Department of Human Services or  
22 in making periodic payments as set forth in a court order of  
23 support and has obtained or maintained health insurance  
24 coverage if required by a court order of support.

25  
26 **B. "Court order of support"** means any judgment or order for  
27 the support of dependent children issued by any court of the  
28 State or another state, including an order in a final decree  
29 of divorce or any judgment or order issued in accordance  
30 with an administrative procedure established by state law  
31 that affords substantial due process and is subject to  
32 judicial review.

33  
34 **2. Compliance.** In addition to other qualifications for  
35 licensure or registration and conditions for continuing  
36 eligibility to hold a license as prescribed by the various acts  
37 of the department, applicants for licensure or registration,  
38 licensees renewing their licenses and existing licensees must  
39 also comply with the requirements of Title 19-A, section 2201.

40  
41 **3. Noncompliance with a court order of support.** An  
42 applicant for the issuance or renewal of a license or an existing  
43 licensee who is not in compliance with a court order of support  
44 is subject to the requirements of Title 19-A, section 2201.

45  
46 **§10902. Suspension or revocation of or refusal to issue**  
47 **license or permit**

2 1. Conviction or adjudication of violation. Any conviction  
3 or adjudication for a violation of this Part is grounds for  
4 suspension of any license or permit issued under this Part.  
5 Except where provided by law, the commissioner shall determine  
6 the suspension period. To suspend a license or permit based upon  
7 a conviction or adjudication, the commissioner shall follow the  
8 procedures under section 10903. A suspension or revocation of a  
9 license by the District Court is subject to the provisions of  
10 subsection 5.

11 2. Refusal to issue license or permit. If a person is  
12 convicted or adjudicated of a violation of any provision of this  
13 Part and is not the holder of a valid license or permit issued  
14 under this Part, the commissioner may refuse to issue a related  
15 license or permit to that person for up to 5 years following the  
16 date of conviction or adjudication, except when the killing or  
17 wounding of a human being has occurred, in which case the  
18 commissioner may revoke the license or permit for a period of not  
19 less than 5 years.

20 3. Failure to pay fine. If a license or registration is  
21 suspended pursuant to Title 14, section 3142, the suspension  
22 remains in effect until the person pays the fine. On condition  
23 of payment of a \$25 reinstatement fee to the department, the  
24 clerk of the court in which the suspension was ordered shall  
25 rescind the suspension and notify the department, which, upon  
26 receipt of the \$25 reinstatement fee, shall delete any record of  
27 the suspension from that person's record. For the purposes of  
28 this subsection, "fine" has the same meaning as in Title 14,  
29 section 3141, subsection 1.

30 4. Mandatory revocation of all licenses issued by the  
31 department. A person's license must be revoked under the  
32 following circumstances.

33 A. If a person holding a license or permit under this  
34 chapter is convicted of the violation of any provision of  
35 Title 17-A while on a hunting or fishing trip or in the  
36 pursuit of wild animals, wild birds or fish, the  
37 commissioner shall revoke the license or permit held by that  
38 person for a period of at least one year, except when the  
39 killing or wounding of a human being has occurred, in which  
40 case the commissioner shall revoke the license or permit for  
41 at least 5 years.

42 B. Any license issued by the department in effect at the  
43 time a person is convicted of a violation of section 12256,  
44 disturbing traps, is revoked upon conviction and must be  
45 immediately surrendered to the commissioner.

2 C. If an habitual violator, as defined in section 10605,  
4 subsection 1, is convicted or adjudicated of a violation of  
6 any provision of this Part, the commissioner shall revoke  
8 all licenses and permits held by that person. A license may  
10 not be granted to that person for a period to be determined  
12 by the commissioner, but not less than 3 years from the date  
14 of revocation. A hearing for a person whose licenses and  
16 permits have been revoked under this paragraph is governed  
18 by the following.

20 (1) A person whose licenses and permits have been  
22 revoked under this paragraph may, within 30 days of the  
24 effective date of the revocation, petition for a  
26 hearing before the commissioner to show cause why the  
28 licenses and permits should not have been revoked.

30 (2) If, after the hearing, the commissioner finds that  
32 the petitioner's record does not bring the petitioner  
34 within the definition of an habitual violator, the  
36 commissioner shall rescind the revocation. If the  
38 commissioner finds that the petitioner's record does  
40 bring the petitioner within the definition of an  
42 habitual violator, the revocation remains in effect.  
44 If the petitioner denies any of the facts contained in  
46 the record, the petitioner has the burden of proof.

48 5. Hunting license revocation or suspension for  
28 endangerment or harm to another. The commissioner may bring a  
30 complaint in the District Court seeking to revoke or suspend the  
32 current hunting license or the privilege to obtain a hunting  
34 license of any person whom the commissioner reasonably believes  
36 to have killed, wounded or recklessly endangered the safety of  
38 another human being while hunting. The District Court shall  
40 revoke or suspend the person's license or privilege for a period  
42 of at least 5 years if the court finds that the person, while  
44 hunting, has killed, wounded or recklessly endangered the safety  
46 of another human being and the public safety will be endangered  
48 by the person's retention of that license or privilege. For the  
purpose of this subsection, "recklessly" has the same meaning as  
that set out in Title 17-A, section 35, subsection 3.

A. A person whose hunting license has been revoked or  
suspended or whose right to hunt or the right to obtain a  
hunting license has been denied under this subsection, may,  
after the expiration of one year from the date of the  
revocation or suspension, petition the commissioner for  
restoration of the person's privilege to procure such a  
license.

2           B. The commissioner, after hearing, may restore the  
4           petitioner's privilege if the commissioner determines that  
          the public safety will not be endangered by restoring that  
          privilege.

6           C. If the commissioner disallows the petition and thereby  
8           refuses to grant the restoration of the privilege, the  
10          petitioner may appeal to the commissioner's advisory  
          council, which, after hearing on the petition, may allow it  
          and restore the privilege.

12          6. Mandatory hunting license revocation for certain  
14          violations. The commissioner shall suspend a person's hunting  
16          license for at least one year and may suspend any other license  
          issued under this Part and held by that person if that person is  
          convicted of:

18           A. A closed season violation, in violation of section 11201  
20           as it relates to bear, deer or moose;

22           B. Hunting while under the influence of intoxicating liquor  
          or drugs, in violation of section 10701;

24           C. Night hunting, in violation of section 11206;

26           D. Discharging a firearm within 100 yards of a residential  
28           dwelling without owner permission, in violation of section  
          11209;

30           E. Buying or selling bear, hunting or trapping bear after  
32           having killed one or exceeding the bag limit on bear, in  
          violation of section 11217 or 11351;

34           F. Buying or selling deer, exceeding the bag limit on deer  
36           or hunting deer after having killed one, in violation of  
          section 11217 or 11501;

38           G. Buying or selling moose, unlawfully hunting moose or  
40           unlawfully possessing moose, in violation of section 11154,  
          11217, 11601, 11652, 12302, 12304, 12305 or 12403; or

42           H. Buying or selling wild turkeys, unlawfully hunting wild  
44           turkeys, unlawfully possessing wild turkeys or using  
46           unlawful methods to hunt wild turkeys, in violation of  
          section 11217, subsection 1; section 11751; section 11801;  
          or section 12306, subsection 1.

48          7. Mandatory hunting license revocation: coyote hunting  
50          violation. A hunting license of a person convicted of hunting  
          coyote in violation of section 11160 or 12001 must be revoked and

2 that person is not eligible to obtain any hunting license for a  
3 period of one year from the date of conviction.

4 **8. Mandatory revocation of fishing license.** The  
5 commissioner shall suspend a person's fishing license for at  
6 least one year and may suspend any other license issued under  
7 this Part and held by that person if that person is convicted or  
8 adjudicated of:

10 A. Introducing fish into inland waters without a permit in  
11 violation of section 12510;

12 B. Taking or possessing sport fish in violation of bag,  
13 weight and size limits in violation of section 12602, as it  
14 relates to trout, salmon, togue and black bass, whenever the  
15 violation involves twice the general bag and possession  
16 limit adopted by rule by the commissioner for that species  
17 of fish;

18 C. Importing live bait fish or smelts, in violation of  
19 section 12556;

20 D. Buying or selling freshwater sport fish, in violation of  
21 section 12609; or

22 E. Taking fish by explosive, poisonous or stupefying  
23 substances, in violation of section 12653.

24 **§10903. Effective date for suspensions**

25 1. For mandatory suspension. For a violation having a  
26 minimum statutory suspension period, a suspension is effective  
27 upon conviction or adjudication and the license holder must  
28 surrender the license immediately to the commissioner. That  
29 person is not entitled to a hearing under section 10905 if the  
30 suspension period does not exceed the minimum period of  
31 suspension required by law. In addition to any suspension period  
32 ordered by the commissioner, a person whose license is suspended  
33 for a violation having a mandatory suspension must successfully  
34 complete an outdoor ethics course conducted or endorsed by the  
35 department prior to being eligible to have that license  
36 reinstated.

37 2. For all other suspensions. For a violation that does  
38 not have a minimum statutory suspension period, a suspension is  
39 effective upon written notification of suspension by the  
40 commissioner. That person must surrender that license to the  
41 commissioner upon receipt of a notice of suspension and is  
42 entitled to a hearing under section 10905. The commissioner  
43 shall adopt rules specifying the conditions under which a person  
44 shall be reinstated.



2 whose license is suspended for a violation that does not carry a  
4 mandatory suspension is required to complete an outdoor ethics  
6 course. Rules adopted under this subsection are major  
8 substantive rules as defined in Title 5, chapter 375, subchapter  
10 2-A.

12 Outdoor ethics courses must be scheduled by the Bureau of  
14 Warden Service and must be given whenever there are 10 or more  
16 persons needing or wanting to take the course. The fee for an  
18 outdoor ethics course is \$100, payable 10 working days prior to  
20 the start of the course. All fees collected under this section  
22 are allocated to the Sport Hunter Program established in section  
24 10108, subsection 4, paragraph B.

#### 14 **§10904. Notice of suspension**

16 A decision by the commissioner to suspend a license of a  
18 person convicted or adjudicated of a violation that does not  
20 carry a mandatory suspension must be made within 60 days after  
22 that conviction. The commissioner shall give written notice of  
24 all suspensions immediately following a decision to suspend. A  
26 notice of suspension must name the license or permit that is  
28 suspended and state the effective date and length of the  
30 suspension and must inform the person of any applicable hearing  
32 provisions under section 10905.

#### 26 **§10905. Hearings**

28 Except as provided in section 10903, subsection 1, a person  
30 receiving a notice of suspension under section 10904 may request  
32 a hearing on that suspension. A request for a hearing must be in  
34 writing and must be made not later than 30 days after receipt of  
36 the suspension notice required under section 10903. The  
38 commissioner shall notify the person of the date and location of  
40 the hearing.

42 1. Evidence. A person may present evidence at a hearing  
44 concerning the violation that might justify reinstatement of the  
46 license or permit or the reduction of the suspension period. If  
48 the petitioner denies any of the facts contained in the record,  
50 the petitioner has the burden of proof.

2. Decisions. Decisions of the commissioner must be in  
writing. Except as provided in subsection 3, the commissioner  
may reinstate the license or permit or reduce the suspension  
period if the commissioner finds that the person has not been  
convicted or adjudicated or that reinstatement of the license or  
permit or reduction of the suspension period would be in the best  
interests of justice.

2 3. Mandatory suspension period not waived. The  
3 commissioner may not waive or reduce a mandatory minimum  
4 suspension period established in statute except upon  
5 determination by the commissioner that an inappropriate action  
6 contributed to or resulted in that suspension.

7 §10906. Violation of suspended or revoked license or  
8 permit

10 While a person's license or permit is under suspension or  
11 revocation under this Part, a person may not engage in the  
12 particular activity permitted by the license or permit that has  
13 been suspended or revoked.

14 §10907. Obtaining suspended or revoked license or  
15 permit

18 A person may not obtain or attempt to obtain any license or  
19 permit that has been suspended or revoked by the commissioner  
20 under this Part.

22 §10908. Guide license revocation

24 1. Conditions for revocation. The commissioner may suspend  
25 or revoke a guide license pursuant to this subchapter and Title  
26 5, section 10004. The commissioner may revoke, suspend, refuse  
27 to issue or refuse to renew a guide license or the District Court  
28 may revoke or suspend a guide license:

30 A. If the guide fails to meet the standards of competency  
31 established pursuant to section 12851;

32 B. If the guide fails to meet the qualifications for a  
33 guide license, including, but not limited to, failure to  
34 pass a reexamination conducted pursuant to section 12855,  
35 subsection 4; or

36 C. If the guide is found to be incompetent, negligent or  
37 neglectful in the conduct of guiding activities, including,  
38 but not limited to, entering into a contractual agreement  
39 with a client to provide services and then failing, without  
40 just cause, to provide the services as agreed.

41 2. Mandatory revocation. The commissioner shall revoke for  
42 a period of 3 years the guides license of a guide who is  
43 convicted of violating a provision of this Part punishable by a  
44 mandatory fine of not less than \$1,000 and at least 3 days in  
45 jail. The commissioner shall provide notice of revocation as  
46 provided in section 10904. A person whose license has been  
47 revoked under this subsection may, within 30 days of the  
48 revocation, petition the commissioner for reinstatement.  
49 The commissioner shall schedule a hearing on the petition  
50 within 30 days of the petition being filed.

2 effective date of the revocation, petition the commissioner for a  
4 hearing to show cause why the license should not have been  
6 revoked. If, after the hearing, the commissioner finds that the  
8 person has not been convicted or that the conditions of this  
subsection do not apply, the revocation is rescinded. If the  
commissioner finds that the person has been convicted and that  
the conditions of this subsection apply, the revocation remains  
in effect.

10 **§10909. Taxidermists and dealers in furs; suspension of**  
12 **license**

14 The commissioner shall investigate or cause to be  
16 investigated all complaints made to the department and all cases  
18 of noncompliance with or violation of sections 12952 and 12953  
20 and this section. A person may register a complaint of fraud,  
deceit, gross negligence, incompetency or misconduct against any  
licensee. The complaint must be in writing, be sworn to by the  
person making it and filed with the department.

22 1. Disciplinary action. The commissioner may suspend or  
24 revoke a license pursuant to this subchapter and Title 5, section  
26 10004. The commissioner may refuse to issue or renew a license  
or the District Court may revoke, suspend or refuse to renew a  
license for any one of the following causes:

28 A. Procuring a license by fraud or deceit practiced upon  
the department or a purchaser;

30 B. Failure to meet the competency standards established  
32 pursuant to section 12952;

34 C. Engaging in the art of taxidermy under a false name or  
alias with fraudulent intent;

36 D. Incompetence, negligence or neglect in the conduct of  
38 the practice of taxidermy, including, but not limited to,  
40 entering into a contractual agreement with a customer to  
provide services and then failing, without just cause, to  
provide the services as agreed;

42 E. Failure to meet the qualifications for a license,  
44 including, but not limited to, failing to pass a  
reexamination pursuant to section 12953, subsection 5; or

46 F. For any violation of this section or section 12952 or  
48 12953 or any rules adopted pursuant to section 12952,  
subsection 5.



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SUBCHAPTER 1

GENERAL HUNTING SEASON PROVISIONS

§10951. Closed season

1. General; prohibition. Except as otherwise provided in this Part and except as the commissioner may establish by rule not inconsistent with this Part, there is a perpetually closed season on hunting any wild animal or wild bird.

§10952. Open seasons for hunting with bow and arrow

A person may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a hand-held bow and arrow during any open season on that bird or animal.

SUBCHAPTER 2

HUNTING LICENSE REQUIREMENTS AND FEES

§11101. Application and issuance

A resident or nonresident may apply for and the commissioner or the commissioner's authorized agent may issue a written license to hunt wild animals and wild birds.

§11102. Age limitation for hunting with weapon; prohibition

A person under 10 years of age may not hunt wild animals or wild birds with firearms, bow and arrow or a muzzle-loader.

§11103. Convicted felon

A person who is prohibited from possessing a firearm under Title 15, section 393, subsection 1 is not eligible to obtain or possess any license or permit issued by the department that authorizes a person to hunt with a firearm unless that person possesses a valid permit in accordance with Title 15, section 393, subsection 2.

§11104. Mental deficiency or illness; prohibition

A hunting license may not be issued to a person who is a mentally ill person, as defined in Title 34-B, section 3801, or who has a mental deficiency or mental illness, as those terms are defined in Title 34-B, section 9002.

§11105. Safety course

2           1. Hunter safety course requirements. A person who applies  
4 for a Maine license to hunt with firearms other than a juvenile  
6 license must submit proof of having successfully completed a  
8 hunter safety course as provided in section 10108 or an  
equivalent hunter safety course or satisfactory evidence of  
having previously held an adult license to hunt with firearms in  
this State or any other state, province or country in any year  
beginning with 1976.

10 When proof of competency can not otherwise be provided, the  
12 applicant may substitute a signed affidavit that the applicant  
14 has previously held the required adult hunting license or that  
the applicant has successfully completed the required hunter  
safety course.

16 **§11106. Eligibility for archery hunting license**

18           1. Age requirement. A person is eligible to obtain an  
20 archery hunting license as provided in this section.

22           A. A resident or nonresident 16 years of age or older who  
24 has satisfied section 11105 may obtain an archery hunting  
license to hunt with bow and arrow from the commissioner or  
the commissioner's authorized agent.

26           B. A resident or nonresident 10 years of age or older and  
28 under 16 years of age may hunt with bow and arrow if that  
person holds a valid junior hunting license.

30           2. Archery hunter education requirements. A person who  
32 applies for an archery hunting license, other than a junior  
34 hunting license, must submit proof of having successfully  
36 completed an archery hunter education course as described in  
38 section 10108 or an equivalent archery hunter education course or  
satisfactory evidence of having previously held an adult archery  
hunting license issued specifically for the purpose of hunting  
with bow and arrow in this State or any other state, province or  
country in any year after 1979.

40 When proof or evidence can not be otherwise provided, the  
42 applicant may substitute a signed affidavit that the applicant  
44 has previously held the required adult archery hunting license or  
has successfully completed the required archery hunter education  
course.

46 **§11107. Eligibility for hunting with muzzle-loader**

48           This section governs eligibility for hunting with a  
50 muzzle-loader.

2           1. Big game license. A person 16 years of age or older at  
3 the beginning of the special season established under section  
4 11404, subsection 1 may obtain a muzzle-loading license from the  
5 commissioner or the commissioner's authorized agent if the person  
6 possesses a valid license to hunt big game with firearms.

8           2. Junior license. A person 10 years of age or older and  
9 under 16 years of age may obtain a muzzle-loading license from  
10 the commissioner or the commissioner's authorized agent if the  
11 person possesses a valid junior hunting license.

12 **§1108. Landowners and junior hunters**

14           1. Hunting without license. Notwithstanding section 11109,  
15 subsection 1 as it applies to this subchapter, a resident over 10  
16 years of age and a member of the resident's immediate family over  
17 10 years of age, as long as the hunter's license to hunt is not  
18 under suspension or revocation, may hunt without a license,  
19 including an archery hunting license and a muzzle-loading  
20 license, on a single plot of land:

21           A. To which they are legally entitled to possession;

22           B. On which they are actually domiciled;

23           C. That is used exclusively for agricultural purposes; and

24           D. That is in excess of 10 acres.

25           2. Junior hunters. A resident or nonresident hunter 10  
26 years of age or older and under 16 years of age may hunt with  
27 firearms only in the presence of:

28           A. That hunter's parent or guardian; or

29           B. A person at least 18 years of age approved by that  
30 hunter's parent or guardian who either holds a valid Maine  
31 hunting license or has successfully completed a hunter  
32 safety course acceptable under sections 10108 and 11105.

33           A hunter who is 16 years of age and who is hunting with a junior  
34 hunting license must complete a hunter safety course prior to  
35 hunting without the adult supervision required by this section.

36           3. Allowing junior hunter to hunt without adult  
37 supervision. A person who is the adult supervisor, parent or  
38 guardian of a holder of a junior hunting license under 16 years  
39 of age, may not allow that junior hunter to hunt other than in  
40

2 the presence of, and under the supervision of, an adult as  
3 provided in subsection 2.

4 A person who violates this subsection commits a civil violation  
5 for which a forfeiture of not less than \$100 nor more than \$500  
6 may be adjudged, unless otherwise provided.

8 4. Expiration of junior hunting license. A junior hunting  
9 license issued to a person who has passed that person's 15th  
10 birthday is valid through the calendar year for which the license  
11 is issued. All other permit requirements for a person who is 16  
12 years of age or older apply to a person who continues to hunt  
13 with a junior hunting license.

14 For the purposes of this section, "in the presence of" means  
15 in visual and voice contact without the use of visual or audio  
16 enhancement devices, including binoculars and citizen band radios.

18 **§11109. Licenses and fees**

20 1. License required. Except as otherwise authorized  
21 pursuant to this Part, a person may not engage in an activity for  
22 which a license may be issued under this section unless that  
23 person has a valid license issued under this section. Each day a  
24 person violates this subsection that person commits a Class E  
25 crime for which a minimum fine of \$50 and an amount equal to  
26 twice the applicable license fee must be imposed.

28 2. Hunting licenses; agent's fee. Clerks or other agents  
29 appointed by the commissioner to issue licenses and permits shall  
30 charge a fee of \$2 for each hunting license issued. The  
31 commissioner shall charge a fee of \$1 for each hunting license  
32 issued by department employees.

34 3. Hunting licenses; combination licenses; fees. Hunting  
35 licenses, combination licenses and fees are as follows.

38 A. A resident junior hunting license, for a person 10 years  
39 of age or older and under 16 years of age, is \$5.

40 B. A resident hunting license, for a person 16 years of age  
41 or older, is \$19.

44 C. A resident small game hunting license, for a person 16  
45 years of age or older, which permits hunting for all legal  
46 species except deer, bear, turkey, moose, raccoon and  
47 bobcat, is \$12.

48 D. A resident combination hunting and fishing license is  
49 \$30.



2 E. A resident combination archery hunting and fishing  
3 license is \$36.

4  
5 F. A nonresident junior hunting license, for a person 10  
6 years of age or older and under 16 years of age, is \$25.

7  
8 G. A nonresident small game hunting license, which permits  
9 hunting of all legal species except deer, bear, turkey,  
10 moose, raccoon and bobcat, is \$55.

11  
12 H. A nonresident 3-day small game hunting license, valid  
13 for 3 consecutive hunting days, which permits hunting of all  
14 legal species except deer, bear, turkey, moose, raccoon and  
15 bobcat for the 72-hour period specified on the license, is  
16 \$30.

17  
18 I. A nonresident big game hunting license, which permits  
19 hunting of all species including deer and bear, is \$85.

20  
21 J. A nonresident combination hunting and fishing license is  
22 \$123.

23  
24 K. An alien small game hunting license, which permits  
25 hunting of all species except deer, bear, turkey, moose,  
26 raccoon and bobcat, is \$70.

27  
28 L. An alien big game hunting license, which permits hunting  
29 of all species including deer and bear, is \$125.

30  
31 M. An alien combination hunting and fishing license is \$176.

32  
33 N. A license to use leashed dogs to track wounded deer,  
34 which permits a person to use one or more leashed dogs to  
35 track a lawfully wounded deer, is \$25.

36  
37 4. Muzzle-loading license: issuance and agent's fee. The  
38 commissioner, through the commissioner's agent, shall issue  
39 muzzle-loading licenses to eligible persons. The issuing agent  
40 shall charge a fee of \$1 for each license issued.

41  
42 5. Muzzle-loading licenses and fees. Muzzle-loading  
43 hunting licenses and fees are as follows:

44  
45 A. A resident muzzle-loading hunting license is \$11;

46  
47 B. A nonresident muzzle-loading hunting license is \$33; and

48  
49 C. An alien muzzle-loading hunting license is \$58.

50



2 1. Permit required. Except as otherwise authorized  
3 pursuant to this Part, a person may not hunt antlerless deer as  
4 authorized in this section unless that person has a valid permit  
5 issued under this section.

6 2. Authority to regulate taking of antlerless deer. The  
7 commissioner may regulate the taking of antlerless deer within an  
8 area of the State, as necessary to maintain deer populations in  
9 balance with available habitat if the following conditions are  
10 met.

11 A. The demarcation of each area must follow recognizable  
12 physical boundaries such as rivers, roads and railroad  
13 rights-of-way.

14 B. The determination must be made and published prior to  
15 August 1st of each year.

16 3. Rulemaking. The commissioner may adopt rules necessary  
17 for the administration, implementation, enforcement and  
18 interpretation of this section, except that there may not be an  
19 antlerless deer permit system unless otherwise specified in this  
20 section. Rules adopted by the commissioner that provide for  
21 permits to be issued to nonresident or alien hunters must provide  
22 that:

23 A. The percentage of antlerless deer permits issued to  
24 nonresident and alien hunters may not exceed the average  
25 percentage of applicants for antlerless deer permits over  
26 the previous 3 years who were nonresidents or aliens; and

27 B. No more than 15% of the antlerless deer permits issued  
28 in any one district or in any one zone may be issued to  
29 nonresident and alien hunters.

30 4. Landowner consideration. An antlerless deer permit  
31 system adopted by the commissioner pursuant to this section may  
32 include a provision giving special consideration to landowners  
33 who keep their lands open to hunting by the public. Any 2 or  
34 more areas of land owned by the same person that are open for  
35 hunting and that would be contiguous except for being divided by  
36 one or more roads are considered contiguous for the purposes of  
37 determining landowner eligibility for special consideration under  
38 this subsection.

39 5. Junior hunter and senior hunter permit transfers. A  
40 junior hunter or a person 65 years of age or older may take an  
41 antlerless deer, if a person who holds a valid antlerless deer  
42 permit transfers the permit to the junior hunter or person 65  
43 years of age or older by identifying the name, age and address of  
44 the person who holds the permit.

2 the transferee on the permit as well as any other information  
3 reasonably requested by the commissioner and then returns the  
4 permit to the department prior to the start of the firearm season  
5 on deer. The commissioner shall record the transfer and return  
6 the permit to the junior hunter or person 65 years of age or  
7 older. A valid permit must be in the possession of the  
8 transferee in order for the transferee to take an antlerless  
9 deer. If a person transfers the permit to the junior hunter or  
10 person 65 years of age or older, that person is prohibited from  
11 taking an antlerless deer.

12 **§11153. Special season deer permits; fees**

14 **1. Special season deer hunting permits; authority to issue**  
15 **for special season. The commissioner may implement a permit**  
16 **system to regulate hunter participation in a special season**  
17 **established by the commissioner pursuant to section 11402,**  
18 **subsection 4, paragraph B and the number, sex and age of deer**  
19 **harvested. If permits are issued, the fee for a deer permit**  
20 **other than an antlerless deer permit is \$30 and the fee for an**  
21 **antlerless deer permit is \$10.**

22 **2. Prohibition. Except as otherwise authorized pursuant to**  
23 **this Part, a person may not hunt deer during a special season**  
24 **established under this section unless that person has a valid**  
25 **permit issued pursuant to this section.**

28 **§11154. Moose permit**

30 **1. Permit required. Except as otherwise authorized**  
31 **pursuant to this Part, a person may not hunt moose unless that**  
32 **person has a valid permit issued under this section. Each day a**  
33 **person violates this subsection that person commits a Class E**  
34 **crime for which a minimum fine of \$50 and an amount equal to**  
35 **twice the applicable license fee must be imposed.**

36 **2. Issuance of moose hunting permits. In accordance with**  
37 **section 11552, the commissioner may issue moose hunting permits**  
38 **and may establish the number of moose hunting permits to be**  
39 **issued for each wildlife management district established by the**  
40 **commissioner by rule open to moose hunting. No more than 10% of**  
41 **the moose hunting permits may be issued to nonresident and alien**  
42 **hunters.**

44 **3. Moose hunting permit fee. The fee for a moose hunting**  
45 **permit is \$50 for a resident and \$475 for a nonresident or alien.**

48 **4. Big game hunting license required. While hunting moose**  
**both the permittee and subpermittee, may not fail to have a valid**

2 Maine resident, nonresident or alien big game hunting license,  
3 whichever is applicable.

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

8 5. Eligibility. Except as provided in this subsection, a  
9 resident, nonresident or alien who is eligible to obtain a Maine  
10 hunting license or who will be eligible to obtain a Maine hunting  
11 license by the opening day of the open moose season is eligible  
12 to apply for a moose hunting permit. A person who has obtained a  
13 moose hunting permit is ineligible to obtain another permit until  
14 2 years have elapsed after the issuance of the last permit. This  
15 limitation does not apply to subpermittees under subsection 7.

16 6. Application procedure. An eligible person wishing to  
17 apply for a permit must file a written application for a permit  
18 on a form furnished by the commissioner. The application fee  
19 may not be refunded. A person may file no more than one  
20 application. A person who submits more than one application is  
21 disqualified from the selection of permittees. The application  
22 must be accompanied by an application fee of:

23 A. For a resident:

24 (1) Five dollars for a one-chance application;

25 (2) Ten dollars for a 3-chance application. A  
26 resident must possess a valid big game hunting license  
27 to be eligible to purchase a 3-chance application; and

28 (3) Twenty dollars for a 6-chance application. A  
29 resident must possess a valid big game hunting license  
30 to be eligible to purchase a 6-chance application; or

31 B. For a nonresident:

32 (1) Ten dollars for a one-chance application;

33 (2) Twenty dollars for a 3-chance application;

34 (3) Thirty dollars for a 6-chance application; and

35 (4) Fifty dollars for a 10-chance application.

36 7. Subpermittees. An applicant for a moose permit may  
37 indicate on the application filed pursuant to subsection 6 the  
38 name of a subpermittee-designate and the name of an alternate  
39 subpermittee-designate. If the applicant is issued a moose  
40 permit, the subpermittee-designate and the alternate  
41 subpermittee-designate shall be eligible to apply for a moose  
42 permit.

2 permit under subsection 9, the subpermittee-designate becomes a  
3 subpermittee and the permittee may authorize the subpermittee to  
4 participate in the moose hunt with the permittee. The permittee  
5 may authorize the alternate subpermittee-designate to participate  
6 in the hunt in place of the subpermittee-designate if the  
7 permittee notifies the department of the authorization at least 5  
8 business days prior to the first day of the moose season, in  
9 which case the alternate subpermittee-designate becomes the  
10 subpermittee. The permittee may choose not to authorize a  
11 subpermittee to participate in the hunt.

12 8. Point system for public chance drawing. The department  
13 shall adopt rules to allow a person to accumulate one point for  
14 each consecutive year that person purchases an application for a  
15 moose hunting permit but is not selected to receive a permit.  
16 Each point entitles that applicant to one chance in the public  
17 chance drawing. A person's accumulated points are eliminated if,  
18 in any year, that person is selected to receive a permit or that  
19 person fails to purchase a new chance. Rules adopted under this  
20 subsection are routine technical rules as defined in Title 5,  
21 chapter 375, subchapter 2-A.

22 9. Selection procedure. Permittees are selected by a public  
23 chance drawing.

24 10. Questionnaire. Each permittee shall complete a  
25 questionnaire, to be provided by the commissioner, and return  
26 this questionnaire to the commissioner within a period of 10 days  
27 after the close of the moose hunting season.

28 11. Auction of moose hunting permits to fund youth  
29 conservation education programs. Notwithstanding subsection 1,  
30 the commissioner may issue not more than 5 moose hunting permits  
31 each year through public auction in accordance with this  
32 subsection.

33 A. Each moose hunting permit issued under this subsection  
34 must be awarded through public auction to the applicant who  
35 submits the highest bid.

36 B. A person who applies for a moose hunting permit under  
37 this subsection is subject to the eligibility provisions of  
38 subsection 5, except that a successful applicant is not  
39 required to wait 2 years in order to obtain another permit.

40 C. An eligible person wishing to apply for a permit under  
41 this subsection shall submit a written application in such  
42 form as the commissioner may require. The application must  
43 be accompanied by a bidding fee of \$25, which, except as  
44 otherwise provided in paragraph D, may not be refunded. The  
45 commissioner may require a larger bidding fee for a permit  
46 under this subsection if the applicant has been previously  
47 awarded a permit under this subsection and the applicant  
48 has not been awarded a permit under this subsection for  
49 at least 2 years. The bidding fee for a permit under this  
50 subsection shall be in addition to the fee for the permit.

2 commissioner may waive the requirements of this paragraph  
3 when, as provided in paragraph G, the commissioner enters  
4 into a contract with a conservation organization to auction  
5 the permits.

6 D. An eligible person may apply for a moose hunting permit  
7 both through the public chance drawing and in accordance  
8 with this subsection. If a person is selected to receive a  
9 moose hunting permit as a result of the public chance  
10 drawing, that person is no longer eligible to obtain a  
11 permit under this subsection and the bidding fee submitted  
12 by that person must be refunded.

13 E. A moose hunting permit issued under this subsection is  
14 valid in the district designated by the permittee. This  
15 designation must be made within 30 days after the permit is  
16 awarded.

17 F. A person who is awarded a moose hunting permit under  
18 this subsection may select a subpermittee to participate in  
19 the moose hunt as provided in subsection 7.

20 G. The commissioner may enter into a contract with a  
21 conservation organization whose goals and objectives are not  
22 inconsistent with those of the department to advertise this  
23 process of issuing permits, auction the permits and collect  
24 revenues.

25 H. Except as otherwise provided, the provisions of this  
26 Part relating to moose are applicable to the hunting of  
27 moose with a permit awarded under this subsection.

28 I. The commissioner may adopt rules necessary for the  
29 proper administration, implementation, enforcement and  
30 interpretation of this subsection.

31 J. Notwithstanding this subsection, the total number of  
32 moose hunting permits issued each year must be in accordance  
33 with section 11552, subsection 2.

34 12. Persons in armed forces called to serve in armed  
35 conflict. A person who is issued a moose permit under this  
36 section and who is subsequently called to active duty in the  
37 Armed Forces of the United States to serve in an armed conflict  
38 and is unable to use the permit is entitled to use the same  
39 permit during the next appropriate season following that person's  
40 return to the State. Permits used under this subsection do not  
41 affect the number of permits that may be issued by the  
42 commissioner under this section. For purposes of this  
43 subsection, "armed conflict" means any military action in which  
44 the United States is engaged.

2 participants are exposed to war-risk hazards as defined in 42  
United States Code, Section 1711(b).

4 **§11155. Wild turkey hunting permits**

6 **1. Permit required.** Except as otherwise authorized  
pursuant to this Part, a person may not hunt wild turkey unless  
8 that person has a valid permit issued under this section. Each  
day a person violates this subsection that person commits a Class  
10 E crime for which a minimum fine of \$50 and an amount equal to  
twice the applicable license fee must be imposed.

12 **2. Issuance of wild turkey hunting permits.** The percentage  
of total wild turkey permits issued to nonresident and alien  
14 hunters may not exceed the average percentage of applicants for  
wild turkey permits over the previous 3 years who were  
16 nonresidents and aliens and may not be more than 10% of the total  
wild turkey hunting permits issued statewide.

18 **3. Eligibility.** When a public chance drawing is utilized  
20 to allocate permits, a resident, nonresident or alien who is  
eligible to obtain a Maine hunting license or who will be  
22 eligible to obtain a Maine hunting license by the opening day of  
the wild turkey hunting season is eligible to apply for a wild  
24 turkey hunting permit.

26 **4. Application procedure and fee.** If wild turkey permits  
are issued by public chance drawing, persons wishing to apply for  
28 a permit must apply in a manner prescribed by the commissioner.  
The application must be accompanied by an application fee of \$5  
30 for residents and \$10 for nonresidents and aliens. The  
application fee may not be refunded.

32 **5. Wild turkey hunting permit fee.** The fee for a wild  
34 turkey hunting permit is \$10 for residents and \$40 for  
nonresidents and aliens.

36 **6. Transfer of turkey permits.** A person who holds a valid  
wild turkey permit may transfer the permit to a junior hunter or  
38 to a person 65 years of age or older by identifying the name, age  
and address of the transferee on the permit as well as any other  
40 information reasonably requested by the commissioner and then  
returning the permit to the department prior to the start of the  
42 turkey season. The commissioner shall record the transfer and  
return the permit to the junior hunter or person 65 years of age  
44 or older. A valid permit must be in the possession of the  
transferee in order for the transferee to hunt turkey.

46 **7. Landowner; wild turkey permit.** A wild turkey permit  
48 system adopted by the commissioner pursuant to subchapter 8 may  
50



2 include a provision giving special consideration to landowners  
4 who keep their lands open to hunting by the public. Any 2 or  
6 more areas of land owned by the same person that are open for  
8 hunting and that would be contiguous except for being divided by  
10 one or more roads are considered contiguous for the purposes of  
12 determining landowner eligibility for special consideration under  
14 this subsection.

16 8. Big game license required. While hunting turkey, a  
18 resident, nonresident or alien hunter must be in possession of a  
20 valid resident, nonresident or alien big game hunting license, as  
22 applicable. Each day a person violates this subsection that  
24 person commits a Class E crime for which a minimum fine of \$50  
26 and an amount equal to twice the applicable license fee must be  
28 imposed.

30 §11156. Pheasant hunting permit

32 1. Permit required. Except as otherwise authorized  
34 pursuant to this Part, a person may not hunt pheasant in  
36 Cumberland County or York County unless that person has a valid  
38 permit issued under this section. Each day a person violates  
40 this subsection that person commits a Class E crime for which a  
42 minimum fine of \$50 and an amount equal to twice the applicable  
44 license fee must be imposed.

46 2. Rules. The commissioner may adopt rules necessary for  
48 the proper administration, enforcement and interpretation of this  
50 section.

3. Issuance. The commissioner or the commissioner's  
authorized agent may issue a pheasant hunting permit to an  
applicant 16 years of age or older permitting the applicant to  
hunt or possess pheasants in Cumberland County and York County.  
A person under 16 years of age may hunt or possess pheasants in  
accordance with this Part, except that a person under 16 years of  
age is not required to purchase or carry a pheasant hunting  
permit in order to hunt or possess pheasants.

4. Fee. The fee for a pheasant hunting permit is \$16, \$1  
of which is retained by the commissioner's authorized agent.

§11157. Migratory waterfowl permit

1. Permit required. Except as otherwise authorized  
pursuant to this Part, a person may not hunt migratory waterfowl  
unless that person has 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           2. Issuance of permit. The commissioner or the  
3 commissioner's authorized agent shall issue a migratory waterfowl  
4 hunting permit to an applicant 16 years of age or older  
5 permitting the applicant to hunt or possess migratory waterfowl.  
6 A person under 16 years of age may, without a permit, hunt or  
7 possess migratory waterfowl in accordance with this Part.

8  
9           3. Fee. The fee for a migratory waterfowl hunting permit  
10 is \$5.50, 25¢ of which must be retained by the agent.

11           4. Possession of valid permit; expiration date. The  
12 following restrictions apply to migratory waterfowl permits.

13           A. A permittee shall keep an unexpired, validated migratory  
14 waterfowl hunting permit on that person when hunting or  
15 possessing migratory waterfowl.

16           B. Migratory waterfowl hunting permits expire on June 30th  
17 following the season for which the permits were issued.

18  
19  
20  
21 **§11158. Migratory game bird certification**

22           1. Certification required; exception. A person may not  
23 hunt migratory game birds unless that person is certified under  
24 this section. This section does not apply to a resident of the  
25 State who is 70 years of age or older and who is issued a  
26 complimentary license pursuant to section 10853, subsection 1.

27           A person who violates this subsection commits a civil violation  
28 for which a forfeiture of not less than \$100 nor more than \$500  
29 may be adjudged, unless otherwise specified.

30           2. Eligibility. A resident of the State, nonresident or  
31 alien who is eligible to obtain a state hunting license is  
32 eligible to be certified to hunt migratory game birds.

33           3. Certification procedure. An eligible person becomes  
34 certified to hunt migratory game birds when that person indicates  
35 on that person's hunting license at the time of purchase the  
36 intention to hunt migratory game birds during the calendar year  
37 for which the license is valid.

38  
39 **§11159. Falconry hunting permit**

40           1. Permit required. Except as otherwise authorized in this  
41 Part, a person may not engage in the practice of falconry unless  
42 that person has a valid permit issued under this section. Each  
43 day a person violates this subsection that person commits a Class  
44

2 E crime for which a minimum fine of \$50 and an amount equal to  
3 twice the applicable license fee must be imposed.

4 2. Eligibility. A person who possesses a valid hunting  
5 license is eligible to obtain a permit from the commissioner to  
6 engage in the practice of falconry.

8 3. Issuance and fee. The commissioner shall issue permits  
9 to eligible persons to engage in the practice of falconry at a  
10 fee of \$24.

12 A. The permit may be for a one-year, 2-year or 3-year  
13 period at a fee equivalent to the sum of the annual fees  
14 established for each of the years for which the permit is  
15 issued.

16 B. A person not a resident of the State who holds a valid  
17 permit to engage in the practice of falconry in another  
18 state may import and use raptors in this State for up to 30  
19 days solely for the purpose of hunting without the permit  
20 described in this section if that person holds a valid Maine  
21 hunting license issued in accordance with subchapter 2. A  
22 person must have both the permit to engage in the practice  
23 of falconry in the other state and the Maine hunting license  
24 in possession at all times while engaged in the practice of  
25 falconry in this State. These documents must be exhibited  
26 to a warden or employee of the department upon request.

28 4. Rules. The commissioner may adopt rules necessary for  
29 the proper administration and enforcement of this section.

32 5. Compliance with rules and regulations. Falconry hunting  
33 is subject to the following limitations.

34 A. A person who holds a valid falconry hunting permit may  
35 take, possess and use any raptor, except as provided in this  
36 Part or by federal regulation and except as the commissioner  
37 may by rule provide.

38 B. Persons engaged in the practice of falconry are subject  
39 to all rules adopted by the commissioner pertaining to  
40 seasons and bag limits on wild birds and wild animals.

44 **§11160. Coyote night hunting permit**

46 1. Permit required. Except as otherwise authorized  
47 pursuant to this Part, a person may not hunt coyote at night  
48 unless that person has a valid permit issued under this section.  
Each night a person violates this subsection that person commits

2 a Class E crime for which a minimum fine of \$50 and an amount  
3 equal to twice the applicable license fee must be imposed.

4 2. Eligibility; hunting license required. A person who  
5 possesses a valid hunting license is eligible to obtain a permit  
6 from the commissioner to hunt coyotes at night, except that a  
7 permit may not be issued to a person who has been convicted of a  
8 violation of section 11206 within 5 years of the date of  
9 application for the permit.

10 3. Issuance. The commissioner shall issue a permit to hunt  
11 coyotes at night to eligible persons at a fee of \$2.

14 SUBCHAPTER 4

16 GENERAL UNLAWFUL ACTS PERTAINING TO HUNTING

18  
19  
20 §11201. Hunting during closed season

21 A person may not hunt any wild animal or wild bird during  
22 the closed season or possess any wild animal or wild bird taken  
23 during the closed season on that wild animal or wild bird.  
24 Except as otherwise provided in this section, a person who  
25 violates this section commits a Class E crime.

26  
27  
28 A person who hunts or possesses a bear in violation of this  
29 section commits a Class D crime for which the court shall impose  
30 a sentencing alternative involving a term of imprisonment not to  
31 exceed 180 days; the court also shall impose a fine of not less  
32 than \$1,000, none of which may be suspended.

33  
34 A person who hunts or possesses a deer in violation of this  
35 section commits a Class D crime for which the court shall impose  
36 a sentencing alternative of not less than 3 days for the first  
37 offense, none of which may be suspended, and of not less than 10  
38 days for each succeeding offense, none of which may be suspended;  
39 the court also shall impose a fine of not less than \$1,000, none  
40 of which may be suspended.

41  
42 §11202. Unity Utilities District; closed season

43 There is a perpetually closed season on all wild animals and  
44 wild birds on property owned by the Unity Utilities District  
45 located on Route 139 and Prairie Road in the municipality of  
46 Unity in Waldo County.

47  
48 §11203. Hunter orange clothing

1. Hunter orange required. A person may not hunt with firearms during the open firearm season on deer unless that person is wearing 2 articles of hunter orange clothing that are in good, serviceable condition and visible from all sides, except that a person hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys is not required to wear hunter orange clothing. One article of clothing must be a solid-colored hunter orange hat. The other article of clothing must cover a major portion of the torso, such as a jacket, vest, coat or poncho, and must be a minimum of 50% hunter orange in color. The presence of a decal on an article of clothing that is otherwise solid-colored hunter orange does not disqualify that article of clothing from satisfying the requirements of this subsection.

2. 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.

#### §11204. Criminal trespass

A person may not possess a wild animal or wild bird taken while criminally trespassing as described in Title 17-A, section 402, except as otherwise provided in this Part. A person who violates this section commits a Class E crime.

#### §11205. Hunting on Sunday

1. Prohibition. A person may not:

A. Hunt wild animals or wild birds on Sunday; or

B. Possess any wild animal or wild bird taken in violation of paragraph A except as otherwise provided in this Part.

A person who violates this subsection commits a Class E crime.

#### §11206. Night hunting

1. Prohibition. A person may not:

A. Hunt wild birds from sunset to 1/2 hour before sunrise of the following day;

B. Hunt wild animals, except raccoons and coyotes as provided in this Part, from 1/2 hour after sunset until 1/2 hour before sunrise the following day; or

C. Possess any wild animal or wild bird taken in violation of paragraphs A and B except as otherwise provided in this Part.

2 A person who violates this subsection commits a Class D crime for  
4 which the court shall impose a sentencing alternative of not less  
6 than 3 days for the first offense, none of which may be  
8 suspended, and of not less than 10 days for each succeeding  
offense, none of which may be suspended; the court also shall  
impose a fine of not less than \$1,000, none of which may be  
suspended.

10 **§11207. Twilight hunting**

12 1. Prohibition. Except for raccoons as provided in this  
14 Part, a person may not:

16 A. Hunt wild animals between 15 minutes after sunset and  
18 1/2 hour after sunset during the open firearm season on  
20 deer; or

22 B. Possess any wild animal or wild bird taken in violation  
24 of paragraph A except as otherwise provided in this Part.

26 **§11208. Unlawful shooting or discharge of firearm**

28 1. Shooting or discharge of firearm over or near public  
30 paved way. A person may not:

32 A. Shoot at any wild animal or wild bird from any public  
34 paved way or within 10 feet of the edge of the pavement of  
36 the public paved way or from within the right-of-way of any  
controlled access highway;

38 B. Discharge any firearm over a public paved way; or

40 C. Possess any wild animal or wild bird taken in violation  
42 of paragraph A or B, except as otherwise provided in this  
44 Part.

46 This subsection does not prohibit a person who has a valid permit  
48 to carry a concealed weapon from possessing that weapon on or  
50 near a public paved way as long as it is not used for shooting at  
wild animals or wild birds or discharged in violation of this  
subsection. A person who violates this subsection commits a  
Class E crime.

52 **§11209. Discharge of firearm near dwelling**

54 1. Prohibition. A person may not:

56 A. Unless a relevant municipal ordinance provides otherwise  
58 and except as provided in sections 12401 and 12402,

2 discharge a firearm within 100 yards of a residential  
3 dwelling without the permission of the owner or, in the  
4 owner's absence, of an adult occupant of that dwelling; or

5 B. Possess a wild animal or wild bird taken in violation of  
6 this subsection, except as otherwise provided in this Part.

7 This subsection may not be construed to prohibit a person from  
8 killing or taking a wild animal in accordance with sections 12401  
9 and 12402.

10 A person who violates this subsection commits a Class E crime.

11 **§11210. Shooting domestic animals**

12 Except as provided in section 12404, subsection 6, paragraph  
13 C, a person may not, while on a hunting trip or in the pursuit of  
14 wild animals or wild birds, intentionally, knowingly, recklessly  
15 or negligently shoot and wound or kill any domestic animal,  
16 including, but not limited to, a dog, cat or domestic bird. A  
17 person who violates this section commits a Class E crime.

18 **§11211. Unlawful use of firearm in Southport**

19 A person may not use any firearm other than a shotgun in the  
20 Town of Southport or the islands within the confines of the Town  
21 of Southport. A person who violates this section commits a civil  
22 violation for which a forfeiture of not more than \$100 nor less  
23 than \$500 may be adjudged, unless otherwise specified.

24 **§11212. Motor vehicles and motorboats**

25 1. Prohibition. The following provisions apply to shooting  
26 from a motor vehicle or motorboat or possessing a loaded firearm  
27 in a motor vehicle.

28 A. A person may not shoot while in or on a motor vehicle or  
29 motorboat or while in or on a trailer or other type of  
30 vehicle being hauled by a motor vehicle except:

31 (1) A person may hunt migratory waterfowl from a  
32 motorboat in accordance with federal regulations;

33 (2) Paraplegics and single or double amputees of the  
34 legs may shoot from motor vehicles that are not in  
35 motion; and

36 (3) A person may shoot from a motorboat when the motor  
37 is shut off and the boat is drifting, beached, moored,

2 resting at anchor or is being propelled solely by  
paddle, oars or pole.

4 B. A person may not, while in or on a motor vehicle or in  
or on a trailer or other type of vehicle being hauled by a  
6 motor vehicle, have a firearm with a cartridge or shell in  
the chamber or in an attached magazine, clip or cylinder or  
8 a muzzle-loading firearm charged with powder, lead and a  
primed ignition device or mechanism, except that a person  
10 who has a valid Maine permit to carry a concealed weapon may  
have in or on a motor vehicle or trailer a loaded pistol or  
12 revolver covered by that permit.

14 C. A person may not possess a wild animal or wild bird  
taken in violation of paragraph A or B, except as otherwise  
16 provided in this Part.

18 **§11213. Shooting at or near wildfowl decoys**

20 1. Prohibition. A person may not with a firearm:

22 A. Shoot or shoot at a wildfowl decoy of another; or

24 B. Shoot within an area encompassed by a set of another  
person's wildfowl decoys, including the area 50 yards away  
26 from the outer perimeter of the set of decoys.

28 A person who violates this subsection commits a civil violation  
for which a forfeiture of not less than \$100 nor more than \$500  
30 may be adjudged, unless otherwise specified.

32 **§11214. Unlawful use or possession of implements or aids**

34 1. Prohibition. A person may not:

36 A. Use for hunting or possess for hunting any automatic  
firearm. This paragraph does not apply to:

38 (1) Military organizations authorized by law to bear  
40 arms or to the National Guard in the performance of its  
duty; or

42 (2) Firearms using the .22 caliber rimfire cartridge  
44 or to any autoloading pistol having a barrel less than  
8 inches in length;

46 B. Use for hunting or possess for hunting any autoloading  
48 firearm having a magazine capacity of more than 5  
cartridges. All autoloading firearms having a magazine  
50 capacity in excess of 5 cartridges must have the magazine



2 permanently altered to contain not more than 5 cartridges  
3 before the autoloading firearm may be used in this State for  
4 hunting. This paragraph does not apply to:

5 (1) Military organizations authorized by law to bear  
6 arms or to the National Guard in the performance of its  
7 duty; or

8 (2) Firearms using the .22 caliber rimfire cartridge  
9 or to any autoloading pistol having a barrel less than  
10 8 inches in length;

11 C. Use for hunting or possess for hunting any firearm  
12 fitted or contrived with a device for deadening the sound of  
13 explosion. This paragraph does not apply to:

14 (1) Military organizations authorized by law to bear  
15 arms or to the National Guard in the performance of its  
16 duty;

17 D. Use for hunting cartridges containing tracer bullets.  
18 This paragraph does not apply to:

19 (1) Military organizations authorized by law to bear  
20 arms or to the National Guard in the performance of its  
21 duty; or

22 (2) Firearms using the .22 caliber rimfire cartridge  
23 or to any autoloading pistol having a barrel less than  
24 8 inches in length;

25 E. Use for hunting cartridges containing explosive  
26 bullets. This paragraph does not apply to:

27 (1) Military organizations authorized by law to bear  
28 arms or to the National Guard in the performance of its  
29 duty; or

30 (2) Firearms using the .22 caliber rimfire cartridge  
31 or to any autoloading pistol having a barrel less than  
32 8 inches in length;

33 F. Hunt migratory game birds with a shotgun of any  
34 description originally capable of holding more than 3  
35 shells, unless the shotgun's magazine has been cut off,  
36 altered or plugged with a one-piece filler incapable of  
37 removal without disassembling the gun so as to reduce the  
38 capacity of the gun to not more than 3 shells in the  
39 magazine and chamber combined. This paragraph does not  
40 apply to:

2           (1) Military organizations authorized by law to bear  
3           arms or to the National Guard in the performance of its  
4           duty;

6           G. Hunt a wild animal or wild bird with a crossbow or set  
7           bow;

8           H. Use for hunting or possess for hunting an arrow having  
10           either an explosive or poisonous tip;

12           I. Allow duck decoys to remain in waters of Merrymeeting  
13           Bay at any time during the period from one hour after legal  
14           shooting time until one hour before legal shooting time the  
15           next day;

16           J. Leave or allow to remain in waters of Merrymeeting Bay  
17           an artificial cover, that is, a "stationary blind," or parts  
18           of an artificial cover used for hunting purposes between one  
19           hour after legal shooting time and one hour before legal  
20           shooting time the next day;

22           K. Use a dog to hunt deer or moose, except as provided in  
23           section 11109, subsection 3, paragraph N;

25           L. Use an artificial light, snare, trap or set gun to hunt  
26           deer or moose. This paragraph does not affect or restrict  
27           the legitimate possession and sale of flashlights;

30           M. Use artificial lights between 1/2 hour after sunset and  
31           1/2 hour before sunrise the next day to illuminate, jack,  
32           locate, attempt to locate or show up wild animals or wild  
33           birds from September 1st to December 15th of each calendar  
34           year. This paragraph does not affect chapter 921, or any  
35           rule issued in accordance with section 10104, subsection 1;

36           N. Hunt a wild animal or wild bird by any method other than  
37           by the usual method of shooting with a firearm not larger  
38           than number 10-gauge or shooting with a hand-held bow and  
39           arrow or by falconry; or

42           O. Possess a wild animal or wild bird taken in violation of  
43           this section, except as otherwise provided in this Part.

44           **§11215. Use of motorized vehicle to kill, injure or molest**  
45           **wild animals or wild birds**

48           A person may not intentionally kill, injure or molest a wild  
49           animal or wild bird with a motor vehicle, motorboat or aircraft.

50

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

4 **§11216. Hunting with aid of aircraft**

6 1. Prohibition on use of aircraft to hunt. A person on the ground or airborne may not use an aircraft to aid or assist in hunting:

8 A. Bear:

10 B. Deer; or

12 C. Moose.

14 2. Penalties. The following penalties apply to this section.

16 A. A person who violates subsection 1 without the taking of a bear, deer or moose commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged, unless otherwise specified.

18 B. A person who violates subsection 1 and takes a bear, deer or moose commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended.

22 **§11217. Buying and selling wild animals and wild birds**

24 1. Prohibition against buying and selling bear, deer, moose or wild turkey. Except as provided in subsection 2, a person may not:

26 A. Buy, sell or offer for sale or barter a:

28 (1) Bear;

30 (2) Deer;

32 (3) Moose; or

34 (4) Wild turkey;

36 B. Aid in buying, selling or offering for sale or bartering a:

38 (1) Bear;

40 (2) Deer;

2           (3) Moose; or

4           (4) Wild turkey; or

6           C. Counsel or otherwise aid in buying, selling, offering  
for sale or bartering a:

8           (1) Bear;

10          (2) Deer;

12          (3) Moose; or

14          (4) Wild turkey.

16          2. Exception. A person may sell:

18          A. The head, teeth, gall bladder, claws and hide of a bear;

20          B. Notwithstanding section 10606 as it applies to section  
22          12954, the skin and head of a deer lawfully registered by  
              that person;

24          C. The head, antlers, feet and hide of a deer and the meat  
26          from domesticated deer for use as food only in accordance  
              with Title 7, chapter 202; and

28          D. The head, antlers, bones, feet and hide of a moose.

30          3. Prohibition regarding selling of wild birds. A person  
32          may not sell or possess for sale a wild bird, except as provided  
34          in this Part. A person may sell the plumage of lawfully taken  
              wild birds if that sale does not violate regulations of the  
              federal Migratory Bird Treaty Act.

36          4. Penalty. A person who violates this section commits a  
38          Class D crime for which the court shall impose a sentencing  
40          alternative involving a term of imprisonment of not less than 10  
42          days for the first offense, none of which may be suspended, and  
              not less than 20 days for each succeeding offense, none of which  
              may be suspended. The court also shall impose a fine of not less  
              than \$1,000, none of which may be suspended.

44          §11218. Game fees

46          A person may not charge any fee for access to land if the  
48          fee is contingent upon the taking of game on the land or directly  
50          related to the taking of game on the land unless the land is an  
              authorized commercial shooting area licensed under section  
              12101. This section does not apply to:

2       1. Gate fees. Gate fees or other access fees that are  
3       unrelated to the taking of game;

4  
5       2. Guiding fees. Fees charged by licensed guides or other  
6       fees that are unrelated to access to land; or

7       3. Fees for placing bear bait. Fees that are directly  
8       related to the placing of bear bait on land.

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

10  
11       **§11219. Hunting on state game farm**

12  
13       A person may not hunt on a state game farm at any time. A  
14       person who violates this section commits a civil violation for  
15       which a forfeiture of not less than \$100 nor more than \$500 may  
16       be adjudged, unless otherwise specified.

17  
18       **§11220. Hunting in licensed wildlife exhibit**

19  
20       A person may not hunt in a licensed wildlife exhibit at any  
21       time. A person who violates this section commits a civil  
22       violation for which a forfeiture of not less than \$100 nor more  
23       than \$500 may be adjudged, unless otherwise specified.

24  
25       **§11221. Disposal of offal; littering**

26  
27       A person may not drop, deposit, discard, dump or otherwise  
28       dispose of a carcass, waste parts or remains of a wild animal,  
29       except waste parts or remains resulting from the normal field  
30       dressing of lawfully harvested wild game or the lawful use of  
31       waste parts or remains of wild game as bait.

32  
33       A person who violates this section commits a civil violation  
34       for which a forfeiture of not less than \$100 nor more than \$500  
35       may be adjudged. Additionally, a person who violates this  
36       section violates the Maine Litter Control Act, Title 17, chapter  
37       80 and is subject to the penalties set forth in that Act.

38  
39       **§11222. Target identification while hunting**

40  
41       1. Findings. Due to the large numbers of Maine citizens  
42       and visitors engaged in hunting in the State's woods during  
43       hunting season, the continued decline of unpopulated areas  
44       through the State, the widespread use of powerful weapons in the  
45       pursuit of wild animals and wild birds and the growing presence  
46       of nonhunters engaged in nonhunting activities in the State's  
47       woods during hunting season, the Legislature finds that a  
48       sufficient risk of serious bodily injury or death to human beings  
49       exists.

2 is posed to make it necessary and prudent to provide guidance to  
3 those in pursuit of wild animals and wild birds on the matter of  
4 proper target identification.

5 2. Target identification. While hunting, a hunter may not  
6 shoot at a target without, at that point in time, being certain  
7 that it is the wild animal or wild bird sought.

8  
9 A. The target-determining process to be utilized is that  
10 which a reasonable and prudent hunter would observe in the  
11 same situation. A reasonable and prudent hunter always  
12 bears the risk of loss of legitimate prey to avoid the risk  
13 of the destruction of human life. A reasonable and prudent  
14 hunter neither disregards the risk of causing the death of  
15 another human being nor fails to be aware of that risk as a  
16 consequence of misidentification. A reasonable and prudent  
17 hunter never bases identification upon sound alone or even  
18 upon sound in combination with what appears to be an  
19 appendage of the wild animal or wild bird sought. A  
20 reasonable and prudent hunter, independent of these  
21 target-determining factors, bases identification upon  
22 obtaining an essentially unobstructed view of the head and  
23 torso of the potential target. This visual sighting is the  
24 most critical target-determining factor. Visual sighting of  
25 the head and torso may present itself intermittently or  
26 continuously. If presented intermittently, a reasonable and  
27 prudent hunter does not make a target-identification  
28 decision until this visual sighting exists at the point in  
29 time the hunter takes aim and is making final preparation to  
30 shoot. A reasonable and prudent hunter additionally  
31 recognizes that these sound and sight target-determining  
32 factors are affected by a number of other considerations,  
33 including, but not limited to, the distance to the target,  
34 surrounding or intervening terrain and cover, lighting and  
35 weather conditions, the hunter's own ability to hear and  
36 see, the hunter's own experience and the proximity of other  
37 persons in the hunter's immediate vicinity.

38  
39 3. Penalty. A person who violates subsection 2 commits a  
40 Class E crime.

41 §11223. Aid to injured person and reporting hunting accident

42  
43 1. Duty. A person who knows or has reason to know that  
44 that person has inflicted injury or may have inflicted injury on  
45 another person by the use of a firearm or bow and arrow shall:

46  
47 A. Make that person known to the victim;









2 days; the court also shall impose a fine of not less than \$1,000,  
3 none of which may be suspended.

4 **§11352. Bear tags and tagging bear**

6 1. Bear tags. The commissioner shall prescribe the form  
7 and content of a bear tag and produce a bear tag that is part of  
8 a big game hunting license.

10 2. Prohibition. A person may not, prior to presenting a  
11 bear for registration, possess or leave in the field or forest a  
12 bear killed by that person that does not have securely attached  
13 to it and plainly visible a bear tag that conforms to the  
14 requirements of subsection 1.

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

20 **§11353. Leaving harvested bear**

22 1. Prohibition. A person who kills a bear may not leave  
23 the bear without taking it with that person unless the person  
24 notifies a warden within 18 hours of the location of the bear and  
25 the circumstances necessitating leaving the bear.

26 2. Penalty. A person who violates this section commits a  
27 civil violation for which a forfeiture of not less than \$100 nor  
28 more than \$500 may be adjudged, unless otherwise specified.

30 **§11354. Possessing gift bear**

32 Except as provided in section 12351, and notwithstanding  
33 section 12356, subsection 1, a person may not possess parts of a  
34 bear given to that person unless each part is plainly labeled  
35 with the name and address of the person:

38 1. Person who registered. Who registered the bear;

40 2. Recipient. To whom the part of the bear was given; or

42 3. Transporter. Who transports the part or parts of the  
43 bear, if that person is a 3rd party.

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

46 **SUBCHAPTER 6**

48 **DEER HUNTING**

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**ARTICLE 1**

**DEER SEASONS**

**§11401. Open and closed seasons for deer**

**1. Open and closed seasons. This subsection applies to open and closed seasons for deer.**

**A. Except as otherwise provided in this subsection and sections 10952, 11152, 11403 and 11404 or by rule adopted by the commissioner pursuant to section 11402, subsection 4, there is an open season for deer in each calendar year in all counties of the State between September 15th and December 15th annually. In a year that the regular season extends beyond November 30th, the regular season must start no later than the 4th Monday preceding Thanksgiving.**

**B. The commissioner may shorten the open season on deer in any part of the State, as long as:**

**(1) The demarcation of the areas with the shortened season follows recognizable physical boundaries, such as rivers and railroad rights-of-way;**

**(2) The determination is made and published prior to June 1st of any year; and**

**(3) The Saturday preceding the first day of open season on deer is an open day for residents of the State only.**

**C. The commissioner may terminate the open season on deer at any time in any area if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or severe hunting pressure.**

**D. Whenever a section of the State is closed to hunting by proclamation of the Governor during the open season on deer, the commissioner, after the proclamation has been annulled, with the consent of the Governor, may extend the open season for deer hunting in that section of the State for a period not to exceed the number of days lost.**

**§11402. Special regulations**

**1. Vinalhaven; open season. There is an open season on deer in the Town of Vinalhaven, and the islands within the confines of the Town of Vinalhaven, to conform with the open season on deer for Knox County.**

2           2. Southport; open season. There is an open season on deer  
in the Town of Southport, and the islands within the confines of  
4           the Town of Southport, to conform with the open season on deer in  
Lincoln County.

6  
8           3. Closed season. Except as provided by rule pursuant to  
subsection 4, there is a continual closed season on deer in the  
following places:

10           A. Mount Desert Island;

12           B. Cross Island in Washington County;

14           C. Scotch Island in Washington County;

16           D. The Town of Isle au Haut and the islands within the  
18           confines of the Town of Isle au Haut in Knox County;

20           E. All of Swans Island in the Town of Swan's Island in  
22           Hancock County;

24           F. The Town of Islesboro in Waldo County, except that a  
26           person may hunt deer in that town with bow and arrow from  
28           the first day of the special archery season on deer,  
established in accordance with section 11403, subsection 2,  
to the end of the regular firearm season on deer of each  
calendar year in Waldo County;

30           G. The whole of Cranberry Isles in Hancock County, except  
32           that a person may hunt deer in the Cranberry Isles with a  
34           shotgun or archery equipment in accordance with applicable  
laws and rules; and

36           H. The whole of Long Island in Long Island Plantation in  
Hancock County.

38           4. Rule. The commissioner by rule may:

40           A. Open any of the areas closed to deer hunting under  
42           subsection 3, as long as the legislative body of each  
44           affected town approves the opening. For purposes of this  
subsection, "affected town" means a town, township or  
municipality that contains within its borders any area  
46           proposed to be opened under this paragraph;

48           B. Create special hunting seasons for the taking of deer in  
any part of the State to maintain deer populations in  
balance with available habitat, subject to the provisions of  
50           this paragraph.

2                   (1) The demarcation of each area must follow  
4                   recognizable physical boundaries, such as rivers, roads  
                    and railroad rights-of-way.

6                   (2) The determination of these areas must be made and  
                    published prior to August 1st of each year.

8                   (3) The commissioner may establish limits on the  
10                  number of deer taken or possessed by persons during a  
12                  special season. Limits established by the commissioner  
                    under this subparagraph are exceptions to the limits  
14                  imposed under section 11501.

16                  (4) The commissioner may specify types of weapons to  
                    be used during a special season; and

18                  C. Establish a youth deer hunting day.

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

24                  **§11403. Archery-only deer hunting season**

26                  1. License required. Except as provided in section 11108,  
28                  subsection 1 or otherwise authorized by this Part, a person 16  
30                  years of age or older may not hunt deer with a bow and arrow  
                    during the special open season on deer as provided under this  
                    section unless that person has a valid archery hunting license.

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

36                  2. Open archery season on deer. The commissioner shall by  
38                  rule establish a special archery season beginning at least 30  
40                  days prior and extending to the beginning of the regular deer  
42                  hunting season, as described in section 11401, 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.

44                  A. A person may not take a deer during a special archery  
46                  season unless that person uses a hand-held bow and broadhead  
                    arrow with the following specifications.

48                                  (1) Bows must have a minimum draw weight of 35 pounds.

50                                  (2) Arrowheads must be at least 7/8 inch in width.

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

12 C. If a person takes a deer with bow and arrow during the  
14 special archery season on deer, that person is precluded  
16 from further hunting for deer during that year.

18 D. Except as provided in this subsection, the provisions of  
20 this Part concerning deer are applicable to the taking of  
22 deer with bow and arrow, including the transportation,  
24 registration and possession of deer taken by this method.

26 **§11404. Muzzle-loading-only deer hunting season**

28 1. Muzzle-loading-only open season on deer. There is a  
30 special muzzle-loading open season on deer immediately following  
32 the regular deer hunting season established under section 11401,  
34 subsection 1, paragraph A for the purpose of hunting deer only  
36 with muzzle-loading firearms as defined in section 10001,  
38 subsection 42. The commissioner may terminate this open season  
40 at any time in an area if, in the commissioner's opinion, an  
42 immediate emergency action is necessary due to adverse weather  
44 conditions or severe hunting pressure. The length of the special  
46 muzzle-loading season is as follows.

48 A. The commissioner shall establish by rule the length of  
50 the special muzzle-loading season. The commissioner may  
establish seasons of different lengths in different regions  
of the State. The season may extend for no more than 12  
hunting days in any part of the State.

2. Applicability of laws. The following provisions apply  
during the muzzle-loading open season.

A. The commissioner's authority to regulate the harvest of  
antlerless deer under section 11152 is applicable during the  
muzzle-loading hunting season.

B. Deer tags for the muzzle-loading open season must be  
issued for use in the same manner as regular deer tags.

C. Except as provided in this section, the provisions of  
this Part relating to deer apply to the taking of deer with  
muzzle-loading firearms.

**ARTICLE 2**

HUNTING METHODS SPECIFIC TO DEER

§11451. Hunting deer with unconventional weapon; license

1. License required. Except as otherwise authorized in this Part, a person may not hunt deer with an unconventional weapon unless that person has a valid license issued under 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. Issuance; eligibility. The commissioner shall issue to an eligible person a license to hunt deer with an unconventional weapon during any open season on deer. A license issued pursuant to this section is valid for only one type of unconventional weapon and must specify that type of weapon on the license.

3. Eligibility. A person is eligible for a license to hunt deer with an unconventional weapon if that person:

A. Is suffering from the loss of both arms above the elbow or from the loss of the use of both arms; and

B. Can demonstrate, to the satisfaction of the commissioner, proficiency with that weapon, including knowledge of safety skills and responsible hunting practices relevant to that weapon.

A person who applies for a license to hunt deer with an unconventional weapon on the basis that the person has lost the use of both arms must submit a statement by a doctor licensed to practice medicine in the State verifying that the applicant has lost the use of both arms to the extent that it would be medically impossible for that person to hunt with a conventional weapon.

4. Schedule of fees. The schedule of fees for this license is the same schedule of fees for other licenses provided in section 11109 that allow the licensee to take deer, subject to a special privilege in section 10108, subsection 3 and section 10853.

5. Applicability of laws. Except as provided in this section, those portions of this Part relating to deer are applicable to the taking of deer with a license issued under this section.

§11452. Baiting deer

2 1. Unlawful baiting of deer. A person may not, during an  
open hunting season on deer:

4 A. Place salt or any other bait or food in a place to  
entice deer to that place; or

6 B. Hunt from an observation stand or blind overlooking  
8 salt, grain, fruit, nuts or other foods known to be  
10 attractive to deer. This prohibition does not apply to  
hunting from an observation stand or blind overlooking:

12 (1) Standing crops;

14 (2) Foods that are left as a result of normal  
16 agricultural operations or as a result of a natural  
occurrence; or

18 (3) Bear bait that is placed at a bear hunting stand  
20 or blind in accordance with section 11301, subsection 1.

22 **§11453. Driving deer**

24 1. Unlawfully driving deer. A person may not participate  
in a hunt for deer during which an organized or planned effort is  
26 made to drive deer except that a group of 3 or fewer persons may  
hunt together as long as they do not use noisemaking devices.

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

32 **§11454. Hunting deer with .22 caliber rimfire cartridge**

34 A person may not hunt deer with any firearms using a .22  
caliber rimfire cartridge, except that the use of the .22 caliber  
36 rimfire magnum cartridge is not prohibited.

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

42 **ARTICLE 3**

44 **POSSESSION OF DEER**

46 **§11501. Bag limit**

48 1. Exceeding bag limit. A person may not possess more than  
one deer during any open season, except as otherwise provided.



2       2. Hunting deer after having killed one. A person may not  
3 hunt deer after that person has killed or registered one during  
4 the open season of that calendar year, except as otherwise  
5 provided.

6       3. Penalty. A person who violates this section commits a  
7 Class D crime for which the court shall impose a sentencing  
8 alternative of not less than 3 days for the first offense, none  
9 of which may be suspended, and of not less than 10 days for each  
10 succeeding offense, none of which may be suspended; the court  
11 also shall impose a fine of not less than \$1,000, none of which  
12 may be suspended.

14       **§11502. Deer tags and tagging**

16       1. Deer tags. The commissioner shall prescribe the form  
17 and content of a deer tag and produce a deer tag that is part of  
18 a big game hunting license.

20       2. Tagging deer. A person may not, prior to presenting a  
21 deer for registration, possess or leave in the fields or forests  
22 a deer killed by that person that does not have securely attached  
23 to it and plainly visible a deer tag that conforms to the  
24 requirements of subsection 1.

26       **§11503. Gift deer**

28       Notwithstanding section 12356, a person may not possess a  
29 part or parts of a deer given to that person unless each separate  
30 part is plainly labeled with:

32       1. Registration seal. The registration seal number; and

34       2. Person who registered deer. The name and address of the  
35 person who registered the deer.

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

40       This section does not apply to a deer or parts of a deer  
41 being transported by a Maine licensed transportation company,  
42 including a common carrier, in accordance with other provisions  
43 of this Part.

46                               **SUBCHAPTER 7**

48                               **MOOSE HUNTING**

50                               **ARTICLE 1**

2 COMMISSIONER'S AUTHORITY TO REGULATE MOOSE HUNTING  
4 AND TO SET HUNTING SEASONS AND AREAS

6 §11551. Commissioner authority regarding moose

8 The commissioner may issue applications for moose hunting  
10 permits, issue permits and make all rules pertaining to moose  
12 hunting. The commissioner may make all other rules that the  
14 commissioner considers necessary for the protection of the moose  
16 resource.

18 §11552. Moose hunting areas

20 1. Areas open to moose hunting. The commissioner may  
22 designate by rule areas of the State open to moose hunting.

24 2. Moose management. To effectively manage the moose herd  
26 in the State, the commissioner may by rule establish:

28 A. The number of moose permits to be issued every year,  
30 including a percentage for antlerless moose;

32 B. The length of the moose hunting season; and

34 C. The timing of the moose hunting season.

36 Rules adopted under this section are routine technical rules  
38 as defined in Title 5, chapter 375, subchapter 2-A. The  
40 commissioner shall report to the joint standing committee of the  
42 Legislature having jurisdiction over wildlife matters by February  
44 1st of each year on proposed actions under this section.

46 ARTICLE 2

48 HUNTING METHODS SPECIFIC TO MOOSE

50 §11601. Unlawful hunting of moose

1. Hunting with permittee. A person may not hunt moose  
with a permittee unless that person is a subpermittee authorized  
in accordance with this section.

2. Presence of permittee. A subpermittee may not hunt  
moose if that subpermittee is not in the presence of the  
permittee while hunting moose. A subpermittee is not in the  
presence of a permittee if contact between the permittee and the  
subpermittee requires visual or audio enhancement devices,  
including binoculars or citizen band radios.



2 less than 10 days for each succeeding offense, none of which may  
3 be suspended; the court also shall impose a fine of not less than  
4 \$1,000, none of which may be suspended.

6 **§11653. Tagging moose**

8 A person may not, prior to presenting a moose for  
9 registration, possess or leave in the fields or forests a moose  
10 that that person has killed that does not have securely attached  
11 to one of its hind legs, and plainly visible, the moose tag  
12 portion of the permit, bearing that person's full name and  
13 address. A person who violates this section commits a civil  
14 violation for which a forfeiture of not less than \$100 nor more  
15 than \$500 may be adjudged.

16 **§11654. Unlawful possession of gift moose**

18 1. Prohibition. A person may not, notwithstanding section  
19 12356, possess a part or parts of a moose unless each separate  
20 part given to that person is plainly labeled with:

22 A. The registration seal number; and

24 B. The name and address of the person who registered the  
25 moose.

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

30 **SUBCHAPTER 8**

32 **WILD TURKEY HUNTING**

34 **ARTICLE 1**

36 **COMMISSIONER'S AUTHORITY TO REGULATE THE HUNTING**  
37 **OF WILD TURKEY; HUNTING LAWS**

38 **§11701. Authority of commissioner; wild turkey hunting**

40 The commissioner may establish open seasons for hunting wild  
41 turkeys, designate areas that are open to the taking of wild  
42 turkeys in any part of the State, prescribe the form and regulate  
43 the number of permits to be issued, determine the number and sex  
44 of the birds to be harvested, establish bag limits, establish  
45 permit eligibility requirements, specify the types of weapons to  
46 be used during any open wild turkey hunting season and make any  
47 other rules that the commissioner considers necessary for the  
48 protection of the wild turkey resource.

2  
3 **§11702. Wild turkey hunting hours**

4 The legal hunting time, unless otherwise provided by rule of  
5 the commissioner, is 1/2 hour before sunrise to 11 a.m. each wild  
6 turkey hunting day.

7  
8 **ARTICLE 2**

9  
10 **POSSESSION OF WILD TURKEYS**

11 **§11751. Unlawful possession of wild turkey**

12 1. Possession of wild turkeys. A person may not possess a  
13 wild turkey except in accordance with section 11155, subsections  
14 1 to 6; sections 11701, 11702 and 12301; section 12304,  
15 subsection 3; and section 12305.

16  
17 2. Possession of wild turkey parts. A person may not,  
18 notwithstanding section 12356, subsection 1, possess any part or  
19 parts of a wild turkey, unless each part is plainly labeled with  
20 the name and address of the person who registered the wild turkey.

21  
22 3. Penalties. A person who violates subsection 1 commits a  
23 Class E crime for which the court shall impose a fine of not less  
24 than \$500, none of which may be suspended. The court also shall  
25 impose a fine for \$500 for each turkey unlawfully possessed, none  
26 of which may be suspended.

27  
28 **§11752. Tagging wild turkey**

29  
30 A person may not, prior to presenting a wild turkey for  
31 registration, possess or leave in a field or forest a wild turkey  
32 that person killed that does not have securely attached and  
33 plainly visible the wild turkey tag portion of that person's  
34 permit bearing that person's full name and address. A person who  
35 violates this section commits a civil violation for which a  
36 forfeiture of not less than \$100 nor more than \$500 may be  
37 adjudged, unless otherwise specified.

38  
39 **ARTICLE 3**

40  
41 **HUNTING METHODS SPECIFIC TO WILD TURKEYS**

42  
43 **§11801. Prohibited hunting methods**

44  
45 1. Unlawful hunting of wild turkey. A person may not hunt  
46 wild turkeys, except in accordance with section 11155,  
47 subsection 1 to 6; sections 11701, 11702 and 12301; section  
48 12304, subsection 3; and section 12305.



2 which a forfeiture of not less than \$100 nor more than \$500 may  
3 be adjudged.

4 **§11854. Nest or eggs of wild birds**

6 A person may not take, possess or needlessly destroy the  
7 nest or eggs of a wild bird, except the English or European house  
8 sparrow and the European starling. A person who violates this  
9 section commits a Class E crime.

10 **§11855. Unlawful use of migratory game birds**

12 A person may not hunt, possess, transport, buy or sell  
14 migratory game bird, except in the manner and numbers, and by the  
15 means specifically permitted by regulations of the federal  
16 Migratory Bird Treaty Act, 16 United States Code, Sections 703 to  
17 712, or by rules adopted by the commissioner in conformity with  
18 Title 5, Part 18, except section 8052, subsection 3 of that Title.

20 **SUBCHAPTER 10**

22 **RACCOON HUNTING**

24 **§11901. Raccoons**

26 An open season for hunting raccoons established by the  
28 commissioner must be of uniform duration throughout the State.

30 **SUBCHAPTER 11**

32 **HARE AND RABBIT HUNTING**

34 **§11951. Hunting hares and rabbits with dog**

36 A person may use a dog to hunt, or be accompanied by a dog  
38 while hunting, wild hares or rabbits during the open firearm  
39 season on deer.

40 **§11952. Unlawful harvest of wild rabbits or hares**

42 **1. Prohibition. A person may not:**

44 A. Set or use any snare, trap or other device in the  
46 hunting of wild hares or rabbits, except that trappers may  
47 take wild hares or rabbits by box traps solely for the  
48 purpose of selling them to the commissioner as authorized by  
49 this Title; or

2 B. Hunt wild hares or rabbits in any manner except by the  
3 ordinary method of shooting with guns or shooting with a  
4 long bow and arrow or by falconry.

6 **SUBCHAPTER 12**

8 **COYOTE HUNTING**

10 **§12001. Seasons and restrictions**

12 1. Open season. Notwithstanding section 11206, an open  
13 season for hunting coyotes at night in all counties of the State  
14 from January 1st to April 30th is established.

16 2. Night: hunting hours. All hunting is limited to the  
17 hours between 1/2 hour after sunset and 1/2 hour before sunrise  
18 and ceases at midnight each Saturday and may resume at 12:01 a.m.  
19 each Monday.

20 3. Restrictions: calling devices required. A person may  
21 not hunt coyotes at night without possessing an electronic,  
22 hand-held or mouth-operated predator calling device.

24 **SUBCHAPTER 13**

26 **HUNTING DOG TRAINING AND FIELD TRAINING**

28  
30 **§12051. Training**

32 1. Open training season. Unless otherwise provided in this  
33 Part, a person may not train dogs on wild birds and wild animals  
34 except as follows.

36 A. A person may train dogs on foxes, rabbits and raccoons  
37 from July 1st through the following March 31st, including  
38 Sundays.

40 B. A person may train sporting dogs on wild birds at any  
41 time, including Sundays.

43 C. A resident may train up to 4 dogs at any one time on  
44 bear from August 1st to the first day of the open season on  
45 hunting bear, except in those portions of Washington County  
46 and Hancock County that are situated south of Route 9.

48 A person who violates this subsection commits a Class E crime.  
50





2           B. The licensee may at any time during the year train the  
4           licensee's own dogs or the dogs of other persons on that  
          area.

6           C. The licensee may hold field trials at any time on that  
8           area or permit, in writing, others to hold field trials on  
          that area under such conditions as are mutually agreed on.

10          No more than 5 clubs in any one county may be issued a license.

12          3. Fee. The fee for a special dog training area license is  
14          \$25.

16          4. Restrictions. The following provisions must be observed.

18           A. Each club licensed under this section may not establish  
20           more than 2 special dog training areas, each of which may  
22           not be less than 20 acres.

24           B. A club may not control more than a total of 400 acres.

26           C. A person may not fail to plainly and conspicuously post  
28           the boundary line of a special dog training area with  
30           legible notices at least 11 inches square, placed not more  
32           than 100 yards apart, that must bear the following warning:

34                   "SPECIAL DOG TRAINING FIELD TRIAL AREA -- HUNTING AND  
36                   TRAPPING IS UNLAWFUL. This land is set aside under  
38                   special license for the training of dogs and the  
40                   holding of field trials. Entering on this land for the  
42                   purpose of hunting or permitting dogs to enter without  
44                   proper authorization is prohibited."

46           The name and address of the licensee must be printed on the  
48           notice.

50          5. Use of special dog training area other than by  
          licensee. Unless the area is completely enclosed with  
          rabbit-proof fence, a person not a licensee may train that  
          person's own dogs or the dogs of other persons on a special dog  
          training area under the following conditions.

A. The person shall apply in writing to the licensee and  
          must receive a permit to do so, for which a charge not to  
          exceed \$2 may be made, which amount is retained by the  
          licensee.

Unless the special dog training area is completely enclosed by  
          rabbit-proof fence, a licensee's failure to make reasonable

2 provision for the use of that special dog training area by  
3 persons not licensees is sufficient grounds for the department to  
4 deny a renewal of license.

5 6. Stocking by commissioner. The commissioner may, from  
6 time to time during each year, stock wild animals or wild birds  
7 at the special dog training area and shall charge the licensees a  
8 reasonable price for them.

9 7. Stocking by licensee. This section is not to be  
10 construed as authorizing licensees to liberate a wild bird or  
11 quadruped coming from outside of the State on a special dog  
12 training area.

13 8. Violation of license restriction. A person may not  
14 violate any restriction of a license or permit issued in  
15 accordance with this section. Each day a person violates a  
16 license or permit restriction under this section that person  
17 commits a civil violation for which a forfeiture of not less than  
18 \$100 nor more than \$500 may be adjudged.

19 **§12053. Unlawful use of licensed dog training area**

20 1. Unlawful use of licensed dog training area. The  
21 following provisions apply to licensed dog training areas.

22 A. A person may not hunt on a licensed dog training area  
23 licensed under section 12052 except that the owner of the  
24 land being used as a licensed dog training area may hunt  
25 wild animals and wild birds on the training area to the  
26 extent permitted by this Part.

27 B. A person may not do any of the following on a dog  
28 training area licensed and posted in accordance with section  
29 12052 except as provided in section 12052:

30 (1) Train a dog;

31 (2) Hold a field trial;

32 (3) Enter the area accompanied by a dog; or

33 (4) Permit a dog of which that person is the owner or  
34 trainer to enter the area.

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

38 **§12054. Field trials; raccoon and rabbits**

2           1. Raccoon dog field trials. A person may hold raccoon dog  
3           field trials at any time.

4           2. Rabbit hound field trials. A person may not hold field  
5           trials for beagles and other rabbit hounds except from September  
6           1st through the following April 10th. A person who violates this  
7           subsection commits a Class E crime.

8           3. Sporting dog field trials. The licensing and conduct of  
9           sporting dog field trials is governed by section 12055.

10           **§12055. License to hold field trials; wild birds**

11           1. License required. A club or organization may not hold  
12           field trials as provided under this section unless the club or  
13           organization has a valid license issued under this section. Each  
14           day a person violates this subsection that person commits a Class  
15           E crime for which a minimum fine of \$50 and an amount equal to  
16           twice the applicable license fee must be imposed.

17           2. Application and issuance. Upon application of a club or  
18           organization, the commissioner may, at the commissioner's  
19           discretion, issue to the club or organization a license  
20           authorizing the following.

21                   A. The licensee may hold, at the time and place stated in  
22                   the license, a field trial for sporting dogs for the purpose  
23                   of demonstrating the skill of the dogs in retrieving dead or  
24                   wounded wild birds.

25                   B. Members of the licensee club or organization may shoot  
26                   and kill with firearms wild birds propagated or legally  
27                   acquired by members of the licensee at the field trial held  
28                   at the time and place specified in the license.

29                   C. Persons may participate in a field trial pursuant to  
30                   this section without a hunting license.

31           A separate application must be filed for each field trial  
32           proposed to be held by a club or organization, as described in  
33           this section.

34           3. Fee. The fee for a license to hold field trials for  
35           sporting dogs is \$25.

36           4. Shooting hours and consent. Members of the licensee  
37           club or organization may not shoot and kill birds, unless it is  
38           during the daylight hours and only with the consent of the owner

2 of or person having legal control of the land on which the field  
trial is held.

4 5. Violation of restrictions. A person may not violate any  
restriction of a license or permit issued in accordance with this  
6 section. Each day a person violates a license or permit  
restriction under this section, that person commits a civil  
8 violation for which a forfeiture of not less than \$100 nor more  
than \$500 may be adjudged.

12 SUBCHAPTER 14

14 COMMERCIAL SHOOTING AREAS

16 §12101. License to operate commercial shooting area

18 1. Issuance. The commissioner may issue licenses  
authorizing the establishment and operation of commercial  
20 shooting areas to qualified applicants. A commercial shooting  
area license authorizes the owner of a commercial shooting area  
22 to charge others for the opportunity to hunt mallard ducks,  
pheasants, quail, Chukar partridge and Hungarian partridge in  
24 that area. A commercial shooting area license is valid for one  
year and is renewable annually.

26 2. Eligibility. In order to qualify for a commercial  
28 shooting area license:

30 A. The location of the land must be at least 5 miles from  
another commercial shooting area, as measured by a straight  
32 line between the property lines at their closest points to  
each other;

34 B. The land must be between 200 acres and 400 acres in area;

36 C. The land must be contiguous. Property bisected by a  
38 road or highway is considered to be contiguous for purposes  
of this paragraph; and

40 D. The land must be owned or leased by the licensed  
42 operator of the commercial shooting area.

44 A person is not eligible to receive a new shooting area license  
within 6 months of the expiration of the license for another  
46 shooting area located within 5 miles unless the holder of the  
expired license states in writing to the commissioner that that  
48 license will be abandoned.

2 A renewal of a shooting area license may be issued for a  
4 commercial shooting area within 5 miles of another commercial  
6 shooting area, notwithstanding paragraph A, as long as the  
8 renewed license is applied for within 6 months following the  
10 expiration of the old license.

12 3. Fees. The fee for a commercial shooting area license is:

14 A. For the first year of operation, \$500; and

16 B. For each subsequent year, \$250, payable prior to July  
18 1st of each year.

20 4. Restrictions. The following restrictions apply to a  
22 commercial shooting area.

24 A. The operator of the commercial shooting area shall  
26 maintain and keep open to inspection by representatives of  
28 the department a register of:

30 (1) The name and address of each person shooting in  
32 the area;

34 (2) The date or dates when that person hunted in the  
36 area; and

38 (3) The number and type of birds killed by that person.

40 B. The operator of the commercial shooting area shall  
42 provide to each person taking birds in that area a receipted  
44 invoice or bill of sale for possession and transportation of  
46 those birds.

48 C. The operator of the commercial shooting area shall mark  
the boundary of the shooting area in a manner prescribed by  
the commissioner and shall post the boundary conspicuously  
with signs or other markings approved by the commissioner.  
The signs or markings must be of a color, size and wording  
prescribed by the commissioner and must be placed not more  
than 250 feet apart facing the outside of the area.

The operators of a commercial shooting area may not fail to meet  
the requirements of this subsection.

5. Enforcement. Enforcement of the trespass laws of a  
commercial shooting area is the responsibility of the owner and  
may not in any manner be considered an obligation of the  
department.



2       1. Permit required. Except as otherwise authorized  
3 pursuant to this Part, a person may not engage in an activity for  
4 which a permit may be issued under this section unless that  
5 person has a valid permit issued under this section. Each day a  
6 person violates this subsection that person commits a Class E  
7 crime for which a minimum fine of \$50 and an amount equal to  
8 twice the applicable license fee must be imposed.

10       2. Affected species. Except as otherwise provided in this  
11 Part, this section applies to the possession of any wildlife  
12 regulated by the State that is held in captivity and to the  
13 importation of wildlife from an area outside the State, including:

14           A. All species listed under state law as threatened or  
15 endangered;

18           B. All species other than those listed in paragraph A not  
19 included on a list of unregulated, nonnative species that is  
20 maintained by the commissioner to facilitate the issuance of  
21 importation permits; and

22           C. Species identified in rules adopted by the commissioner.

24       3. Issuance. The commissioner may issue a permit to a  
25 person permitting the possession and use of wildlife with the  
26 following exceptions.

28           A. A propagation, rearing and sale permit does not  
29 authorize the permittee to possess, propagate or sell deer,  
30 bear, moose, wild turkey, hybrid wild turkey or wild  
31 turkey-domestic turkey cross nor does it authorize the  
32 permittee to possess, propagate or sell any wild animal  
33 taken in accordance with section 11601, 11602 or 11604.

36           B. A commercial exhibition permit does not authorize the  
37 permittee to import any species of wild turkey, hybrid wild  
38 turkey or wild turkey-domestic turkey cross or the eggs of  
39 these species.

40           C. A general possession permit does not authorize the  
41 permittee to possess, propagate or sell deer, bear, moose,  
42 wild turkey, hybrid turkey or wild turkey-domestic turkey  
43 cross nor does it authorize the permittee to possess,  
44 propagate or sell any wild animal taken in accordance with  
45 section 11601, 11602 or 11604.

48           D. A rehabilitation permit does not authorize the permittee  
49 to possess, propagate or sell any wild animal taken in  
50 accordance with section 11601, 11602 or 11604.



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4. Fees. Permit fees are as follows:

A. Propagation, \$25 for 2 calendar years;

B. Commercial exhibition or attracting trade, \$145 every 2 years from July 1st to June 30th;

C. Personal use, professional or vocational husbandry, therapy or aid to disabled persons, \$25 every 2 calendar years; and

D. Rehabilitation, renewable every 2 years, no fee.

5. Rules. The commissioner may adopt rules necessary for the administration of this section, including provisions to ensure that all wildlife possessed under these permits receives humane treatment and proper husbandry and security, and to safeguard the interests of the wildlife and citizens of the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

6. Additional permit requirements. In addition to the provisions adopted under subsection 3, the commissioner may assign permit conditions or requirements designed to mitigate potential impacts or risks that may arise from the possession of specific wildlife species or to ensure the humane treatment or proper husbandry for specific species.

**§12153. Violation of rules regarding wild animals in captivity**

A person who violates a rule regarding wild animals in captivity commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**§12154. Department breeding or rearing wild birds**

Notwithstanding section 10606 as it applies to section 12152, section 10606 does not apply to migratory game birds, partridge, grouse or pheasant owned by the department.

**§12155. Importation permit for wildlife**

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not engage in an activity for which a permit may be issued under this section unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a Class E

2 crime for which a minimum fine of \$50 and an amount equal to  
3 twice the applicable license fee must be imposed.

4 2. Issuance. The commissioner may issue a written permit to  
5 any person, permitting that person to:

6 A. Introduce or import wildlife into the State; and

7 B. Receive or possess wildlife introduced or imported into  
8 the State.

9 3. Application. Each applicant for a permit to import  
10 wildlife into the State shall submit a written application in the  
11 form required by the commissioner. The application must be  
12 accompanied by a nonrefundable application fee of \$25.

13 4. Restrictions. A permit issued pursuant to this section  
14 does not authorize the permittee to import any species of live  
15 wild turkey, hybrid wild turkey or wild turkey-domestic turkey  
16 cross or the eggs of these species.

17 **§12156. Release of wild birds and wild animals into wild**

18 1. Permit required. Except as otherwise authorized  
19 pursuant to this Part, a person may not release into the wild  
20 captive, raised or imported wild birds or wild animals unless  
21 that person has a valid permit issued under this section. Each  
22 day a person violates this subsection that person commits a Class  
23 E crime for which a minimum fine of \$50 and an amount equal to  
24 twice the applicable license fee must be imposed.

25 2. Issuance. The commissioner may issue a written permit  
26 to any person permitting that person to release into the wild  
27 captive raised or imported wild birds and wild animals.

28 3. Wild turkey restrictions. Only the commissioner or  
29 agents of the commissioner may sell, give away or release into  
30 the wild any live wild turkey, hybrid wild turkey, wild  
31 turkey-domestic turkey cross or fertile egg of these species.

32 **§12157. Permit to transport wildlife for breeding**  
33 **and advertising**

34 The commissioner may issue a permit to anyone permitting  
35 that person to take and transport within the limits of the State  
36 wildlife taken in the State for breeding or advertising purposes.

37 **§12158. Importation permit for pheasants**

1 1. Permit required. Except as otherwise authorized  
2 pursuant to this Part, a person may not import pheasants, alive,  
3 dead or dressed, unless that person has a valid permit issued  
4 under this section. Each day a person violates this subsection  
5 that person commits a Class E crime for which a minimum of \$50  
6 and an amount equal to twice the applicable license fee must be  
7 imposed.

8  
9  
10 2. Issuance. The commissioner may issue a written permit to  
11 any person permitting that person to import pheasants, alive,  
12 dead or dressed.

13  
14 3. Application. Importers shall, when requesting a permit,  
15 provide the commissioner with the following:

16 A. Information as to the number of pheasants to be imported;

17 B. The name and address of the seller;

18  
19 C. Information whether or not the birds are live or  
20 dressed; and

21  
22 D. A statement from an approved veterinarian, from the  
23 Department of Agriculture, Food and Rural Resources or from  
24 the conservation department of the state from which the  
25 pheasants are imported certifying that they are from flocks  
26 that have been tested for pullorum and typhoid, show no  
27 evidence of tuberculosis or other infectious or contagious  
28 disease and have not been exposed to such disease during the  
29 6 months prior to importation.

30  
31  
32 4. Restrictions; leg band required. Upon receipt of  
33 shipment, importers of ringneck pheasants shall attach securely  
34 to each bird a permanent leg band. This leg band must remain  
35 attached to the birds until they are finally prepared for  
36 consumption.

37 §12159. Taking of snakes and turtles from the wild for  
38 commercial purposes

39  
40  
41 1. Prohibition; penalty. Except as provided in this  
42 section, a person may not take and possess snakes or turtles from  
43 the wild for export, sale or commercial purposes. A person who  
44 violates this subsection commits a civil violation for which a  
45 forfeiture of not less than \$100 nor more than \$500 may be  
46 adjudged, unless otherwise specified.

47  
48 2. Commercial snapping turtle permit. Persons harvesting  
49 snapping turtles for purposes of resale are required to obtain a  
50 permit from the commissioner.

2           3. Rules. The commissioner shall adopt rules pertaining to  
3 harvest methods, confinement and disposal of snapping turtles.  
4 The commissioner may by rule:

6           A. Require reporting of commercial harvest activities;

8           B. Establish a season, including daily and season  
9 possession limits;

10           C. Establish size limits; and

12           D. Establish a fee schedule to implement a permit system  
14 under this section.

16  
18                           CHAPTER 917

20                           TRAPPING

22                           SUBCHAPTER 1

24                           LICENSE REQUIREMENTS AND FEES

26           §12201. Trapping license

28           1. License required. Except as otherwise authorized  
29 pursuant to this Part, a person may not trap unless that person  
30 has a valid license issued under this section. Each day a person  
31 violates this subsection that person commits a Class E crime for  
32 which a minimum fine of \$50 and an amount equal to twice the  
33 applicable license fee must be imposed.

34           2. Eligibility. The following persons are eligible to  
35 purchase a trapping license, subject to the provisions of  
36 subsection 3.

38           A. A resident 16 years of age or older is eligible to  
39 purchase a resident trapping license.

42           B. A resident 10 years of age or older and under 16 years  
43 is eligible to purchase a resident junior trapping license.

44           C. A resident under 10 years of age may trap without a  
45 license.

48           D. A nonresident is eligible to purchase a nonresident  
49 trapping license.

2 Nonresident aliens are not eligible to purchase a trapping  
3 license.

4 3. Successful completion of trapper evaluation program  
5 required for license. A person who applies for a state license  
6 to trap, other than a junior license, must submit proof of having  
7 successfully completed an education course of the type described  
8 in section 10108, subsection 7 or satisfactory evidence of having  
9 previously held an adult license to trap in this State or any  
10 other state, province or country in any year beginning with 1978.

11 When proof or evidence can not otherwise be provided, the person  
12 may substitute a signed affidavit that that person has previously  
13 held the required adult trapping license or that that person has  
14 successfully completed the required trapper education course.

15 4. Issuance. The commissioner, or the commissioner's agent,  
16 may issue a license to engage in trapping. Clerks or other  
17 agents appointed by the commissioner shall charge a fee of \$2 for  
18 each trapping license issued. The commissioner shall charge a  
19 fee of \$1 for each trapping license issued by department  
20 employees.

21 5. Expiration. All licenses issued under this section are  
22 valid for one year commencing July 1st of each year.

23 A resident junior trapping license issued to a person who has  
24 passed that person's 15th birthday is valid through the year for  
25 which the license was issued.

26 6. Trapping fees. The fees for trapping licenses are as  
27 follows:

28 A. A resident junior trapping license, for a person 10  
29 years of age or older and under 16 years of age, is \$7;

30 B. A resident trapping license, for a person 16 years of  
31 age or older, is \$33; and

32 C. A nonresident trapping license is \$308.

33 7. Supervision of junior trappers. The following  
34 provisions must be observed.

35 A. A person under 10 years of age may not trap unless that  
36 person is accompanied at all times while trapping by a  
37 parent or guardian or by an adult at least 18 years of age  
38 approved by a parent or guardian.

2 B. A person over 10 years of age and under 16 years of age  
3 may not trap unless that person:

4 (1) Holds a junior trapping license; and

6 (2) Is accompanied by an adult at all times while  
7 trapping, unless the holder of the junior trapping  
8 license submits proof of having successfully completed  
9 an education course of the type described in section  
10 10108, subsection 7.

12 8. License violations. Each day a person violates a  
13 restriction of a license issued under this section, that person  
14 commits a civil violation for which a forfeiture of not less than  
15 \$100 nor more than \$500 may be adjudged.

16 **§12202. Trapping by landowner**

18 A resident and a member of the resident's immediate family,  
19 as long as the trapper's license to trap is not under suspension  
20 or revocation, may trap for wild animals, except beaver, without  
21 a trapping license issued under section 12201 on land:

24 1. Possession. To which they are legally entitled to  
25 possession;

26 2. Domiciled. On which they are actually domiciled; and

28 3. Agricultural purposes. That is used exclusively for  
29 agricultural purposes.

32 **§12203. Trapping by agents of commissioner**

34 A person, except a full-time department employee, serving as  
35 an agent of the commissioner for purposes of animal damage  
36 control, including animal control officers appointed pursuant to  
37 Title 7, section 3947, must satisfy the licensing requirements of  
38 section 12201 prior to trapping or attempting to trap a wild  
39 animal.

40 **SUBCHAPTER 2**

42 **TRAPPING SEASON, REQUIREMENTS AND RESTRICTIONS**

44 **§12251. Open and closed seasons**

46 1. General. Except as otherwise provided in this Part and  
47 except as the commissioner may establish by rule that is not  
48 inconsistent with this chapter, there is a perpetual closed  
49 season on trapping any wild animal or wild bird.

2           2. Unity Utilities District. There is a continued closed  
3 season on all wild animals and wild birds on property owned by  
4 the Unity Utilities District located on Route 139 and Prairie  
5 Road in the municipality of Unity in Waldo County.

6  
7           3. Closed season violation. A person may not trap, or  
8 attempt to trap, any wild animal or wild bird during the closed  
9 season or possess any wild animal or wild bird taken during the  
10 closed season on that wild animal or wild bird.

12 **§12252. Unlawful trapping methods**

14           1. Unlawfully rigging traps. A person may not use  
15 auxiliary teeth on any leg-hold trap set on land.

16  
17           2. Use or possession of prohibited implements or aids. A  
18 person may not:

19           A. Set or tend a snare for the purpose of trapping any wild  
20 animal or wild bird, except as provided in section 10105,  
21 subsection 1 and section 12259;

22  
23           B. Set or tend a set gun for the purpose of killing,  
24 taking, catching, wounding, harming or molesting any wild  
25 animal or wild bird;

26  
27           C. Deposit any poisonous or stupefying substance for the  
28 purpose of killing, taking, catching, wounding, harming or  
29 molesting any wild animal or wild bird, except that a  
30 landowner or member of the landowner's immediate family may  
31 use gas cartridges on the landowner's own land for woodchuck  
32 control; or

33  
34           D. Sell, advertise, give notice of the sale or keep for  
35 sale any set gun or poisonous substance for the taking of  
36 wild animals or wild birds, except that a person may sell,  
37 advertise, give notice of sale of or keep for sale  
38 rodenticide for orchard mouse control and gas cartridges for  
39 woodchuck control.

40  
41           3. Use of pole traps. A person may not use or set any  
42 steel trap on the top of a pole, constituting a device commonly  
43 known as a "pole trap" for the purposes of catching any wild bird.

44  
45 **§12253. Consent to trap**

46  
47           1. Trapping without written consent. A person may not,  
48 without first obtaining the written consent of the land owner or  
49 occupant, trap any wild animal on land in any organized or  
50 unorganized area.

2 incorporated place or on the cultivated or pasture area of land  
3 that is used for agricultural purposes in any unorganized place  
4 and on which land there is an occupied dwelling. The provisions  
5 of this subsection do not apply to:

6 A. Beaver trapping;

8 B. Trapping with drowning sets in navigable rivers and  
9 streams; or

10 C. Trapping with drowning sets on state-owned land and  
12 public rights-of-way.

14 2. Trapping near occupied dwelling without written  
15 consent. A person may not trap any wild animal within 200 yards  
16 of an occupied dwelling without first obtaining the written  
17 consent of the owner or occupant of the land on which the trap is  
18 to be set. The provisions of this subsection do not apply to  
19 beaver trapping or trapping with drowning sets on state-owned  
20 land or public rights-of-way.

22 3. Trapping near compact, built-up portion of city or  
23 village. A person may not trap outside that person's land within  
24 1/2 mile of the compact, built-up portion of a city or village,  
25 except:

26 A. A person may trap within 1/2 mile of the built-up  
28 portion of a city or village with drowning sets; and

30 B. A person who has a written permit from the landowner may  
32 trap on that landowner's land with cage-type live traps  
33 within 1/2 mile of the built-up portion of a city or village.

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

38 4. Proof of ownership of land. Before any prosecution is  
39 made under subsection 1 or 2, the landowner or occupant shall  
40 prove that landowner's ownership or that occupant's occupancy of  
41 the land in question.

42 5. Permission to trap on land of another. This section may  
44 not be construed to give license or permission to set, place or  
45 tend traps on property that is owned by another person.

46 **§12254. Labeling traps**

48 A person may not set a trap for any wild animal without  
50 having the trap plainly labeled with that person's full name and



2 address. A person who violates this section commits a civil  
3 violation for which a forfeiture of not less than \$100 nor more  
4 than \$500 may be adjudged unless otherwise specified.

6 **§12255. Tending traps**

8 **1. Failure to visit traps. A person may not:**

10 **A. While trapping in an organized or incorporated place**  
11 **fail to:**

12 **(1) Check each trap, except killer-type traps, at**  
13 **least once in every calendar day; and**

14 **(2) Check each killer-type trap at least once in every**  
15 **3 calendar days; and**

18 **B. While trapping in an unorganized place fail to:**

20 **(1) Check each trap, except killer-type traps and**  
21 **drowning sets, at least once in every calendar day; and**

22 **(2) Check each killer-type trap or drowning set at**  
23 **least once in every 5 calendar days.**

26 This subsection does not apply to under-ice drowning sets for  
27 beaver and muskrat. For the purposes of this subsection, "check"  
28 means to visit or cause to be visited.

30 **2. Failure to remove animal from trap. A person may not**  
31 **fail to remove or cause to be removed from that person's trap an**  
32 **animal found caught in that trap.**

34 **3. Carrying a firearm while trapping. Notwithstanding**  
35 **section 11205, subsection 1, paragraph A and section 11206,**  
36 **subsection 1, paragraphs A and B, a person who holds a valid**  
37 **trapping license may carry a firearm at any time during the open**  
38 **trapping season for the sole purpose of dispatching trapped**  
39 **animals.**

42 **§12256. Disturbing traps of another**

44 A person may not disturb or take a trap or a wild animal  
45 from a trap, other than that person's own trap, without the  
46 consent of the owner of the trap, except that a landowner or  
47 occupant of land that the landowner or occupant is legally  
48 entitled to possess may remove any trap found on the land if  
49 permission has not been granted under section 12253, subsection 1  
50 or 2 or the person has not obtained a written permit from the  
landowner to trap on that landowner's land with cage-type live

traps within 1/2 mile of a built-up portion of a city or village.

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

**§12257. Trapping by certain department employees**

A department biologist or warden may not trap wild animals for profit while on duty within the district to which that person is assigned. 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.

**§12258. Eel permit for licensed trappers**

1. Issuance. The commissioner may issue a permit to any licensed trapper to take eels for baiting traps.

2. Restrictions. A licensed trapper with an eel permit may not take more than 20 pounds of eels annually, by eel pots or hook and line only, for use in baiting traps.

3. Penalty. Each day a person violates a restriction of a permit issued in accordance with this section, that person commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**§12259. Trapping beaver**

1. Snares. A person may use snares to trap for beaver during the open beaver trapping season.

2. Rules. All rules adopted pursuant to section 10104, subsection 1 pertaining to the trapping of beaver with killer-type traps also apply to the trapping of beaver with snares.

3. Nonresident trapping beaver. A nonresident may not trap beaver in this State.

**§12260. Trapping bear**

1. Open and closed season. There is an open season on trapping bear from September 1st to October 31st annually.

A. The commissioner may shorten the open season on bear in any part of the State as long as:

(1) The demarcation of the areas with a shortened season follows recognizable physical boundaries such as rivers and railroad rights-of-way; and

2           (2) The decision is made and published prior to  
4           February 1st of any year.

6           B. The commissioner may terminate the open season on bear  
8           at any time in any part of the State if, in the  
10           commissioner's opinion, an immediate emergency action is  
12           necessary due to adverse weather conditions or severe  
14           hunting or trapping pressure.

16           2. Unlawful trapping of bear. A person may not catch a  
18           bear in a trap and cause or allow another person to kill or  
20           register that bear.

22           3. Setting bear traps. Setting traps for bear is governed  
24           by this subsection.

26           A. A person may use a cable trap with a closing diameter of  
28           not less than 2 1/2 inches to trap bear in the State during  
30           the open season on bear.

32           B. A person may not set a bear trap other than a cable  
34           trap, unless it conforms to the following specifications.

36                   (1) The trap must be enclosed by at least 2 strands of  
38                   wire, one strand 2 feet from the ground and one strand  
40                   4 feet from the ground.

42                   (2) The wire must be securely held in position.

44                   (3) The wire must be not less than 5 yards nor more  
46                   than 10 yards at any point from the enclosed trap.

48                   (4) The trap enclosure must be marked by substantial  
50                   signs with the words "BEAR TRAP" in letters not less  
                    than 3 inches in height.

(5) The signs must be spaced around each enclosure at  
                    intervals of not more than 20 feet.

(6) Each sign must be securely fastened to the top  
                    strand of wire.

4. Trapping bear after having killed one. A person may not  
                    trap a bear after that person has killed or registered one during  
                    any open season. A person who violates this subsection commits a  
                    Class D crime for which the court shall impose a sentencing  
                    alternative involving a term of imprisonment not too exceed 180  
                    days and a fine of not less than \$1,000, none of which may be  
                    suspended.



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

4               3. Agent duties. Registration agents shall:

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

8               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

10              C. Collect and retain \$1 for each seal from the person  
registering a bear, deer or moose. The agent may collect \$1  
for registration of each wild turkey.

12              4. Lists; bear and deer. A list of bear registration  
stations and deer registration stations must be published in one  
or more daily newspapers of the State.

14       §12302. Timely registration of bear, deer, moose or wild  
turkey

16              1. Prohibition. A person who kills any of the following  
animals may not fail to 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:

18              A. Bear;

20              B. Deer;

22              C. Moose; or

24              D. Wild turkey.

26       §12303. Time limits for registering bear, deer, moose  
or wild turkey

28              1. Bear. A person may not keep an unregistered bear at  
home or any place of storage except for more than 18 hours unless  
it is kept in an official bear registration station, except 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.

30              2. Deer. A person may not keep an unregistered deer at  
home or any place of storage for more than 18 hours unless it is

2 kept in an official deer registration station. If a person is on  
4 a hunting trip in an unorganized township and staying at a  
6 temporary place of lodging, that person may keep an unregistered  
8 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. A person may leave an unregistered deer in the woods if  
that person notifies a game warden within 18 hours as to the  
location of the deer and the circumstances necessitating leaving  
the deer in the woods.

10  
12 3. Moose. A person may not keep an unregistered moose at  
14 home or any place of storage for more than 18 hours unless it is  
16 kept in an official moose registration station or at the office  
18 of a game warden. A person may leave an unregistered moose in  
the woods if that person notifies a game warden within 18 hours  
as to the location of the moose and the circumstances  
necessitating leaving the moose in the woods.

20 4. Wild turkey. A person may not keep an unregistered wild  
22 turkey at home or any place of storage for more than 12 hours  
unless it is kept in an official wild turkey registration station  
or at the office of a game warden.

24 **§12304. Condition of animal presented for registration**

26 A person may not present the following animals for  
28 registration unless that animal is presented in its entirety,  
except:

30 1. Bear. For bear, the viscera and rib cage may be  
32 removed, and the bear may be dismembered for ease of  
34 transportation, but the bear must be field dressed in a manner  
that permits determination of the sex of the animal;

36 2. Moose. For moose, the viscera, rib cage, lower legs,  
38 head and hide may be removed and the animal may be dismembered  
40 for ease of transportation, but evidence of gender must remain  
42 attached to at least one part of the dressed animal. If the head  
is not brought to the registration station, a canine tooth or the  
lower jaw also must be presented at the time of registration.  
Any parts not presented for registration must be placed where  
they are not visible to a person traveling on a public or private  
way; or

44  
46 3. Wild turkey. For wild turkey, the viscera may be  
removed.

48 **§12305. False registration of bear, deer, moose or wild turkey**

1 1. Prohibition. A person may not present for registration  
2 or allow to be registered in that person's name any of the  
3 following animals that that person did not lawfully kill:

4 A. Bear;

6 B. Deer;

8 C. Moose; or

10 D. Wild turkey.

12 **§12306. Possessing unregistered bear, deer, moose or wild**  
14 **turkey**

16 1. Prohibition. A person may not possess any of the  
17 following animals if that animal has not been legally registered  
18 as provided in sections 12301 and 12304, unless that animal is  
19 possessed in accordance with chapter 921:

20 A. Bear;

22 B. Deer;

24 C. Moose; or

26 D. Wild turkey.

28 2. Penalties. A person who possesses a:

30 A. Moose in violation of this section commits a Class D  
31 crime for which the court shall impose a sentencing  
32 alternative of not less than 3 days for the first offense,  
33 none of which may be suspended, and of not less than 10 days  
34 for each succeeding offense, none of which may be suspended;  
35 the court also shall impose a fine of not less than \$1,000,  
36 none of which may be suspended;

38 B. Wild turkey in violation of this section commits a Class  
39 E crime for which the court shall impose a fine of not less  
40 than \$500, none of which may be suspended; or

42 C. Bear or deer in violation of this section commits a  
43 Class E crime.

46 **SUBCHAPTER 2**

48 **TRANSPORTATION**

2       **§12351. Transportation by residents**

4           A resident may transport home any wild animal or wild bird  
6       that that resident has killed and that is legally possessed, as  
8       long as that resident is properly licensed and has met all other  
10       requirements of this Part. A resident may have any lawfully  
12       harvested wild animal or wild bird transported to a location  
14       other than that person's home without accompanying the wild  
16       animal or wild bird by obtaining a transportation permit from any  
18       game warden. There is no fee for a permit issued under this  
20       section.

22       **§12352. Transportation by nonresidents**

24           A nonresident may transport to that person's home any  
26       lawfully harvested wild animal or wild bird. A nonresident may  
28       have transported to that person's home by another individual or  
30       common carrier any wild animal or wild bird that that nonresident  
32       has lawfully harvested, as long as that person has obtained a  
34       transportation permit from any game warden and has met all the  
36       other requirements of this Part. There is no fee for a permit  
38       issued under this section.

40       **§12353. Method of transportation**

42           Any wild animal or wild bird transported or offered for  
44       transportation must be open to view and accompanied by the person  
46       who killed that animal or bird, except that a wild animal or wild  
48       bird transported for nonresidents by common carrier need not be  
50       accompanied by the owner if all other requirements of this Part.

52       **§12354. Common carriers**

54           A common carrier accepting any wild animal or wild bird for  
56       transportation shall:

58           1. Check license. Be satisfied that the person presenting  
60       that animal or bird for shipment is the person to whom the  
62       hunter's license offered for inspection was issued;

64           2. Affix tags. Securely affix any tags and identification  
66       required by this chapter; and

68           3. Make returns. Make such returns to the commissioner as  
70       the commissioner may require.

72       **§12355. Unlawful transportation of wild animal or wild**  
74       bird

76



1. Transport. A person may not transport or offer for transport a wild animal or wild bird except as provided in this subchapter.

2. Accept transportation. A person or carrier may not accept for transportation or transport a wild animal or wild bird except as provided in this subchapter.

3. Transport in closed season. A person or carrier may not transport a wild animal or wild bird in closed season, except that a person who has killed a wild animal or wild bird in open season has a reasonable time after the beginning of the closed season in which to transport the animal or bird to that person's home.

A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 maybe adjudged, unless otherwise specified.

**§12356. Unlawful transport of bear, deer, moose, wild turkey, wild hare or wild rabbit**

1. Prohibitions regarding transport of bear, deer, moose and wild turkey. Except as otherwise provided in this Part, a person may not move or transport a bear, deer, moose or wild turkey, or any part of a wild turkey or a moose that has been dismembered for transportation, unless:

A. The bear, deer or moose, or a portion of the moose, is open to view. This subsection does not apply to a bear, deer or moose that is legally registered in accordance with this chapter;

B. The animal is tagged in the following manner:

(1) A bear or deer tag that conforms to the requirements of section 11352, subsection 1 or section 11502, subsection 1 is securely attached to the bear or deer, and, if a deer, the deer tag has the name and address of the person who killed the deer; except a person who takes a deer on land owned by that person, in accordance with section 11108, 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; or

(2) The moose or wild turkey portion of the permit bearing the name and address of the person who killed the moose or wild turkey is securely attached to the moose or wild turkey. This subparagraph does not apply



2           **§12401. Attacking domestic animals or destroying**  
                  **property**

4           Except as provided in sections 12402 and 12404, a person may  
6 lawfully kill, or cause to be killed, any wild animal or wild  
8 turkey, night or day, found in the act of attacking, worrying or  
10 wounding that person's domestic animals or domestic birds or  
12 destroying that person's property. A person who kills a wild  
14 animal or wild turkey by authority of this section shall report  
16 the incident to the Maine Warden Service as provided in section  
18 12402, subsections 3 and 4.

20           **§12402. Damage to crops or orchards**

22           **1. Permission to kill nuisance animals or wild turkeys.**  
24 Except as provided in section 12404, the cultivator, owner,  
26 mortgagee or keeper of any orchard or growing crop, except all  
28 types of grasses, clover and grain fields, may take or kill wild  
30 animals or wild turkeys night or day when the wild animals or  
32 wild turkeys are located within the orchard or crop where  
34 substantial damage caused by the wild animal or wild turkey to  
36 the orchard or crop is occurring. For purposes of this section,  
38 corn is not considered grain.

40           **2. Employment of agents.** When a person wants to employ  
42 someone outside of that person's immediate family to take or kill  
44 wild animals or wild turkeys, that person shall contact a game  
46 warden. If the warden is satisfied that substantial damage is  
48 occurring, the warden may arrange for a department agent to  
50 alleviate the damage; when an agent is not available, the warden  
may authorize a person who is knowledgeable and can perform the  
work in a reasonable, safe and proficient manner. Permission to  
take or kill wild animals or wild turkeys may not be granted to a  
person whose license to hunt has been revoked or suspended, who  
is an habitual violator as defined in section 10605, subsection 1  
or who has been convicted of night hunting within the past 5  
years.

**3. Report to Maine Warden Service; dressing of carcass.** The  
person by whom or under whose direction the wild animal or wild  
turkey is wounded, taken or killed under this section shall:

**A.** Within 12 hours, report all the facts relative to the  
act to the Maine Warden Service, stating the time and place  
of the wounding, taking or killing; and

**B.** In all cases of deer, bear, moose or wild turkey,  
immediately and properly dress the carcass or carcasses and  
care for the meat.

2 4. Warden's certificate. A game warden shall investigate  
3 an incident under this section as soon as possible and, if the  
4 game warden is satisfied that the wild animal or wild turkey was  
5 taken as provided in this section, give the person who killed the  
6 wild animal or wild turkey a certificate that entitles the  
7 cultivator, owner, mortgagee or keeper of the orchard or growing  
8 crop to own the carcass or carcasses, which may be possessed and  
9 consumed only within the immediate family of the cultivator,  
10 owner, mortgagee or keeper of the orchard or growing crop, or, in  
11 accordance with the labeling requirements for possession of deer,  
12 bear, moose or wild turkey, to transfer possession of those wild  
13 animals or wild turkeys to another person. Any excess carcasses  
14 after the first 2 carcasses of deer, bear, moose or wild turkey  
15 killed or taken under subsection 1 or 2 must be distributed to  
16 recipients authorized through the Hunters for the Hungry Program  
17 established in section 10108, subsection 8 or as otherwise  
18 authorized by the game warden.

19 5. Failure to report wounding, taking or killing of  
20 nuisance wild animal or to properly care for carcass. A person  
21 may not:

22 A. Wound, take or kill a wild animal under section 12401 or  
23 this section unless the person reports all the facts  
24 relative to the incident to the Maine Warden Service within  
25 12 hours; or

26 B. Kill a deer, bear or moose pursuant to section 12401 or  
27 this section unless the person immediately and properly  
28 dresses the carcass and cares for the meat to prevent  
29 spoilage.

30 **§12403. Damage to motor vehicles by wild animals or wild birds**

31 1. Claims. The State may not pay any claims for damages to  
32 a motor vehicle by a wild animal or wild bird.

33 2. Accidental collisions involving deer, moose, bear or  
34 wild turkey. This subsection applies to accidental collisions  
35 involving deer, moose, bear or wild turkey.

36 A. The operator or owner having knowledge of a motor  
37 vehicle that has been involved in an accidental collision  
38 with a deer, moose, bear or wild turkey shall, by the  
39 quickest means, report the accident to a law enforcement  
40 officer.

41 B. The officer shall investigate an accident reported under  
42 paragraph A and, if the officer finds that the motor vehicle  
43 has sustained apparent damage as the result of the  
44 accident, the officer shall report the accident to the  
45 appropriate law enforcement officer.

2 collision, shall give a certificate that entitles the person  
3 to the ownership of the carcass. The person may then take  
4 possession and immediately remove the entire carcass from  
5 the scene of the collision.

6 C. A person entitled to ownership of a deer, moose or bear  
7 carcass under paragraph B may not take possession of or  
8 remove any portion of the carcass without taking possession  
9 of or removing the entire carcass from the scene of the  
10 collision.

11 3. Penalties. The following penalties apply under this  
12 section.

13 A. A person who fails to report an accident in accordance  
14 with subsection 2, paragraph A or who removes a portion of a  
15 carcass in violation of subsection 2, paragraph C commits a  
16 civil violation for which a forfeiture of not less than \$100  
17 nor more than \$500 may be adjudged.

18 B. A person who possesses a moose injured in an accidental  
19 collision, except in accordance with subsection 2,  
20 paragraphs A and B, commits a Class D crime for which the  
21 court shall impose a sentencing alternative of not less than  
22 3 days for the first offense, none of which may be  
23 suspended, and of not less than 10 days for each succeeding  
24 offense, none of which may be suspended; and a fine of not  
25 less than \$1,000, none of which may be suspended.

26 **§12404. Specific animals**

27 1. Bear. This subsection applies to the taking or killing  
28 of bear found doing damage.

29 A. Section 12402 does not prohibit the taking or killing of  
30 bear found doing damage to blueberry land.

31 B. The commissioner may issue a permit to any licensed  
32 beekeeper, or to a person entrusted with the custody of the  
33 beehives of a licensed beekeeper, authorizing that person to  
34 protect beehives from damage by bear.

35 C. The commissioner may suspend the game laws relating to  
36 bears in such restricted localities and for such periods of  
37 time as the commissioner finds it advisable to relieve  
38 excessive damage being done by bears to sweet corn or other  
39 crops.

40 D. The commissioner may suspend subsection 6 for the  
41 purpose of allowing dogs to be used in hunting and killing  
42

2           bears, providing the dogs are under the personal supervision  
3           of the owner at all times, for such periods of time as the  
4           commissioner finds it advisable.

5           2. Beaver. A person may not take or kill beaver under  
6           sections 12401 and 12402. The commissioner may cause agents of  
7           the department to take nuisance beaver at any time.

8           3. Birds. A person may not take or kill wild birds, with  
9           the exception of rock doves and wild turkeys under sections 12401  
10           and 12402.

11           4. Coyotes. The commissioner may cause department  
12           personnel to take coyotes at any time and in any manner that the  
13           commissioner may prescribe.

14           5. Deer. This subsection applies to the taking or killing  
15           of deer found doing damage.

16           A. Whenever deer are doing damage to orchards and crops,  
17           including legumes, but excepting grass, the department shall  
18           furnish to the owner or agent of the orchards and crops  
19           suitable repellants without cost to the owner or agent. The  
20           commissioner may follow other good conservation practices to  
21           alleviate the damage.

22           B. Whenever the commissioner determines it impossible to  
23           keep deer from doing damage to young orchards, the  
24           commissioner may enter into an agreement with the owner of a  
25           young orchard in which the department assumes 1/2 the cost  
26           of fencing the orchard.

27           6. Dogs. This subsection applies to nuisance dogs.

28           A. A game warden may kill a dog outside the enclosure or  
29           immediate care of its owner or keeper when the game warden  
30           finds that dog:

31                   (1) Chasing, killing, wounding or pursuing a moose,  
32                   caribou, deer or elk at any time;

33                   (2) Chasing, killing, wounding or pursuing any other  
34                   wild animal in closed season; or

35                   (3) Worrying, wounding or killing a domestic animal,  
36                   livestock or poultry.

37           B. An owner of domestic animals, livestock or poultry, a  
38           member of the owner's family or a person to whom is  
39           entrusted the custody of domestic livestock or poultry may  
40           kill such animal, livestock or poultry.

2 kill any dog killing or attacking the domestic animals,  
livestock or poultry.

4 C. A person having evidence of a dog chasing, killing,  
wounding or pursuing moose, caribou, deer or elk or any  
6 other wild animal in closed season may present that evidence  
to the commissioner or any game warden.

8  
10 (1) The commissioner or game warden shall give notice  
in writing to the owner or keeper of the dog, stating  
12 the acts committed by the dog.

14 (2) After the owner or keeper of the dog has received  
written notice that the dog has committed any act  
16 prohibited by paragraphs E and F, anyone may kill the  
dog when it is found committing any of those prohibited  
18 acts.

20 D. A person having evidence of a dog chasing, killing,  
wounding or pursuing a moose, caribou, deer or elk or any  
22 other wild animal in closed season, or of a dog kept and  
used for that purpose, or of a dog worrying, wounding or  
24 killing a domestic animal, including another dog, or  
livestock, poultry, fowl or fur-bearing animal legally in  
26 captivity, when the dog is outside of the enclosure or  
immediate care of the dog's owner or keeper, may present  
28 that evidence to the District Court having jurisdiction.

30 (1) The court may issue a warrant against the owner of  
the dog, ordering the owner to show cause why the dog  
32 should not be killed.

34 (2) Upon hearing the evidence in the case, the court  
may order the dog killed by a game warden.

36 (3) The costs of prosecution must be paid by the owner  
38 or keeper of the dog.

40 E. Except as provided in paragraph F, the owner or keeper  
of a dog commits a civil violation for which a forfeiture of  
42 not less than \$100 nor more than \$500 may be adjudged if:

44 (1) That owner's or keeper's bird dog, retrieving dog  
or hound dog is found killing or wounding a moose,  
46 caribou, deer or elk during a period in which it is  
lawful to train dogs, as provided for in section 12051,  
48 subsection 1, while the dog is at a licensed dog  
training area or at a licensed trial for retrieving  
50 dogs; or

2                   (2) That owner or keeper has been notified under  
4                   paragraph C and that owner or keeper permits any dog  
                    mentioned in the notice to leave the owner's or  
                    keeper's immediate control.

6                   F. The owner or keeper of a dog commits a civil violation  
8                   for which a forfeiture of not less than \$500 nor more than  
                    \$1,000, none of which may be suspended, may be adjudged if  
                    that owner's or keeper's dog is found:

10                   (1) Chasing or pursuing a moose, caribou, deer or elk  
12                   at any time or any other wild animal in closed season;  
                    or

14                   (2) Killing or wounding a moose, caribou, deer or elk  
16                   at any time or any other wild animal in closed season.

18                   7. Muskrat. The commissioner may declare an open season on  
20                   muskrats that are polluting water supplies or damaging property  
                    if the owner makes a written complaint to that effect to the  
                    commissioner.

22                   8. Raccoons. The commissioner may suspend the game laws  
24                   relating to raccoons in such restricted localities and for such  
26                   periods of time as the commissioner finds it advisable to relieve  
                    excessive damage being done by raccoons to sweet corn or other  
28                   crops. The commissioner may suspend subsection 6 for the purpose  
                    of allowing dogs to be used in hunting and killing raccoons,  
30                   providing the dogs are under the personal supervision of the  
                    owner at all times, for such periods of time as the commissioner  
                    finds it advisable.

32  
34   CHAPTER 923

36   FISH: FISHING SEASONS AND RESTRICTIONS

38   SUBCHAPTER 1

40   SEASONS, RULEMAKING AND SPECIAL REGULATIONS

42                   §12451. Application of laws

44                   1. Waters covered by provisions relating to fish. This  
46                   Part so far as it relates to fish of all varieties and fishways  
                    applies to fish and fishways in the inland waters of the State.  
48



2        2. Great ponds. A person on foot may engage in any  
3 activity on the great ponds not inconsistent with any other law  
4 or regulation of the State or its political subdivisions.

5        3. Ponds of 10 acres or less. Fishing in a pond of 10  
6 acres or less, whether natural or artificial, formed on a brook,  
7 stream or river, is governed by the same laws and rules that  
8 govern fishing in the brook, stream or river on which the pond is  
9 situated. This subsection does not apply to private ponds as set  
10 forth in section 12508.

11        **§12452. Consolidation of rules**

12        Fishing rules as set forth in the annual Open Water Fishing  
13 Regulations folder and the annual Ice Fishing Regulations folder,  
14 as printed and distributed to the public, are declared to be  
15 official consolidations of fishing rules upon filing with the  
16 Secretary of State.

17        **§12453. Inland waters closed to fishing except as opened by**  
18 **law or rule**

19        All inland waters of the State are closed to fishing except  
20 as opened by law or rule.

21        **§12454. Ice fishing; closed areas and times**

22        1. Closed waters; commissioner's authority. All inland  
23 waters of the State are closed to ice fishing except those that  
24 have been opened by rule of the commissioner.

25        A. The commissioner may by rule close to ice fishing waters  
26 that have been reclaimed by the removal of rough fish.

27        B. The commissioner may open other waters for ice fishing  
28 for cusk in the nighttime.

29        **§12455. List of waters where children may fish with**  
30 **single-baited hook and line**

31        Rules adopted by the commissioner that set forth the special  
32 fishing regulations for inland waters of the State must include a  
33 list of waters where a person under 12 years of age may fish with  
34 a single-baited hook and line.

35        **§12456. Open seasons; exceptions**

36        1. Open seasons. Except as provided in subsection 2 and  
37 Part 12 and except as the commissioner may by rule provide, the

2 following are the open seasons for fishing in the State. All  
opening and closing dates are inclusive.

4 A. The open season for all fish in waters or portions of  
waters naturally free of ice in lakes and ponds is from  
6 April 1st to September 30th.

8 B. The open season for all fish in the rivers above  
tidewater in waters free of ice is from April 1st to  
10 September 15th.

12 C. The open season for all fish in brooks and streams in  
waters free of ice is from April 1st to August 15th.

14 D. The open-water fishing season on boundary waters between  
16 Maine and New Brunswick is from April 15th to September 30th.

18 2. Exceptions. Notwithstanding the open seasons  
established under subsection 1:

20 A. A person may take smelts at any time by the use of a  
22 dipnet in the usual and ordinary way in inland waters or  
24 portions of inland waters that are naturally free of ice,  
and where the taking of smelts is not prohibited by rules of  
the commissioner;

26 B. There is a continued closed season on the dipping of  
28 smelts from Morrill Pond and its tributaries in Somerset  
County;

30 C. Whenever the last day of open-water fishing season falls  
32 on a Saturday, the season is extended one day to include the  
following Sunday; and

34 D. The commissioner by rule may extend the open-water  
36 fishing season as long as such an extension does not pose a  
threat to the fishery. Rules adopted under this paragraph  
38 may include provisions that establish catch-and-release-only  
restrictions on landlocked salmon, trout, togue and bass.

40 **§12457. Restricted areas**

42 1. Closed waters. Except as the commissioner may by rule  
44 provide, the following waters are closed to fishing:

46 A. The area within 150 feet of any dam in which a fishway  
is located, except:

48

2 (1) At the following places, the fishway and the area  
3 within 75 feet of any part of the fishway are closed to  
4 fishing at all times:

5 (a) Grand Falls Powerhouse Dam on the St. Croix  
6 River in Baileyville; and

7 (b) Woodland Dam on the St. Croix River in  
8 Baileyville;

9 (2) At the following places, the area within 75 feet  
10 of the mouth of the fishway is closed to fishing at all  
11 times:

12 (a) East Grand Lake Dam in Forest City Township,  
13 T9 R4 NBPP; and

14 (b) Spednic Lake Dam in Vanceboro;

15 (3) At the so-called ice control dam on the  
16 Narraguagus River in the Town of Cherryfield, the area  
17 within 100 feet of the dam must be closed to fishing at  
18 all times;

19 (4) At East Outlet Dam in Sapling Township, T1R7, in  
20 Somerset County and in Big Moose Township, T2R6, in  
21 Piscataquis County at the outlet of Moosehead Lake, the  
22 fishway and the area within 50 feet of any part of the  
23 fishway must be closed to fishing at all times; and

24 (5) There is no fishing in or from the fishway at the  
25 Sheepscot Lake Dam in the Town of Palermo in Waldo  
26 County;

27 B. All waters within 200 feet of any fish hatchery or  
28 rearing station; and

29 C. The property owned by the Unity Utilities District  
30 located on Route 139 and Prairie Road in the municipality of  
31 Unity in Waldo County.

32 **§12458. Special regulations**

33 1. Aroostook River. A person 12 years of age or younger  
34 may fish from shore with a single-baited hook and line on the  
35 following areas of the Aroostook River during the open-water  
36 fishing season:

37 A. In the Town of Caribou, from and including Otter Brook  
38 upstream to the Maine Public Service Company dam, including

2 all tributaries in this section upstream to the first  
highway bridge intersecting each tributary; and

4 B. In the Town of Fort Fairfield, from and including Pattee  
Brook upstream to Hockenhull Brook, including all  
6 tributaries in this section upstream to the first highway  
bridge intersecting the tributary.

8  
10 **§12459. Fly-fishing by person who has loss of arm**

12 A person who possesses a valid fishing license and has  
suffered the loss of an arm may use any type of rod and reel to  
14 fish with a fly on waters open to fly-fishing. For the purposes  
of this section, "loss of an arm" means the physical loss of the  
16 arm at the wrist or above.

18 **SUBCHAPTER 2**

20 **LICENSE AND PERMIT REQUIREMENTS AND AUTHORIZATIONS**

22 **§12501. General fishing license**

24 1. License required. Except as otherwise permitted  
pursuant to this Part, a person may not fish for, transport or  
26 possess fish without a valid license issued under this section.

28 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  
30 to twice the applicable license fee must be imposed.

32 2. Eligibility. The commissioner may issue the following  
licenses to the following persons:

34 A. A resident fishing license to a resident 16 years of age  
36 or older; and

38 B. A nonresident fishing license to a nonresident 12 years  
40 of age or older.

42 3. Agent's fee. Clerks or other agents appointed by the  
commissioner to issue licenses shall charge a fee of \$2 for each  
44 license issued. The commissioner shall charge a fee of \$1 for  
each fishing license issued by department employees.

46 4. Exchange of licenses. A license issued under this  
section may not be exchanged for another license except as  
48 provided in this subsection. Temporary licenses may be exchanged  
for annual licenses as follows.

2 A. A resident who possesses a one-day or 3-day fishing  
4 license may exchange it in the municipality in which that  
6 person resides for an annual resident fishing license or a  
8 resident combination hunting and fishing license upon the  
10 payment to the clerk or issuing agent of \$2 and the  
12 difference between the fee for the one-day or 3-day license  
14 and the fee for the annual license.

10 B. A nonresident who possesses a 15-day nonresident fishing  
12 license may exchange it for an annual nonresident license  
14 upon the additional payment of \$12, the difference between  
16 the fee for the 15-day license and the fee for the annual  
18 license, and \$2 to the clerk or issuing agent.

16 5. Nonresident junior fishing license expiration. A  
18 nonresident junior fishing license issued to a nonresident who  
20 has passed the nonresident's 15th birthday is valid through the  
22 calendar year for which the license was issued.

20 6. Schedule of fees. The fees for fishing licenses are as  
22 follows.

24 A. A resident fishing license is \$19.

26 B. A resident combination hunting and fishing license is  
28 \$36.

30 C. A resident combination archery hunting and fishing  
32 license is \$36.

34 D. A nonresident junior fishing license, for persons 12  
36 years of age or older and under 16 years of age, is \$7.

38 E. A 3-day fishing license for a resident or nonresident,  
40 valid for the 72-hour period specified on the license, is  
42 \$21.

44 F. A nonresident 7-day fishing license, valid for 7 days  
46 from date indicated on license, is \$34.

48 G. A nonresident 15-day fishing license, valid for 15 days  
50 from date indicated on license, is \$38.

52 H. A nonresident season fishing license for persons 16  
54 years of age or older is \$50.

56 I. An alien season fishing license for persons 16 years of  
58 age or older is \$70.

2           J. A one-day fishing license for a resident or nonresident,  
3           valid for the 24-hour period indicated on license, is \$9.

4           7. Reciprocity with New Hampshire. When similar legislation  
5           is enacted by the State of New Hampshire, a fishing license  
6           issued to any person by either this State or New Hampshire meets  
7           all requirements of the law for a fishing license with respect to  
8           fishing in any lake or pond that lies partly in both of the  
9           states of Maine and New Hampshire.

10           §12502. Boys and girls camps fishing license

11           1. Issuance of camp fishing license. Upon application, the  
12           commissioner shall issue to a boys or girls camp a camp fishing  
13           license that will permit any of the boys or girls, under 16 years  
14           of age, to fish in the lake or pond adjacent to the main camp.  
15           The fee for this permit is \$75. Persons who fish under a camp  
16           fishing license, as provided in this subsection, are subject to  
17           this Part.

18           2. Penalty. Each day a person violates the terms of the  
19           special privilege under this section that person commits a civil  
20           violation for which a forfeiture of not less than \$100 nor more  
21           than \$500 may be adjudged.

22           §12503. Permitted fishing without license

23           1. Resident under 16 and nonresident under 12. A resident  
24           under 16 years of age and a nonresident under 12 years of age may  
25           fish without a license.

26           2. Land used for agricultural purposes; domicile.  
27           Notwithstanding section 10606 as it applies to this subchapter,  
28           any resident and any member of the resident's immediate family,  
29           as long as the angler's license to fish is not under suspension  
30           or revocation, may fish without a license in open inland waters  
31           from land:

32           A. To which they are legally entitled to possession;

33           B. On which they are actually domiciled; and

34           C. That is used exclusively for agricultural purposes.

35           3. Free fishing days. The Saturday and Sunday of Father's  
36           Day weekend and the Saturday and Sunday immediately preceding  
37           President's Day are free fishing days. Notwithstanding sections  
38           10606 and 12501, it is lawful during a free fishing day  
39           established under this subsection for a person to fish without a  
40           license in inland waters, except that this subsection does not  
41           apply to a person who is fishing from a boat.

2 apply to a person whose license to fish is under suspension or  
3 revocation. All other provisions of this Part relating to  
4 fishing apply during a free fishing day.

5 4. Groups of resident students. The commissioner may  
6 permit groups of residents who attend high school or who are  
7 enrolled in special education courses for persons who are  
8 underprivileged, persons with handicaps or people with special  
9 learning needs to fish without licenses for periods of not more  
10 than 3 days as long as the fishing activity is conducted as part  
11 of an educational program and is under the direct supervision of  
12 a teacher or instructor.

13 A. Each day a person violates the terms of the special  
14 privilege granted under this subsection that person commits  
15 a civil violation for which a forfeiture of not less than  
16 \$100 and not more than \$500 may be adjudged.

17 5. Patients at Veterans Administration Hospital. The  
18 commissioner may permit inpatients at the Veterans Administration  
19 Hospital at Togus to fish without a license in the inland waters  
20 within a 25-mile radius of Togus. Patients not under the direct  
21 supervision of hospital staff or volunteer supervisors shall have  
22 in their possession while fishing a valid pass issued by the  
23 Veterans Administration Hospital.

24 A. Each day a person violates the terms of the special  
25 privilege granted under this subsection that person commits  
26 a civil violation for which a forfeiture of not less than  
27 \$100 and not more than \$500 may be adjudged.

28 6. Fishing during event sanctioned by department.  
29 Notwithstanding section 10606 as it applies to this subchapter, a  
30 person who does not hold a fishing license may assist a child or  
31 a handicapped person who is a participant in a fishing event  
32 sanctioned by the department.

33 **§12504. Fishing derby and fishing tournament permits**

34 1. Permit required. Except as provided in section 12505, a  
35 person may not conduct a fishing derby or fishing tournament  
36 without a valid permit issued under this section.

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

40 2. Application. A person wishing to conduct a fishing  
41 derby or fishing tournament shall first make application for and  
42 obtain a permit from the commissioner. A bass tournament  
43 derby or fishing tournament shall first make application for and  
44 obtain a permit from the commissioner. A bass tournament  
45 derby or fishing tournament shall first make application for and  
46 obtain a permit from the commissioner. A bass tournament  
47 derby or fishing tournament shall first make application for and  
48 obtain a permit from the commissioner. A bass tournament  
49 derby or fishing tournament shall first make application for and  
50 obtain a permit from the commissioner. A bass tournament

2 sponsored by a bass club in waters free of ice falls under the  
3 provisions of section 12505. A completed application for a  
4 permit must include the proposed rules, requested dates, places,  
5 times and prize structure for the derby or tournament.

6 3. Rules. The commissioner shall adopt all necessary rules  
7 relative to permits to ensure that derbies and tournaments are  
8 conducted only at such times and places and in such a manner as  
9 are consistent with the fisheries management objectives of the  
10 department. Such rules must include:

11 A. Specifying the number of derbies or tournaments that may  
12 be conducted in a given body of water and the dates within  
13 which they may be conducted. These rules must be reviewed  
14 periodically; and

15 B. Fixing the maximum total value of prizes that may be  
16 awarded at each derby or tournament.

17 4. Issuance. The commissioner, following a determination  
18 that an applicant has complied with all rules adopted pursuant to  
19 this section, may issue a permit to the applicant authorizing the  
20 conduct of the derby or tournament. Applicants who have  
21 conducted derbies or tournaments in the requested body of water  
22 in the past that have conformed with all rules must be given  
23 preference in the issuance of permits.

24 5. Fee. The fee for a permit to conduct a fishing derby or  
25 fishing tournament is \$24.

26 **§12505. Bass tournament permit**

27 1. Permit required. A person may not conduct a bass  
28 tournament in waters free of ice without a permit issued under  
29 this section.

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

33 2. Application. A bass club seeking approval to conduct a  
34 bass tournament pursuant to this section may make application to  
35 the commissioner in a manner and form to be designated by the  
36 commissioner. The application must include the club's tournament  
37 rules, any amendments or changes to the rules and a schedule of  
38 the dates, places and times of the proposed tournament.

39 3. Issuance; notification to municipality. The  
40 commissioner, following a determination that a bass club has  
41 complied with all rules adopted pursuant to this section, may  
42 issue a permit to the applicant authorizing the conduct of the  
43 derby or tournament.



2 issue a permit to the applicant club authorizing the club to  
3 conduct the tournament during open season for black bass in  
4 waters free of ice. At least 10 days prior to issuing the  
5 permit, the commissioner shall notify any affected municipality  
6 of the receipt of an application for a multi-day bass tournament.

7 4. Fee. The fee for a bass tournament permit is:

8 A. For weigh-in tournaments, \$50 per day; and

9 B. For catch-and-release tournaments, \$10 per day.

10 5. Restrictions. The commissioner shall adopt all rules  
11 necessary to carry out the purposes of this section, including,  
12 but not limited to:

13 A. Requiring that precautions be taken so that, if  
14 possible, all fish caught may be retained alive and,  
15 following the close of the tournament, be released into the  
16 body from which they were taken;

17 B. Fixing the maximum total value of prizes that may be  
18 awarded at each tournament; and

19 C. Limiting the length of a tournament to 3 days. A  
20 tournament lasting more than one day must be a regional or  
21 multistate tournament sanctioned by the applicant bass club.

22 **§12506. Alewife, eel, sucker and yellow perch permit; elver**  
23 **prohibition**

24 1. Permit required. Except as otherwise authorized  
25 pursuant to the this Part and except as provided in subsection 5,  
26 a person may not fish for or possess alewives, eels, suckers,  
27 lampreys or yellow perch without a valid permit issued under this  
28 section.

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

32 2. Issuance. The commissioner may issue permits to fish  
33 for or possess alewives, eels, suckers, lampreys and yellow perch  
34 under rules that the commissioner establishes, if these permits  
35 do not interfere with rights granted under section 6131.

36 A. Eels may be harvested in inland waters using only eel  
37 pots or weirs.

2 B. Alewives, suckers and yellow perch may be harvested in  
inland waters using trap nets, dip nets or spears.

4 C. Lampreys may be harvested in inland waters by use of a  
hand-held dip net or by hand.

6  
8 3. Fees; transfer of permit. The minimum fee for an  
individual permit for alewives, suckers, lampreys and yellow  
10 perch is \$42. A crew permit may be sold for alewives, suckers,  
lampreys and yellow perch for \$100, authorizing up to 3 persons  
12 to engage in the permitted activity. The annual fee for an eel  
pot or weir permit is \$100. An eel pot or eel weir permit is not  
transferable.

14  
16 4. Five-year limited entry; eel weirs. The department may  
not issue an eel weir permit to a person unless that person  
18 possessed a valid eel weir permit for calendar year 1995. The  
department shall adopt routine technical rules pursuant to Title  
20 5, chapter 375, subchapter 2-A regarding the issuance of eel weir  
permits. The number of weirs and the number of square miles of  
22 watersheds in this State fished by eel weirs may not exceed those  
permitted in calendar year 1995.

24 5. Exception to permit requirement. Notwithstanding  
subsection 1:

26  
28 A. A person may fish for alewives by use of a dip net or  
single hook and line for consumption by that person or  
30 members of that person's family, provided that the person  
takes or possesses no more than one bushel in any day and  
32 provided also that the alewives are not taken from any  
waters in which a municipality or other person has been  
granted exclusive rights under section 6131;

34  
36 B. A person licensed or otherwise entitled to fish in Maine  
waters may take suckers for that person's use in all rivers,  
38 brooks and streams that are open to fishing between April  
1st and June 30th of each calendar year by the use of a hand  
40 spear, bow and arrow or by snagging. If suckers are taken  
by bow and arrow, the arrow must have a barbed or prong  
point and must be attached to the bow with a line;

42  
44 C. A person may fish for or possess alewives from inland  
waters if that person has been granted fishing rights under  
section 6131; and

46  
48 D. A person may take suckers for use as bait for fishing in  
inland waters as provided in section 12551 without a permit  
under subsection 2.

50

2 6. Eels and elvers prohibitions. The following  
3 prohibitions apply to the harvesting of eels and elvers in inland  
4 waters.

5 A. A person may not fish for or take elvers from inland  
6 waters.

7 B. A person other than the owner of a weir used to fish for  
8 or take eels in inland waters may not tend that weir while  
9 the weir is immersed unless that person has in the person's  
10 possession written permission from the owner to tend the  
11 weir or is in the presence of the owner and has the owner's  
12 permission to tend the weir.

13 §12507. License to cultivate or sell commercially grown and  
14 imported fish

15 1. License required. Except as otherwise authorized  
16 pursuant to this Part, a person may not cultivate or sell fish  
17 that have been commercially grown within the State or imported  
18 from outside the State without a valid license issued under this  
19 section.

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

23 2. Issuance. The commissioner may issue a license to  
24 cultivate and sell fish that have been either commercially grown  
25 within the State or imported from without the State.

26 3. Application. This section does not apply to and the  
27 commissioner may not issue permits governing any aspect of either  
28 the commercial aquaculture of Atlantic salmon when intended for  
29 use in commercial aquaculture in coastal waters or the Atlantic  
30 salmon restoration program.

31 4. Fee. The fee for a license to sell commercially grown or  
32 imported fish is \$25 annually.

33 5. Restrictions. The following provisions must be observed.

34 A. A license issued pursuant to subsection 2 must be kept  
35 constantly and publicly posted in the office or place of  
36 business of the licensee.

37 B. Whenever a person sells fish in more than one wholesale  
38 or retail outlet, each outlet must be licensed.

2 C. All fish sold under this section must be identified with  
3 the name and address of the source of the fish in a manner  
4 approved by the commissioner. A person may not offer for  
5 sale any commercially grown or imported fish that is not so  
6 identified.

7 D. A licensee shall keep invoices of fish sold and  
8 purchased under this section so that the invoices are  
9 available at all times for inspection by the commissioner or  
10 the commissioner's duly authorized agent.

11 6. Penalty. Each day a person violates any restriction of  
12 a license issued under this section that person commits a civil  
13 violation for which a forfeiture of not less than \$100 nor more  
14 than \$500 may be adjudged.

15 **§12508. License to operate private fee pond**

16  
17  
18 1. License required. A person who owns a private pond may  
19 not charge others for the opportunity to fish in that private  
20 pond unless the owner of that pond possesses a valid private fee  
21 pond license issued by the commissioner under this section.

22  
23 Each day a person violates this subsection, that person commits a  
24 Class E crime for which a minimum fine of \$50 and amount equal to  
25 twice the applicable license fee must be imposed.

26  
27 2. Licensed activities. A private fee pond license  
28 authorizes the owner of a private pond to charge others for the  
29 opportunity to fish in that private pond and authorizes persons  
30 who fish in that pond to fish for, take, possess and transport  
31 fish harvested from that pond, notwithstanding other provisions  
32 of the law or rules of the department pertaining to manner, time,  
33 season, bag limit, length limit or fishing license requirements.

34  
35 3. Fee. The fee for a private fee pond license is \$25.

36  
37 4. Restrictions. All fish taken from a private fee pond  
38 operated pursuant to this section must be killed prior to being  
39 transported from the site. All fish transported from the site  
40 must be tagged as provided by rules established by the  
41 commissioner.

42  
43 **§12509. Permit to import live freshwater fish or eggs**

44  
45 1. Permit required. Except as otherwise authorized  
46 pursuant to this Part, a person may not introduce, import or  
47 transport any live fish or gametes into the State or receive or  
48 have in that person's possession fish or gametes so introduced.

2 imported or transported without a valid permit issued under this  
3 section.

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

8 2. Issuance. The commissioner may grant permits to  
9 introduce, import or transport any live fish or gametes into the  
10 State or to receive or have in possession fish or gametes so  
11 introduced, imported or transported if the commissioner  
12 determines that the species does not pose an unreasonable risk to  
13 any species of fish or other organism after evaluating fish  
14 health, habitat and population management issues. The  
15 commissioner may not adopt rules or issue permits governing any  
16 aspect of either the commercial aquaculture of Atlantic salmon  
17 when intended for use in commercial aquaculture in coastal waters  
18 or the Atlantic salmon restoration program.

20 3. Application. Importers shall, when requesting a permit  
21 issued pursuant to subsection 2, provide the commissioner with  
22 the following information:

24 A. The number and species to be imported;

26 B. The name and address of the source;

28 C. A statement from a fish health inspector certified by  
29 the American Fisheries Society, a fish pathologist certified  
30 by the American Fisheries Society or a licensed accredited  
31 veterinarian, certifying that the fish or gametes are from  
32 sources that show no evidence of viral hemorrhagic  
33 septicemia, infectious pancreatic necrosis, infectious  
34 hematopoietic necrosis, Myxosoma cerebralis or other  
35 diseases that may threaten fish stocks within the State; and

36 D. Other professionally recognized tests or analyses,  
37 including evaluation of fish health, habitat or population  
38 management issues that the commissioner may require by rule  
39 to ensure that the species will not pose an unreasonable  
40 risk to any species of fish or other organism.

42 4. Rules. The commissioner may adopt rules allowing the  
43 possession and importation of certain species of tropical fish  
44 and goldfish without a permit, for aquarium purposes only, if the  
45 commissioner determines that the species does not pose an  
46 unreasonable risk to any species of fish or other organism after  
47 evaluating fish health, habitat and population management  
48 issues. Rules adopted pursuant to this subsection are routine

2 technical rules as defined in Title 5, chapter 375, subchapter  
3 2-A.

4 **§12510. Permit to stock inland waters**

6 1. Permit required. Except as otherwise authorized  
7 pursuant to this Part, a person may not introduce fish of any  
8 kind into any inland waters without a valid permit issued under  
9 this section. A person who violates this subsection commits a  
10 Class E crime, except that, notwithstanding Title 17-A, section  
11 1301, the fine may not be less than \$1,000 or more than \$10,000.

12 2. Issuance. The commissioner may issue a written permit  
13 allowing a person to introduce fish of any kind into any inland  
14 waters by means of live fish or otherwise.

15 **§12511. Permit to introduce fish or fish spawn into private**  
16 **pond**

17 The commissioner may issue a written permit to introduce  
18 fish or fish spawn into a private pond.

19 **§12512. Permit to transport live fish for breeding**  
20 **and advertising**

21 The commissioner may issue a permit to a person permitting  
22 that person to take and transport within the limits of the State  
23 fish taken in the State for breeding or advertising purposes.

24 **§12513. Permit to take baitfish**

25 Whenever inland waters are closed to fishing, the  
26 commissioner may issue permits to take baitfish for bait purposes  
27 from those waters.

28 **SUBCHAPTER 3**

29 **LIVE BAIT; DEALING, TRAPPING AND POSSESSION**

30 **§12551. Dealing in live smelts and baitfish**

31 1. Definition. For purposes of this section, "business  
32 facility" means a fixed place of business and does not include a  
33 motor vehicle or trailer. Live smelts or baitfish that are held  
34 in or on a motor vehicle or trailer by a person licensed under  
35 this section are considered in transport even if the motor  
36 vehicle or trailer may be temporarily placed at a specific

2 location by the licensee, or the licensee's designee, for the  
3 purpose of selling live smelts and baitfish to anglers.

4 2. License required. Except as otherwise authorized  
5 pursuant to this Part, a person may not engage in any activity,  
6 for which a license may be issued under this section without a  
7 valid license issued under this section.

8  
9 Each day a person violates this subsection, that person commits a  
10 Class E crime for which a minimum fine of \$50 and an amount equal  
11 to twice the applicable license fee must be imposed.

12  
13 3. Eligibility. A resident or nonresident is eligible to  
14 obtain a license to deal in live smelts and baitfish upon payment  
15 of the appropriate fee.

16  
17 4. Issuance. The commissioner may issue live smelt and  
18 baitfish licenses in the following categories.

19 A. A live bait retailer's license permits a person to  
20 possess for resale, sell or offer to sell live smelts,  
21 Osmerus mordax, and baitfish, as defined in section 10001,  
22 subsection 6.

23 B. A baitfish wholesaler's license permits a person to take  
24 and possess for resale, sell or offer to sell live baitfish.

25 C. A smelt wholesaler's license permits a person to take  
26 and possess for resale, sell or offer to sell live smelts.

27  
28 5. Schedule of fees. The fees for licenses under this  
29 section are:

30 A. For a live bait retailer's license, \$14;

31 B. For a baitfish wholesaler's license, \$24; and

32 C. For a smelt wholesaler's license, \$69.

33  
34 6. Live bait retailer's license. The following  
35 restrictions apply to the selling of live smelts and baitfish  
36 under the live bait retailer's license.

37 A. If a person sells live smelts or baitfish from more than  
38 one retail facility, that person must obtain a separate  
39 license for each place of business.

40 B. The holder of a live bait retailer's license may  
41 designate others to assist in selling live smelts and  
42 baitfish at the license holder's business facility.

2           C. The holder of a live bait retailer's license, or a  
3           designee, may transport live smelts and baitfish.  
4  
5           D. The holder of a live bait retailer's license may possess  
6           more than the daily bag limit of smelts at any time,  
7           providing that the smelts were acquired in a lawful manner.  
8           As evidence of lawful possession, the receipted invoice,  
9           bill of lading, bill of sale or other satisfactory evidence  
10          must be presented upon request to any agent of the  
11          commissioner.  
12  
13          E. A person licensed to sell live fish as bait may not  
14          possess at that person's place of business any species of  
15          fish that may not legally be sold as bait.  
16  
17          F. A person holding a live bait retailer's license may  
18          obtain live smelts only from a person lawfully licensed  
19          under this section to deal in live smelts.  
20  
21          7. Baitfish wholesaler's license restrictions. The  
22          following restrictions apply to the taking and selling of  
23          baitfish under the baitfish wholesaler's license.  
24  
25          A. A person engaged in taking, or assisting in taking, live  
26          baitfish for resale from inland waters must hold a current  
27          baitfish wholesaler's license, which must be exhibited upon  
28          request to any agent of the commissioner.  
29  
30          B. The holder of a baitfish wholesaler's license may take  
31          baitfish by use of a seine as defined in section 10001,  
32          subsection 55; a baitfish trap as defined in section 10001,  
33          subsection 7; a dipnet, a dropnet, a lift net or a bag net;  
34          or by hook and line.  
35  
36          C. The holder of a baitfish wholesaler's license may use  
37          particles of food for the purpose of luring baitfish to a  
38          baitfish trap, a dipnet, a dropnet, a lift net or a bag net.  
39  
40          D. If a person sells live baitfish from more than one  
41          wholesale facility, that person must obtain a separate  
42          license for each place of business.  
43  
44          E. The holder of a baitfish wholesaler's license may  
45          designate others to assist the holder in selling live  
46          baitfish at the holder's business facility.  
47  
48          F. The holder of a baitfish wholesaler's license, or the  
49          holder's designee, may transport live baitfish.  
50



- 2           G. The holder of a baitfish wholesale license who attempts  
4           to take live bait for resale using drop nets from the inland  
6           waters of the State by fishing through the ice shall mark  
8           all holes made in the ice by that person for that purpose.  
          The holes must be marked by suspending at least one strand  
          of fluorescent biodegradable tape at least 3 feet above the  
          ice around the entire perimeter of the hole so that the tape  
          is visible from all sides.
- 10           H. The holder of a baitfish wholesaler's license may not  
12           take eels.
- 14           I. The holder of a baitfish wholesaler's license may not  
16           take or sell suckers, Genus Catostomus, greater than 10  
          inches in length between April 1st and September 30th of  
          each year.
- 18           J. A person licensed to sell live fish as bait may not  
20           possess at that person's place of business any species of  
          fish that may not legally be sold as bait.
- 22           B. Smelt wholesaler's license restrictions. The following  
24           restrictions apply to the taking and selling of live smelts under  
          the smelt wholesaler's license.
- 26           A. Any person engaged in taking, or assisting in taking,  
28           live smelts for resale from inland waters must hold a  
30           current smelt wholesaler's license, which must be exhibited  
          upon request to any agent of the commissioner.
- 32           B. The holder of a smelt wholesaler's license may take live  
34           smelts for resale from any inland water in accordance with  
36           general rules adopted by the commissioner in regard to the  
38           taking of smelts. The holder of a smelt wholesaler's  
40           license shall comply with the same daily bag limit and the  
          same tackle restrictions that apply to all other anglers.  
          The holder of a smelt wholesaler's license may not take  
          multiple limits from waters governed by general rules in  
          order to attain the 8-quart limit of smelts described in  
          paragraph C.
- 42           C. The holder of a smelt wholesaler's license may use a  
44           baitfish trap, a dipnet, a dropnet, a lift net, a bag net or  
46           hook and line to take up to 8 quarts of smelts in a 24-hour  
48           period, beginning at noon on a given day, from specific  
          inland waters designated by the commissioner. A seine may  
          not be used to take smelts.

2 D. The holder of a smelt wholesaler's license may use  
3 particles of food for the purpose of luring smelts to a  
4 baitfish trap, a dipnet, a dropnet, a lift net or a bag net.

6 E. The holder of a smelt wholesaler's license may transport  
7 or possess at the holder's business facility more than the  
8 daily bag limit of smelts at any time, providing that the  
9 smelts were acquired in a lawful manner. If the smelts were  
10 purchased from another person, a receipted invoice, bill of  
11 lading or bill of sale must be presented upon request to any  
12 agent of the commissioner.

14 F. If a person sells live smelts from more than one  
15 wholesale facility, that person must obtain a separate  
16 license for each place of business.

18 G. The holder of a smelt wholesaler's license may designate  
19 others to assist in selling live smelts at the holder's  
20 business facility.

22 H. The holder of a smelt wholesaler's license, or the  
23 holder's designee, may transport live smelts, except that  
24 live smelts being transported directly from an inland water  
25 source must be accompanied by the licensee. The holder of a  
26 smelt wholesaler's license may not transport from an inland  
27 water source to the licensee's place of business more than 8  
28 quarts of live smelts.

30 I. The holder of a smelt wholesaler's license who attempts  
31 to take live smelts for resale using drop nets from the  
32 inland waters of the State by fishing through the ice must  
33 mark all holes made in the ice by that person for that  
34 purpose. The holes must be marked either by evergreen  
35 boughs placed around the hole or by suspending at least one  
36 strand of fluorescent biodegradable tape at least 3 feet  
37 above the ice around the entire perimeter of the hole so  
38 that the tape is visible from all sides.

40 J. A person holding a smelt wholesaler's license may obtain  
41 live smelts only from a person lawfully licensed under this  
42 section to deal in live smelts.

44 K. A person holding a smelt wholesaler's license must, at  
45 the time that person is engaged during the winter months in  
46 the taking of smelts, by any method other than hook and  
47 line, have a number 14 fish grader in operable condition in  
48 that person's immediate proximity during the taking of  
49 smelts and must use that grader during the smelt harvesting  
50 activity. The license holder must liberate immediately all  
undersized smelts alive into the waters from which they were

2           taken. For the purpose of this paragraph, a number 14  
3           grader is a grader having a minimum grate size of 14/64  
4           inches.

5           L. A person licensed to sell live fish as bait may not  
6           possess at that person's place of business any species of  
7           fish that may not legally be sold as bait.

8  
9           For purposes of this subsection, live smelts are considered in  
10          possession of the licensee once the smelts have been removed from  
11          the inland waters and placed in a container.

12  
13          9. Effect of revoked or suspended license. A person whose  
14          license to deal in live smelts and baitfish has been revoked or  
15          suspended pursuant to section 10902 may not assist another dealer  
16          in selling or transporting live smelts and baitfish.

17          10. Inspection of live smelts and baitfish. A person  
18          licensed under this section who possesses live smelts or baitfish  
19          at a fixed place of business shall make those fish available for  
20          inspection by a warden or a department fisheries biologist during  
21          normal business hours. A person licensed under this section who  
22          possesses live smelts or baitfish at a location other than the  
23          licensee's fixed place of business shall make those fish  
24          available for inspection by a warden or a department fisheries  
25          biologist at any time, upon request.

26  
27          **§12552. Purchase of live smelts from unlicensed dealers**

28  
29          1. Prohibition. A person licensed to deal in live baitfish  
30          pursuant to section 12551 may not purchase live smelts from a  
31          person who does not hold a current license to sell live smelts  
32          issued pursuant to section 12551, subsection 4, paragraph A or C.

33          2. Penalty. A person who violates subsection 1 commits a  
34          civil violation for which a forfeiture of not less than \$100 nor  
35          more than \$500 may be adjudged.

36  
37          The commissioner, subject to the hearing provisions of section  
38          10902, shall revoke for a period of at least one year from the  
39          date of conviction any licenses issued under section 12251 to a  
40          person convicted of a violation of subsection 1.

41          **§12553. Selling, using or possessing baitfish**

42  
43          1. Selling, using or possessing unlawful baitfish. A person  
44          may not, except as provided in this section, sell, offer for  
45          sale, use or possess for use as bait for fishing any species of  
46          fish other than baitfish as defined in section 10001, subsection  
47          6.  
48  
49  
50

2           A. Nothing in this Title prohibits the use of commercially  
4           prepared eggs from species that do not naturally occur in  
              the State for bait.

6           B. A person may take baitfish from all inland waters of the  
8           State during the period that those waters are open to  
10           fishing and the commissioner may grant permits in accordance  
              with section 12513 to take baitfish from certain waters at  
              any time.

12           A person who violates this subsection commits a Class E crime.  
14           The court shall, in addition, impose a fine of \$20, none of which  
              may be suspended, for each fish illegally possessed.

16           2. Sale of bait or baitfish in polystyrene foam  
18           containers. A person who sells bait or baitfish may not provide  
              or sell the bait or baitfish in containers that are composed in  
              whole or in part of polystyrene foam plastic.

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

24           3. Failure to label baitfish traps, drop nets or baitfish  
26           holding boxes. A person may not set or place within the inland  
28           waters of the State any baitfish trap, drop net or baitfish  
30           holding box without having the baitfish trap, drop net or  
              baitfish holding box plainly labeled with that person's full name  
              and address.

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

36           **§12554. Disturbing baitfish traps or baitfish holding boxes**

38           A person may not disturb or take any baitfish trap or  
40           baitfish holding box or any fish from any baitfish trap or  
              baitfish holding box other than that person's own without the  
42           consent of the owner of the baitfish trap or baitfish holding box.

44           A person who violates this section commits a Class E crime.  
              The court shall also impose a fine of \$20 for each fish  
              unlawfully possessed, none of which may be suspended.

46           **§12555. Checking baitfish traps**

48           While trapping for baitfish in the inland waters with the  
50           use of a baitfish trap as defined in section 10001, subsection 7,

2 a person may not fail to check the baitfish trap or fail to cause  
3 the baitfish trap to be checked at least once in every 7 calendar  
4 days.

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

8 **§12556. Importing live bait**

9 A person may not import into this State any live fish,  
10 including smelts, that are commonly used for bait fishing in  
11 inland waters.

12 A person who violates this section commits a Class E crime.  
13 The court shall also impose a fine of \$20 for each fish  
14 unlawfully possessed, none of which may be suspended.

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18  
19 **SUBCHAPTER 4**

20  
21 **GENERAL FISHING PROVISIONS**

22  
23 **§12601. Rule violations; open-water fishing or ice fishing**

24 Notwithstanding section 10602, a person who violates a rule  
25 regulating open-water fishing or ice fishing, except a rule  
26 implementing a statute the violation of which is a Class E crime,  
27 commits a civil violation for which a forfeiture of not less than  
28 \$100 not more than \$500 may be adjudged.

29 **§12602. Violation of number, amount, weight or size limits**

30 A person may not:

31 1. Fish in violation of certain rules. Fish in violation  
32 of the number, amount, weight or size limits established by rules  
33 adopted by the commissioner; or

34 2. Possess fish in violation of certain rules. Possess  
35 fish in violation of the number, amount, weight or size limits  
36 established by rules adopted by the commissioner.

37 A person who violates this section commits a Class E crime.  
38 The court shall also impose a fine of \$20 for each fish  
39 unlawfully possessed, none of which may be suspended.

40  
41  
42  
43 **§12603. Failure to observe Maine Indian Tribal-State Commission**  
44 **rules and regulations**

1           1. Prohibition. A person may not fish in any pond or in  
2 that portion of any river or stream subject to the authority of  
3 the Maine Indian Tribal-State Commission created by Title 30,  
4 Part 4 in violation of the rules or regulations of the commission.

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

8  
9  
10 **§12604. Closed season violation**

11           1. Prohibition. A person may not fish for any fish during  
12 the closed season or possess any fish taken during the closed  
13 season on that fish.

14           2. Penalty. A person who violates this section commits a  
15 Class E crime. The court shall also impose a fine of \$20 for  
16 each fish unlawfully possessed, none of which may be suspended.

17  
18  
19 **§12605. Fishing in waters closed to fishing**

20           1. Prohibition. A person may not fish in inland waters  
21 closed to fishing as described in section 12457 except that a  
22 person may fish for alewives and smelts in the manner provided  
23 under the laws regulating marine resources.

24           2. Penalty. A person who violates this section commits a  
25 Class E crime. The court shall also impose a fine of \$20 for  
26 each fish unlawfully possessed, none of which may be suspended.

27  
28  
29 **§12606. Ice fishing; waters closed to fishing**

30           1. Prohibition. A person may not ice fish in inland waters  
31 closed to ice fishing, except that person may fish for alewives  
32 and smelts in the manner provided under the laws regulating  
33 marine resources.

34           2. Penalty. A person who violates this section commits a  
35 Class E crime. The court shall also impose a fine of \$20 for  
36 each fish unlawfully possessed, none of which may be suspended.

37  
38  
39 **§12607. Unlawfully introducing department-raised fish or  
40 fish spawn**

41           1. Prohibition. A person may not introduce fish or fish  
42 spawn raised by the department into a private pond, unless the  
43 department permits the introduction for fishing events held in  
44 conjunction with educational or special programs sanctioned by  
45 the department.

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**UNLAWFUL FISHING METHODS**

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**§12651. Snagging**

1. Prohibition. Except as provided in section 12506, subsection 5, paragraph B, a person may not fish by snagging as defined by section 10001, subsection 58.

2. Penalty. A person who violates this section commits a Class E crime. The court shall also impose a fine of \$20 for each fish unlawfully possessed, none of which may be suspended.

**§12652. Fishing with more than 2 lines**

1. Prohibition. Except in accordance with section 12659, subsections 1 and 2, a person may not fish with more than 2 lines at any one time.

2. Violation. Violation of this section is a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**§12653. Taking fish by explosive, poisonous or stupefying substance**

1. Prohibition. A person may not use dynamite or any other explosive, poisonous or stupefying substance at any time for the purpose of taking or destroying any kind of fish.

2. Penalty. A person who violates this section commits a Class E crime. The court shall also impose a fine of \$20 for each fish unlawfully possessed, none of which may be suspended.

**§12654. Unlawful angling or fishing**

1. Prohibition. A person may not angle or fish other than by the use of the single baited hook and line, artificial flies, artificial lures and spinners, except that a person may take smelts in accordance with rules adopted with regard to the taking of smelts.

2. Penalty. A person who violates this section commits a Class E crime. The court shall also impose a fine of \$20 for each fish unlawfully possessed, none of which may be suspended.

**§12655. Unlawful use of bait**

A person may not use live, dead or chemically preserved natural or organic bait or food in water at times in which fishing is limited by rule to the use of artificial lures only.



2     **§12656. Possession and use of unlawful implements and devices**

4             **1. Prohibition. A person may not:**

6             **A. Possess any grapnel, trawl, weir, seine, gill net or**  
8             **trap or set line on or adjacent to any of the inland waters**  
10            **of the State, except in accordance with sections 12157 and**  
12            **12506 and section 12763, subsections 3 and 4; or**

14            **B. Except as otherwise provided, use any grapnel, spear,**  
16            **spear gun, trawl, weir, gaff, seine, gill net, trap or set**  
18            **lines for fishing.**

20                    **(1) A person may take suckers, eels, alewives and**  
22                    **yellow perch in accordance with section 12506.**

24                    **(2) A person may take baitfish with a baitfish trap,**  
26                    **as defined in section 10001, subsection 7.**

28                    **2. Penalty. A person who violates this section commits a**  
30                    **Class E crime. The court shall also impose a fine of \$20 for**  
32                    **each fish unlawfully possessed, none of which may be suspended.**

34     **§12657. Advance baiting**

36             **1. Prohibition. Except as provided in subsection 2, a**  
38             **person may not deposit any meat, bones, dead fish, parts of meat,**  
40             **bones, or dead fish or other food for fish for the purpose of**  
42             **luring fish, a practice known as "advance baiting."**

44             **2. Exception. A person may place food particles in a**  
46             **baitfish trap for the purpose of luring baitfish.**

48             **3. Penalty. A person who violates subsection 1 commits a**  
50             **civil violation for which a forfeiture of not less than \$100 nor**  
52             **more than \$500 may be adjudged.**

54     **§12658. Unlawfully trolling fly**

56             **1. Prohibition. A person may not troll a fly in inland**  
58             **waters restricted to fly-fishing.**

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

66     **§12659. Ice fishing regulations**

2 1. Five-line limit. Unless otherwise provided by rule, a  
3 person licensed to fish may fish through ice in the daytime with  
4 not more than 5 lines set or otherwise, which must be under that  
5 person's immediate supervision, in any waters that have been  
6 opened to ice fishing by the commissioner.

8 2. Cusk. Unless otherwise provided by rule, a person  
9 licensed to fish may fish through the ice in the nighttime for  
10 cusk in waters that have been opened pursuant to section 12454,  
11 subsection 1, paragraph B, by using not more than 5 lines set or  
12 otherwise. All lines set for cusk in the nighttime must be  
13 visited at least once every hour by the person setting them.

14 3. Black bass. Unless otherwise provided by rule, a person  
15 may take black bass through the ice during the same period that  
16 it is lawful to take salmon and trout.

18 4. Violation. A person may not fail to comply with any  
19 provision of this section.

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

24 **§12660. Antifreeze agents**

26 Adding substances containing ethylene glycol or other  
27 antifreeze agents to the waters of this State is a violation of  
28 Title 38, section 413.

30 **§12661. Ice fishing shacks**

32 1. Prohibitions. A person who owns any shack or temporary  
33 structure used for ice fishing may not:

36 A. Leave or allow the shack or structure to remain on the  
37 ice of any inland waters more than 3 days after the waters  
38 on which the shack or structure is located are closed to ice  
39 fishing;

40 B. Place or allow the shack or structure to be placed on  
41 the ice of any inland waters more than 3 days before the  
42 waters on which the shack or structure is located are opened  
43 to ice fishing; or

44 C. Fail to have painted on the outside of the shack or  
45 structure in 2-inch letters the owner's name and address  
46 when the shack or structure is on the ice of any inland  
47 waters.

50

2 2. Penalty. A person who violates subsection 1 commits a  
3 civil violation for which a forfeiture of not less than \$100 nor  
4 more than \$500 may be adjudged.

6 3. Removal of abandoned ice fishing shacks.  
7 Notwithstanding the provisions of Title 33, chapter 41, a  
8 landowner on whose property an ice fishing shack is left in  
9 violation of Title 17, section 2264 may remove or destroy the  
10 shack. The landowner may recover any costs of removing or  
11 destroying the shack from the owner of the shack in a civil  
12 action.

14 **§12662. Night ice fishing**

16 1. Prohibition. Except as provided in section 12659,  
17 subsection 2, a person may not ice fish from 1/2 hour after  
18 sunset to 1/2 hour before sunrise of the following morning.

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

24 **§12663. Unlawful sale of lead sinkers**

26 1. Prohibition. A person may not:

28 A. Sell a lead sinker for fishing that contains any lead  
29 and weighs 1/2 ounce or less; or

30 B. Offer for sale a lead sinker for fishing that contains  
31 any lead and weighs 1/2 ounce or less.

34 For the purposes of this subsection, "sinker" means a device that  
35 is designed to be attached to a fishing line and intended to sink  
36 the line. "Sinker" does not include artificial lures, weighted  
37 line, weighted flies or jig heads.

38 2. Civil penalty. A person who violates this section  
39 commits a civil violation for which a forfeiture of not less than  
40 \$100 nor more than \$500 may be adjudged.

42 **CHAPTER 925**

44 **FISH AND WILDLIFE MANAGEMENT AND RESEARCH**

46 **SUBCHAPTER 1**

48 **WILDLIFE MANAGEMENT AND RESEARCH**

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**§12705. Rule violations; scientific collection permits**

Notwithstanding section 10602, a person who violates a rule regulating scientific collection permits commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**§12706. Wildlife sanctuaries**

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**1. Designation of wildlife sanctuaries. The following described territories are designated as wildlife sanctuaries and are subject to the commissioner's authority under section 12701:**

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**A. Back Bay Sanctuary, Portland: Back Bay, so called, in Portland, in the County of Cumberland, above the Grand Trunk Railway bridge or within the area enclosed by a boundary line drawn as follows: Beginning at Fish Point at the easterly end of the Eastern Promenade in the City of Portland, thence extending about northeasterly to Pomeroy's Rock, thence about northeasterly to Mackworth or Half-way Rock southerly of Mackworth or Mackey Island, thence in a northerly direction to a point marked by a buoy 1,000 feet from the most easterly point of Mackworth Island, so called, thence in a northwesterly direction 700 yards more or less to the northernmost point of the large ridge on the north side of Mackworth Island, thence in a north northwesterly direction in a straight line about parallel to the Town of Falmouth shore to the point on the shoreline where the property known as the Berry Estate meets the property known as the Portland Country Club, thence northwesterly and southwesterly along the shore line of the Town of Falmouth including that of the salt water pond adjacent to the property known as the Portland Country Club to Mackworth or Mackey Point, thence about southwesterly along the easterly side of Martin Point bridge to the shore of East Deering (United States Marine Hospital) Portland, thence about southwesterly and southerly along said East Deering shore to the Grand Trunk bridge, thence along the easterly side of said Grand Trunk bridge to the shore of the Eastern Promenade, Portland, thence about southerly along said shore of the Eastern Promenade to the said Fish Point, the point of beginning;**

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**B. Baxter State Park: The following described tracts of territory situated in the Counties of Penobscot and Piscataquis W. E. L. S. the same being in unorganized townships, to wit: That portion of Township 6, Range 8, Penobscot County in the southwest corner of said township bounded and described as follows: Beginning at the southwest corner of said township thence north along the west line of**

2 said township to First Grand or Matagamon Lake; thence  
4 easterly, southeasterly and southerly along the western  
6 shore of said lake to the point where the said western shore  
8 intersects the north line of the Dam Lot, so called, which  
10 was conveyed to the East Branch Dam Company by deed dated  
12 October 28, 1902 and recorded in Penobscot County Registry  
14 of Deeds in book 727, page 335 and reputed to be now owned  
16 by the East Branch Improvement Company; thence running west  
18 along the north line of said Dam Lot to the northwest corner  
20 thereof; thence running south along the west line of said  
22 Dam Lot to the southwest corner thereof; thence running east  
24 along the south line of said Dam Lot to the East Branch of  
26 the Penobscot River; thence running south by said East  
28 Branch to a point in the south line of said township where  
30 the said East Branch intersects the same; thence running  
32 west along the said south line of said township to the  
34 southwest corner thereof and the point of beginning; all of  
Township 3, Range 9, Piscataquis County now the property of  
the State of Maine: All of Township 4, Range 9, Piscataquis  
County: All of Township 5, Range 9, Piscataquis County: That  
portion of Township 6, Range 9, Piscataquis County lying  
south of Trout Brook and south of Wadleigh Brook and  
extending from the east line of said township across said  
township to the west line thereof: All of Township 3, Range  
10, Piscataquis County: All of Township 4, Range 10,  
Piscataquis County: All of Township 5, Range 10, Piscataquis  
County, excepting therefrom an area of 20 acres in the  
southwesterly quarter thereof, formerly owned by and  
belonging to Charles A. Daisey, now owned by Arnold R.  
Daisey, which was excepted and reserved from a deed from  
Percival Proctor Baxter to the State of Maine, as set forth  
in chapter 91 of the private and special laws of 1943. The  
said within described 8 tracts or parcels of land contain  
149,506 acres, more or less;

36 C. Beauchamp Sanctuary: The following described territory  
38 situated in Rockport and Camden, in the County of Knox:  
40 Beginning at the mouth of Goose River in Rockport; thence in  
42 a northerly direction along number 1 highway to the mouth of  
the Megunticook River in Camden; thence in a southerly  
direction along the coast around Metcalf Point and Beauchamp  
Point and thence in a northerly direction to the said Goose  
River;

44 D. Carver's Pond Waterfowl Sanctuary: The waters of  
46 Carver's Pond, so called, in the Town of Vinalhaven, County  
48 of Knox or 100 feet from the mean high water mark of said  
50 pond. Carver's Pond for the purpose of this sanctuary must  
be considered all the waters of said pond above the bridge  
on Main Street of the Town of Vinalhaven;

2 E. Drake's Island Game Sanctuary: All that part of Drake's  
3 Island, so called, in the Town of Wells, which is bounded as  
4 follows: Northerly by the game sanctuary established by  
5 chapter 31 of the public laws of 1927; easterly by the  
6 Atlantic Ocean; southerly by the Wells River; and westerly  
7 by said river and creek flowing under Dyke's Bridge, so  
8 called;

10 F. Dry Pond Sanctuary: On Dry Pond, also known as Crystal  
11 Lake, or from the shores of said pond, which pond is  
12 situated in the Town of Gray, in the County of Cumberland;

14 G. Fairfield Sanctuary: The following described territory  
15 situated in the Town of Fairfield, in the County of  
16 Somerset: Good Will Farm, so called; the Girls' Farm, so  
17 called, of Good Will Farm; land of G. W. Hinckley; land of  
18 John Connor; land of J. Russell Barrett, which land is  
19 bounded as follows: On the north by land of Edwin Hicks and  
20 N. E. Bessey; on the east by the Kennebec River; on the  
21 south by land of Fred Tobey, Frank Moore, H. B. Hamm and C.  
22 B. Tuttle, also by the Fairfield town farm; on the west by  
23 land of L. P. Gifford, Alonzo Hoxie, Edwin Marcou and also  
24 by Martin Stream; said territory being Good Will Farm  
25 proper, so called, the Girls' Farm, so called, and land of  
26 G. W. Hinckley, John Connor and J. Russell Barrett, adjacent  
27 to the above-named farms. For provisions relating  
28 specifically to Fairfield Sanctuary, see section 12707,  
29 subsection 2, paragraph D;

30 H. Glencove Sanctuary: Rockport: Glencove, so called, in  
31 Penobscot Bay, which cove is situated in the Town of  
32 Rockport, in the County of Knox, and which cove is bounded  
33 as follows, to wit: On the north, west and south by the main  
34 land, on the east by a line extending from Smith's Point to  
35 Ram Island and from Ram Island to the easterly point of Pine  
36 Hill in said Rockport;

38 I. Gray Game Sanctuary: The following described territory  
39 situated in the Town of Gray in the County of Cumberland:  
40 Beginning at Gray Corner following the Poland Spring Road to  
41 Dry Mills, thence following the North Raymond Road to the  
42 guidepost at intersection of East Raymond Road, thence  
43 following the East Raymond Road to Douglass Mill Road;  
44 thence following the Douglass Mill and Furbush Road to "Sand  
45 Brook," so called, on shore of Little Sebago Lake, thence  
46 following shore of Little Sebago Lake to Foster Shore, so  
47 called, at intersection of Foster and Ramsdell Road, so  
48 called, near camp of Dr. Cushing following last named road  
49 in easterly direction to intersection of Ramsdell Road near  
50

2 homestead of Edgar Foster, thence in a southerly direction  
3 following said Ramsdell road to intersection of road leading  
4 from Gray to West Gray, thence following last named road to  
5 Gray Corner to point of beginning;

6 J. Hog Island Game Sanctuary: Hog Island in the Town of  
7 Bremen, Lincoln County;

8  
9 K. Jefferson and Whitefield Sanctuary: The following  
10 described territory situated in the Towns of Jefferson and  
11 Whitefield, in the County of Lincoln, which land is bounded  
12 as follows: On the north by the highway leading from Weary  
13 Pond to South Jefferson; on the east by Sterns Brook and by  
14 Little Dyer's Pond and the inlet stream and marsh of said  
15 pond and by the highway leading from South Jefferson to  
16 Alna; on the south by the Alna town line; on the west by the  
17 road leading from Alna to said Weary Pond, in the Town of  
18 Whitefield;

19 L. Kineo Point Sanctuary: Kineo Point, in Kineo, in the  
20 County of Piscataquis;

21  
22 M. Limington, Hollis and Waterboro Sanctuary: The following  
23 described territory situated in the Towns of Limington,  
24 Hollis and Waterboro, in York County; beginning at a point  
25 where the Little Ossipee River joins the Saco River in the  
26 Town of Limington, thence westerly and southerly along said  
27 Little Ossipee River to the highway at Edgecomb's bridge, so  
28 called, in Waterboro, thence southerly and easterly along  
29 said highway to North Hollis, in the Town of Hollis, thence  
30 easterly and northerly along the road next west of Killick  
31 Brook to the road leading from Nason Mills to Bonney Eagle,  
32 thence northeasterly along said Bonney Eagle Road to the  
33 town line between Limington and Hollis, thence northerly  
34 along said town line to the Saco River, thence northerly  
35 along said Saco River to the point of beginning. All roads  
36 which serve to bound said Limington, Hollis and Waterboro  
37 game sanctuary must be a part of said sanctuary. For  
38 provisions relating specifically to Limington, Hollis and  
39 Waterboro Sanctuary, see section 12707, subsection 4;

40  
41 N. Megunticook Lake and Vicinity Sanctuary: The waters of  
42 Megunticook Lake, formerly called Canaan Lake, and its  
43 tributary lakes, ponds and streams, and upon the land  
44 bordering on the same included within the following roads:  
45 Beginning at Hopkins' Corner, so called, in the Town of  
46 Camden; thence via the Turnpike Road, so called, to  
47 Lincolntown Center; thence to Wiley's Corner in  
48 Lincolntown, thence to the Mansfield schoolhouse in the  
49 Town of Camden; thence via the Fish Hatchery to place of  
50



2 beginning; all of said lake, its tributaries and shores  
3 being located in the Towns of Camden, Lincolnville and Hope,  
4 in the Counties of Knox and Waldo. For provisions relating  
5 specifically to Megunticook Lake and Vicinity Sanctuary, see  
6 section 12707, subsection 2, paragraph H;

7  
8 O. Merrymeeting Bay Game Sanctuary: Merrymeeting Bay in the  
9 Towns of Bowdoinham and Woolwich bounded as follows:  
10 Commencing at the high tension tower on Kelley's Point, so  
11 called, in Bowdoinham; thence westerly by a line  
12 approximately 100 feet above the high water mark designated  
13 by a series of posted signs over the field lands and by  
14 posted signs and a single strand of wire through the wooded  
15 area thus southerly 100 feet more or less to a red stake at  
16 the high water mark of Merrymeeting Bay; thence southerly  
17 approximately 400 yards to a red stake or marker on range  
18 between the first mentioned red stake and Butler's Head, so  
19 called, this stake or marker must also be on range between  
20 the iron pin on the southeasterly corner of the Inland  
21 Fisheries and Wildlife camp lot on the west shore of the  
22 Abagadasset River and the eastern support tower on the  
23 southern high tension power line in Woolwich; thence  
24 southeasterly across the flats and waters of Merrymeeting  
25 Bay approximately 1,900 yards to a red stake or marker  
26 located near high water mark on Elliott's Point, so called,  
27 on the Woolwich shore; thence northeasterly following high  
28 water mark approximately 1,250 yards to a red stake or  
29 marker under the overhead high tension power cables; thence  
30 westerly by a straight line to the point of beginning.

31  
32 For provisions relating specifically to Merrymeeting Bay  
33 Game Sanctuary, see section 12707, subsection 3;

34 P. Monroe Island Game Sanctuary: Monroe Island, in the Town  
35 of Owl's Head, in the County of Knox;

36  
37 O. Moosehead Lake Game Sanctuary: The following described  
38 tracts or territory situated in the County of Piscataquis:  
39 Moose Island and Farm Island, in Moosehead Lake, and the  
40 territory bounded as follows: Beginning on the shore of  
41 Moosehead Lake at a point nearest to the easterly end of the  
42 state road leading westerly from Greenville Junction, so  
43 called, to the state fish hatchery on Moose Brook, thence  
44 westerly by said state road to said hatchery, thence  
45 northeasterly down said brook to the shore of Moosehead  
46 Lake, thence by the shore of said lake to the point of  
47 beginning;

2 R. Moosehorn Game Sanctuary: The right-of-way of the Maine  
3 Central Railroad from St. Croix Junction in Calais,  
4 southerly to the Charlotte town line;

5 S. Narragansett Game Sanctuary: The following described  
6 territory situated in the Town of Gorham, in the County of  
7 Cumberland: Bounded on the north by the right-of-way of the  
8 W. N. & P. division of the Boston & Maine railroad; on the  
9 east by the Black Brook Road or Scarborough Road, so called, in  
10 said Town of Gorham; on the south by the Stroudwater River;  
11 and on the west by South Street or South Gorham Road, so  
12 called, in said Town of Gorham, containing 3,600 acres, more  
13 or less. For provisions relating specifically to  
14 Narragansett Game Sanctuary, see section 12707, subsection  
15 2, paragraph D;

16 T. Ocean Park Game and Bird Sanctuary: The following  
17 described territory situated in the Town of Old Orchard  
18 Beach, in the County of York: Beginning at a point on the  
19 easterly side of Fresh Water Cove Brook, so called, where  
20 the same intersects the Boston and Maine Railroad  
21 right-of-way; thence southerly along said brook to its mouth  
22 where it joins the Goose Fare Brook; thence southeasterly  
23 along said Goose Fare Brook to its mouth; thence easterly  
24 and parallel with the Atlantic Ocean and 50 feet in front of  
25 all bulkheads and houses fronting on the beach to the  
26 easterly side of Tunis Avenue; thence northwesterly along  
27 said avenue to the Boston and Maine Railroad right-of-way;  
28 thence by said Boston and Maine right-of-way to point of  
29 beginning;

30 U. Orrington Game Sanctuary: The following described  
31 territory beginning at a point on the state aid road No. 4,  
32 in Orrington, at the East Bucksport turn, extending in a  
33 southerly and southeasterly direction to the county line; on  
34 the road leading to Thurston Pond, to the Hancock County  
35 line; thence southwesterly along said county line to the  
36 land of Harry Byard; north along said line to the land of E.  
37 F. Bowden; west on said line to the land of Frank Betts;  
38 northerly on line of E. F. Bowden to land of Fred Bowden;  
39 west on Fred Bowden's line to land of J. Betts; northerly on  
40 line of Fred Bowden and J. Betts to line of H. Byard;  
41 westerly on Byard's line and line of Mary Gray to land of P.  
42 W. Gray; northerly on Gray's line to land of J. Bowden  
43 heirs; northerly across said land to the line of E. F.  
44 Bowden and J. W. Bowden heirs; easterly on J. W. Bowden  
45 heirs' line to the first mentioned bound. The commissioner  
46 may add adjacent property to said game sanctuary upon  
47 application of said adjacent property owners;

2 V. Pittston Farm Sanctuary: Pittston Farm, so called, in  
Pittston Township, in the County of Somerset, being all the  
4 fields, pastures and cultivated lands of said farm;

6 W. Prout's Neck; Richmond's Island; Cape Elizabeth  
Sanctuary: The following described territory: On the 112  
8 acres of land, more or less, comprising Prout's Neck, so  
10 called, in the Town of Scarborough, in the County of  
Cumberland; or on Richmond's Island, so called, in the Town  
12 of Cape Elizabeth, in said County of Cumberland; or on the  
tract of land comprising 1,600 acres, more or less, situated  
14 in said Town of Cape Elizabeth, and bounded as follows:  
Southeasterly and southerly by the low low watermark of the  
16 Atlantic Ocean, westerly by the low low watermark of the  
Spurwink River, northerly by the Spurwink Road, so called,  
18 leading from Spurwink Bridge to Bowery Beach, easterly by a  
certain private road or way which runs in a southerly  
20 direction from the aforesaid Spurwink Road to said Bowery  
Beach, being the road which runs in front of the dwelling  
22 house of one Charles L. Jordan and along the easterly  
boundary of land of said Charles L. Jordan, and along the  
24 westerly boundary of land of the Great Pond Club, but not  
including any portion of said Bowery Beach. For the purpose  
26 of this paragraph, Richmond's Island includes only that  
portion of land above the mean high watermark and the  
28 easterly portion, as defined by red painted markers, of the  
causeway between Richmond's Island and the mainland. For  
30 provisions relating specifically to Prout's Neck; Richmond's  
Island; Cape Elizabeth Sanctuary, see section 12707,  
subsection 2, paragraphs C and D;

32 X. Rangeley Game Sanctuary, in the County of Franklin: The  
following described tract or territory, situated in  
34 Rangeley, in the County of Franklin, to wit: So much of said  
Town of Rangeley as is bounded as follows: Southwesterly by  
36 Rangeley Lake; northwesterly and northeasterly by route No.  
16; and southeasterly by the inlet to Rangeley Lake leading  
38 from Haley Pond, so called. The territory above described  
being so much of said Town of Rangeley, as lies between  
40 Rangeley Lake, the outlet of Rangeley Lake, route No. 16 and  
said inlet to Rangeley Lake from Haley Pond. This paragraph  
42 applies to that part of Hunter Cove, so called, lying  
northerly of Hunter Cove Bridge, so called;

44 Y. Rangeley Lake Sanctuary: Rangeley Lake bounded as  
46 follows: Beginning at Gilman's Point on the northerly shore  
of Rangeley Lake; thence southerly across said lake to the  
48 southwesterly corner of land of the Rangeley Lake Hotel  
Corporation; thence northerly, westerly and southerly around  
50 the shore of said Rangeley Lake back to the original

2 starting point. Boats may pass through without incurring any  
3 penalty;

4 Z. Rangeley Plantation Sanctuary: The following tracts of  
5 land situated in Rangeley Plantation in the County of  
6 Franklin: Land of the Maine Conference Association of  
7 Seventh-day Adventists and the adjoining land now or  
8 formerly owned by Mrs. Franklin B. Stahl, said parcels  
9 laying southerly of Rangeley Lake. The commissioner may,  
10 after notice and public hearing, add adjacent property to  
11 said game sanctuary upon application of the owners of said  
12 adjacent property. For provisions relating specifically to  
13 Rangeley Plantation Sanctuary, see section 12707, subsection  
14 2, paragraph E;

15 AA. Readfield and Winthrop Sanctuary: The waters of  
16 Carleton Pond, so called, in the Towns of Readfield and  
17 Winthrop in the County of Kennebec, and the lands of the  
18 Augusta Water District adjacent to said pond and located in  
19 said Towns of Readfield and Winthrop, now owned or which may  
20 be hereafter acquired by said district in furtherance of its  
21 chartered purposes. For provisions relating specifically to  
22 Readfield and Winthrop Sanctuary, see section 12707,  
23 subsection 2, paragraphs F and G and subsection 6;

24 BB. Salmon Pond Sanctuary: That territory lying within a  
25 distance of 1/4 of a mile of Salmon Pond, which pond is  
26 situated in the Town of Guilford, in the County of  
27 Piscataquis, said pond being the source of water supply for  
28 the Dover-Foxcroft Water District, also all the lands now  
29 owned by said Dover-Foxcroft Water District in Lots 3 and 4,  
30 Range 7, which lie outside of the above 1/4 of a mile limit;

31 CC. Somerset Game Sanctuary: The following described tract  
32 or territory situated in Somerset County, the same being in  
33 unorganized territory, and taking in parts of Sapling Town,  
34 Misery Gore, Taunton and Raynham Township, and including the  
35 whole of Sandbar Tract, bounded and described as follows:  
36 The territory from the highway, being route 15, east to low  
37 watermark on Moosehead Lake between East Outlet and West  
38 Outlet, bounded as follows: Beginning at the junction of the  
39 low watermark of Moosehead Lake and the northerly side of  
40 the East Outlet of said lake; thence westerly by the  
41 northerly side of said East Outlet to the highway, being  
42 route 15; thence northerly by said highway to the southerly  
43 side of the West Outlet of said Moosehead Lake; thence  
44 easterly by the southerly side of said West Outlet to low  
45 watermark of Moosehead Lake; thence southerly by said low  
46 watermark of Moosehead Lake to the point of beginning;

2 DD. Standish Sanctuary: The following described territory  
3 in the Town of Standish in the County of Cumberland:  
4 Beginning at the point where the Maine Central railroad  
5 crosses the Pequaket Trail in Steep Falls; thence southerly  
6 and easterly by said Pequaket Trail, the Oak Hill Road,  
7 so-called, and the so-called back road from Steep Falls to  
8 Richville to its junction with the Rich Mill Road,  
9 so-called; thence by said Mill Road northeasterly to its  
10 junction with the road leading from Sebago Lake to East  
11 Sebago; thence by the last named road northerly to a point  
12 approximately 1 1/4 miles north of the Maine Central  
13 railroad crossing; thence by a certain wood road westerly to  
14 its junction with the Maine Central railroad; thence by said  
15 railroad northwesterly to the point of beginning. All roads  
16 and the Maine Central railroad right-of-way that serve to  
17 bound said Standish Game Sanctuary are a part of said  
18 sanctuary. For provisions relating specifically to Standish  
19 Sanctuary, see section 12707, subsection 5;

20 EE. Stanwood Wildlife Sanctuary: Beginning on Route 3 in  
21 Ellsworth at the northeast corner of the Stanwood Wildlife  
22 Sanctuary and the southeast corner of the Animal Medical  
23 Center; thence southerly 795 feet on the highway to an iron  
24 pipe, being the northeast corner of the Luchini lot; thence  
25 westerly 363 feet along Luchini's north line to an iron  
26 pipe; thence S 6' 40' W 716 feet to an iron pipe, abutting  
27 Luchini, Grossman's Lumber, and the Ellsworth Water Company  
28 water tower; thence N 81' 23' W 1699 feet, abutting the  
29 Jordan brothers' lot to a stake; thence N 6' 40' E 511 feet  
30 to a stake, abutting Khanbegian; thence N 79' 59' W 1432  
31 feet to a stake, abutting Khanbegian; thence westerly 330  
32 feet to a stake, abutting John Dorgan; thence S 79' 59' E  
33 720 feet to an iron pipe, abutting John E. Partridge; then  
34 10' 6' E 659 feet to an iron pipe, abutting John E.  
35 Partridge and Beatrice Jones; thence S 79' 59' E 1342 feet  
36 to an iron pipe, abutting Harry S. Jones, III; thence N 6'  
37 08' E 326 feet to an iron pipe, abutting Harry S. Jones,  
38 III; thence N 80' 45' E 60 feet to an iron pipe, abutting  
39 the Maine Coast Mall; thence S 6' 08' W 87 feet to an iron  
40 pipe, abutting Dow Pontiac; thence N 69' 50' E 340 feet to  
41 an iron pipe, abutting Dow Pontiac; thence S 31' 04' E  
42 371.75 feet to an iron pipe, abutting Ellsworth Agway and  
43 Branch Pond Marine; thence N 80' 42' E 84.5 feet to an iron  
44 pipe, abutting Ellsworth Car Wash; thence S 4' 45' W 219.8  
45 feet to an iron pipe, abutting Animal Medical Center; thence  
46 N 69' 50' E 345 feet to an iron pipe, abutting Animal  
47 Medical Center and being the point of beginning, containing  
48 100 acres more or less. The commissioner may add adjacent  
49 property to the game sanctuary upon application of the  
50 adjacent property owners;

2       FF. Thorcrag Bird Sanctuary: The following described  
3       territory: A certain parcel of land situated in Lewiston,  
4       and bounded as follows, to wit, beginning on the  
5       northeasterly side of the road leading from Barker Mills to  
6       the Thorne Corner Schoolhouse so-called, at the corner of  
7       the late Benjamin Thorne's land; thence running  
8       northeasterly about one hundred and seventy (170) rods to  
9       the corner of the late Phineas Wright and Dutton lot,  
10       so-called, thence northwesterly on said Wright lot about  
11       forty-six (46) rods to land owned by David Nevens; thence  
12       southwesterly on the line of said Neven's land to the above  
13       mentioned road, thence on the line of said road to the first  
14       mentioned bounds, containing forty-five acres (45) more or  
15       less. A certain lot or parcel of land, situated in  
16       Lewiston, in said County of Androscoggin, and bounded and  
17       described as follows: Bounded southwesterly by a line  
18       commencing at a point in the southeasterly line of land of  
19       The Stanton Bird Sanctuary, six hundred eighty (680) feet  
20       northeasterly from the northeasterly line of said Montello  
21       Street, thence southeasterly and parallel with said Montello  
22       Street to a point six hundred eighty (680) feet  
23       northeasterly from said Montello Street to land formerly of  
24       George E. Ridley; bounded southeasterly by land formerly of  
25       said George E. Ridley; bounded northeasterly by land  
26       formerly of George H. Field; and bounded northwesterly by  
27       land of The Stanton Bird Club. A certain lot of land  
28       situated in said Lewiston, bounded and described as follows,  
29       to wit: Beginning at a stake and stones at the northeast  
30       corner of lot numbered thirteen (13); thence southwesterly  
31       on line of land now or formerly of Catherine Lynch and land  
32       formerly owned by George Bubier to the northeast corner of  
33       land formerly owned by Phineas Wright; thence northwesterly  
34       along said Wright land sixty-two (62) rods and five (5)  
35       links to stake in the corner of land now or formerly owned  
36       by William B. Kilbourne; thence north fifty degrees (50')  
37       east on line of said Kilbourne land seventy (70) rods to  
38       stake standing on the southerly line of lot numbered twelve  
39       (12), formerly owned by James Lowell; thence southeasterly  
40       on said last mentioned line sixty-two (62) rods and five (5)  
41       links to point of commencement. Containing twenty-six (26)  
42       acres and one hundred fifty-seven (157) rods. A certain lot  
43       or parcel of land adjoining the lot above described and  
44       bounded and described as follows, to wit: Commencing on the  
45       westerly side of the road leading from Thorne's Corner by  
46       the residence now or formerly owned by Henry C. Field to  
47       Greene at the northeasterly corner of land owned by said  
48       Field, now or formerly; thence northwesterly on line of said  
49       Field land to land now or formerly of Frye and Dill; thence  
50       northeasterly on line of said Frye and Dill land and lot

2 above described to land now or formerly owned by Catherine  
3 Lynch; thence southeasterly on line of said Lynch land to  
4 the aforesaid road; thence southwesterly by said road to  
5 point of commencement. Also another piece or parcel of land  
6 situated in said Lewiston, being a part of the Homestead  
7 Farm of Phineas Wright and bounded and described as  
8 follows: Beginning at the westerly corner of the Homestead  
9 Farm of Jarius Carville; thence southwesterly on said  
10 Carville land and land of Henry Field about fifty-seven (57)  
11 rods; thence at right angles northwesterly about sixty-nine  
12 and one-half (69 1/2) rods to the stone wall between the  
13 field and pasture on said Homestead Farm; thence by said  
14 wall northeasterly to the land of the late Dr. William  
15 Kilbourne; thence southeasterly on said Kilbourne land and  
16 land of Jarius Carville seventy-five (75) rods to point of  
17 beginning, containing twenty-seven (27) acres. A certain  
18 lot or parcel of land, situated in Lewiston in said County  
19 of Androscoggin and bounded and described as follows:  
20 Commencing at a point in the northeasterly line of Montello  
21 Street where the southeasterly line of land conveyed to the  
22 Stanton Bird Club by Alfred Williams Anthony by deed dated  
23 Jan. 18, 1922 and recorded in the Androscoggin Registry of  
24 Deeds, Book 315, page 447, intersects said street; thence  
25 northeasterly by southeasterly line of said land of said  
26 Stanton Bird Club, six hundred eighty (680) feet to land of  
27 said Stanton Bird Club; thence southeasterly and parallel  
28 with said Montello Street to a point six hundred eighty  
29 (680) feet northeasterly from said Montello Street and land  
30 formerly of George E. Ridley; thence southwesterly by said  
31 Ridley land six hundred eighty (680) feet to said Montello  
32 Street; thence northwesterly along the northeasterly side of  
33 said Montello Street to point of commencement. Also a  
34 certain other lot or parcel of land, situated in said  
35 Lewiston, bounded as follows: Westerly by the Highland  
36 Spring Road, northerly by the Thorne road, so-called,  
37 easterly by land of one A.D. Ames, and southerly by lands of  
38 Daniel Conley and A.W. Taylor, the same containing six and  
39 two-tenths (6.2) acres more or less. A certain lot or  
40 parcel of land situated northeasterly from the northeasterly  
41 end of East Avenue in said Lewiston, bounded and described  
42 as follows, to wit: Beginning at the corner of the Field,  
43 Wood, and Thorncrag lots, so-called, near the Miller  
44 Fireplace, thence running northwesterly one hundred fifty  
45 (150) feet about 9.03 rods, along the stone wall between the  
46 Thorncrag and Wood lots, so-called, to a stake and stones;  
47 thence at right angles northeasterly about 42.7 rods to a  
48 stake and stones on the line dividing the old Frye and Dill  
49 lot, now owned by the Stanton Bird Club, and the old Phineas  
50 Wright Homestead now owned by this Grantor; thence at nearly  
right angles along said line two hundred twenty (220) feet

2       (13 1/3 rods) to the corner of the three lots commonly  
4       called the Frye and Dill, Henry Field and Phineas Wright,  
6       now owned by this Grantor, lots; thence 42.7 rods at right  
8       angles southwesterly along the Field line to the point of  
10       beginning; containing three (3) acres more or less. A  
12       certain lot or parcel of land situated in said Lewiston,  
14       bounded and described as follows: Beginning at an iron  
16       stake set in the ground in a stone wall on the northeasterly  
18       line of land of said Stanton Bird Club, said stake being one  
20       hundred fifty (150) feet from the northwesterly corner of  
22       land of Raymond R. Field; thence northwesterly along the  
24       northeasterly line of land of said Stanton Bird Club one  
26       hundred twenty-five (125) feet to an iron stake set in the  
28       ground; thence at right angles northeasterly three hundred  
30       (300) feet to an iron stake set in the ground; thence at  
32       right angles northwesterly twenty-five (25) feet to an iron  
34       stake set in the ground; thence at right angles  
36       northeasterly three hundred seventeen (317) feet, more or  
38       less, to a stake set in the ground on the southeasterly line  
40       of land of the Stanton Bird Club one hundred fifty (150)  
42       feet to an iron stake set in the ground on the northwesterly  
44       line of land of said Stanton Bird Club; thence southwesterly  
46       along the northwesterly line of land of said Stanton Bird  
48       Club to the point of beginning; containing two (2) acres,  
50       more or less. A certain lot or parcel of land situated in  
Lewiston, bounded and described as follows: Beginning at a  
point on the southeasterly line of the original Stanton Bird  
Club Sanctuary, three hundred sixty-four (364) feet  
northeasterly from the northeasterly line of Montello  
Street; thence in a northeasterly direction by land now or  
formerly of the Stanton Bird Club, three hundred and  
sixty-eight (368) feet; thence in a southeasterly direction,  
parallel with the said northeasterly line of Montello  
Street, two hundred and forty (240) feet; thence in a  
southwesterly direction parallel with the first described  
line, three hundred sixty-eight (368) feet; thence in a  
northwesterly direction parallel with the said northeasterly  
line of Montello Street, two hundred forty (240) feet to the  
point of beginning, containing two (2) acres more or less.  
A certain lot or parcel of land situated in said Lewiston,  
it being the southwest end of Lot #13 bounded southeasterly  
on Lot #33 and southwesterly and northwesterly on a four (4)  
rod way as laid down on the plan of said township of said  
Lewiston. Containing fifty (50) acres, more or less, and  
being the homestead farm of the late Elizabeth S. Wood,  
deceased, and the premises being the same conveyed to her by  
the name of Elizabeth S. Haley by Dorcas G. Wright by deed  
dated April 12, 1866, and recorded in the Androscoggin  
County Registry of Deeds in Book 43, Page 114. A certain  
lot or parcel of land situated in said Lewiston, bounded and



2 described as follows, viz: Commencing at a point on the  
3 westerly line of land now or formerly of H. Osmond Wood and  
4 Mabel V. Wood (formerly Dorcas Wright) where the northerly  
5 line of land of A. W. Anthony (formerly of Ephriam Wood)  
6 intersects said H. Osmond and Mabel V. Wood's west line;  
7 thence northerly nine hundred ninety-nine (999') feet on  
8 said H. Osmond and Mabel V. Wood's westerly line to land now  
9 or formerly of Charles W. Benson (formerly of O. K.  
10 Douglass); thence at right angles westerly one thousand two  
11 hundred twenty (1220') feet on said Benson's southerly line  
12 to a point in a rock wall; thence southeasterly on line of  
13 land now or formerly of George H. McGibbon and Mathilda G.  
14 McGibbon, one thousand two hundred thirty (1,230') feet to a  
15 point in the rock wall on the northerly line of said  
16 Anthony's land, one thousand nine hundred forty-six (1,946')  
17 feet from the point of commencement; thence easterly along  
18 the northerly line of land of said Anthony, one thousand  
19 nine hundred forty-six (1,946') feet to the point of  
20 beginning. Deacon Davis Bird Refuge: The following  
21 described territory: A certain parcel of land situated in  
22 the city of Lewiston, in the county of Androscoggin, and  
23 bounded as follows: The most northerly corner of land of  
24 the estate of George K. Davis, bounded and described as  
25 follows, to wit: On the northwest by land of the so-called  
26 Ham Farm; on the northeast by Pleasant Street; on the  
27 southwest by land of Joseph Breault; and on the southeast by  
28 a line extending northeasterly from the easterly corner of  
29 said Breault's land, and being a continuation of the  
30 southeast boundary of said Breault's land, containing 2  
31 acres, more or less. Woodbury Sanctuary: The following  
32 described territory: A certain parcel of land situated in  
33 the towns of Litchfield and Monmouth in the county of  
34 Kennebec and bounded as follows: The westerly side of  
35 Whippoorwill Road, so called. Being all the land conveyed  
36 to the Stanton Bird Club by Louise S. Drew and Clara B. Dana  
37 by deed dated July 2, 1929 and recorded in Kennebec County  
38 Registry of Deeds in Book 669-Page 210;

39  
40 GG. Tomhegan Game Sanctuary: The following territory in  
41 Township 1, Range 2, N. B. K. P., commonly known as Tomhegan  
42 Town, in the County of Somerset, described as follows:  
43 Beginning at a cedar post and stones, the post being marked  
44 PRESERVE C/W 1931, standing on the line which is the  
45 division line between the land owned by the Great Northern  
46 Paper Company and that owned by the trust estate of F. W.  
47 Rollins, standing on the westerly shore of Socatean Bay in  
48 Moosehead Lake; thence westerly on said division line 1 mile  
49 and 160 rods to a cedar post and stones, the post being  
50 marked PRESERVE C 1931; thence southerly at right angle to  
said division line 250 rods to a cedar post and stones, the

2 post being marked PRESERVE C/W 1931 and standing on the  
3 northerly shore of Tomhegan Bay in Moosehead Lake; thence  
4 easterly and northerly along the shore of Moosehead Lake  
5 around Socatean Point, so called, to the point of beginning  
6 and containing 700 acres, more or less;

7 HH. Wells Sanctuary: The following described tract or  
8 territory, situated in the Town of Wells, in the County of  
9 York: a certain tract of land, bounded and described as  
10 follows: On the east by the Atlantic Ocean; on the south by  
11 the Drake Island Road, so called; on the west by the U. S.  
12 Number 1 highway, so called; on the north by the town line  
13 of Kennebunk and Wells;

14 II. Wells and York Game Sanctuary: The following described  
15 territory situated in the Towns of Wells and York in York  
16 County; beginning at a point on highway No. 1 where the  
17 Josias River meets said highway No. 1 in the Town of Wells,  
18 thence southwesterly along said Josias River to the Maine  
19 Turnpike in the Town of York, thence northerly along said  
20 Maine Turnpike to the Agamenticus Road overpass; thence  
21 westerly across said overpass by Agamenticus Road to the  
22 North Village Road; thence northerly along said North  
23 Village Road to Ogunquit-North Berwick Road, thence easterly  
24 along said Ogunquit-North Berwick Road to highway No. 1 in  
25 the Town of Wells, thence southerly along highway No. 1 to  
26 the point of beginning in the Town of Wells;

27 JJ. Willow Water Game Sanctuary: The following named  
28 territory, on the following described properties, located in  
29 the Town of Perry:

30 (1) Beginning on the county road on the westerly line  
31 of the Reed Farm, so called, now or formerly owned by  
32 Mrs. J. Abiah McPhail, and thence running north 4'  
33 east, following said line, 32 rods to a marked tree;  
34 thence 75' west 20 rods to a stake; thence south 4'  
35 east 32 rods to the county road; thence easterly by the  
36 county road to the place of beginning. The same being  
37 the building lot formerly owned by the late John W.  
38 Trott and containing 4 acres, more or less;

39 (2) Any one other lot or parcel of land lying and  
40 being on the northerly side of the county road leading  
41 from the Eastport-Perry Bridge to Pembroke and bounded  
42 and described as follows, to wit: Beginning at the  
43 southwest corner of land formerly of the John W. Trott  
44 estate and thence running northerly on the west line of  
45 said Trott land to the northwest corner thereof; thence  
46 easterly on the north line of said Trott land to land  
47 containing 4 acres, more or less;

2 now or formerly of Mrs. J. Abiah McPhail, formerly of  
3 John Reddington; thence north 1' east along the west  
4 line of said McPhail land to land now or formerly of  
5 the Charles J. Trott estate; thence westerly on the  
6 south line of said Trott land 62 rods; thence northerly  
7 on the westerly line of said Trott land 48 rods to the  
8 Morrison lot, so called; thence westerly on the said  
9 Morrison lot to land now or formerly of W. W. Brown;  
10 thence south 1/2' west 200 rods to the county road;  
11 thence easterly on said county road 77 rods to the  
12 place of beginning, containing in all 107 acres, more  
13 or less, being part of lots numbered 29 and 30  
14 according to the plan of the Town of Perry;

15 (3) Any one other lot or parcel of land known as the  
16 pasture lot formerly the Wm. H. Brown Farm, bounded  
17 generally as follows, to wit: On the north by land  
18 formerly of S. Frost; on the east by land of Trott, on  
19 the south by the county road leading to Pembroke and on  
20 the west by land of M. Conley and land of others, names  
21 unknown, the above described lots being known as the  
22 Elijah Loring Farm in said Perry;

23 (4) A certain lot of land bounded on the north by land  
24 of the late John McCarty; on the east by Frost's Cove;  
25 on the south by lands formerly of Lucinda Frost and of  
26 Lewis D. Frost; and on the west by lands of the late  
27 John Morrison, William Anderson and the late John  
28 McCarty, containing 75 acres, more or less;

29 (5) One other lot or parcel of land bounded and  
30 described as follows, to wit: On the east by lots  
31 numbered 19 and 20; southerly by land of the late John  
32 Loring and the Russell lot, so called; westerly by lots  
33 numbered 10 and 11; and northerly by the William  
34 Anderson lot, and land formerly owned by the late Aaron  
35 Frost;

36 (6) One other certain lot or parcel of land bounded  
37 and described as follows, to wit: Bounded on the north  
38 by road leading from county road, to the field on the  
39 west; on the east by the county road leading from  
40 Eastport to Calais, on the south and the west by land  
41 of Lucinda Frost, afterwards conveyed to Jennie Frost;  
42 said lot being 10 rods on the county road and 8 rods  
43 back from the road; and

44 (7) One other certain lot or parcel of land bounded  
45 and described as follows, to wit: On the east by the  
46 county road leading from Eastport to Robbinston; on the  
47

2 south by land formerly owned by John A. Frost, on the  
3 west by land formerly of Sidney S. Frost and on the  
4 north by land formerly of Sidney S. Frost.

5 The owner of the properties included within the Willow Water  
6 Game Sanctuary shall enclose the same with a suitable fence  
7 and shall cause the erection of suitable signs on or near  
8 said sanctuary indicating that no hunting is permitted  
9 thereon. Near the center of said game sanctuary such owner  
10 is authorized to construct a 15-acre pond for the  
11 propagation of waterfowl, principally wood duck, teal and  
12 blacks. For provisions relating specifically to Willow Water  
13 Game Sanctuary, see section 12707, subsection 2, paragraph  
14 A; and

15 KK. York Game Sanctuary, in the County of Franklin: The  
16 following named territory; on the property of the following  
17 named persons, to wit: On land of J. Lewis York and on land  
18 of Yorks; said game sanctuary being in the northwest corner  
19 of Dallas Plantation, and bounded as follows, to wit: West  
20 by the east line of the Town of Rangeley; north by the south  
21 line of Lang Plantation; east by the west line of the public  
22 lot in Dallas Plantation; and south by land of Furbish,  
23 Goodspeed Company and land of the heirs of Henry Bliss,  
24 containing 539 acres, more or less. This game sanctuary is  
25 called the York Game Sanctuary.

26 For provisions relating specifically to York Game Sanctuary,  
27 in the County of Franklin, see section 12707, subsection 2,  
28 paragraph B.

29 2. Temporary wildlife sanctuaries. The following  
30 provisions apply to temporary wildlife sanctuaries.

31 A. The commissioner may, upon the written consent of  
32 landowners, create from any lands within the State, not to  
33 exceed 1,000 acres, a sanctuary or sanctuaries for the  
34 purpose of liberating tame deer.

35 B. The commissioner may release all or any part of lands  
36 from the restrictions of a sanctuary or sanctuaries,  
37 whenever the commissioner considers it expedient.

38 **§12707. Unlawful activity in wildlife sanctuary; general**  
39 **prohibitions and exceptions**

40 Except to the extent permitted by the commissioner under  
41 section 12701, activities listed in this section are prohibited  
42 in a wildlife sanctuary.

43

1. Unlawful activity in wildlife sanctuary. Except as provided in subsection 2, a person may not:

A. Trap or hunt any wild animal or wild bird at any time within a wildlife sanctuary as designated in section 12706; or

B. Possess any wild animal or wild bird taken in violation of paragraph A.

2. Exceptions. The prohibitions in subsection 1 are subject to the exceptions and limitations listed in this subsection.

A. Subsection 1 does not apply to crows and skunks in the Willow Water Game Sanctuary.

B. A person residing within the limits of the York Game Sanctuary in the County of Franklin may kill any wild bird, except grouse, or any wild animal, except beaver, when found destroying that person's property.

C. A person residing within the limits of Prout's Neck, Richmond's Island and Cape Elizabeth Sanctuary may kill any wild bird, except ruffed grouse or Hungarian partridge, or any wild animal, when found destroying that person's property.

D. A person may trap any wild animal except moose, caribou, deer and elk within Fairfield Sanctuary, Narragansett Game Sanctuary and Prout's Neck, Richmond's Island and Cape Elizabeth Sanctuary in accordance with the general laws of the State.

E. If the commissioner determines that the public health and safety are threatened by diseased animals within Rangeley Plantation Sanctuary, the commissioner may authorize the use of firearms or any other device the commissioner determines appropriate to eliminate diseased animals.

F. The Augusta Water District may use Carleton Pond in the Readfield and Winthrop Sanctuary as it determines necessary.

G. Within the Readfield and Winthrop Sanctuary, subsection 1 applies only to lands that are or may be hereafter fenced.

H. The use of firearms on Megunticook Lake and Vicinity Sanctuary is prohibited only from the first day of April of each year to the 30th day of September following.

2           3. Using motorboat within Merrymeeting Bay Game Sanctuary.  
A person may not use a motorboat within Merrymeeting Bay Game  
4           Sanctuary, except that motorboats may be used between the  
Woolwich shore on the east and a line on the west designated by a  
6           series of red markers adjacent to the edge of the grassy marsh  
area from Kelly's Point to the southern boundary of the  
8           Merrymeeting Bay Game Sanctuary.

10           4. Carrying loaded firearm on bounds of Limington, Hollis  
and Waterboro Sanctuary. A person may not carry a loaded firearm  
12           on any of the roads bounding the Limington, Hollis and Waterboro  
Sanctuary.

14           5. Carrying loaded firearm on bounds of Standish  
Sanctuary. A person may not carry a loaded firearm on any road  
16           or on the Maine Central Railroad right-of-way that bounds the  
Standish Game Sanctuary.  
18

20           6. Fishing in Carleton Pond. A person may not fish in  
Carleton Pond in the Readfield and Winthrop Sanctuary.

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

28           §12708. Wildlife management areas and public access sites

30           1. Designation and classification of wildlife management  
areas. The following areas are classified as wildlife management  
32           areas.

34           A. The following described territories are classified as  
wildlife management areas to be managed by the commissioner  
in accordance with the principles of wildlife management, as  
36           defined in section 10001, subsection 73, and subject to the  
commissioner's authority under section 12701:

38                   (1) Bartlett's Island in Hancock County;

40                   (2) Colby College Area: The Mayflower Hill Campus of  
42                   Colby College comprising approximately 640 acres of  
44                   land. It is located west of the center of Waterville  
bounded in general as follows:

46                   From a stone marker on the west bank of Messalonskee  
Stream, said marker located across the stream from a  
48                   point approximately 400 feet north of Riverview Avenue.  
Runs north along bank of Messalonskee Stream to a point  
50                   approximately 2,000 feet north of Cedar Bridge (North

2 Street), thence in a northeasterly direction to a  
4 cement marker on the Second Rangeway at a point  
6 approximately 900 feet northeast of intersection with  
8 Rice Rips Road, thence in a southwesterly direction to  
10 Rice Rips Road, thence east approximately 300 feet,  
12 thence southwesterly again approximately parallel to  
14 and west of the Second Rangeway for approximately 1,800  
16 feet to a cement marker, thence easterly to the Second  
18 Rangeway, thence in a southerly direction on east side  
20 of Second Rangeway for approximately 1,900 feet to a  
22 cement marker and college sign; thence southeast  
24 approximately 5,400 feet to Mt. Merici property line  
26 post and cement marker; thence in easterly direction to  
28 and across Mayflower Hill Drive in offset manner (east  
30 offset marked with stone or cement marker post) to and  
32 across Maine Central railroad to the point of beginning  
34 on west bank of Messalonskee Stream;

36 (3) Deer Isle and Stonington: The Towns of Deer Isle  
38 and Stonington, Hancock County;

40 (4) Lake Christopher: Beginning at a boundary marker  
42 on the most easterly point of South Pond, Town of  
44 Greenwood, Oxford County, where the Grand Trunk  
46 Canadian Railway meets South Pond; thence extending  
48 southerly to the most southern tip of South Pond;  
50 thence southerly to road which runs from Locke Mills to  
Greenwood City; thence southerly and easterly to Rowe  
Hill Road; thence southerly and easterly along the Rowe  
Hill Road to the intersection of Rowe Hill Road and  
Grand Trunk Railroad; thence northerly and westerly  
along said railroad to the point of beginning,  
excepting from the above description such of the area  
as is within 500 feet of said South Pond beginning at a  
boundary marker on the Rowe Hill Road; thence in a  
northerly direction to a boundary marker on the Old  
Bryant Road and thence northeasterly following this  
road to the boundary marker at the intersection of the  
Grand Trunk Railroad;

42 (5) Long Lake Wildlife Management Area, Aroostook  
44 County: within the following boundaries in the Towns of  
46 St. Agatha and Madawaska, Aroostook County: Beginning  
48 in the Village of St. Agatha at the junction of Route  
50 162 and road that is near the northwesterly shore of  
Long Lake, easterly and northerly along said road to  
its junction with another road near Brishlotte Lake  
outlet stream, thence easterly along said road to its  
junction with the road that is along the easterly side  
of said Long Lake, thence southerly along said road to

2 its junction with the road leading westerly to Birch  
3 Point, so called, thence along said road to its nearest  
4 point to said Long Lake, thence westerly to a red  
5 painted stake on the east shore of said Long Lake,  
6 thence southwesterly across said Long Lake to a red  
7 painted stake on the west shore of said Long Lake,  
8 thence in the same direction until this line intersects  
9 Route 162, thence northwesterly along said Route 162 to  
10 the point of beginning. This is intended to include the  
11 large and smaller islands in the northerly end of said  
12 Long Lake;

13 (6) Lowell E. Barnes Wildlife Management Area: Certain  
14 lots or parcels of land situated in Hiram, County of  
15 Oxford, State of Maine, bounded and described as  
16 follows:

17 (a) A parcel of land containing 700 acres more or  
18 less bounded northerly by land now or formerly of  
19 Lusanna Hubbard, Lemuel Cotton and M.L.  
20 Wardsworth; easterly by land now or formerly of  
21 James Edgecomb; southerly by land now or formerly  
22 owned or occupied by Llewellyn A. Wardsworth,  
23 Asbury Huntress and Orison Adams; and westerly by  
24 land now or formerly of James Ayer, Harrison  
25 Sanburn, James Ayer again, the George F. Brooks  
26 place, so called, being the lot next below  
27 described and land now or formerly of Fred Small,  
28 Seth Spring and Freeman Flye;

29 (b) A parcel of land containing 25 acres, more or  
30 less, situated westerly of the above described lot  
31 and known as the George F. Brooks place; and

32 (c) A parcel of land containing 70 acres, more or  
33 less, situated adjacent to the first parcel above  
34 described and bounded north, east and west by said  
35 first above described parcel and southerly by land  
36 now or formerly of James Ayer and Elmer Hodgdon.  
37 Said parcel is known as the Dennis Stanley place;

38 (7) Marsh Island: Marsh Island in Penobscot County; and

39 (8) Oak Grove: The campus and land of Oak Grove  
40 School, in the Town of Vassalboro, County of Kennebec,  
41 situated on the east side of Route No. 100; and all the  
42 land of said school situated on the west side of Route  
43 No. 100. Sebago Lake Basin Wildlife Management Area:  
44 All that portion of Sebago Lake commonly known as



2                   Sebago Lake Basin lying below the high water mark in  
3                   the Towns of Standish and Windham.

4                   B. The following areas are classified as state-owned  
5                   wildlife management areas, or "WMAs":

6                   (1) Blanchard/AuClair WMA (Roach River Corridor) - T1  
7                   R14 WELS - Piscataquis County;

10                  (2) Brownfield WMA - Brownfield, Denmark, Fryeburg -  
11                  Oxford County;

12                  (3) George Bucknam WMA (Belgrade Stream) - Mt. Vernon  
13                  - Kennebec County;

16                  (4) Caesar Pond WMA - Bowdoin - Sagadahoc County;

18                  (5) Chesterville WMA - Chesterville - Franklin County;

20                  (6) Coast of Maine WMA - all state-owned coastal  
21                  islands that are owned or managed by the Department of  
22                  Inland Fisheries and Wildlife;

24                  (7) Dickwood Lake WMA - Eagle Lake - Aroostook County;

26                  (8) Francis D. Dunn WMA (Sawtelle Deadwater) - T6 R7  
27                  WELS - Penobscot County;

28                  (9) Fahi Pond WMA - Embden - Somerset County;

30                  (10) Lyle Frost WMA (formerly Scammon) - Eastbrook,  
31                  Franklin - Hancock County;

34                  (11) Alonzo H. Garcelon WMA (Mud Mill Flowage) -  
35                  Augusta, Windsor - Kennebec County;

36                  (12) Great Works WMA - Edmunds Township - Washington  
37                  County;

40                  (13) Jamies Pond WMA - Manchester, Farmingdale -  
41                  Kennebec County;

42                  (14) Jonesboro WMA - Jonesboro - Washington County;

44                  (15) Earle R. Kelley WMA (Dresden Bog) - Alna, Dresden  
45                  - Lincoln County;

48                  (16) Kennebunk Plains WMA - Kennebunk - York County;

- 2           (17) Bud Leavitt WMA (Bull Hill) - Atkinson,  
Charleston, Dover-Foxcroft, Garland - Penobscot County  
and Piscataquis County;
- 4
- 6           (18) Gene Letourneau WMA (Frye Mountain) - Montville,  
Knox, Morrill - Waldo County;
- 8
- 10          (19) Long Lake WMA - St. Agatha - Aroostook County  
(all of Long Lake within the Town of St. Agatha);
- 12          (20) Madawaska WMA - Palmyra - Somerset County;
- 14          (21) Mainstream WMA - Cambridge - Somerset County;
- 16          (22) Lt. Gordon Manuel WMA - Hodgdon, Cary Plantation,  
Linneus - Aroostook County;
- 18          (23) Maynard F. Marsh WMA (Killick Pond) - Hollis,  
Limington - York County;
- 20
- 22          (24) Mercer Bog WMA - Mercer - Somerset County;
- 24          (25) Merrymeeting Bay WMA - Dresden, Bowdoinham -  
Lincoln County and Sagadahoc County;
- 26          (26) Morgan Meadow WMA - Raymond - Cumberland County;
- 28          (27) Mt. Agamenticus WMA - York, South Berwick - York  
County;
- 30
- 32          (28) Muddy River WMA - Topsham - Sagadahoc County;
- 34          (29) Narraguagus Junction WMA - Cherryfield -  
Washington County;
- 36          (30) Old Pond Farm WMA - Maxfield, Howland - Penobscot  
County;
- 38
- 40          (31) Orange River WMA - Whiting - Washington County;
- 42          (32) Peaks Island WMA - Portland - Cumberland County;
- 44          (33) Pennamaquam WMA - Pembroke, Charlotte -  
Washington County;
- 46          (34) Steve Powell WMA - Perkins Township - Sagadahoc  
County (being the islands in the Kennebec River near  
Richmond known as Swan Island and Little Swan Island,  
formerly known as Alexander Islands);
- 50

- 2                   (35) David Priest WMA (Dwinal Pond) - Lee, Winn -  
                     Penobscot County;
- 4                   (36) Ruffingham WMA - Montville, Searsmont - Waldo  
                     County;
- 6                   (37) St. Albans WMA - St. Albans - Somerset County;
- 8                   (38) Sandy Point WMA - Stockton Springs - Waldo County;
- 10                  (39) Scarborough WMA - Scarborough, Old Orchard Beach,  
 12                  Saco - Cumberland County and York County;
- 14                  (40) Steep Falls WMA - Standish, Baldwin - Cumberland  
                     County;
- 16                  (41) Tyler Pond WMA - Manchester, Augusta - Kennebec  
 18                  County;
- 20                  (42) Vernon S. Walker WMA - Newfield, Shapleigh - York  
                     County;
- 22                  (43) Weskeag Marsh WMA - South Thomaston, Thomaston,  
 24                  Rockland, Owl's Head - Knox County; and
- 26                  (44) Such other areas as the commissioner designates,  
 28                  by rules adopted in accordance with section 12701, as  
                     state-owned wildlife management areas.

30                  2. The Public Boat Launch Access Program. The Public Boat  
 32                  Launch Access Program, referred to in this subsection as the  
 34                  "program," is established in the department. The purpose of the  
 36                  program is to provide anglers, boaters and other persons fair and  
 38                  equitable public access to public waters that offer recreational  
 40                  fishing opportunities by acquiring lands adjacent to those waters  
                     and providing appropriate opportunities to access those waters.  
                     The commissioner may establish program priorities based on  
                     fishery management or other resource management objectives and  
                     may use for these purposes any funds received through federal  
                     programs intended to aid in the restoration of sport fishing and  
                     other revenues available for providing access to public waters.

SUBCHAPTER 2

FISH MANAGEMENT AND RESEARCH

48                  §12751. Commissioner's authority relating to culture  
                     and research

1. Setting apart waters. The commissioner may by rule, pursuant to section 10104, subsection 1, set apart, for a term not to exceed 10 years, any inland water for the use of the State in the prosecution of the work of fish culture and scientific research relative to fish.

In the waters so set apart, the commissioner and persons acting under the commissioner's authority in their respective fish culture and scientific work may take fish at any time or in any manner and erect and maintain any fixtures necessary for these purposes. In no instance may the commissioner permit the taking of fish by explosive, poisonous or stupefying substances, except for the use of registered fish toxicants for reclamation purposes.

2. Taking of certain fish. After a hearing pursuant to section 10104, subsection 1, the commissioner may permit the taking of pickerel, perch and other fish in specified waters, subject to conditions the commissioner may prescribe, whenever it appears that those fish seriously injure the propagation of or the fishing for any game fish.

#### §12752. United States Fish and Wildlife Service

The United States Fish and Wildlife Service and its duly authorized agents may conduct fish culture operations and scientific investigations in the waters of this State in such manner and at such times as the service and its agents consider necessary and proper.

#### §12753. Screens

1. Commissioner's authority. The commissioner may:

A. Authorize, alter and remove the screening of any inland waters; and

B. Prohibit fishing within 500 yards of any screen installed by authority of the commissioner or the Legislature.

2. Tampering with screen. A person may not take up, destroy or injure any screen installed pursuant to this section, unless the person is duly authorized by the commissioner.

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

#### §12754. Fish spawning areas

1. Commissioner's authority. The commissioner may by rule, pursuant to section 10104, subsection 1, designate any inland waters of the State as fish spawning areas.

2. Hearing. The commissioner shall institute a public hearing, in conformity with the Maine Administrative Procedure Act, if so requested by any state agency.

**§12755. Tampering with department dam**

1. Prohibition. A person without authority from the commissioner may not:

A. Tamper with a department dam;

B. Open or close gates or sluiceways of a department dam;

C. Add or remove flashboards of a department dam; or

D. Otherwise damage or destroy a department dam.

For purposes of this subsection, "department dam" means a dam owned or operated by the department, including dams in a fish hatchery or rearing station.

2. Violation. 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.

**§12756. Tampering with fishway**

1. Prohibition. A person without authority from the commissioner may not:

A. Tamper with a fishway;

B. Close a fishway to fish migration;

C. Introduce foreign objects into a fishway; or

D. Damage or destroy a fishway.

2. Violation. 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.

**§12757. Management of brook trout and landlocked salmon**

Notwithstanding any other provision of this Part, any rule that includes a proposal to establish or amend the time, place or

2 manner in which a person may fish for brook trout or landlocked  
3 salmon on inland waters is a routine technical rule as defined in  
4 Title 5, chapter 375, subchapter 2-A. The department shall  
5 provide the information in subsections 1 to 3 to any person upon  
6 request and at all hearings or meetings that relate to the time,  
7 place or manner in which a person may fish for brook trout or  
8 landlocked salmon on inland waters:

9 1. Information. Information and interpretation leading to  
10 rule proposals including alternative proposals that staff have  
11 considered but not proposed;

12 2. Assessment of biological potential. An assessment of  
13 the biological potential of the waters affected and management  
14 goals for those waters, including the best scientific judgment of  
15 the probable outcome and the probability of success of the plan  
16 relating to the management of brook trout and landlocked salmon;  
17 and

18 3. Assessment of ability to evaluate success. A realistic  
19 assessment of the ability of fisheries staff to evaluate success  
20 of the management through future surveys.

21 **§12758. Fish stocking**

22 1. Public comments. When the Bureau of Resource Management  
23 determines that there is a need to consider changing the  
24 long-term management objectives on a water or group of waters  
25 that supports a major fishery or major fisheries, the department  
26 shall provide information regarding the proposed change to any  
27 person at that person's request. The bureau shall conduct  
28 department-sponsored meetings to solicit public comments on those  
29 management objectives.

30 2. Department-sponsored meetings. Regional fisheries  
31 biologists must be available at department-sponsored meetings  
32 held pursuant to subsection 1 to review the management  
33 opportunities presented by the proposals to change long-term  
34 management objectives, as well as the information used to assess  
35 the opportunities, and to receive public comments concerning the  
36 proposals.

37 **§12759. Stocking alewives**

38 1. Prohibition. A person may not stock alewives in Hogan  
39 Pond or Whitney Pond in the Town of Oxford or any waters that  
40 drain into or out of those ponds.

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

6        §12760. Fishways in dams and other artificial  
       obstructions

8        1. Commissioner's authority. In order to conserve, develop  
or restore anadromous or migratory fish resources, the  
10       commissioner may require a fishway to be erected, maintained,  
repaired or altered by the owners, lessors or other persons in  
12       control of any dam or other artificial obstruction within inland  
waters frequented by alewives, shad, salmon, sturgeon or other  
14       anadromous or migratory fish species.

16       2. Examination of dams. The commissioner shall periodically  
examine all dams and other artificial obstructions to fish  
18       passage within the inland waters in order to determine whether  
fishways are necessary, sufficient or suitable for the passage of  
20       anadromous or migratory fish.

22       3. Monitoring program. The commissioner shall, in  
cooperation with the Department of Marine Resources and the  
24       Atlantic Salmon Commission, establish a program to ensure  
fishways are functioning properly and remain sufficient or  
26       suitable for the passage of anadromous or migratory fish. The  
commissioner has sole authority to take corrective action at  
28       fishways as prescribed under this section.

30       4. Initiation of fishway proceedings. The commissioner  
shall initiate proceedings to consider construction, repair or  
32       alteration of fishways in existing dams or other artificial  
obstructions whenever the commissioner determines that one or  
34       more of the following conditions may exist:

36       A. Fish passage at the dam or obstruction in issue, whether  
alone or in conjunction with fish passage at other upriver  
38       barriers, will improve access to sufficient and suitable  
habitat anywhere in the watershed to support a substantial  
40       commercial or recreational fishery for one or more species  
of anadromous or migratory fish; or

42       B. Fish passage at the dam or obstruction in issue is  
necessary to protect or enhance rare, threatened or  
44       endangered fish species.

46       5. Adjudicatory proceedings. A fishway proceeding must  
48       conform to the following requirements.

2 A. A fishway proceeding must be an adjudicatory proceeding  
3 under Title 5, chapter 375, subchapter 4, but a hearing is  
4 not required unless requested in accordance with paragraph  
5 B. Notice of the proceeding must be given in accordance with  
6 Title 5, section 9052 and the following requirements:

7 (1) Personal notice must be given to the dam owner,  
8 lessee or other person in control of the dam or  
9 artificial obstruction, informing that person that a  
10 proceeding has been undertaken and informing that  
11 person of that person's right to request a hearing; and

12 (2) Notice to the public, in newspapers of general  
13 circulation in the areas affected, must be given  
14 notifying the public of the initiation of the  
15 proceedings and of the public's opportunity to request  
16 a hearing.

17 B. If any interested person requests a public hearing, the  
18 commissioner shall, within 30 days, either notify the  
19 petitioners in writing of the commissioner's denial, stating  
20 the reasons for the denial, or schedule a public hearing.  
21 The commissioner shall hold a public hearing whenever:

22 (1) The commissioner is petitioned by 50 or more  
23 residents of the State; or

24 (2) The owner, lessee or other person in control of  
25 the dam or artificial obstruction requests a hearing.

26 C. The commissioner shall accept testimony from the owner,  
27 lessee or other person in control of the dam or artificial  
28 obstruction on alternate fishway designs to those proposed  
29 by the commissioner for that dam or artificial obstruction.

30 6. Decision. In the event that the commissioner decides  
31 that a fishway should be constructed, repaired, altered or  
32 maintained pursuant to this section, the commissioner shall issue  
33 final orders with specific plans and descriptions of the fishway  
34 construction, alteration, repair or maintenance requirements, the  
35 conditions of the use of the fishway and the time and manner  
36 required for fishway operation. The commissioner may issue a  
37 decision requiring the owners, lessees or other persons in  
38 control of the dam or obstruction to construct, repair, alter or  
39 maintain a fishway. Such a decision must be supported by a  
40 finding based on evidence submitted to the commissioner that  
41 either of the following conditions exist:

42 A. One or more species of anadromous or migratory fish can  
43 be restored in substantial numbers to the watershed by  
44



2 construction, alteration, repair or maintenance of a fishway  
3 and habitat anywhere in the watershed above the dam or  
4 obstruction is sufficient and suitable to support a  
5 substantial commercial or recreational fishery for one or  
6 more species of anadromous or migratory fish; or

7 B. The construction, alteration, repair or maintenance of a  
8 fishway is necessary to protect or enhance rare, threatened  
9 or endangered fish species.

10 In the event that the commissioner decides that no fishway should  
11 be constructed, the commissioner shall specify in that decision a  
12 period subsequent to that decision during which no fishway may be  
13 required to be constructed. That period may not exceed 5 years.

14 7. Compliance. The owner, lessee or other person in  
15 control of a dam or other artificial obstruction is jointly and  
16 severally liable for the costs of fishway design, construction,  
17 repair, alteration or maintenance, and for full compliance with a  
18 decision issued pursuant to subsection 6.

19 A. If the owner, lessee or other person in control of a dam  
20 or other artificial obstruction refuses to comply or does  
21 not fully comply with the commissioner's decision issued  
22 pursuant to subsection 6, the commissioner shall initiate a  
23 civil action to enjoin the owner, lessee or person in  
24 control of the dam to comply fully with the commissioner's  
25 order or to restrain the violation of an order. In the  
26 proceeding, the court may not review the legality of the  
27 commissioner's order, except when the owner, lessee or  
28 person in control of the dam or artificial obstruction has  
29 brought a timely petition for judicial review pursuant to  
30 Title 5, chapter 375, subchapter 7.

31 B. The court may render judgment against and order the sale  
32 of the dam or other artificial obstruction, the land on  
33 which it stands and a right-of-way to the dam or artificial  
34 obstruction, in order to secure the costs of fishway  
35 construction, repair, alteration or maintenance, the costs  
36 of the court-ordered sale and the costs incurred by the  
37 department for fishway design. The purchaser of the dam or  
38 other obstruction is subject to the commissioner's decision  
39 issued pursuant to subsection 6.

40 8. Privileged entry. The commissioner, the commissioner's  
41 agents or subcontractors may enter upon any private land in order  
42 to examine, at least annually, fishways in dams or other  
43 artificial obstructions and dams as provided in subsection 2. The  
44 commissioner shall notify the landowner, lessee or other person  
45 in control of the dam when the examination will take place and  
46 the commissioner shall file a report of the examination with the  
47 department.

2 the time required to complete the examination. The commissioner  
3 shall make every effort to preserve private land and shall  
4 restore surrounding lands to the grade and condition existing  
5 prior to entry, if economically feasible.

6 **§12761. Construction of new dams or other artificial obstructions**

8 **1. Notice required.** Prior to construction or prior to  
9 authorizing construction of a new dam or other obstruction in the  
10 inland waters, the owner, lessee or other person in control of  
11 the dam or other artificial obstruction shall provide written  
12 notice to the commissioner, supplying information on construction  
13 plans, proposed location and date of construction of the dam or  
14 other artificial obstruction.

16 **2. Initiation of fishway proceedings.** Within 30 days of  
17 receipt of the construction notice pursuant to subsection 1, the  
18 commissioner shall review the plans in order to determine whether  
19 fishway construction or alteration of proposed fishway  
20 construction plans may be required pursuant to the criteria set  
21 forth in section 12760, subsection 4. If the commissioner  
22 determines that the construction or alteration may be necessary,  
23 the commissioner shall initiate fishway proceedings and follow  
24 the procedures prescribed in section 12760.

26 **3. Unlawful building of dam.** A person may not build any  
27 dam or other obstruction in any of the rivers, streams or brooks  
28 of this State without first filing written notice with the  
29 commissioner pursuant to subsection 1. A person who violates  
30 this subsection commits a civil violation for which a forfeiture  
31 of not less than \$100 nor more than \$500 may be adjudged.

32 **§12762. Fish kills; violations; fines; rules; definition**

34 If a fish kill results from the improper operation of a  
35 fishway required pursuant to this subchapter, the department may  
36 assess an administrative fine equivalent to the value of the fish  
37 killed but not more than \$10,000 for each day of that violation.

38 The department and the Department of Marine Resources shall  
39 jointly make rules defining "fish kill."

40 **§12763. Use or possession of gill net; Penobscot Nation research**

41 **1. Prohibition.** Except as otherwise allowed under this  
42 section, a person, including any agent of the State, may not use  
43 or possess a gill net.

2 A person who violates this subsection commits a Class E crime.  
3 The court shall also impose a fine of \$20 for each fish  
4 unlawfully possessed, none of which may be suspended.

6 2. Penobscot Nation research. Under the direction of its  
7 director, the staff of the Department of Natural Resources of the  
8 Penobscot Nation may use gill nets for the purpose of scientific  
9 fisheries research and management on any waters within, flowing  
10 through or adjacent to Penobscot Indian territory as defined in  
11 Title 30, section 6205, subsection 2.

12 A. The authority granted under this subsection is subject  
13 to the following constraints.

14  
15 (1) Both ends of the gill net must be marked with  
16 buoys that are clearly visible from a distance of 300  
17 feet and that identify the Department of Natural  
18 Resources of the Penobscot Nation as the owner of the  
19 net.

20  
21 (2) The results of each netting must be forwarded on a  
22 weekly basis to the office of the commissioner where  
23 the results must be available for public inspection.

24  
25 A person may not fail to comply with any provision of this  
26 paragraph.

27  
28 A person who violates this paragraph commits a Class E crime.

29  
30 3. Use of gill nets by department personnel. Department  
31 personnel may use gill nets pursuant to this subsection.

32  
33 A. The department may use gill nets in inland waters  
34 provided that:

35  
36 (1) When requested by another agency to undertake a  
37 gill netting project, the department is reimbursed by  
38 that agency for all costs relating to the gill netting  
39 project;

40  
41 (2) Both ends of the net are marked with buoys that  
42 are clearly visible from a distance of 300 feet and  
43 that identify the department; and

44  
45 (3) The results of each netting are forwarded on a  
46 weekly basis to the office of the commissioner. The  
47 records of the results must be available for public  
48 inspection at the office of the commissioner.

2 B. A person may not fail to comply with the restrictions  
3 established under this subsection.

4 C. The department shall submit an annual report to the  
5 joint standing committee of the Legislature having  
6 jurisdiction over inland fisheries and wildlife matters no  
7 later than March 1st of each year on the use of gill nets by  
8 department personnel. The report must include a summary of  
9 each use of gill nets, indicating the following:

10 (1) The specific purpose for which the gill nets were  
11 used;

12 (2) The date of each use;

13 (3) The location of each use by water body, town and  
14 county; and

15 (4) The number and mortality of each species of fish  
16 taken by gill nets.

17 4. Permits allowing use of gill nets by other state  
18 agencies. The department may authorize the use of gill nets by  
19 other state agencies for purposes of scientific research or  
20 public safety projects.

21 A. The authority granted to the department under this  
22 subsection is subject to the following constraints.

23 (1) Any authorization by the department for another  
24 state agency to utilize gill nets must be given through  
25 written permit.

26 (2) Both ends of the gill net must be marked with  
27 buoys that are clearly visible from a distance of 300  
28 feet and that identify the state agency responsible for  
29 setting the net.

30 (3) The results of each netting must be forwarded on a  
31 weekly basis to the department, and the records of the  
32 results must be available for public inspection at the  
33 department.

34 **SUBCHAPTER 3**

35 **ENDANGERED SPECIES; MANAGEMENT AND RESEARCH**

36 **§12801. Declaration of purpose**

2       The Legislature finds that various species of fish or  
3       wildlife have been and are in danger of being rendered extinct  
4       within the State of Maine, and that these species are of  
5       esthetic, ecological, educational, historical, recreational and  
6       scientific value to the people of the State. The Legislature,  
7       therefore, declares that it is the policy of the State to  
8       conserve, by according such protection as is necessary to  
9       maintain and enhance their numbers, all species of fish or  
10       wildlife found in the State, as well as the ecosystems upon which  
11       they depend.

12       **§12802. Commissioner's authority, investigations and programs**

13       1. Investigations. The commissioner may conduct  
14       investigations in order to develop information relating to  
15       population size, distribution, habitat needs, limiting factors  
16       and other biological and ecological data relating to the status  
17       and requirements for survival of any resident species of fish or  
18       wildlife, whether endangered or not.

19       2. Programs. The commissioner may develop programs to  
20       enhance or maintain the populations described in subsection 1.

21       **§12803. Designation of endangered species**

22       1. Standards. The commissioner shall recommend a species to  
23       be listed as endangered or threatened whenever the commissioner  
24       finds one of the following to exist:

25           A. The present or threatened destruction, modification or  
26           curtailment of its habitat or range;

27           B. Overutilization for commercial, sporting, scientific,  
28           educational or other purposes;

29           C. Disease or predation;

30           D. Inadequacy of existing regulatory mechanisms; or

31           E. Other natural or manmade factors affecting its continued  
32           existence within the State.

33       2. Commissioner's duties. In recommending a species to be  
34       listed as endangered or threatened, the commissioner shall:

35           A. Make use of the best scientific, commercial and other  
36           data available;

37           B. Consult, as appropriate, with federal agencies, other  
38           interested state agencies, other states having a common  
39           interest in the species.

2 interest in the species and interested persons and  
3 organizations; and

4 C. Maintain a list of all species that the Legislature has  
5 designated to be endangered or threatened, naming each  
6 species by both its scientific and common name, if any, and  
7 specifying over what portion of its range each species so  
8 designated is endangered or threatened.

10 3. Legislative authority. The Legislature, as sole  
11 authority, shall designate a species as state endangered or state  
12 threatened species. The list of state endangered or state  
13 threatened species is as follows:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
<u>Least Tern</u>	<u>Sterna albifrons</u>	<u>Endangered</u>
<u>Golden Eagle</u>	<u>Aquila chrysaetos</u>	<u>Endangered</u>
<u>Piping Plover</u>	<u>Charadrius melodus</u>	<u>Endangered</u>
<u>Sedge Wren</u>	<u>Cistothorus platensis</u>	<u>Endangered</u>
<u>Grasshopper</u>		
<u>Sparrow</u>	<u>Ammodramus savannarum</u>	<u>Endangered</u>
<u>Box Turtle</u>	<u>Terrapene carolina</u>	<u>Endangered</u>
<u>Black Racer</u>	<u>Coluber constrictor</u>	<u>Endangered</u>
<u>Roseate Tern</u>	<u>Sterna dougallii</u>	<u>Endangered</u>
<u>Northern Bog</u>		
<u>Lemming</u>	<u>Synaptomys borealis</u>	<u>Threatened</u>
<u>Loggerhead</u>		
<u>Turtle</u>	<u>Caretta caretta</u>	<u>Threatened</u>
<u>Blanding's</u>		
<u>Turtle</u>	<u>Emydoidea blandingii</u>	<u>Endangered</u>
<u>Black Tern</u>	<u>Chlidonias niger</u>	<u>Endangered</u>
<u>American Pipit</u>	<u>Anthus rubescens</u>	<u>Endangered</u>
<u>Peregrine</u>		
<u>Falcon</u>	<u>Falco peregrinus</u>	<u>Endangered</u>
<u>Flat-headed</u>		
<u>Mayfly</u>	<u>Epeorus frisoni</u>	<u>Endangered</u>
<u>Ringed</u>		
<u>Boghaunter</u>	<u>Williamsonia lintneri</u>	<u>Endangered</u>
<u>Clayton's</u>		
<u>Copper</u>	<u>Lycaena dorcas claytoni</u>	<u>Endangered</u>
<u>Edwards'</u>		
<u>Hairstreak</u>	<u>Satyrium edwardsii</u>	<u>Endangered</u>
<u>Hessel's</u>		
<u>Hairstreak</u>	<u>Mitoura hesseli</u>	<u>Endangered</u>
<u>Katahdin Arctic</u>	<u>Oenis polixenes</u>	<u>Endangered</u>
	<u>katahdin</u>	
<u>Spotted Turtle</u>	<u>Clemmys guttata</u>	<u>Threatened</u>
<u>Bald Eagle</u>	<u>Haliaeetus</u>	<u>Threatened</u>
	<u>leucocephalus</u>	

	<u>Razorbill</u>	<u>Alca torda</u>	<u>Threatened</u>
2	<u>Atlantic Puffin</u>	<u>Fratercula arctica</u>	<u>Threatened</u>
	<u>Harlequin Duck</u>	<u>Histrionicus</u>	<u>Threatened</u>
4		<u>histrionicus</u>	
	<u>Arctic Tern</u>	<u>Sterna paradisaea</u>	<u>Threatened</u>
6	<u>Upland Sandpiper</u>	<u>Bartramia longicauda</u>	<u>Threatened</u>
	<u>Swamp Darter</u>	<u>Etheostoma fusiforme</u>	<u>Threatened</u>
8	<u>Tidewater Mucket</u>	<u>Leptodea ochracea</u>	<u>Threatened</u>
	<u>Yellow</u>		
10	<u>Lampmussel</u>	<u>Lampsilis cariosa</u>	<u>Threatened</u>
	<u>Tomah Mayfly</u>	<u>Siphonisca aerodromia</u>	<u>Threatened</u>
12	<u>Pygmy Snaketail</u>	<u>Ophiogomphus howei</u>	<u>Threatened</u>
	<u>Twilight Moth</u>	<u>Lycia rachelae</u>	<u>Threatened</u>
14	<u>Pine Barrens</u>		
	<u>Zanclognatha</u>	<u>Zanclognatha martha</u>	<u>Threatened</u>

16  
18 4. Process for recommendation; notice and hearings. Prior  
20 to recommending an addition, deletion or other change to the  
22 endangered and threatened species listed in subsection 3, the  
commissioner shall provide for public notice and public hearings  
on that proposed recommendation in accordance with the provisions  
of Title 5, chapter 375, subchapter 2.

24 5. Designation by Legislature. The Legislature may not  
26 amend the list of endangered or threatened species in subsection  
3 except upon the recommendation of the commissioner.

28 **§12804. Conservation of endangered species**

30 1. Conservation of nongame and endangered species. The  
32 commissioner may establish such programs as are necessary to  
bring any endangered or threatened species to the point where it  
34 is no longer endangered or threatened, including:

36 A. Acquisition of land or aquatic habitat or interests in  
land or aquatic habitat;

38 B. Propagation;

40 C. Live trapping;

42 D. Transplantation. Prior to the transplantation,  
44 introduction or reintroduction of an endangered or  
46 threatened species in the State, the commissioner shall, in  
conjunction with the Atlantic Salmon Commission, when  
48 appropriate, develop a recovery plan for that species,  
conduct a public hearing on that recovery plan pursuant to  
50 Title 5, Part 18 and submit that plan to the joint standing  
committee of the Legislature having jurisdiction over inland  
fisheries and wildlife matters. The introduction or

2 reintroduction of that species must be conducted in  
3 accordance with the recovery plan developed under this  
4 paragraph and may not begin sooner than 90 days after all  
5 conditions of this paragraph have been met; and

6 E. In the extraordinary case where population pressures  
7 within a given group ecosystem can not be otherwise  
8 relieved, regulated taking.

10 2. Habitat. For species designated as endangered or  
11 threatened under this subchapter the commissioner may, by rule,  
12 pursuant to Title 5, chapter 375, identify areas currently or  
13 historically providing physical or biological features essential  
14 to the conservation of the species and that may require special  
15 management considerations.

16 3. Protection guidelines. The commissioner may, by rule,  
17 pursuant to Title 5, chapter 375, develop guidelines for the  
18 protection of species designated as endangered or threatened  
19 under this subchapter.

22 4. Annual report. The commissioner shall submit a written  
23 report by January 1st of each year to the joint standing  
24 committee of the Legislature having jurisdiction over inland  
25 fisheries and wildlife matters describing the status of all  
26 current and planned programs, activities and rules of the  
27 department pertaining to the conservation or management of  
28 endangered or threatened species. When appropriate, this report  
29 may be combined with any transplantation report required under  
30 subsection 1, paragraph D.

#### 32 §12805. Cooperative agreements

34 The commissioner may enter into agreements with federal  
35 agencies, other states, political subdivisions of this State or  
36 private persons for the establishment and maintenance of programs  
37 for the conservation of endangered or threatened species and may  
38 receive all federal funds allocated for obligations to the State  
39 pursuant to these agreements.

#### 40 §12806. State and local cooperation

42 1. Review. A state agency or municipal government may not  
43 permit, license, fund or carry out projects that will:

46 A. Significantly alter the habitat identified under section  
47 12804, subsection 2 of any species designated as threatened  
48 or endangered under this subchapter; or



2           B. Violate protection guidelines set forth in section  
3           12804, subsection 3.

4           The commissioner shall make information under section 12804  
5           available to all other state agencies and municipal governments  
6           for the purposes of review.

8           2. Variance. Notwithstanding subsection 1, state agencies  
9           and municipal governments may grant a variance from this section  
10           provided that:

12           A. The commissioner certifies that the proposed action  
13           would not pose a significant risk to any population of  
14           endangered or threatened species within the State; and

16           B. A public hearing is held on the proposed action.

18           3. Pending applications. Notwithstanding Title 1, section  
19           302, applications pending at the time of adoption of habitats and  
20           guidelines under section 12804, subsections 2 and 3 are governed  
21           by this section.

22           **§12807. Introduction of wolves to State; approval**

24           A person may not release a wolf in the State for the purpose  
25           of reintroducing that species into the State without the prior  
26           approval of both Houses of the Legislature and the commissioner.

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

30           **§12808. Misuse of endangered or threatened species**

32           For the purposes of this section, "to take," "take" and  
33           "taking" mean the intentional or negligent act or omission that  
34           results in the death of any endangered or threatened species.

36           1. Misuse of endangered or threatened species. Except as  
37           provided in subsections 2 and 3, a person may not:

40           A. Import into the State or export out of the State any  
41           endangered or threatened species;

42           B. Hunt, take, trap or possess any endangered or threatened  
43           species within the State;

44           C. Possess, process, sell, offer for sale, deliver, carry,  
45           transport or ship, by any means whatsoever, any endangered  
46           or threatened species or any part of an endangered or  
47           threatened species; or

50

2 D. Deliberately feed, set bait for or harass any endangered  
3 or threatened species, except as allowed under subsection 2,  
4 paragraph A. A warning must be issued for the first  
5 violation. The 2nd violation is punishable as a Class E  
6 crime.

7 A person who violates this subsection commits a Class E crime.

8  
9 2. Exceptions for certain purposes. Notwithstanding  
10 subsection 1 or section 10602 as it applies to rules adopted in  
11 accordance with this subchapter, the commissioner may:

12  
13 A. Under such terms and conditions as the commissioner may  
14 prescribe, permit any act prohibited by this section or by  
15 rule for educational or scientific purposes or to enhance  
16 the propagation or survival of an endangered or threatened  
17 species; and

18  
19 B. Under such terms and conditions as the commissioner may  
20 prescribe, permit any endangered or threatened species that  
21 enters the State and is being transported to a point outside  
22 the State to be so entered and transported without  
23 restriction in accordance with the terms of any federal or  
24 state permit.

25 3. Exceptions: incidental take plan. Notwithstanding  
26 subsection 1, the commissioner may:

27  
28 A. Permit the taking of any endangered species or  
29 threatened species if:

30  
31 (1) Such taking is incidental to, and not the purpose  
32 of, carrying out an otherwise lawful activity;

33  
34 (2) The taking will not impair the recovery of any  
35 endangered species or threatened species; and

36  
37 (3) The person develops and implements an incidental  
38 take plan approved by the commissioner to take an  
39 endangered species or threatened species pursuant to  
40 paragraph B; and

41  
42 B. Allow a plan that minimizes the incidental taking of an  
43 endangered species or threatened species that specifies the  
44 following:

45  
46 (1) A description of the specific activities sought to  
47 be authorized by the incidental take permit and an  
48 analysis of potential alternatives;

49  
50

- 2           (2) The individual and cumulative effects that may  
4           reasonably be anticipated to result from the proposed  
          actions covered by the plan;
- 6           (3) The recovery measures the applicant will implement  
8           to prevent, minimize and mitigate the individual and  
10          cumulative effects and any provisions that are  
          necessary to prevent, minimize and mitigate  
12          circumstances that are likely to impair the recovery of  
          any endangered or threatened species covered by the  
          plan;
- 14          (4) The procedures for monitoring the effectiveness of  
          the recovery measures in the plan;
- 16          (5) The anticipated costs of implementing the plan and  
18          the availability of necessary funding for the applicant  
          to implement the plan; and
- 20          (6) Other modifications to the plan or other  
22          additional measures, if any, that the department may  
24          require and such other matters as the department  
          determines to be necessary for the recovery of species  
          consistent with this section.

26          The department shall seek input from knowledgeable individuals or  
28          groups on each incidental take plan for endangered or threatened  
          species.

30          If any person fails to abide by the terms of any permit  
32          authorizing the incidental taking of an endangered or threatened  
          species, the permit must be immediately suspended or revoked.

34          **§12809. Judicial enforcement**

36                 **1. General.** In the event of a violation of this  
38                 subchapter, any rule adopted pursuant to this subchapter or any  
40                 license or permit granted under this subchapter, the Attorney  
42                 General may institute injunctive proceedings to enjoin any  
               further violation, a civil or criminal action, or any appropriate  
               combination of those proceedings without recourse to any other  
               provision of law administered by the department.

44                 **2. Restoration.** The court may order restoration of any  
46                 area affected by any activity found to be in violation of this  
48                 subchapter, any rule adopted pursuant to this subchapter or any  
               license or permit granted under this subchapter, to its condition  
               prior to the violation or as near to that condition as possible.  
               When the court finds that the violation was willful, the court

2 shall order restoration under this subchapter, unless the  
3 restoration would result in:

4 A. A threat to public health and safety;

6 B. Environmental damage; or

8 C. A substantial injustice.

10 **SUBPART 5**

12 **GUIDES, OUTFITTERS AND TAXIDERMISTS**

14 **CHAPTER 927**

16 **GUIDES AND TRIP LEADERS**

18 **§12851. Commissioner's authority to adopt rules**

20 The commissioner shall, pursuant to Title 5, chapter 375,  
22 with the advice and consent of the Advisory Board for the  
24 Licensing of Guides, adopt rules necessary to administer this  
26 chapter. The commissioner shall establish safety standards to  
provide the clients of guides reasonable protection from  
hazards. The commissioner may adopt rules in the following areas.

28 1. Alcohol; drugs. The commissioner may require applicants  
30 to state whether they use alcohol or other drugs in a way that  
would interfere with their competence as guides.

32 2. Failure to meet party. The commissioner may require  
34 applicants who have previously held a guide license to state that  
36 they have not received and retained a guiding fee from a party  
and then failed to meet that party as agreed or failed to provide  
the services as agreed.

38 3. Competency. The commissioner may establish standards of  
40 competency that must be provided to each applicant.

42 4. Watercraft. The commissioner may establish standards  
44 for the use of watercraft by a guide to ensure that the  
watercraft is safe for the use intended, that sufficient safety  
equipment is provided to each passenger and that the operator is  
competent to use watercraft.

46 5. Classification. The commissioner may establish  
48 classifications of guide licenses, including general guides and  
50 specialized categories.

2       6. Other. The commissioner may establish rules in any area  
3 as the commissioner considers necessary to administer this  
4 chapter, except that the commissioner may not require an  
5 applicant to demonstrate certification in cardiopulmonary  
6 resuscitation.

8       **§12852. Rule violations; licensed guides and trip leaders**

10       Notwithstanding section 10602, a person who violates a rule  
11 regulating licensed guides or camp trip leaders and course  
12 instructor certificates commits a civil violation for which a  
13 forfeiture of not less than \$100 nor more than \$500 may be  
14 adjudged.

16       **§12853. License, fees and requirements; camp trip leader**  
17 **exception**

18       1. Requirement. Except as provided in subsection 7, a  
19 person may not act as a guide without a valid license issued  
20 under this chapter. A person violates this subsection each day  
21 the person acts as a guide without a valid license issued under  
22 this chapter.

24       2. Violation. A person who violates subsection 1 commits a  
25 Class D crime for which the court shall impose a sentencing  
26 alternative involving a term of imprisonment of 3 days, none of  
27 which may be suspended. The court shall also impose a fine of  
28 \$1,000, none of which may be suspended.

30       3. New applications. A person wishing to be licensed as a  
31 guide shall submit an application to the commissioner.

32           A. The commissioner shall provide application forms that  
33 request all relevant information the commissioner considers  
34 necessary.

36           B. Failure or refusal to satisfactorily answer any question  
37 in the application is a basis for the commissioner not to  
38 accept the application.

40           C. The commissioner shall decide whether the application is  
41 acceptable within 5 working days of receipt.

44           D. The commissioner shall notify each applicant at least 2  
45 weeks prior to the examination required under section 12855.

46       4. Qualifications. In order to qualify for a guide  
47 license, a person must:

50           A. Be at least 18 years of age;

- 2           B. Pass the guide examination in accordance with section  
3           12855;
- 4
- 5           C. If a first-time applicant, be currently certified in  
6           first aid through completion of any standard first aid  
7           course that meets the criteria established by rule of the  
8           commissioner;
- 9
- 10          D. If not a first-time applicant, submit satisfactory  
11          evidence, as determined by the commissioner, of having held  
12          a guide license in this State; and
- 13
- 14          E. Meet all requirements established by rules of the  
15          commissioner.

16           For purposes of this subsection, "first-time applicant" means an  
17           applicant who has not previously been issued a guide license in  
18           this State.

19

20           5. Fee. The fee for a 3-year guide license is \$79.

21

22           6. Term of license. A guide license entitles a person to  
23           act as a guide through December 31st of the 2nd complete year  
24           following the year of issuance.

25

26           7. Exception. A person holding a camp trip leader permit  
27           under section 12860 may, without a guide license, conduct trips  
28           including adults under the auspices of the boys and girls camp  
29           that employs those adults, subject to all the requirements of  
30           section 12860.

31

32           **§12854. Guides carrying passengers for hire**

33

34           A guide carrying passengers for hire must be certified in  
35           the area of watercraft safety. A guide who has been certified in  
36           watercraft safety through the guide license examination process  
37           is authorized, without further licensing requirements, to operate  
38           a motorboat carrying passengers for hire pursuant to section  
39           13063, subsection 2. A guide license issued to a guide who has  
40           been certified in watercraft safety must clearly indicate that  
41           the licensee is authorized to operate a motorboat carrying  
42           passengers for hire.

43

44           **§12855. Examination**

45

46           1. Requirement. In order to qualify for a guide license, a  
47           person who has not held a valid guide license within the previous  
48           3 years must pass an examination pursuant to this section.

49

50

2           2. Form. The commissioner shall determine the form and  
content of the examination.

4           3. Location. The commissioner shall designate locations  
where the examination will be held, except the examination must  
6           be held in one of the Inland Fisheries and Wildlife regions if at  
least 10 applicants reside in that region.

8           4. Reexamination. The commissioner may require a guide to  
10           be examined or reexamined if the commissioner receives a written  
complaint and, upon investigation, believes that the guide no  
12           longer meets the guide qualifications.

14           5. Fee. The examination fee is \$100. An applicant may  
retake the examination once without paying an additional fee.  
16           The fee is nonrefundable.

18           6. Oral examination. If an oral examination is  
administered, the examination must be conducted by at least 2  
20           trained examiners designated pursuant to section 10153,  
subsection 2, paragraph D who are approved by the commissioner or  
22           members of the Advisory Board for the Licensing of Guides.

24           **§12856. Approved curriculum for licensed Maine guides**

26           The commissioner shall approve a curriculum designed to  
prepare persons for the guide examinations. This curriculum must  
28           cover practical skills, fisheries and wildlife laws and other  
aspects important for the guiding profession. The commissioner  
30           shall convene an ad hoc advisory board, as defined under Title 5,  
section 12008, to develop the curriculum. Nonagency members must  
32           be compensated according to Title 5, chapter 379. The  
commissioner also shall consult with the Department of Education  
34           in developing the curriculum.

36           **§12857. Hiring guide**

38           1. Prohibition. A person may not hire another person as a  
guide if the hiring person has knowledge that the person does not  
40           hold a valid guide license.

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

46           **§12858. Guide license violations**

48           1. Guide license violations. A person licensed as a guide:

2           A. May not knowingly assist a client in violating any of  
3           the provisions of this Part;

4           B. Who has knowledge that a client has violated the  
5           provisions of this Part shall, within 24 hours, inform a  
6           person authorized to enforce those chapters. Failure to  
7           report the violation is a violation of this paragraph; or

8           C. May not take a party of more than 12 people out on any  
9           lake, stream or waterway in the State at any time.

10           2. Civil violations. A person commits a civil violation  
11           for which a forfeiture of not less than \$100 nor more than \$500  
12           may be adjudged if:

13           A. That person violates subsection 1, paragraph A and the  
14           violation committed by the client is a civil violation; or

15           B. That person violates subsection 1, paragraph B or C.

16           3. Criminal violations. A person who violates subsection  
17           1, paragraph A, if the violation committed by the client is a  
18           criminal violation, commits a Class E crime.

19           **§12859. Junior Maine guides**

20           1. Eligibility. To qualify as a junior Maine guide, a  
21           person must be at least 14 years of age and under 18 years of  
22           age, meet the requirements established by the commissioner and  
23           pass the required examinations.

24           2. Restrictions. A junior Maine guide is not authorized to  
25           provide guiding services.

26           **§12860. Trip leader permit**

27           1. When permit required. Boys and girls camps licensed by  
28           the Department of Human Services, or located in another state and  
29           licensed in a similar manner, if the laws of the other state so  
30           require, conducting trip camping shall:

31           A. Provide at least one staff member over 18 years of age  
32           for each 6 campers; and

33           B. Ensure that the staff member in charge of the trip holds  
34           a valid trip leader permit.

35           2. Application. A person wishing a trip leader permit  
36           shall submit an application on forms provided by the commissioner  
37           and shall pay the application fee.



2       3. Qualifications. To qualify initially for a trip leader  
3       permit, an applicant must:

4               A. Show successful completion of an approved trip leader  
5               safety course or complete an application provided by the  
6               commissioner outlining in detail the applicant's experience  
7               and training as a trip leader; and

8               B. Meet any other requirements established by rule by the  
9               commissioner.

10              4. Special waiver. Waiver of the course requirement by the  
11              commissioner on the basis of the applicant's experience and  
12              payment of the application fee qualifies the applicant for a trip  
13              leader permit.

14              5. Curriculum. With the advice of the Junior Maine Guides  
15              and Trip Leaders Curriculum Advisory Board, the commissioner  
16              shall review and adopt a trip leader safety course curriculum  
17              that includes, but is not limited to:

18                      A. Training in first aid;

19                      B. Training in water safety, including lifesaving  
20                      techniques as appropriate; and

21                      C. Trip leader qualifications and required experience for  
22                      the special waiver procedure in subsection 4.

23              The commissioner shall publish the curriculum adopted or approved  
24              by the Junior Maine Guides and Trip Leaders Curriculum Advisory  
25              Board and a current list of courses, with the approved  
26              curriculum, by name and address.

27              6. Fee. The initial qualifying fee for a trip leader  
28              permit is \$18. The permit may be renewed upon payment of \$13 if  
29              requirements of the department are met.

30              7. Enforcement. Wardens of the department, the rangers of  
31              the Bureau of Forestry and rangers of the Department of  
32              Conservation, Bureau of Parks and Lands may enforce this section  
33              and may terminate any trip that is considered unsafe or in  
34              violation of this section. The commissioner shall adopt  
35              standards for what is considered an unsafe trip. The  
36              commissioner shall consider previous violations of this section  
37              when issuing or reissuing trip leader permits.

38  
39  
40                                      CHAPTER 929

2 WHITEWATER RAFTING

4 §12901. Definitions

6 As used in this chapter, unless the context otherwise  
8 indicates, the following terms have the following meanings.

10 1. Affiliated group. "Affiliated group" means one or more  
12 affiliated outfitters and the outfitter or outfitters with which  
14 they are affiliated.

16 2. Affiliated outfitter. "Affiliated outfitter" means:

18 A. An outfitter who owns directly, indirectly or through a  
20 chain of successive ownership 10% or more of the financial  
22 interest in any other outfitter;

24 B. An outfitter, 10% or more of whose financial interests  
26 are owned directly or indirectly or through a chain of  
28 successive ownership by any other outfitter;

30 C. An outfitter, 10% or more of whose financial interests  
32 are owned directly or indirectly or through a chain of  
34 successive ownership by a person who owns 10% or more of the  
36 financial interest in another outfitter; or

38 D. An outfitter who, in the year 1982 or thereafter:

40 (1) Purchases, leases, borrows, accepts, receives or  
42 otherwise obtains on a nonarms-length basis from  
44 another whitewater outfitter, either directly or  
46 indirectly, more than 1/2 of its real or personal  
48 property; or

(2) Receives from another outfitter on a  
nonarms-length basis more than 1/2 of the ordinary  
services related to the business of whitewater  
outfitting, including, but not limited to, mail,  
telephone, reservations, repair, maintenance, personnel  
training and management.

A person may not be found to be an affiliated outfitter solely  
because of blood relationship, marriage or previous employment.  
If the department transfers a selling outfitter's allocation to a  
buying outfitter or outfitters, pursuant to section 12907,  
subsection 7, these transferred allocations must be added to the  
buyer's allocations and may not be considered as affiliated.

2        3. Allocation. "Allocation" means the privilege of taking  
a specified number of passengers per day on whitewater trips on a  
4        particular river, as specified annually.

6        4. Commercial. "Commercial" means for financial  
compensation or other remuneration.

8        5. Commercial whitewater outfitter; outfitter. "Commercial  
whitewater outfitter" or "outfitter" means a person who conducts  
10       commercial whitewater trips or who collects dues or fees or  
receives any form of compensation for providing whitewater  
12       rafting services or for operating a whitewater rafting  
organization.

14       6. Demonstrated use. "Demonstrated use" means for a given  
16       outfitter for a given river the average number of passengers  
carried on the 10 Saturdays or Sundays with greatest use during  
18       the year.

20       7. Financial interest. "Financial interest" means any  
voting or nonvoting security, partnership interest whether  
22       limited or general, trust interest, joint venture interest or any  
other beneficial interest in any form of business association.

24       8. Person. "Person" means an individual, corporation,  
26       business trust, estate, trust, partnership or association, 2 or  
more persons having a joint or common interest, or any other  
28       legal or commercial entity.

30       9. Rapidly flowing river. "Rapidly flowing river" means a  
river or stretch of a river with rapids classified as class IV or  
32       higher by the department according to the International River  
Classification System or a river or stretch of a river designated  
34       by the department by rule on the basis of public safety,  
including, but not limited to, the Kennebec River between Harris  
36       Station and West Forks and the West Branch Penobscot River  
between McKay Station and Pockwockamus Falls.

38       10. Whitewater craft. "Whitewater craft" means any raft,  
40       dory, bateau or similar watercraft that is used to transport  
passengers along rapidly flowing rivers but does not include  
42       canoes or kayaks.

44       11. Whitewater guide. "Whitewater guide" means a person  
who receives any remuneration for accompanying, assisting or  
46       instructing passengers on the river on whitewater trips and who  
holds a current whitewater guide's license.

48       12. Whitewater trip. "Whitewater trip" means a commercial  
50       effort to transport passengers by means of a whitewater craft on

2 rapidly flowing rivers, except commercial efforts by guides  
3 licensed under section 12853 to transport clients by means of a  
4 whitewater craft on rapidly flowing rivers while principally  
5 engaged in fishing.

6 **§12902. Legislative findings**

8 The Legislature finds that the recreational use of  
9 watercraft on rapidly flowing rivers in this State has become an  
10 increasingly popular sport. Many members of the public rely on  
11 commercial whitewater outfitters to provide safe and enjoyable  
12 trips on these rivers. This sport may pose significant risks to  
13 the users of these rivers if outfitters are not skilled and  
14 knowledgeable in the navigation of those rivers and are not  
15 properly regulated.

16 The Legislature further finds that increased use of the  
17 state's rapidly flowing rivers has increased the environmental,  
18 physical and social burdens on that resource.

19 The Legislature further finds that it is in the public  
20 interest for the State, as trustee of the public waters, to  
21 regulate commercial whitewater rafting, pursuant to: the State's  
22 authority to protect the health, safety and welfare of its  
23 citizens; the State's authority to protect its natural resources  
24 or rapidly flowing rivers; and the State's authority over the  
25 care, supervision and protection of navigation.

26 The Legislature further finds that, in exercising this  
27 authority, it is in the public interest for the State to adopt  
28 measures to ensure the competence of commercial whitewater  
29 outfitters; to adopt recreational use limits; and to allocate the  
30 privilege of commercial use where necessary to meet the  
31 objectives and goals of this chapter.

32 The Legislature further finds that it is in the public  
33 interest to allow stable, well-qualified outfitters who are  
34 providing excellent service and meeting the conditions of their  
35 allocations to continue to do so, subject to periodic review.

36 **§12903. River management objectives**

37 The following objectives are established for management of  
38 rapidly flowing rivers for the benefit of the people of the State:

39 1. Safety and health requirements. To ensure that safety  
40 and health requirements are met by all river users;

2           2. Minimize environmental impact. To minimize  
3 environmental impact on the rivers and the river corridors,  
4 including access roads;

6           3. Recreational use. To allow a reasonable level of  
7 recreational use;

8           4. Quality wilderness experience. To maintain a quality  
9 wilderness experience on the rivers;

10           5. Multiple uses. To minimize conflicts between different  
11 uses of the rivers in order to allow for multiple use;

12           6. Diversity of whitewater experiences and services. To  
13 encourage a diversity of whitewater trip experiences and services;

14           7. River use and impact. To monitor river use and its  
15 impact;

16           8. Communication. To encourage open communication with all  
17 river users, both groups and individuals, on river management  
18 matters; and

19           9. System of allocating river use. To provide a system of  
20 allocating river use that is simple and fair and that meets the  
21 specific goals of section 12913.

22           **§12904. Exceptions**

23           This chapter does not apply to the operation of canoes or  
24 kayaks. This chapter does not apply to guides or camp trip  
25 leaders licensed under chapter 927 or motorboat operators  
26 licensed under chapter 935, unless those persons are in the  
27 business of conducting commercial whitewater trips.

28           **§12905. General penalty**

29           Except as otherwise specified, a violation of this chapter  
30 is a civil violation for which a forfeiture of not less than \$100  
31 nor more than \$500 may be adjudged.

32           The penalty for failure to comply with or for providing  
33 false information under this chapter includes nonrenewal,  
34 revocation or suspension of an outfitter's or whitewater guide's  
35 license or allocation or both, subject to the procedures of Title  
36 5, chapter 375.

37           **§12906. Rule violations; whitewater rafting**

2 Except as provided in section 12910 and notwithstanding  
3 section 10602, a person who violates a rule regulating commercial  
4 whitewater rafting commits a civil violation for which a  
5 forfeiture of not less than \$100 nor more than \$500 may be  
6 adjudged.

8 **§12907. Commercial whitewater outfitters; license and**  
9 **requirements**

10 **1. Requirement.** Every commercial whitewater outfitter must  
11 have a commercial whitewater outfitter's license. An outfitter  
12 may not operate a commercial whitewater trip without a license.  
13 A person who violates this subsection commits a Class E crime.

14 **2. Issuance; term.** The commissioner may issue a commercial  
15 whitewater outfitter's license to conduct commercial whitewater  
16 trips. A license is issued for the calendar year.

17 **3. Insurance requirements.** An outfitter shall carry  
18 liability insurance covering the operation of whitewater trips  
19 and motor vehicles carrying passengers. The department shall  
20 establish, by rule, the minimum limits of liability insurance.

21 **4. Fee.** The annual basic fee for a commercial whitewater  
22 outfitter's license must be set by the department and adjusted  
23 biennially by rule to reflect the actual cost of administering  
24 the license program. The fee for reissuance of a license is  
25 equal to the annual basic fee for a license.

26 **5. Nonrenewal, suspension or revocation.** A commercial  
27 whitewater outfitter's license is subject to nonrenewal,  
28 suspension or revocation for good cause shown, including, but not  
29 limited to, unsafe practices, falsifications of reports or  
30 serious or continued violation of this chapter, subject to Title  
31 5, chapter 375.

32 **6. Sale of business.** When a licensed outfitter's business  
33 is sold, the commercial whitewater outfitter's license must be  
34 returned to the department. On application, the license must be  
35 reissued to the purchaser, as long as the purchaser meets the  
36 licensing requirements of the department and pays the license  
37 fee. A person may not profit on the return and reissuance of the  
38 license itself, but nothing in this chapter may be construed to  
39 prohibit profit on the sale of any of the assets of a business.  
40 The license is not an asset and may not be transferred as part of  
41 a sale or transaction. The department may require an affidavit  
42 from the purchaser to aid in enforcement of this provision.

43 **7. Sale of business; allocations.** When a licensed  
44 outfitter's business is sold, the selling outfitter's allocations  
45 are

2 or portions of the allocations subject to the sale must be  
3 returned to the department. An outfitter who purchases the  
4 business of another outfitter whose commercial whitewater  
5 outfitter's license has been returned to the department as  
6 provided in subsection 6 has 60 days from the date of sale to  
7 submit an affidavit applying for the selling outfitter's  
8 allocation, ensuring that the level and quality of services of  
9 the selling outfitter will be maintained. On application to the  
10 department, allocations may be reissued to the purchaser, as long  
11 as the purchaser meets the licensing and allocation requirements  
12 of the department and pays the license and allocation fees. The  
13 allocations are not assets of a business. Allocations or  
14 portions of the allocations may be transferred, pursuant to this  
15 chapter, from a selling outfitter to one or more purchasers only  
16 if the selling outfitter's allocations or portions of the  
17 allocations subject to the sale are returned to the department.  
18 An outfitter may not receive more than the maximum allocations  
19 allowed under section 12913, subsection 3. When allocations are  
20 forfeited or when new allocations become available as a result of  
21 increases in the commercial use limits on an allocated river, the  
22 department shall sell those allocations at public auction to  
23 qualified recipients. Net proceeds from the sale of allocations  
24 must be paid to the Whitewater Rafting Fund established under  
25 section 10259.

26 **8. Affiliated outfitters.** An affiliated outfitter may be  
27 licensed, but is subject to additional allocation restrictions.  
28 An application for allocations must contain a declaration of the  
29 extent of affiliation, as defined in section 12901, subsection 2,  
30 or a declaration of nonaffiliation and a statement disclosing any  
31 relationship with other licensed outfitters, including the giving  
32 or receipt of equipment, materials or other assistance. The  
33 department may require submission of any books, memoranda, papers  
34 or accounts it reasonably believes necessary to determine whether  
35 a person seeking an allocation is an affiliated outfitter. Any  
36 books, memoranda, papers or accounts submitted pursuant to this  
37 subsection are confidential and may be made available only to  
38 persons involved in determining affiliation and only for that  
39 purpose, unless they are submitted for another purpose.

40 **9. Limitation.** This chapter may not be construed as  
41 revoking any right of passage or access created by statute,  
42 contract or operation of law or as creating any such right for  
43 any outfitter or any associates or customers of any outfitter  
44 upon the project or project works of any licensee of the Federal  
45 Energy Regulatory Commission, as the terms "project" and "project  
46 works" are defined in United States Code, Title 16, Section 796  
47 (11) and (12), respectively.

50 **§12908. Noncommercial organization that collects dues or fees**

2           Notwithstanding section 12901, subsection 5, an organization  
4 that collects dues or fees may conduct rafting trips on rapidly  
6 flowing rivers without obtaining a commercial whitewater  
8 outfitter's license if the commissioner determines under this  
section that the organization is a noncommercial organization.  
An organization is a "noncommercial organization" if the  
commissioner determines that the organization is:

10           1. Tax-exempt nonprofit corporation formed before March 1,  
12 1996. A nonprofit corporation incorporated before March 1, 1996,  
14 including any council, troop or other organized local group  
16 affiliated with the corporation, that collects dues or fees from  
18 its members and for which conducting whitewater rafting is  
20 incidental to the purpose of the corporation. The organization  
22 wishing to conduct a rafting trip on a rapidly flowing river  
24 without a commercial whitewater outfitter's license under this  
26 subsection shall file a written request with the commissioner at  
28 least 15 days before conducting that trip. The request must  
include the name of the organization conducting the trip and the  
time, location and number of persons participating in the trip.  
The commissioner may request any additional information from the  
organization necessary to make a determination under this  
subsection. Notwithstanding any other provision of this section,  
the commissioner may not allow any council, troop or other  
organized local group affiliated with the corporation to conduct  
more than 2 whitewater rafting trips in any one calendar year  
without obtaining a commercial whitewater outfitter's license; or

30           2. Noncommercial whitewater rafting club. A qualifying  
32 noncommercial whitewater rafting club. A "qualifying  
34 noncommercial whitewater rafting club" is a group that collects  
36 dues or fees from its members and that the commissioner  
38 determines to be organized solely to provide noncommercial  
whitewater rafting opportunities to its members. To be  
considered under this subsection, a club must provide to the  
commissioner the following information before January 1st of each  
year:

40           A. A list that includes the name, legal residence and home  
42 telephone number of each dues-paying member of the club.  
44 That list must identify a member as the president of the  
46 club and must identify any other officers or board members  
48 of the club. An officer or a board member of the club may  
not be a commercial whitewater outfitter or a licensed  
whitewater guide. The commissioner may not accept more than  
one amended membership list from a club between April 1st  
and November 1st:



2 B. A statement signed by all board members, if any, and all  
officers of the club swearing that:

4 (1) The sole purpose of the club is to provide  
noncommercial whitewater rafting opportunities to its  
6 members;

8 (2) No member of the club, including officers and  
board members, receives any form of compensation from  
10 the club at any time, either while a member of the club  
or afterwards;

12 (3) The club will use its own rafting equipment, and  
14 all fees or dues collected from club members are used  
only to provide insurance and to purchase and maintain  
16 rafting equipment for use solely by the club; and

18 (4) The club will not employ or otherwise compensate  
any person for any service relating to rafting or  
20 accept any gifts of products or services from any  
commercial whitewater outfitter or licensed whitewater  
22 guide; and

24 C. Any other information the commissioner determines  
necessary. If the club is an incorporated entity, the  
26 commissioner shall require the club to submit a copy of the  
club's articles of incorporation. The commissioner may not  
28 consider any incorporated entity other than a tax-exempt,  
nonprofit corporation as a noncommercial whitewater rafting  
30 club.

32 When authorizing a noncommercial organization under this  
section to conduct whitewater rafting trips without a commercial  
34 license, the commissioner shall, when the commissioner determines  
necessary, place limits on that organization's whitewater rafting  
36 activities, including limits on the time and location of rafting  
activities, the number of persons that may participate in those  
38 rafting activities and the safety equipment required for rafting  
trips. The commissioner may reject a request under this section  
40 if the commissioner determines that granting the request would  
conflict with the river management objectives set forth in  
42 section 12903.

44 **§12909. Whitewater guide license**

46 1. Eligibility. A person may not act as a whitewater guide  
unless that person is 18 years of age or older and has procured a  
48 license from the commissioner pursuant to this section.

2           2. Rules. The commissioner shall by rule establish the  
requirements for a whitewater guide's license.

4           3. Examination. All initial applicants for a whitewater  
guide's license are required to pass an examination developed and  
6 administered by the commissioner.

8           4. Fee. The fee for an examination is \$100 and is not  
refundable. An applicant may retake the examination once without  
10 paying an additional examination fee. A whitewater guide's  
license is a 3-year license. The fee for a whitewater guide's  
12 license is \$87.

14           5. Renewal. A whitewater guide whose license is not  
suspended or revoked may renew that license upon the payment of  
16 the license fee. An examination is required for any person who  
has not held a valid whitewater guide's license within the  
18 previous 3 years.

20 **\$12910. Safety; order of launch; safety committee**

22           1. Whitewater trip safety restrictions. The commissioner  
shall by rule establish safety restrictions for whitewater  
24 trips. A person who violates safety restrictions established  
pursuant to this subsection commits a Class E crime.

26           2. Order of launch. Launch order of commercial whitewater  
outfitters on a particular river or portion of river may be  
28 determined and enforced by the department to protect public  
health and safety. The department shall provide for the  
30 outfitters to choose, in the order of their first documented  
32 dates of continuous commercial operation on the particular river  
or portion of river, their preferred launch positions. To  
34 facilitate that determination, each outfitter shall submit a  
sworn affidavit to the department stating the date the outfitter  
36 first began continuous commercial operation.

38           3. Whitewater Safety Committee. The Whitewater Safety  
Committee established by Title 5, section 12004-I, subsection 70  
40 shall advise the commissioner in establishing and reviewing  
safety requirements for whitewater trips, developing a safety  
42 information program and reviewing the safety record of whitewater  
guides and outfitters. The committee shall submit a written  
44 report annually on each outfitter's safety record to the  
commissioner.

46           A. The Whitewater Safety Committee is composed of 8  
48 members: 2 members of the Advisory Board for the Licensing  
of Whitewater Guides designated by the board; 2 commercial  
50 whitewater outfitters and 2 whitewater guides designated by

2 the Governor; and 2 members from the general public, one  
3 designated by the President of the Senate and one designated  
4 by the Speaker of the House of Representatives.

5 B. Terms of members of the Whitewater Safety Committee are  
6 for 2 years, expiring on December 31st, except that  
7 initially the members shall draw lots for a one-year or a  
8 2-year term. Terms must be staggered so that the term of  
9 one member in each category expires each year. Members  
10 serve until their successors are nominated and qualified.  
11 Members appointed to fill a vacancy created by the  
12 resignation, death or incapacity of a member shall complete  
13 the term of the vacancy and be eligible for reappointment.  
14 Members are entitled to be compensated as provided in Title  
15 5, chapter 379 for no more than 4 meetings a year.

16 4. Safety reports. Each commercial whitewater outfitter  
17 shall submit safety reports on forms provided by the commissioner  
18 as follows:

19 A. A written report of any accident occurring in connection  
20 with a whitewater trip conducted by that outfitter resulting  
21 in the death of a person, a person's losing consciousness or  
22 receiving medical treatment, a person's becoming disabled  
23 for more than 24 hours, a person's disappearance from a  
24 whitewater craft under circumstances indicating death or  
25 injury or damage to the whitewater craft or other property  
26 of more than \$100; and

27 B. A written report of such other dangerous accidents and  
28 occurrences as the department may, by rule, require.

29 **§12911. Recreational use limits**

30 1. Findings and goals. Increased use has resulted in  
31 increased environmental impact on the Kennebec River and the West  
32 Branch Penobscot River, as well as on their valleys, nearby roads  
33 and the social structure of the areas. Recreational use limits  
34 are necessary to allow for rafting use and other competing uses,  
35 such as fishing, camping and canoeing, while minimizing  
36 detrimental impacts and maintaining the opportunity for a quality  
37 wilderness experience for rafters and for other users.

38 2. Kennebec River. The recreational use limit on the  
39 Kennebec River between Harris Station and West Forks is 1,000  
40 commercial passengers per day. Noncommercial recreational use is  
41 not limited.

42 3. West Branch Penobscot River. In order to allow free time  
43 for other uses, whitewater craft are only allowed on the West  
44 Branch Penobscot River.

2 Branch Penobscot River between McKay Station and Pockwockamus  
3 Falls between 8:30 a.m. and 5:00 p.m.

4 The recreational use limit of the West Branch Penobscot River  
5 between McKay Station and Pockwockamus Falls is 560 commercial  
6 passengers per day. Noncommercial recreational use is not limited.

8 **§12912. Rapidly flowing rivers**

10 1. User fee. Each outfitter shall pay a user fee of \$1 per  
11 passenger, excluding guides, carried by the outfitter on any  
12 rapidly flowing river. This fee must be paid by the 30th day of  
13 the month following the month in which the passengers were  
14 carried.

16 2. Reporting. Each outfitter shall report monthly to the  
17 department the number of passengers carried each day on each  
18 rapidly flowing river. This report must be accurate and be  
19 submitted by the 30th day of the month following the month in  
20 which the passengers were carried.

22 3. Passenger limitation. Except as provided in this  
23 subsection, an outfitter may not carry on any rapidly flowing  
24 river more than 92 passengers per day or more than the  
25 allocations for that outfitter's largest single day on that  
26 river, whichever number is greater. On allocated days, that  
27 limit may be exceeded only as provided in section 12913,  
28 subsection 7, paragraph C. On unallocated days, an outfitter may  
29 occasionally carry up to 4 additional passengers to accommodate  
30 problems in booking. Abuse of this privilege results in its loss.

32 **§12913. Allocation system**

34 1. Goals. The goals of the allocation system are:

36 A. To encourage a wide diversity of whitewater trip  
37 experiences and services;

38 B. To provide a fair distribution of river use among  
39 existing and future users;

42 C. To maximize competition within the recreational use  
43 limits;

44 D. To allow for reasonable business stability for  
45 outfitters by allowing stable, well-qualified outfitters who  
46 are providing excellent service and meeting the conditions  
47 of their allocations to continue to do so, subject to  
48 periodic review;

50

2           E. To encourage efficient use of the allocation system;

4           F. To be flexible enough to adapt to changes in river use  
4           or river conditions;

6           G. To prevent evasion of the system; and

8           H. To provide opportunity for public access.

10           2. Allocation required; affiliated outfitters restricted.

12           Except as provided in subsection 7, a person may not operate a  
14           commercial whitewater trip on the Kennebec River between Harris  
16           Station and West Forks or on the West Branch Penobscot River  
18           between McKay Station and Pockwockamus Falls without an  
20           allocation or in excess of an allocation. An allocation is not  
          required for other rivers or for other stretches of those  
          rivers. Not more than one member of an affiliated group may  
          conduct whitewater trips on any river or stretch of river for  
          which a specific allocation is required, including on days for  
          which an allocation is not required.

22           Three or more years after the period of affiliation, the  
24           department may, in its discretion, consider requests by any  
26           former member of an affiliated group to run passengers on  
28           allocated rivers. The burden rests on the former member of an  
30           affiliated group to demonstrate that the reasons for any finding  
          of affiliation have so diminished in effect that the public  
          interest will be served by considering the former member's  
          request to run passengers on an allocated river.

32           3. Allocations, maximum, minimum. The department may  
34           allocate the privilege to conduct whitewater trips to licensed  
36           outfitters. The maximum allocation for an outfitter is 120  
38           passengers per day. The minimum allocation to be awarded is 10  
40           passengers per day on the Kennebec River and 16 passengers per  
42           day on the West Branch Penobscot River. The total number of  
          allocations issued for an allocated day may not exceed the  
          recreational use limits established in section 12911. The  
          department may declare a day to be an allocated day when the  
          department determines that the regular and persistent use of the  
          river on that day from year to year may exceed the recreational  
          use limits for that day.

44           4. Conditions for holding allocations. Allocations are a  
46           privilege extended by the State for the use of a limited public  
48           resource. The department may suspend, revoke or reduce the  
50           number of allocations when it is advisable to do so for better  
          management of the resource or for protection of public safety and  
          welfare. An outfitter's allocations are subject to forfeiture or  
          suspension by the department if the outfitter fails to maintain

2 the conditions of its license, fails to continue using its  
3 allocations productively or fails to maintain a quality of  
4 service consistent with the public interest.

5 5. Allocation criteria. The department may adopt rules  
6 specifying a schedule for reviewing outfitters who hold  
7 allocations and setting forth the criteria for awarding  
8 allocations. An outfitter shall submit periodic public reports  
9 to the department documenting river use for both allocated and  
10 unallocated days. If the department determines that additional  
11 allocated days are required, the allocation of trips on any such  
12 additional day must be distributed among existing licensed  
13 outfitters, upon payment of the appropriate allocation fee, in  
14 accordance with their percentage of total use averaged over the  
15 rafting season on that rapidly flowing river on that particular  
16 day, up to the limit on allocations established in subsection 3.

17 6. Allocation fee. An outfitter shall pay the department  
18 an annual allocation fee, for either river when allocations are  
19 required, of \$250 per unit of 20 passengers or less allocated per  
20 day on either river in excess of a single unit on a single  
21 river. This may be in quarterly payments, beginning 30 days  
22 after the allocation is awarded. The maximum allocation fee is  
23 \$2,625 for the privilege of carrying 120 passengers per day on  
24 both rivers.

25 7. Exceptions. The following exceptions apply to  
26 allocations.

27 A. Allocations are required for Saturdays on the Kennebec  
28 River for the period of July 1st to August 31st.  
29 Allocations are required for Saturdays on the Penobscot  
30 River for the period of June 8th to August 31st. The  
31 commissioner may adopt rules establishing allocations for  
32 Sundays for the period of July 1st to August 31st. If the  
33 department determines that the recreational use limit will  
34 be reached other days, the department shall provide by rule  
35 for allocations.

36 B. Under high-water or low-water conditions on the  
37 Penobscot River, an emergency swap of an allocation may be  
38 made to the Kennebec River, as long as sufficient water is  
39 available there. Under no circumstances may a transfer of an  
40 allocation be allowed from the Kennebec River to the  
41 Penobscot River.

42 C. An outfitter may occasionally exceed the allocation by 2  
43 passengers on a trip of up to 40 passengers, or 4 passengers  
44 on a trip of more than 40 passengers, to accommodate  
45 problems in booking, as long as the average of the number of  
46 passengers on a trip does not exceed the allocation.

2 passengers carried on an outfitter's 10 best allocated days  
3 for each river and for each allocated day of the week does  
4 not exceed the outfitter's allocation for that river and  
5 day. Abuse of this privilege results in its loss.

6 D. On the several days in the months of April and May when  
7 special water releases are scheduled to be made from the  
8 Flagstaff Dam to permit whitewater rafting on the Dead  
9 River, commercial whitewater rafting trips may be  
10 transferred from the Dead River to the Kennebec River  
11 whenever high-water or low-water conditions render use of  
12 the Dead River unsafe or inappropriate for commercial  
13 whitewater rafting trips.

14 **8. Noncommercial whitewater rafting trips; prior**  
15 **registration required. A person without a commercial whitewater**  
16 **outfitter's license using a whitewater craft on any stretch of**  
17 **river for which a specific allocation is required, and including**  
18 **days for which an allocation is not required, shall file, prior**  
19 **to launching the craft, a noncommercial trip registration form**  
20 **with the department. The form must state that the person's use of**  
21 **whitewater craft on this river stretch does not constitute a**  
22 **commercial whitewater trip as defined in section 12901 and must**  
23 **be signed by all persons using the craft.**

24 **A. A commercial whitewater outfitter using a whitewater**  
25 **craft on any stretch of river for which a specific**  
26 **allocation is required, including days for which an**  
27 **allocation is not required, and carrying a person other than**  
28 **a commercial passenger or commercial whitewater guide, shall**  
29 **file a noncommercial passenger registration form with the**  
30 **department before launching the craft. The form must list**  
31 **the persons who are not commercial whitewater guides or**  
32 **commercial passengers, state that the persons listed are not**  
33 **commercial whitewater guides or commercial passengers and be**  
34 **signed by each person listed.**

35  
36  
37  
38 **CHAPTER 931**

39  
40 **TAXIDERMISTS AND HIDE DEALERS**

41  
42 **§12951. Rule violations; taxidermy**

43  
44 **Notwithstanding section 10602, a person who violates a rule**  
45 **regulating taxidermy commits a civil violation for which a**  
46 **forfeiture of not less than \$100 nor more than \$500 may be**  
47 **adjudged.**

48  
49 **§12952. Taxidermy; general provisions**

2           1. Definitions. As used in this chapter, unless the  
context otherwise indicates, the following terms have the  
4           following meanings.

6           A. "Board" means the Advisory Board for the Licensing of  
Taxidermists established by Title 5, section 12004-I,  
8           subsection 23-A.

10          2. Permitted activities. The holder of a taxidermist  
license may:

12           A. Possess, at the licensee's place of business, lawfully  
14           acquired fish or wildlife specimens for the sole purpose of  
preparing and mounting them;

16           B. Transport lawfully acquired fish and wildlife specimens  
18           to and from the licensee's place of business;

20           C. Sell lawfully acquired specimens of fish and wildlife  
22           that have been preserved through the art of taxidermy if  
that sale does not violate regulations of the federal  
24           Migratory Bird Treaty Act or other federal regulations;

26           D. Designate others to aid or assist in conducting business  
at the licensee's place of business; and

28           E. Buy, sell or barter raw, untanned hides or heads of wild  
30           animals.

32          3. Records. The holder of a taxidermist license shall keep  
a true and complete record, in such form as required by the  
34          commissioner, of all activities conducted by virtue of the  
taxidermist license. The record must be open for inspection by  
36          any agent of the commissioner during normal business hours. The  
license holder shall file a copy of the record with the  
38          commissioner no later than 10 days after the end of the year  
during which the license is valid.

40          4. Competency standards. The commissioner shall establish  
standards of competency for the practice of taxidermy and shall  
42          provide a copy of these standards to each applicant for a  
taxidermy license.

44          5. Rules. The commissioner may, pursuant to the Maine  
46          Administrative Procedure Act, adopt rules to implement the  
provisions of this section and sections 10155, 10909 and 12953.

48          **§12953. Licensure**

50



1           1. License required. In order to safeguard the life,  
2 health and welfare of the people of this State, a person may not  
3 practice the art of taxidermy for commercial purposes unless that  
4 person holds a valid taxidermist license as provided in this  
5 section.

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

9           2. License qualifications. To be eligible for a  
10 taxidermist license issued pursuant to this section, an applicant  
11 must:

12           A. Satisfactorily pass a taxidermy examination, as  
13 prescribed by the commissioner by rule; and

14           B. Demonstrate trustworthiness and competence to practice  
15 the art of taxidermy in such a manner, as prescribed by the  
16 commissioner by rule, as to safeguard the interests of the  
17 public.

18           3. License application. An applicant for a license must  
19 submit a written application to the commissioner on a form  
20 prescribed by the commissioner. The commissioner may require an  
21 applicant who has previously held a taxidermist license to  
22 provide a notarized statement indicating that the person has not  
23 failed to provide services to a customer as promised through a  
24 contractual agreement with that customer.

25           A. The application must contain satisfactory evidence of  
26 the qualifications required of the applicant under this  
27 section and must be sworn to by the applicant.

28           B. Failure or refusal to provide information requested on  
29 the application form is sufficient grounds for the  
30 commissioner to reject the application.

31           C. The application must be accompanied by a nonrefundable  
32 fee of \$10.

33           D. Within 10 working days of receipt of an application for  
34 a taxidermist license, the commissioner shall notify the  
35 applicant as to the acceptability of the application and  
36 shall provide the applicant with notice at least 2 weeks  
37 prior to any examination required under this section.

38           4. Examination. An applicant for a license shall appear at  
39 a time and place designated by the commissioner to be examined by  
40 means of written, practical and oral tests as the commissioner  
41 deems appropriate.

2 determines. The commissioner shall determine the form and  
3 content of examinations.

4 5. Reexamination. The commissioner may require a  
5 taxidermist to be reexamined if the commissioner receives a  
6 written complaint and, upon investigation, finds that the  
7 taxidermist no longer meets the qualifications to be licensed as  
8 a taxidermist.

10 6. Fee. License applicants who successfully meet the  
11 qualifications set forth in this section must be issued a license  
12 upon payment of a \$65 fee. This fee is in addition to the \$10  
13 examination fee.

14 7. Annual renewal of license; fees; effect of failure to  
15 renew. Licenses issued pursuant to this section run for the  
16 current year until the 30th day of June following the date of the  
17 issuance, on which date the license terminates unless sooner  
18 revoked. Subject to any revocation or suspension, the license or  
19 permit may be renewed annually upon application by the licensee  
20 accompanied by a \$75 license fee.

22 **§12954. Hide dealer's license**

24 1. License required. Except as provided in subsection 6  
25 and section 12955, a person may not engage in any activity for  
26 which a hide dealer's license may be issued under subsection 2  
27 without a valid hide dealer's license.

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

34 2. Issuance. The commissioner may issue a hide dealer's  
35 license permitting a person to commercially:

36 A. Buy, sell, barter, take in trade or take in exchange for  
37 any services rendered any raw, untanned wild animal hide or  
38 head or the gall bladder from any bear; and

40 B. Aid or assist another in buying, selling or bartering  
41 raw, untanned hides or heads of wild animals or bear gall  
42 bladders.

44 3. Expiration. All licenses issued under this section are  
45 valid for one year commencing July 1st of each year.

48 4. Fee. The annual fees for hide dealer licenses are:

50 A. For a resident hide dealer, \$58; and

2           B. For a nonresident hide dealer, \$108.

4           5. Restrictions. A licensee shall keep a true and complete  
6 record, in such form as is required by the commissioner, of all  
8 heads, hides and bear gall bladders purchased. The record must  
10 be open for inspection by the commissioner or the commissioner's  
12 agent and must be filed with the commissioner on or before June  
14 30th of each year.

16           6. Exception. The following are exceptions to the license  
18 requirements set forth in this section.

20           A. A person who lawfully possesses a deer, moose or bear or  
22 lawfully possesses a fur-bearing animal may sell, without a  
24 license, the hide, head or gall bladder of that animal.

26           B. An employee of a licensed hide dealer may, without a  
28 license, aid or assist the licensee in conducting business,  
30 but only at the licensee's fixed place of business.

32           7. Licensing violation. Each day a person violates a  
34 restriction of a license issued under this section that person  
36 commits a civil violation for which a forfeiture of not less than  
38 \$100 nor more than \$500 may be adjudged.

40           **§12955. Special hide dealer's license**

42           1. License required. A person may not engage in an  
44 activity for which a special hide dealer's license may be issued  
46 under subsection 2 without a valid special hide dealer's license  
48 unless the person holds a valid license issued under section  
50 12954.

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

58           2. Issuance. The commissioner may issue a special hide  
60 dealer's license to any person who maintains a place of business  
62 for the butchering of wild animals within this State. The  
64 special hide dealer's license permits a holder commercially to  
66 sell or barter the heads or untanned hides of deer or moose that  
68 are butchered in the license holder's place of business.

70           3. Expiration. All licenses issued under this section are  
72 valid for a period commencing September 1st and ending December  
74 31st of the year in which the license is issued.



2 subsection 22-A; a truck as defined in Title 29-A, section 101,  
3 subsection 88; a snowmobile; an airmobile; a construction or  
4 logging vehicle used in performance of its common functions; a  
5 farm vehicle used for farming purposes; or a vehicle used  
6 exclusively for emergency, military, law enforcement or fire  
7 control purposes.

8 4. Alpine tundra. "Alpine tundra" means high-elevation,  
9 treeless areas beyond the timberline that are dominated by low  
10 herbaceous or shrubby vegetation and, specifically, areas that  
11 are designated as alpine tundra by the Department of Conservation  
12 by rule pursuant to Title 5, chapter 375, subchapter 2.

13 5. Antique snowmobile. "Antique snowmobile" means a  
14 snowmobile more than 25 years old that is registered as an  
15 antique snowmobile under section 13104, subsection 5.

16 6. Aquatic plant. "Aquatic plant" means a vascular plant  
17 species that requires a permanently flooded freshwater habitat.

18 7. Bow. "Bow" means the forward half of a watercraft.

19 8. Cowling. "Cowling" means the forward or rear portion of  
20 a snowmobile, usually of fiberglass or similar material,  
21 surrounding the motor and clutch assembly.

22 9. Division. "Division" means the Department of Inland  
23 Fisheries and Wildlife, Division of Licensing and Registration.

24 10. Dwelling. "Dwelling" means any building used as a  
25 permanent residence or place of domicile.

26 11. Federal waters. "Federal waters" means all waters that  
27 are not internal waters and are subject to the jurisdiction of  
28 the United States.

29 12. Freshwater marshes and bogs. "Freshwater marshes and  
30 bogs" means naturally occurring open areas with saturated soils  
31 or peat, often associated with standing water and dominated by  
32 low herbaceous vegetation, grasses, weeds and shrubs and  
33 including wetlands, as shown on the Freshwater Wetlands Map  
34 Series, Bureau of Geology and Natural Areas, Maine Geological  
35 Survey, or zoned as a Wetland Protection Subdistrict, P-WL, by  
36 the Maine Land Use Regulation Commission.

37 13. Internal waters. "Internal waters" means waters under  
38 the exclusive jurisdiction of the State.

39 14. Invasive aquatic plant. "Invasive aquatic plant" means  
40 a species of aquatic plant described in Title 38, section 410-N.

2           15. Marina or boat yard owner. "Marina or boat yard owner"  
3           means a person who owns a facility that leases storage, docking  
4           or mooring space to watercraft.

6           16. Motorboat. "Motorboat" means any watercraft, including  
7           airmobiles, equipped with propulsion machinery of any type,  
8           whether or not the machinery is the principal source of  
9           propulsion, is permanently or temporarily attached or is  
10          available for propulsion on the watercraft.

12          17. Motorboat carrying passengers for hire. "Motorboat  
13          carrying passengers for hire" means a motorboat used for the  
14          purpose of carrying a person or persons as passengers for  
15          valuable consideration, whether directly or indirectly flowing to  
16          the owner, charterer, agent or any other person interested in the  
17          watercraft.

18          18. Operate. "To operate," in all its moods and tenses,  
19          means:

21           A. When it refers to a snowmobile, to use a snowmobile in  
22           any manner within the jurisdiction of the State, whether or  
23           not the vehicle is under way;

25           B. When it refers to watercraft of any type or description,  
26           to use that watercraft in any manner on the waters  
27           specified, whether or not the watercraft is under way; or

29           C. When it refers to an ATV, to use an ATV in any manner  
30           within the jurisdiction of the State, whether or not the  
31           vehicle is moving.

33          19. Operation. "Operation," when it refers to watercraft of  
34          any type or description, means the act of operating as defined in  
35          subsection 18.

37          20. Operator. "Operator" means the person who is in control  
38          or in charge of a watercraft while it is in use.

40          21. Owner. "Owner" means:

42           A. For the purpose of registration of a snowmobile, a  
43           person holding title to a snowmobile or having exclusive  
44           right to the use of a snowmobile for a period greater than  
45           30 days;

47           B. With respect to watercraft, a person who claims lawful  
48           possession of the watercraft by virtue of legal title or

2           equitable interest therein that entitles the person to  
3           possession; or

4           C. For the purposes of registration of an ATV, a person  
5           holding title to an ATV.

6           22. Passenger. "Passenger" includes every person carried on  
7           board a watercraft other than:

8           A. The owner or the owner's representative;

9           B. The operator;

10          C. Bona fide members of the crew engaged in the business of  
11          the watercraft who have not contributed consideration for  
12          their carriage and who are paid for their services; and

13          D. A guest on board a watercraft that is being used  
14          exclusively for pleasure purposes who has not contributed  
15          any consideration, directly or indirectly, for that guest's  
16          carriage.

17          23. Personal watercraft. "Personal watercraft" means any  
18          motorized watercraft that is 14 feet or less in hull length as  
19          manufactured, has as its primary source of propulsion an inboard  
20          motor powering a jet pump and is capable of carrying one or more  
21          persons in a sitting, standing or kneeling position. "Personal  
22          watercraft" includes, but is not limited to, a jet ski, wet bike,  
23          surf jet and miniature speedboat. "Personal watercraft" also  
24          includes motorized watercraft whose operation is controlled by a  
25          water skier.

26          24. Protective headgear. "Protective headgear" means a  
27          helmet that conforms with minimum standards of construction and  
28          performance as prescribed by the American National Standards  
29          Institute specification Z90.1 or by the Federal Motor Vehicle  
30          Safety Standard No. 218.

31          25. Snowmobile. "Snowmobile" means a vehicle propelled by  
32          mechanical power that is primarily designed to travel over ice or  
33          snow and is supported in part by skis, belts or cleats.

34          26. State of principal use. "State of principal use" means  
35          the state on whose waters a watercraft is used or to be used most  
36          during a calendar year.

37          27. Use. "Use" means, with respect to watercraft, operate,  
38          navigate or employ.

39          28. Watercraft. "Watercraft" means any type of vessel,

2 boat, canoe or craft capable of being used as a means of  
3 transportation on water, other than a seaplane, including motors,  
4 electronic and mechanical equipment and other machinery, whether  
5 permanently or temporarily attached, that are customarily used in  
6 the operations of the watercraft. "Watercraft" does not include a  
7 vessel, boat, canoe or craft located and intended to be  
8 permanently docked in one location and not used as a means of  
9 transportation on water.

10 29. Water safety zone. "Water safety zone" means the area  
11 of water within 200 feet of shoreline, whether the shoreline of  
12 the mainland or of an island.

13 30. Waters of this State. "Waters of this State" means all  
14 internal waters and all federal waters within the jurisdiction of  
15 the State.

16 **§13002. Collection by commissioner**

17 The commissioner or agents of the commissioner shall act on  
18 behalf of the State Tax Assessor to collect the use tax due under  
19 Title 36, chapters 211 to 225 in respect to any watercraft,  
20 snowmobile or ATV for which an original registration is required  
21 under this Title at the time and place of registration of that  
22 watercraft, snowmobile or ATV.

23 All taxes collected pursuant to this section must be  
24 transmitted forthwith to the Treasurer of State and credited to  
25 the General Fund as undedicated revenue. The Legislature shall  
26 appropriate to the department in each fiscal year an amount equal  
27 to the administrative costs incurred by the department in  
28 collecting revenue under this section. Those administrative  
29 costs must be verified by the Department of Administrative and  
30 Financial Services.

31 For purposes of this section, "original registration" means  
32 any registration other than a renewal of registration by the same  
33 owner.

34 **§13003. Payment of sales or use tax prerequisite**  
35 **to registration**

36 1. Registration of watercraft and ATV. An application for  
37 registration may not be granted in respect to any watercraft or  
38 ATV whose sale or use may be subject to tax under Title 36,  
39 chapters 211 to 225, except in the case of a renewal of  
40 registration by the same owner, unless and until one of the  
41 following conditions has been satisfied:



2 A. The applicant has submitted a dealers' certificate in a  
3 form prescribed by the State Tax Assessor, showing either  
4 that the sales tax due in respect to the watercraft or ATV  
5 in question has been collected by the dealer or that the  
6 sale of the watercraft or ATV is exempt from or otherwise  
7 not subject to tax under Title 36, chapters 211 to 225;

8 B. The applicant has properly executed and signed a use tax  
9 certificate in the form and manner prescribed by the State  
10 Tax Assessor and paid the amount of tax shown therein to be  
11 due; or

12 C. The applicant has properly executed and signed a use tax  
13 certificate in the form and manner prescribed by the State  
14 Tax Assessor showing that the sale or use of the watercraft  
15 or ATV in question is exempt from or otherwise not subject  
16 to tax under Title 36, chapters 211 to 225.

17 2. Registration of snowmobile. Prior to registering a  
18 snowmobile, an agent of the commissioner shall collect sales or  
19 use tax due. Sales or use tax is due unless:

20 A. The person registering the snowmobile is not a resident  
21 of this State. Nonresidents are exempt from sales or use  
22 tax on snowmobiles under Title 36, section 1760, subsection  
23 25-B;

24 B. The registration is a renewal registration by the same  
25 owner;

26 C. The applicant possesses a dealer's certificate showing  
27 that the sales tax was collected by the dealer. The State  
28 Tax Assessor shall prescribe the form of a dealer's  
29 certificate; or

30 D. The snowmobile is otherwise exempt from sales or use tax  
31 under Title 36, section 1760.

32 **§13004. Collection by State Tax Assessor**

33 This section and sections 13002, 13003 and 13005 must be  
34 construed as cumulative of other methods prescribed in Title 36  
35 for the collection of the sales or use tax. These sections may  
36 not be construed as precluding the State Tax Assessor's  
37 collecting the tax due in respect to any watercraft, ATV or  
38 snowmobile in accordance with such other methods as are  
39 prescribed in Title 36 for the collection of the sales or use tax.

40 **§13005. Certificates to be forwarded to State Tax Assessor**

2 An agent of the commissioner shall promptly forward all  
3 certificates submitted in accordance with section 13003 to the  
4 commissioner. The commissioner shall transmit all such  
5 certificates to the State Tax Assessor.

6 **§13006. Impoundment of snowmobiles and ATVs**

8 When a law enforcement officer issues a summons for a  
9 violation under chapters 937 or 939, the officer may impound the  
10 ATV or snowmobile operated by the person who receives the summons  
11 if, in the judgment of the officer, based on actual previous  
12 offenses by the operator or other considerations, the operator  
13 will continue to operate the ATV or snowmobile in violation of  
14 chapters 937 or 939 and that operation may be a hazard to the  
15 safety of persons or property.

16 The operator or owner of a snowmobile or ATV impounded under  
17 this section may reclaim the snowmobile or ATV at any time  
18 subsequent to 24 hours after the issuance of the summons upon  
19 payment of the costs of impoundment to the enforcement agency  
20 impounding the snowmobile or ATV.

22  
23  
24 **CHAPTER 935**

25  
26 **WATERCRAFT AND AIRMOBILES**

27  
28 **§13051. Commissioner's authority to regulate watercraft**

29  
30 It is the Legislature's intent that any rule adopted under  
31 this section be in accord with federal regulations that are  
32 promulgated under the Federal Boat Safety Act of 1971, Public Law  
33 92-75, as amended. The commissioner, acting jointly with the  
34 Commissioner of Marine Resources, may adopt and amend rules under  
35 the procedure provided in the Maine Administrative Procedure Act  
36 that are not inconsistent with this chapter:

37  
38 1. Administrative procedure. To further establish  
39 administrative procedure under this chapter:

40  
41 2. Appointment of watercraft registration agents; fees.  
42 Authorizing the commissioner to delegate the authority to issue  
43 watercraft registrations, subject to this subsection.

44  
45 A. The commissioner may appoint municipal clerks or other  
46 persons who a municipality may designate as municipal agents  
47 to issue watercraft registrations. The commissioner may  
48 appoint other agents as necessary to issue watercraft

2 registrations. The commissioner shall determine the period  
3 when the agents are authorized to act.

4 B. Agents may charge a service fee of \$1 for each renewal  
5 registration issued and \$2 for each registration covered by  
6 sections 13002 to 13005. This service fee is retained by  
7 the agent. The commissioner shall charge a \$1 service fee  
8 for each registration issued by department employees.

10 C. An agent is delinquent if that agent fails to forward to  
11 the commissioner funds collected by that agent by the date  
12 established in rules adopted under this subsection. Failure  
13 to remit the funds as provided in this subsection results in  
14 the following sanctions, in addition to any other provided  
15 by law.

16 (1) The commissioner shall charge interest on the  
17 amount owed at the rate of 18% a year for each day the  
18 agent is delinquent.

20 (2) If the agent has not paid the amount owed by the  
21 60th day after the agent becomes delinquent, the  
22 commissioner shall assess a surcharge of 5% of the  
23 principal amount owed.

26 (3) If an agent is delinquent for more than 150 days  
27 or is delinquent 3 or more times in one year, the  
28 commissioner shall:

30 (a) Terminate the agency for the balance of the  
31 year; and

32 (b) Order that the agency not be renewed for the  
33 next year;

36 3. Safe use and operation of watercraft. Governing the use  
37 and operation of watercraft upon the waters of the State to  
38 insure safety of persons and property;

40 4. Safety equipment. Further governing safety equipment  
41 for watercraft, including the type, quality and quantity of that  
42 equipment;

44 5. Horsepower. Governing the horsepower of motors used to  
45 propel watercraft on all internal waters of this State. In  
46 adopting these rules, the commissioner shall take into  
47 consideration the area of the internal waters, the use to which  
48 the internal waters are put, the depth of the water and the  
49 amount of water-borne traffic upon the waters and determine  
50 whether or not the rule is necessary to ensure the safety of

2 persons and property. The adoption of rules under this subsection  
3 is governed by the Maine Administrative Procedure Act, except  
4 that such rules may be only adopted as a result of a petition  
5 from the municipal officers of the municipality or municipalities  
6 in which the waters exist or from 25 citizens of the  
7 municipalities in which the waters exist, by county commissioners  
8 of the county in which the waters exist if they are located in  
9 unorganized territory or 25 citizens of the unorganized territory  
10 in which the waters exist, requesting the issuance of such a rule  
11 for a particular body of internal water and stating the proposed  
12 horsepower limitation;

13 6. Restrictions for airmobiles. Restricting the operation  
14 of airmobiles in fish or wildlife preserves, conservation areas  
15 or other areas where the operation may harm the natural  
16 environment; and

17 7. Areas off limits to watercraft. To define areas off  
18 limits to all watercraft during time periods critical for  
19 wildlife protection.

20 Rules adopted pursuant to this section must be written in a  
21 clear and easy-to-understand format for educational purposes.  
22 These rules must be attached to and distributed with each  
23 watercraft registration form together with a summary of the rules  
24 and information on how to prevent water contamination and  
25 minimize wildlife disturbance.

26 **§13052. Commissioner's powers and duties regarding watercraft**

27 1. Register watercraft. The commissioner shall annually  
28 register watercraft and issue certificates, licenses and permits  
29 as provided in chapter 935.

30 2. Promote safety. The commissioner shall promote safety  
31 for persons and property in connection with the use and operation  
32 of watercraft.

33 3. Federal grants. The commissioner may participate in such  
34 federal grants in aid as may be forthcoming to the State from the  
35 federal Boat Safety Act of 1971, Public Law 92-75, as amended.

36 4. Coast Guard report. The commissioner shall make an  
37 annual report to the Coast Guard as required under federal law of  
38 the certificates of number issued by the commissioner.

39 5. Registration list distribution. The commissioner shall  
40 distribute a list of registrations issued as follows.

2           A. When the legal residence of an applicant is a  
3           municipality within the State, the commissioner shall mail  
4           annually a list of registrations to the tax collector of  
5           that municipality.

6           B. When the legal residence of the applicant is outside of  
7           the State and the boat is situated within a municipality in  
8           the State, the commissioner shall mail annually a list of  
9           registrations to the tax collector of that municipality.

10           C. In all other cases, the commissioner shall send a list  
11           of registrations annually to the Department of  
12           Administrative and Financial Services, Bureau of Revenue  
13           Services.

14           6. Information to federal officials or agencies. The  
15           commissioner shall transmit any information compiled or otherwise  
16           available to the commissioner pursuant to section 13069,  
17           subsections 1 and 2 to an authorized official or agency of the  
18           United States, in accordance with any request duly made by that  
19           official or agency.

20           **§13053. Commissioner's authority to regulate airmobiles**

21           1. Rules. The commissioner shall adopt rules restricting  
22           the operation of airmobiles in areas where their use may be  
23           harmful. These rules must be adopted in accordance with Title 5,  
24           chapter 375 after public hearings in the areas affected.

25           2. Minimum conditions. Rules adopted pursuant to  
26           subsection 1 must, at a minimum, establish conditions for the use  
27           of airmobiles in fish and wildlife preserves, conservation areas,  
28           coastal and inland wetlands and great ponds.

29           3. Prohibitions. The commissioner shall prohibit airmobile  
30           use wherever it adversely affects fish and wildlife habitat,  
31           interferes with the operation of other watercraft, threatens  
32           public safety or adversely affects the natural environment.

33           **§13054. Rule violations; watercraft**

34           Notwithstanding section 10602, a person who violates a rule  
35           regarding watercraft commits a civil violation for which a  
36           forfeiture of not less than \$100 nor more than \$500 may be  
37           adjudged.

38           **§13055. Violation of license, permit or certificate**  
39           **restriction**

1           1. Prohibition. A person may not violate a restriction of  
2 a license, permit or certificate issued under this chapter.

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

8           §13056. Certificate of number

10           1. Prohibition. A person may not:

12           A. Except as provided in subparagraph (1), operate or give  
13 permission to operate a motorboat requiring a certificate of  
14 number without a current certificate of number or a current  
15 temporary certificate of number. Only the certificate of  
16 number or temporary certificate of number as issued by the  
17 commissioner is valid. A facsimile or copy of the  
18 certificate is not valid.

20           (1) The certificate of number for a watercraft less  
21 than 26 feet in length and leased or rented to another  
22 for the latter's noncommercial use may be retained on  
23 shore by the owner of the watercraft or the owner's  
24 representative at the place where the watercraft  
25 departs or returns to the possession of the owner or  
26 the owner's representative, provided that the person  
27 leasing or renting the watercraft has a copy of the  
28 lease or rental agreement that shows the watercraft  
29 number thereon and the period of time for which the  
30 watercraft is leased or rented and that is signed by  
31 the owner or the owner's representative;

32           B. Operate or give permission to operate a motorboat  
33 without the identification number and validation stickers,  
34 assigned by the commissioner and authorized by this chapter,  
35 displayed on each side of the bow in accordance with  
36 subsection 12, paragraphs A and B or section 13059,  
37 subsection 4; or

38           C. Rent or lease any motorboat not covered by a current  
39 certificate of number as required by section 13064.

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

43           2. Motorboats requiring. Except as provided in this  
44 subsection, the owner of a motorboat, including an airmobile,  
45 used on the waters of the State as the state of principal use  
46 shall obtain a certificate of number for the motorboat from the  
47

2 commissioner. No certificate of number may be issued unless the  
4 owner submits proof that the watercraft excise tax, assessed  
6 under Title 36, chapter 112, has been paid or that the boat is  
8 exempt from the watercraft excise tax. The following motorboats  
10 are exempt from this subsection:

12 A. A watercraft that has or is required to have a valid  
14 marine document as a watercraft of the United States;

16 B. A motorboat already covered by a current certificate of  
18 number issued under a federally approved numbering system of  
20 another state or a federal law, as long as the number so  
22 issued is displayed on the motorboat and as long as the  
24 motorboat has not been within this State for a period in  
26 excess of 60 consecutive days after the state of principal  
28 use has been changed;

30 C. Military or public watercraft, except recreational type  
32 watercraft of the United States;

34 D. A motorboat whose owner is the United States, a state or  
36 subdivision thereof that is used for governmental purposes  
38 and is clearly identifiable as such;

40 E. A ship's lifeboat;

42 F. A motorboat from a country other than the United States,  
44 as long as the motorboat has not been within this State for  
46 a period in excess of 60 consecutive days; and

48 G. A motorboat used exclusively for racing purposes that  
displays on its hull in a prominent manner a valid boat  
number issued by a recognized racing association.

3. Other watercraft may be numbered. Nothing in this  
section prohibits the numbering of any watercraft upon the  
request of the owner. The owner shall comply with all applicable  
requirements of this chapter if the owner chooses to number a  
watercraft.

4. Application. The owner of a motorboat requiring or of a  
watercraft for which the owner wishes to request a certificate of  
number shall make application to the commissioner on forms  
approved by the commissioner. The application must show the  
legal residence of the applicant and the place where the  
watercraft is situated.

5. Issuance. Upon receipt of the approved application with  
the proper fee, the commissioner shall enter the application upon

2 the office records and issue the applicant a pocket-sized  
3 certificate of number stating:

4 A. The number assigned to the motorboat;

6 B. Its description;

8 C. The name and address of the owner; and

10 D. Such other information as the commissioner deems  
12 appropriate.

14 The holder of any certificate of number issued under this chapter  
15 may obtain a duplicate validation sticker from the commissioner  
16 upon application and payment of the fee set forth in subsection 8.

18 6. Certificate of number; term. A certificate of number is  
19 issued to the owner of a watercraft or a dealer for a specific  
20 calendar year and is valid through December 31st of the year for  
21 which it was issued.

22 7. Numbers permanent. A number once awarded under this  
23 chapter to a motorboat remains with that boat until the boat is  
24 destroyed, abandoned, permanently removed or no longer  
25 principally used in this State, except that numbers that have  
26 been inactive for at least 7 years may be reissued by the  
27 division.

28 8. Fees. The fees for each original or renewal certificate  
29 of number with 2 validation stickers are set out in this  
30 subsection.

32 A. For a watercraft requiring or whose owner requests a  
33 certificate of number and that is equipped with a motor  
34 having a manufacturer's horsepower rating of:

36 (1) Ten horsepower or less, the fee is \$6;

38 (2) Greater than 10, but not more than 50 horsepower,  
40 the fee is \$10; and

42 (3) Greater than 50 horsepower, the fee is \$15.

44 B. For a personal watercraft requiring or whose owner  
45 requests a certificate of number, the fee is \$20.

46 C. For a duplicate certificate of number, the fee is \$1.

48 D. For a duplicate validation sticker (per set), the fee is  
50 \$1.



2 E. For a certificate of number issued with transfer of  
3 ownership authorized in subsection 10, the fee is \$2.

4  
5 F. For a registration issued for an expanded registration  
6 period authorized in subsection 11, paragraph A:

7 (1) Ten horsepower or less, the fee is \$7.50;

8 (2) Greater than 10, but not more than 50 horsepower,  
9 the fee is \$12.50;

10 (3) Greater than 50 horsepower, the fee is \$18.75; and

11 (4) Personal watercraft, the fee is \$25.00.

12  
13 Validation stickers are nontransferable.

14  
15 9. Renewal. The owner may renew the owner's certificate of  
16 number at expiration by stating the old number in the owner's  
17 application and paying the fee prescribed in subsection 8. The  
18 fee is the same fee the owner would pay for the original issuance.

19  
20 10. Transfer of ownership. Whoever transfers ownership of  
21 a motorboat for which a certificate of number has already been  
22 issued under this chapter and applies for a certificate of number  
23 for another motorboat is entitled to a new certificate of number  
24 upon payment of a transfer fee of \$2 as set forth in subsection  
25 8, paragraph E, provided the applicant returns to the  
26 commissioner the old certificate of number properly signed and  
27 executed, showing that ownership of the motorboat has been  
28 transferred.

29  
30 11. New ownership. If there is a change of ownership of a  
31 motorboat for which a certificate of number has previously been  
32 issued under this chapter, the new owner shall apply for a new  
33 certificate of number and set forth the original boat number in  
34 the application. The new owner shall pay the regular fee for the  
35 particular motorboat involved and is not entitled to the special  
36 transfer fee set forth in subsection 10.

37  
38 A. After September 30th, a person may pay 125% of the  
39 original watercraft registration fee as listed in subsection  
40 8, paragraph F and receive a registration covering the  
41 remainder of the calendar year plus one additional year.

42  
43 12. Restrictions. The following provisions must be  
44 observed.

2 A. The operator shall have the certificate of number  
3 available for inspection on the motorboat for which it was  
4 issued whenever the motorboat is in operation.

5 B. The identification number and validation stickers  
6 assigned by the commissioner and authorized by this chapter  
7 must be displayed on each side of the bow of the boat in the  
8 following manner:

9 (1) The identification numbers must be painted or  
10 permanently attached to the bow and be of a color that  
11 is in contrast to the color of the background so as to  
12 provide the highest degree of visibility, i.e., dark  
13 numbers on a light background or vice versa, and be  
14 plainly visible;

15 (2) The identification number must be displayed in 3  
16 parts. The prefix, which is the initial letters ME,  
17 designating the State of Maine, must be separated by a  
18 hyphen or space equal to the width of a letter, other  
19 than the letter "I," from the numerals that follow it.  
20 The suffix, which consists of the ending letter or  
21 letters which appear after the numerals, must be  
22 likewise separated from the numerals;

23 (3) The identification number must be displayed to  
24 read from left to right, of good proportion, with  
25 vertical block character capital letters and Arabic  
26 numerals, all of which must be not less than 3 inches  
27 in height and maintained in a legible condition at all  
28 times;

29 (4) No number other than the assigned boat number may  
30 be displayed on the bow of such a motorboat; and

31 (5) The validation sticker, as issued by the division,  
32 must be displayed approximately 3 inches behind the  
33 last letter of the identification number and on a level  
34 with the number on both sides of the bow viz.: ME-123-A.

35 C. The owner of a certificate of number terminated or  
36 invalidated under subsection 13 shall return it within 10  
37 days of the termination or invalidation.

38 D. The owner of a watercraft that has been issued a  
39 certificate of number shall notify the commissioner in  
40 writing within 10 days of:

- 2           (1) The transfer of all or any part of the owner's  
4           interest, other than the creation of a security  
6           interest, in the watercraft covered by the certificate;
- 8           (2) The permanent removal of the watercraft from the  
10          State;
- 12          (3) The destruction or abandonment of the watercraft;
- 14          (4) The theft or recovery of the watercraft; or
- 16          (5) Any change in the owner's address.

18          E. Upon sale or transfer of ownership of a registered  
20          watercraft, the owner or dealer shall remove and destroy any  
22          validation stickers on the craft.

24          F. The person whose name appears on the certificate of  
26          number as the owner of a watercraft shall remove the number  
28          and validation stickers from the craft when:

- 30                 (1) The watercraft is documented;
- 32                 (2) The watercraft is no longer used principally in  
34                 the State;
- 36                 (3) The application for a certificate of number  
38                 contains false or fraudulent statements or information;  
40                 or
- 42                 (4) The fees for issuance of a certificate of number  
44                 are not paid.

46                 13. Termination of certificate of number. Under any of the  
48                 following conditions, the certificate of number issued by the  
50                 commissioner is terminated or invalidated:

- 38                 A. Transfer of the watercraft;
- 40                 B. Documentation of the watercraft;
- 42                 C. Change in state of principal use of the watercraft;
- 44                 D. Permanent removal of the watercraft from the State;
- 46                 E. Abandonment or destruction of the watercraft;
- 48                 F. False or fraudulent information on the application for  
50                 the certificate of number;

2           G. Failure to pay the required fee for the certificate of  
3           number; or

4           H. Involuntary loss of interest in the watercraft due to  
5           legal process.

6  
7           The transfer of a partial interest that does not affect the  
8           original owner's right to operate the watercraft does not  
9           terminate or invalidate the certificate of number.

10           **§13057. History of ownership**

11           1. Request. The commissioner or the commissioner's designee  
12           shall provide on request a written record of the history of past  
13           ownership of any watercraft that requires a certificate of number  
14           under this chapter. The request must be made on forms provided  
15           by the commissioner.

16           2. Fee. The fee for providing the record pursuant to  
17           subsection 1 is \$25 and must be submitted with the request form.

18           **§13058. Lake and river protection sticker required**

19           1. Prohibition. A person may not operate a motorboat or  
20           personal watercraft on the inland waters of the State unless a  
21           lake and river protection sticker issued under subsection 3 is  
22           affixed to both sides of the bow above the water line and  
23           approximately 3 inches behind the validation sticker required  
24           under section 13056.

25           2. Violation. A person who places a motorboat or personal  
26           watercraft upon the inland waters of the State without displaying  
27           a lake and river protection sticker as required by subsection 1  
28           commits a civil violation for which a forfeiture of not less than  
29           \$100 and not more than \$250 per violation may be adjudged, except  
30           that a citation for a violation of this subsection may not be  
31           issued to a person who is also issued a citation at the same time  
32           for a violation of any other provision of this chapter regulating  
33           watercraft, other than section 13073. A forfeiture imposed under  
34           this subsection may not be waived by the court.

35           3. Lake and river protection sticker. By January 1st of  
36           each year, the commissioner shall provide each agent authorized  
37           to register watercraft or issue licenses with a sufficient  
38           quantity of lake and river protection stickers for that boating  
39           season. The sticker must be in 2 parts so that one part of the  
40           sticker can be affixed to each side of the bow of a motorboat or  
41           personal watercraft. The fee for a sticker is \$20 for a  
42           motorboat or personal watercraft not registered in the State and  
43           \$10 for a motorboat or personal watercraft registered in the  
44           State.

2 State. Each agent shall retain \$1 for each sticker sold by that  
4 agent for which a fee is required. A motorboat or a personal  
6 watercraft owned by the Federal Government, a state government or  
8 a municipality is exempt from the fee established in this  
10 subsection.

12 The Legislature shall appropriate to the department in each  
14 fiscal year an amount equal to the administrative costs incurred  
16 by the department in collecting revenue under this section.

18 **§13059. Dealer's certificate of number**

20 1. Application. Notwithstanding section 13056, subsection  
22 2, a manufacturer or dealer of new or used motorboats who has a  
24 permanent place of business in this State for the manufacture or  
26 sale of motorboats may, instead of obtaining a certificate of  
28 number for each motorboat owned by the manufacturer or dealer,  
30 make application on forms provided by the commissioner for a  
32 dealer's certificate of number.

34 2. Issuance. If the manufacturer or dealer making  
36 application under subsection 1 satisfies the commissioner that  
38 the applicant is qualified for a dealer's certificate of number,  
40 the commissioner shall issue the applicant a dealer's certificate  
42 of number containing the place of business of the applicant and a  
44 general distinguishing number in such form as determined by the  
46 commissioner.

48 3. Fee. The fee for a dealer's certificate of number is  
\$15 annually from each January 1st.

4. Restrictions. The dealer or manufacturer who receives a  
dealer's certificate of number pursuant to this section shall  
display the number and validation stickers issued under the  
dealer's certificate of number on a motorboat being demonstrated  
or tested and may transfer that number from one motorboat owned  
by that dealer or manufacturer to another motorboat owned by that  
dealer or manufacturer by temporarily attaching removable plates  
on which a dealer's number and validation stickers may be painted  
or attached to the bow of any boat covered by the dealer's  
certificate of number.

**§13060. Twenty-day boat number and registration**

1. Issuance. The commissioner may issue temporary 20-day  
boat numbers and registrations, referred to in this section as  
"20-day plates," to bona fide dealers who request them under such  
conditions as the commissioner considers necessary.

2           2. Fee. The dealer shall pay to the commissioner \$1 for  
each 20-day plate.

4           3. Use of 20-day plates. Upon the sale or exchange by a  
6 dealer of any motorboat that requires a certificate of number,  
the new owner may secure from the dealer a temporary 20-day plate  
8 to operate the craft for 20 consecutive days after the date of  
sale in lieu of a permanent certificate of number as required in  
10 section 13056, as long as the new owner applies to the  
commissioner on the date of sale for a certificate of number.

12           A. The application and fee for a certificate of number,  
14 together with a copy of the temporary registration issued by  
the dealer, must be forwarded by the dealer to the  
16 commissioner within 48 hours after the date of sale of the  
motorboat.

18           B. The dealer shall affix the temporary 20-day boat number  
20 to the bow of the motorboat and shall clearly mark thereon  
the date issued, date of expiration and the dealer's Maine  
22 dealer's number.

24           4. Restrictions. The following restrictions govern the use  
of 20-day plates.

26           A. The temporary 20-day boat number is nontransferable and  
28 must be conspicuously displayed on the bow of the motorboat,  
notwithstanding any other requirements of display of boat  
30 number.

32           B. The operator of a motorboat must have the temporary  
registration aboard at all times while the motorboat is in  
34 operation.

36           C. After expiration of the 20-day period, the owner shall  
38 remove and discard the temporary 20-day boat number and  
display the permanent boat number and validation stickers  
40 assigned by the commissioner in accordance with section  
13056, subsection 12, paragraph B.

42           **§13061. Permit to hold regatta, race, boat exhibition or**  
**water-ski exhibition**

44           1. Permit required. A person may not hold a regatta, race,  
46 boat exhibition or water-ski exhibition without a permit from the  
commissioner issued under subsection 2. A person who violates  
48 this subsection commits a civil violation for which a forfeiture  
of not less than \$100 nor more than \$500 may be adjudged.

2           2. Issuance. The commissioner may issue a permit to a  
3 person permitting the person to hold a regatta, race, boat  
4 exhibition or water-ski exhibition on any of the internal waters  
5 of this State.

6           3. Application. The person in charge of a regatta, race,  
7 boat exhibition or water-ski exhibition shall request the permit  
8 required under subsection 1 from the commissioner at least 15  
9 days prior to the event. The request must be in writing and must  
10 set forth the date, time and location of the event. The person  
11 in charge of a proposed motorboat race shall send a letter of  
12 intent 60 days prior to the event to municipal officers of the  
13 municipality or municipalities in which the race will occur. A  
14 copy of the letter of intent must be forwarded to the  
15 commissioner with the request for a permit to hold any motorboat  
16 race.

17           4. Restrictions. The following restrictions apply to  
18 permits issued under this section.

19           A. The person obtaining the permit under subsection 2 is  
20 responsible for providing reasonable protection as  
21 prescribed by the commissioner from water traffic  
22 interference and hazards and shall take reasonable  
23 precautions to safeguard persons and property.

24           B. During any event authorized pursuant to subsection 1,  
25 the officials conducting it shall conspicuously display one  
26 or more orange warning flags of a size not less than 4 feet  
27 by 4 feet while the event is in progress. The officials  
28 shall remove the warning flag or flags for reasonable  
29 periods of time during the event to allow nonparticipating  
30 watercraft to pass through the area.

31           5. Unlawfully crossing event area. Except in an emergency,  
32 an operator of a watercraft may not cross the area of a regatta,  
33 race, boat exhibition authorized under subsection 1 or water-ski  
34 exhibition when the warning flag required under subsection 4,  
35 paragraph B is displayed. A person who violates this subsection  
36 commits a civil violation for which a forfeiture of not less than  
37 \$100 nor more than \$500 may be adjudged.

38           §13062. Certificate of number for motorboats carrying  
39 passengers for hire

40           1. Certificate required. A person may not operate a  
41 motorboat carrying passengers for hire without a certificate of  
42 number as required under this section. A person who violates  
43 this subsection commits a civil violation for which a forfeiture  
44 of not less than \$100 nor more \$500 may be adjudged.

2           2. Application. Before a motorboat may carry passengers for  
3 hire, the owner of the motorboat shall apply for and obtain from  
4 the commissioner a certificate of number authorizing its use for  
5 that purpose. This section applies to all motorboats carrying  
6 passengers for hire as defined in section 13001, subsection 17,  
7 except those subject to federal inspection requirements that have  
8 or are required to have a current valid federal inspection  
9 certificate on board.

10           3. Issuance. Before the certificate of number required  
11 under subsection 1 is issued, the owner shall satisfy the  
12 commissioner that the boat is safe to operate and will be  
13 maintained in safe condition.

14           4. Examinations. The commissioner may cause a motorboat  
15 carrying passengers for hire to be examined from time to time.

16           **§13063. Operator's license to carry passengers for hire**

17           1. Prohibition. A person may not operate a motorboat  
18 carrying passengers for hire without an operator's license to  
19 carry passengers for hire as required in this section. A person  
20 who violates this subsection commits a civil violation for which  
21 a forfeiture of not less than \$100 nor more than \$500 may be  
22 adjudged.

23           2. Application. Every operator of a motorboat, other than  
24 a licensed Maine guide certified in watercraft safety, carrying  
25 passengers for hire, except those operators who have been issued  
26 and have or are required to have in their possession a current  
27 valid federal operator's license, shall obtain an operator's  
28 license to carry passengers for hire from the commissioner as  
29 provided in this section before operating a motorboat carrying  
30 passengers for hire.

31           A. The operator shall make written application for the  
32 license to carry passengers for hire on forms provided by  
33 the commissioner.

34           B. The commissioner shall cause operators applying for a  
35 license to carry passengers for hire for the first time to  
36 be examined as to their qualifications.

37           3. Issuance. The commissioner shall issue the license to  
38 carry passengers for hire to applicants who have satisfactorily  
39 passed the examination.

40           4. Fee. The fee for an operator's license to carry  
41 passengers for hire is \$1.



2           5. Renewal. The commissioner may grant a renewal of license  
to carry passengers for hire upon written application and payment  
4 of the \$1 fee without examination.

6           6. Expiration. Every license to carry passengers for hire  
expires on December 31st of the year for which issued.

8  
10       §13064. Certificate of number for motorboats rented or  
leased

12           Before any motorboat is rented or leased, the owner of the  
motorboat shall obtain a certificate of number from the  
14 commissioner under section 13056.

16       §13065. Personal watercraft rental agent certificate

18           1. Prohibition. A person may not rent or lease a personal  
watercraft in violation of this section. This subsection does  
20 not apply to:

22           A. A campgrounds licensed by the Department of Human  
Services that offers the personal watercraft owned by that  
24 campground exclusively for use by campground clientele;

26           B. A commercial sporting camp. For the purposes of this  
subsection, "commercial sporting camp" means a business  
28 consisting of primitive lodging facilities that offers the  
public the opportunity to pursue primitive hunting, fishing,  
30 boating or snowmobiling activities;

32           C. A person lawfully engaged in guiding activities under  
section 12853 who accompanies others on guided trips that  
34 include the use of personal watercraft; or

36           D. A property owner who offers a person renting or leasing  
that property the use of a personal watercraft registered to  
38 the property owner.

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

44           2. Registration and issuance. Except as provided in this  
section, a person or business may not rent or lease a personal  
46 watercraft unless that person or business:

48           A. Registers with the department as a personal watercraft  
rental agent and is issued a personal watercraft rental and  
50 leasing agent certificate from the commissioner;

2           B. Obtains a Maine certificate of number for each personal  
4           watercraft being offered for rent or lease in the name of  
              the person or business holding a personal watercraft rental  
              and leasing agent certificate; and

6           C. Provides each person who rents or leases a personal  
8           watercraft with written instructions on how to operate the  
              personal watercraft.

10           3. Fee. The fee for a personal watercraft rental and  
12           leasing agent certificate is \$25. The certificate is valid from  
              January 1st to December 31st.

14           4. Revocation of certificate. The commissioner may revoke  
16           a personal watercraft rental and leasing agent certificate issued  
18           pursuant to subsection 2 if the commissioner determines that the  
              certificate holder:

20           A. Rented or leased a personal watercraft that was unsafe;

22           B. Failed to instruct a person intending to rent or lease a  
24           personal watercraft on personal watercraft safety. The  
26           department shall provide each certificate holder with  
28           written materials and instructional guidelines on personal  
              watercraft safety that the certificate holder shall review  
              with each personal watercraft renter or lessor before that  
              person operates that personal watercraft.

30           §13066. Displaying excise tax decal and maintaining list

32           1. Failure to display excise tax decal. The owner of a  
34           watercraft shall display the excise tax decal, as required by  
36           Title 36, chapter 112. In all cases when the owner of a  
38           watercraft fails to display an excise tax decal as required under  
40           Title 36, chapter 112, the law enforcement officer discovering  
              the failure shall notify the tax collector of the owner's  
              residence or, in the case of nonresidents, partnerships or  
              corporations, foreign or domestic, the tax collector of the  
              municipality where the watercraft is principally moored, docked  
              or located or has its established base of operations.

42           A. A person who fails to display an excise tax decal in  
44           accordance with this subsection commits a civil violation  
46           for which a forfeiture of not less than \$25 nor more than  
48           \$250 may be adjudged, which must be paid to the municipality  
              in which the watercraft is subject to the excise tax.

50           2. Failure to maintain list or make list available. A  
              marina or boat yard owner shall maintain the list required by

2 Title 36, section 1504, subsection 9, and make that list  
available as required by that section.

4 A. A person who fails to maintain a list or make a list  
available in accordance with this subsection commits a civil  
6 violation for which a forfeiture of not less than \$25 nor  
more than \$250 may be adjudged.

8  
10 **§13067. Waste water discharge in inland waters**

12 1. Prohibition. A person may not launch a watercraft into  
or operate a watercraft on inland waters when that watercraft has  
a marine toilet, shower or sink unless:

14 A. The waste water from the toilet, shower or sink is fed  
16 directly into a holding tank; and

18 B. The holding tank for sanitary waste water is not in any  
way connected to any through-hull fittings.

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

24 **§13068. Operating watercraft; prohibitions**

26 1. Launching contaminated watercraft. A person may not  
28 place a watercraft that is contaminated with an invasive aquatic  
plant upon the inland waters of the State.

30 A person who violates this subsection commits a civil violation  
32 for which a forfeiture of not less than \$500 and not more than  
\$5,000 per violation may be adjudged. A forfeiture imposed under  
34 this subsection may not be waived by the court.

36 2. Unlawfully permitting operation by another. A person  
may not permit operation of a watercraft in violation of this  
38 subsection. A person violates this subsection:

40 A. If that person owns a watercraft and negligently permits  
another person to operate that watercraft in violation of  
42 any section of this chapter; or

44 B. If that person is the parent or guardian responsible for  
the care of a minor under 18 years of age and the minor  
46 operates a personal watercraft in violation of any section  
of this chapter.

48

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

5 3. Operating motorboat other than personal watercraft while  
6 under age. A person under 12 years of age may not operate a  
7 motorboat propelled by machinery of more than 10 horsepower  
8 unless under the immediate supervision of a person located in the  
9 motorboat who is at least 16 years of age.

10 This subsection does not apply to operating a personal watercraft.

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

14 4. Operating a watercraft without proper safety equipment.  
15 Except as provided in paragraph B, a person may not operate a  
16 watercraft without proper safety equipment as described in  
17 paragraph A.

18 A. A person operates a watercraft without proper safety  
19 equipment if the person operates a watercraft and:

20 (1) Fails to comply with the same requirements  
21 pertaining to lights, life-saving devices, fire  
22 extinguishers and other safety equipment as required by  
23 federal laws and regulations on federal navigable  
24 waters, as promulgated under the Federal Boat Safety  
25 Act of 1971, Public Law 92-75, as amended;

26 (2) Fails to comply with requirements pertaining to  
27 additional equipment not in conflict with federal  
28 navigation laws, which the commissioner may prescribe  
29 if there is a demonstrated need;

30 (3) Fails to wear a Coast Guard approved Type I, Type  
31 II or Type III personal flotation device while canoeing  
32 or kayaking on the Saco River between Hiram Dam and the  
33 Atlantic Ocean between January 1st and June 1st; or

34 (4) Fails to wear a Coast Guard approved Type I, Type  
35 II, Type III or Type V personal flotation device while  
36 operating a watercraft on:

37 (a) The Penobscot River, between the gorge and  
38 the head of Big Eddy; or

2                   **(b) The Kennebec River, between Harris Station**  
3                   **and Turtle Island, at the foot of Black Brook**  
4                   **Rapids.**

6                   **B. Notwithstanding paragraph A:**

8                   **(1) Canoes, owned by a boys or girls summer camp**  
9                   **located upon internal waters in the State and duly**  
10                   **licensed by the Department of Human Services and**  
11                   **utilized by campers under the direction and supervision**  
12                   **of a camp counselor at least 18 years of age or older**  
13                   **during training and instruction periods on waters**  
14                   **adjacent to the main camp within a distance of 500 feet**  
15                   **from the shoreline of that camp, are exempt from this**  
16                   **subsection; and**

17                   **(2) Log rafts, carrying not more than 2 persons and**  
18                   **used on ponds or lakes or internal waters of less than**  
19                   **50 acres in area, are exempt from carrying personal**  
20                   **flotation devices.**

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

24                   **5. Operating watercraft to endanger.** A person may not  
25                   operate any watercraft, water ski, surfboard or similar device so  
26                   as to endanger any person or property.

27                   **6. Reckless operation of watercraft.** A person may not  
28                   operate any watercraft, water ski, surfboard or similar device in  
29                   such a way as to recklessly create a substantial risk of serious  
30                   bodily injury to another person. A person who violates this  
31                   subsection commits a Class D crime.

32                   **7. Operating watercraft at greater than reasonable and**  
33                   **prudent speed.** A person may not:

34                   **A. Operate a watercraft except at a reasonable and prudent**  
35                   **speed for existing conditions; or**

36                   **B. Fail to regulate the speed of a watercraft so as to**  
37                   **avoid danger, injury or unnecessary inconvenience in any**  
38                   **manner to other watercraft and their occupants, whether**  
39                   **anchored or under way; waterfront piers; floats or other**  
40                   **property or shorelines, either directly or by the effect of**  
41                   **the wash or wave created by the watercraft through its**  
42                   **speed, or otherwise.**

2 8. Imprudent operation of watercraft. A person may not,  
3 while operating a watercraft on the inland or coastal waters of  
4 the State, engage in prolonged circling, informal racing, wake  
5 jumping or other types of continued and repeated activities that  
6 harass another person.

7 A. This subsection may be enforced by any law enforcement  
8 officer or a person may bring a private nuisance action for  
9 a violation of this subsection pursuant to Title 17, section  
10 2802.

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

14 9. Operating watercraft to molest wild animals or wild  
15 birds. A person may not operate a watercraft so as to pursue,  
16 molest, harass, drive or herd any wild animal or wild bird,  
17 except as may be permitted during the open season on that animal.

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

21 10. Operating a motorboat that exceeds noise limits. A  
22 person may not operate a motorboat in such a manner as to exceed:

23 A. A noise level of 90 decibels when subjected to a  
24 stationary sound level test as prescribed by the  
25 commissioner; or

26 B. A noise level of 75 decibels when subjected to an  
27 operational test measured as prescribed by the commissioner.

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

31 11. Operating motorboat without muffler. A person may not  
32 operate a motorboat that is not equipped at all times with an  
33 effective and suitable muffling device on its engine or engines  
34 to effectively deaden or muffle the noise of the exhaust, except  
35 that:

36 A. Motorboats that are operating in a regatta or race  
37 approved by the commissioner under section 13061 may use  
38 cutouts for these motorboats while on trial runs or  
39 competing in speed events, for a period not to exceed 48  
40 hours immediately preceding or following such an authorized  
41 event.

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

6 12. Tampering with a motorboat muffler system. A person  
8 may not modify a motorboat muffler system in any way that results  
in an increase in the decibels of sound emitted by that motorboat.

10 A person who violates this subsection commits a civil violation  
12 for which a forfeiture not to exceed \$100 may be adjudged,  
payable to the Treasurer of State and recoverable in a civil  
14 action.

16 13. Headway speed only. A person may not operate a  
18 watercraft at a speed greater than headway speed while within the  
water safety zone or within a marina or an approved anchorage in  
coastal or inland waters except:

20 A. While actively fishing; or

22 B. While picking up or dropping off one or more persons on  
24 water skis in the water safety zone if a reasonably direct  
26 course is taken through the water safety zone between the  
point that the skiers are picked up or dropped off and the  
outer boundary of the water safety zone.

28 For the purposes of this subsection, "headway speed" means the  
30 minimum speed necessary to maintain steerage and control of the  
watercraft while the watercraft is moving.

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

36 14. Operating motorboat in bathing areas. A person may not:

38 A. Operate a motorboat within a bathing area marked or  
40 buoyed for bathing; or

42 B. Operate an airmobile on a beach adjacent to a bathing  
area marked or buoyed for bathing.

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

48 15. Operating watercraft in a quarantined area. A person  
50 who operates a watercraft in violation of an order issued under  
Title 38, section 1864 commits a civil violation for which a

2 forfeiture of not less than \$500 and not more than \$5,000 per  
3 violation may be adjudged. A forfeiture imposed under this  
4 subsection may not be waived by the court.

6 16. Operating a motorboat in prohibited area. A person may  
7 not:

8 A. Operate a motorboat on that portion of Portage Lake in  
9 Townships T. 13, R. 6, W.E.L.S., County of Aroostook, known  
10 as the Floating Island Area, north and westerly of a line  
11 beginning at the eastern edge of the marshy peninsula  
12 running out from Hutchinson Ridge, running 50 yards outside  
13 of the floating islands in a northerly direction to the  
14 mouth of Mosquito Brook;

16 B. Operate a motorboat on Quimby Pond in the Town of  
17 Rangely, Franklin County;

18 C. Operate a motorboat upon the waters of Jerry Pond, so  
19 called, situated within the boundaries, or having a shore  
20 line abutting, the incorporated municipality of Millinocket  
21 and the unincorporated Townships being T.1, R. 7 and T.A.,  
22 R. 7, all in Penobscot County;

24 D. Operate a motorboat on Upper and Lower Ox Brook Lakes in  
25 the Towns of T. 6 ND, T. 6 RI and Talmadge in Washington  
26 County;

28 E. Operate a motorboat on Little Nesowadnehunk (Sournahunk)  
29 Lake, in T. 5, R. 11, Piscataquis County;

32 F. Operate a motorboat having more than 10 horsepower on  
33 Eagle Lake and Jordan Pond, Mt. Desert Island, Hancock  
34 County and Long Pond, T.E. and T. D., Franklin County;

36 G. Operate a motorboat on a body of water commonly known as  
37 and referred to in the Dunham-Davee Work Plan as Snow's  
38 Pond, situated west of Route 7 in the Town of  
39 Dover-Foxcroft, Piscataquis County;

40 H. Operate a motorboat having more than 6 horsepower on  
41 Long Pond, Town of Denmark, Oxford County;

44 I. Operate a motorboat on Lily Pond, Edgecomb, Lincoln  
45 County;

46 J. Operate a motorboat powered by an internal combustion  
47 engine on Nokomis Pond, situated in the Towns of Newport and  
48 Palmyra, Penobscot County;

50



2 K. Operate a motorboat in Merrymeeting Bay at a speed in  
4 excess of 10 miles per hour, except within the confines of  
6 the buoyed channels;

8 L. Operate a motorboat equipped with an internal combustion  
10 engine on the following waters on Mount Desert Island in  
12 Hancock County: Witch Hole Pond; Aunt Betty's Pond; Bubble  
14 Pond; Round Pond; and Lake Wood;

16 M. Operate a motorboat equipped with a motor greater than  
18 10 horsepower on Upper Hadlock Pond or Lower Hadlock Pond on  
20 Mount Desert Island in Hancock County;

22 N. Operate a personal watercraft in violation of section  
24 685-C, subsection 10 or any rule adopted by the Maine Land  
26 Use Regulation Commission to implement that subsection;

28 O. Operate a watercraft at greater than headway speed on  
30 any area of Torsey Lake within 1/2 mile from the boat launch  
32 on Desert Pond Road in the Town of Mount Vernon;

34 P. Operate a watercraft at greater than headway speed on  
36 any area of Torsey Lake within 1/2 mile from the boat launch  
38 on Old Kents Hill Road in the Town of Readfield;

40 Q. Operate a watercraft equipped with a motor greater than  
42 10 horsepower on Cold Rain Pond in the Town of Naples or on  
44 Holt Pond in the Town of Naples and the Town of Bridgton;

46 R. Operate a watercraft equipped with a motor greater than  
48 5 horsepower on Moose Pond in the Town of Otisfield;

S. Operate a watercraft at greater than headway speed on  
any area of Pickerel Pond in the Town of Wayne;

T. Operate a motorboat having more than 10 horsepower on  
Middle Branch Pond in the Town of Waterboro in York County;  
or

U. Operate a motorboat having more than 10 horsepower on  
Adams Pond, Foster Pond or Otter Pond in the Town of  
Bridgton in Cumberland County.

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

48 **§13069. Watercraft accident; requirements**

2 1. Failure to render aid or provide personal identification  
3 after a watercraft accident. The operator of a watercraft that  
4 is involved in a collision, accident or other casualty may not:

5  
6 A. Fail to render all necessary aid and assistance to all  
7 persons involved in the collision, accident or other  
8 casualty, so far as the operator can do so without serious  
9 danger to the operator's watercraft, crew and passengers, if  
10 any; or

11  
12 B. Fail to give the person's name and address and  
13 identification of the person's watercraft to any person  
14 injured and to the owner of any property damaged.

15  
16 2. Failure to report a watercraft accident. A person may  
17 not fail to report a watercraft accident in accordance with this  
18 subsection.

19  
20 A. An operator or owner of a watercraft involved in a  
21 collision, accident or other casualty while using the  
22 watercraft that results in the death of a person, a person  
23 losing consciousness or receiving medical treatment, a  
24 person becoming disabled for more than 24 hours or a person  
25 disappearing from a watercraft under circumstances  
26 indicating death or injury shall file accident reports as  
27 follows:

28 (1) A written report on forms provided by the  
29 commissioner containing the information as required  
30 within 24 hours of the occurrence if a person dies,  
31 disappears, loses consciousness, receives medical  
32 treatment, or is disabled for more than 24 hours; and

33  
34 (2) A report of the occurrence, by the quickest means  
35 of communication, to an available law enforcement  
36 officer nearest to the place where the accident  
37 occurred.

38  
39 B. Accidents involving damage only to watercraft or other  
40 property to the estimated amount of \$1,000 or more must be  
41 reported within 72 hours on forms provided by the department.

42  
43 A person who violates this subsection commits a civil violation  
44 for which a forfeiture of not less than \$100 nor more than \$500  
45 may be adjudged.

46  
47 §13070. Operating airmobile  
48

2 1. No permission given. This chapter may not be construed  
3 as giving license or permission to cross or go on the property of  
4 another.

6 2. Stop and identify requirement. Persons operating an  
7 airmobile upon the land of another shall stop and identify  
8 themselves upon the request of the landowner or the landowner's  
9 duly authorized representative. Any person in violation of this  
10 subsection is accountable to the landowner under applicable law.

12 3. Restrictions. If restrictions on operation are posted on  
13 the land of another, a person operating an airmobile shall  
14 observe those restrictions.

16 4. Operating airmobile upon public way. Except as provided  
17 in this subsection, a person may not operate an airmobile upon a  
18 public way.

20 A. Properly registered airmobiles may cross public ways,  
21 including bridges, overpasses and underpasses. For crossing  
22 public ways, sidewalks and culverts, persons operating  
23 airmobiles may travel only the distance necessary, but in no  
24 case exceeding 300 yards, for the sole purpose of crossing  
25 as directly as possible. For crossing bridges, overpasses  
26 and underpasses, persons operating airmobiles may travel  
27 only the distance necessary, but in no case exceeding 500  
28 yards, for the sole purpose of crossing as directly as  
29 possible. All crossings are subject to the following  
30 conditions:

32 (1) The operator of the airmobile may cross public  
33 ways only if the crossing can be made safely and does  
34 not interfere with vehicular traffic approaching from  
35 either direction:

36 (2) The operator of the airmobile shall dismount and  
37 lead the machine along the extreme right of the  
38 traveled way; and

40 (3) The operator of the airmobile shall yield the  
41 right-of-way to all vehicular traffic.

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

46 5. Failing to stop airmobile before entering public way. A  
47 person may not fail to bring an airmobile to a complete stop  
48 before entering a public way.

50

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

6 6. Failing to yield right-of-way while operating an  
7 airmobile. A person may not fail to yield the right-of-way to  
8 all vehicular traffic while operating an airmobile on a public  
9 way.

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

14 7. Operating airmobile that exceeds noise limit. Air  
15 mobiles are subject to the following noise level limits.

16  
17 A. Except as provided in this paragraph, a person may not  
18 operate an airmobile that exceeds 78 decibels of sound  
19 pressure at 50 feet on the "A" scale, as measured by the  
20 Society of Automotive Engineers standards J-192. Airmobiles  
21 that are operating in a race approved by the commissioner  
22 under section 13061 may exceed this maximum noise level.

24 B. A person may not operate an airmobile in such a manner  
25 as to exceed:

26  
27 (1) A noise level of 90 decibels when subjected to a  
28 stationary sound level test as prescribed by the  
29 commissioner; or

30  
31 (2) A noise level of 75 decibels when subjected to an  
32 operational test measured as prescribed by the  
33 commissioner.

34  
35 A person who violates this subsection commits a civil violation  
36 for which a forfeiture of not less than \$100 nor more than \$500  
37 may be adjudged.

38  
39 8. Operating airmobile on railroad tracks. A person may  
40 not operate an airmobile along or adjacent and parallel to the  
41 tracks of any railroad within the limits of the railroad  
42 right-of-way without written permission from the railroad.

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

48 9. Operating airmobile too close to certain buildings.  
49 Except as provided in this subsection, a person may not operate

2 an airmobile within 200 feet of a dwelling, hospital, nursing  
home, convalescent home or church.

4 This subsection does not apply to a person operating an airmobile:

6 A. On public ways in accordance with subsections 4, 5, 6  
and 7;

8 B. On the frozen surface of any body of water; and

10 C. On land that the operator owns or is permitted to use.

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

18 **§13071. Operating personal watercraft**

20 1. Operating personal watercraft while underage. A person  
under 16 years of age may not operate a personal watercraft.

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

26 2. Additional safety requirements while operating personal  
watercraft. A person may not:

28 A. Operate or be a passenger on a personal watercraft  
30 unless the person is wearing Coast Guard approved Type I,  
32 Type II or Type III personal flotation devices; or

34 B. Operate a personal watercraft during the hours between  
sunset and sunrise.

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

40 3. Operating rented or leased personal watercraft without  
identification decal. A person may not operate a rented or leased  
42 personal watercraft on Brandy Pond in the Town of Naples or on  
44 Long Lake in the Town of Naples, the Town of Bridgton and the  
Town of Harrison that does not have a clearly visible decal  
46 affixed to the personal watercraft that identifies the rental  
agent.

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

2           4. Operating personal watercraft in prohibited area. A  
3 person may not operate a personal watercraft on:

4  
5           A. Mud Pond, Oversett Pond, South Pond, Round Pond,  
6 Twitchell Pond, Hicks Pond or Furlong Pond in the Town of  
7 Greenwood in Oxford County;

8  
9           B. North Pond or Bryant Pond, also known as Christopher  
10 Lake, in the Town of Greenwood and the Town of Woodstock in  
11 Oxford County;

12  
13           C. Concord Pond, Little Concord Pond or Shagg Pond in the  
14 Town of Woodstock in Oxford County;

15           D. Hamilton Pond in Bar Harbor in Hancock County;

16  
17           E. Bog Lake or Horseshoe Lake in the Town of Northfield in  
18 Washington County;

19  
20           F. Megunticook Lake in the Town of Camden and the Town of  
21 Hope in Knox County and the Town of Lincolnville in Waldo  
22 County;

23  
24           G. Hobbs Pond, Fish Pond or Alford Lake in the Town of Hope  
25 in Knox County;

26  
27           H. Norton Pond or Coleman Pond in the Town of Lincolnville  
28 in Waldo County;

29  
30           I. Pitcher Pond in the Town of Lincolnville and the Town of  
31 Northport in Waldo County;

32  
33           J. Torsey Lake in the Town of Mount Vernon and the Town of  
34 Readfield in Kennebec County;

35           K. Trickey Pond in the Town of Naples in Cumberland County;

36  
37           L. Brandy Pond in the Town of Naples in Cumberland County  
38 between sunset and 9:00 a.m.;

39  
40           M. Fulton Lake in the Town of Northfield in Washington  
41 County;

42           N. Knight Pond in the Town of Northport in Waldo County;

43  
44           O. Moose Pond or Saturday Pond in the Town of Otisfield in  
45 Oxford County;

- 2 P. Tripp Pond, Upper Range Pond or Middle Range Pond in the  
Town of Poland in Androscoggin County;
- 4 O. Keewaydin Lake, Virginia Lake, Trout Pond, Weymouth Pond  
or Whitney Pond in the Town of Stoneham in Oxford County;
- 6
- 8 R. Lermond Pond in the Town of Union and the Town of Hope  
in Knox County;
- 10 S. Pocasset Lake or Pickerel Pond in the Town of Wayne in  
Kennebec County;
- 12
- 14 T. Androscoggin Lake in the Town of Wayne in Kennebec  
County and the Town of Leeds in Androscoggin County;
- 16 U. Little Cobbosseecontee Lake in the Town of Winthrop in  
Kennebec County;
- 18
- 20 V. Somes Pond in the Town of Mount Desert;
- 22 W. Long Pond in the Town of Mount Desert and the Town of  
Southwest Harbor;
- 24 X. Little Long Pond in the Town of Mount Desert;
- 26 Y. Meetinghouse Pond, Big Pond, Wat Tuh Lake, Center Pond  
and Silver Lake, also known as Silver Pond, in the Town of  
28 Phippsburg in Sagadahoc County;
- 30 Z. South Branch Lake in the Plantation of Seboeis and the  
Township of T2 R8 NWP in Penobscot County;
- 32
- 34 AA. Spring Lake in Spring Lake Township in Somerset County;
- 36 BB. Kennebago Lake and Kennebago River in Davis Township  
and Stetsontown Township in Franklin County;
- 38 CC. Nicatous Lake in the Townships of T40 MD, T41 MD and T3  
ND in Hancock County;
- 40
- 42 DD. Crystal Lake in the Town of Washington in Knox County;
- 44 EE. Middle Branch Pond in the Town of Waterboro in York  
County; or
- 46 FF. Highland Lake or Woods Pond in the Town of Bridgton in  
Cumberland County if the personal watercraft is rented and  
48 does not display a decal identifying the rental agency that  
owns the personal watercraft.
- 50

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

6 **§13072. Harbor masters on inland waters**

8 1. Appointment; compensation. The municipal officers of a  
9 town bordering an inland waterway may appoint a harbor master for  
10 a term of not less than one year and may establish the harbor  
11 master's compensation. The harbor master is subject to all the  
12 duties and liabilities of that office as prescribed by state law,  
13 municipal ordinances and rules promulgated by the municipality.  
14 The municipal officers may remove the harbor master from office  
15 for cause, declared in writing, after due notice to the harbor  
16 master and a hearing, if requested.

17 The municipal officers may prohibit a harbor master from making  
18 an arrest or carrying a weapon. A harbor master who is not  
19 prohibited from making arrests may arrest and deliver to the law  
20 enforcement authorities on shore any person committing an assault  
21 upon the harbor master or another person acting under the harbor  
22 master's authority.

23 2. Authority and responsibility. A harbor master appointed  
24 under this section shall enforce the watercraft laws of the State  
25 and the municipality on any water within the jurisdiction of the  
26 municipality.

27 3. Jointly appointed harbor masters. The municipal  
28 officers of 2 or more municipalities that border on the same  
29 inland waters may jointly appoint a single harbor master who has  
30 authority over the jurisdictions of all the participating  
31 municipalities.

32 **§13073. Harbor masters on inland waters; violations**

33 A person who neglects or refuses to obey any lawful order of  
34 a harbor master authorized pursuant to section 13072 commits a  
35 Class E crime.

36 **CHAPTER 937**

37 **SNOWMOBILES**

38 **§13101. Application**

39 This chapter applies to the operation of snowmobiles in all  
40 areas that come within the jurisdiction of the State.



2       **§13102. License not required**

4           An operator's license is not required for the operation of a  
6           snowmobile.

8       **§13103. Rule violations; snowmobiles and snowmobile races**

10           Notwithstanding section 10602, a person who violates a rule  
12           regulating snowmobiles or the protection and safety of spectators  
14           at snowmobile races commits a civil violation for which a  
16           forfeiture of not less than \$100 nor more than \$500 may be  
18           adjudged.

20       **§13104. Registration**

22           1. Operating unregistered snowmobile. Except as provided  
24           in this subsection and section 13112, a person may not operate a  
26           snowmobile that is not registered in accordance with this section.

28           A. No registration is required for a snowmobile operated  
30           over the snow on land on which the owner lives or on lands  
32           on which the owner is domiciled, provided the snowmobile is  
34           not operated elsewhere within the jurisdiction of this State.

36           B. No registration is required for a snowmobile operated by  
38           a commercial ski area for the purpose of packing snow or for  
40           rescue operation thereon, unless the snowmobile is required  
42           to cross a public way during that operation.

44           C. Snowmobiles owned and operated in this State by the  
46           Federal Government, the State or political subdivision of  
48           the State are exempt from registration fees, but must be  
50           registered and required to display numbers.

D. Registration is not required to field test repairs to a  
          snowmobile if valid snowmobile repair shop number plates  
          issued under section 13110 are affixed to the snowmobile  
          during the field test and the snowmobile is not owned by the  
          snowmobile repair shop or any repair shop employee.

E. Registration is not required to field test repairs to a  
          snowmobile when the snowmobile is tested on the premises of  
          a snowmobile repair shop when the snowmobile repair shop is  
          open and the snowmobile is not owned by the snowmobile  
          repair shop or any repair shop employee.

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

2           2. Application and issuance. The commissioner or the  
3 commissioner's designee may register and assign a registration  
4 number to all snowmobiles upon application and payment of a  
5 registration fee by the owner. The commissioner shall charge a  
6 fee of \$1 for each registration issued by department employees.

8           3. Form of registration. The snowmobile registration must  
9 be in such form as the commissioner may determine.

10           4. Fee. Except as provided in subsection 5, the annual  
11 snowmobile registration fee is as follows:

12           A. For residents, \$30. The registration for a snowmobile  
13 owned by a resident is valid for one year, commencing on  
14 July 1st of each year.

15                   (1) Whoever obtains an original resident snowmobile  
16 registration after March 31st may pay \$37.50 and  
17 receive a registration covering the remainder of the  
18 registration period plus one additional year; and

19           B. For nonresidents:

20                   (1) Forty dollars for a 3-consecutive-day  
21 registration. A person may purchase more than one  
22 3-day registration in any season;

23                   (2) Fifty-five dollars for a 10-consecutive-day  
24 registration. A person may purchase more than one  
25 10-day registration in any season; and

26                   (3) Sixty-five dollars for a seasonal registration.

27           The registration for a snowmobile owned by a nonresident  
28 must specify the dates for which the registration is valid.

29           Five dollars from each registration fee collected pursuant to  
30 this subsection must be transferred to a special fund  
31 administered by the Off-Road Vehicle Division of the Bureau of  
32 Parks and Lands within the Department of Conservation. The funds  
33 must be used to assist any entity that has a snowmobile  
34 trail-grooming contract with the bureau in the purchase of  
35 trail-grooming equipment.

36           5. Antique snowmobile registration fee. A resident who  
37 owns a snowmobile that is more than 25 years old and that is  
38 substantially maintained in original or restored condition may  
39 register that snowmobile under this subsection as an antique  
40 snowmobile. An antique snowmobile registration authorizes that  
41

2 snowmobile to be operated only for the purpose of traveling to,  
3 returning from and participating in an exhibition, parade or  
4 other event of interest to the public or for occasional personal  
5 use. The fee for an antique snowmobile registration is \$30. An  
6 antique snowmobile registration is valid until the ownership of  
7 that antique snowmobile is transferred to another person. Upon  
8 the transfer of ownership, the new owner may reregister that  
9 snowmobile as an antique snowmobile by paying the \$30 antique  
10 snowmobile registration fee. The registration fee for an antique  
11 snowmobile is allocated according to section 10206, subsection 2,  
12 paragraph A.

13 6. Members of armed forces permanently stationed in Maine.  
14 The following persons are eligible to register any snowmobile  
15 owned by them at the resident fee:

16 A. Any person serving in the Armed Forces of the United  
17 States who is permanently stationed at a military or naval  
18 post, station or base in the State; and

19 B. The spouse and children of the person described in  
20 paragraph A, provided that the spouse and children  
21 permanently reside with that person.

22 A member of the armed forces described in paragraph A who desires  
23 to register a snowmobile shall present certification from the  
24 commander of the post, station or base, or from the commander's  
25 designated agent, that the member is permanently stationed at  
26 that post, station or base. Registration fees for registrations  
27 pursuant to this subsection must be allocated as if the person  
28 registering the snowmobile was a resident of the municipality in  
29 which the post, station or base is situated.

30 7. Snowmobiles of nonresidents. Except as specifically  
31 provided in this subsection, and notwithstanding any other  
32 provision of law, a snowmobile belonging to a nonresident may be  
33 possessed or operated by any person in this State as long as the  
34 snowmobile is properly registered in this State in the name of a  
35 nonresident owner of the snowmobile.

36 A snowmobile owned by a nonresident may not be issued a resident  
37 registration. Nothing in this subsection authorizes the  
38 operation of any snowmobile in any manner contrary to this  
39 chapter. This subsection does not apply to snowmobiles and  
40 grooming equipment registered to a federal or state entity,  
41 snowmobile clubs, municipalities or counties from bordering  
42 states or provinces and engaged in trail grooming. Snowmobiles  
43 registered in either New Hampshire or Canada may be operated on  
44 any lake or pond that is both partly in the State and New  
45 Hampshire or Canada without being registered in the State.

2           8. Duplicate registration certificate. The holder of any  
4           resident or nonresident seasonal registration certificate issued  
            under this section may obtain a duplicate from the commissioner  
            upon application and payment of a fee of \$1.

6           9. Numbers permanent. All numbers once awarded under this  
8           section to a resident-owned snowmobile remain with that  
10          snowmobile until the snowmobile is destroyed, abandoned or  
12          permanently removed from this State, except that numbers that  
            have been inactive for at least 7 years may be reissued by the  
            division.

14          10. Transfer of ownership, discontinuance of use. The  
16          following provisions govern transfer of ownership and  
            discontinued use.

18           A. A person who transfers the ownership or permanently  
20           discontinues the use of a snowmobile having a resident  
            registration or a nonresident seasonal registration and  
22           applies for registration of another snowmobile in the same  
            registration year is entitled to a registration upon payment  
24           of a transfer fee of \$2 and is not required to pay the  
            regular registration fee.

26           B. Whenever ownership is transferred or the use of a  
28           snowmobile for which a registration has already been issued  
            is discontinued, the old registration must be properly  
30           signed and executed by the owner showing that the ownership  
            of the snowmobile has been transferred or its use  
32           discontinued and returned to the commissioner within 10 days  
            of the transfer or discontinuance of use.

34           C. If there is a change of ownership of a snowmobile for  
36           which a registration has previously been issued, the new  
            owner shall apply for a new registration, shall set forth  
38           the original number in the application and shall pay the  
            regular fee for the particular snowmobile involved.

40          11. Open snowmobile weekend. The commissioner may  
42          designate one weekend a year as an open snowmobile weekend when  
            snowmobiles registered outside the State may be used in the State  
44          without being registered in the State. All other provisions of  
            this chapter relating to snowmobiles apply during an open  
            snowmobile weekend.

46          12. Restrictions. The following provisions must be  
48          observed.

2           A. A registration certificate is subject to inspection by  
any law enforcement officer on demand.

4           B. A registration number assigned to a snowmobile must be  
displayed in such form and manner as the commissioner may  
6           determine, except that an antique snowmobile is not required  
to display registration numbers.

8           C. A registrant shall notify the commissioner if a  
10           snowmobile is destroyed, abandoned or permanently removed  
from this State.

12           13. Fraudulent acquisition of snowmobile registration. A  
14           person may not obtain a snowmobile registration through fraud,  
misstatement or misrepresentation.

16           **§13105. Snowmobile registration agents**

18           1. Appointment of snowmobile registration agents; report;  
20           fees. Appointment of snowmobile registration agents and  
applicable fees are governed by the following.

22           A. The commissioner may appoint municipal clerks or other  
24           persons who a municipality may designate as municipal agents  
to issue snowmobile registrations. The commissioner may  
26           designate other agents as necessary to issue snowmobile  
registrations. The commissioner shall determine the period  
28           when the agents shall act.

30           B. Agents may charge a service fee of not more than \$1 for  
each snowmobile renewal registration issued and \$2 for each  
32           registration covered by sections 13002 to 13005. This  
service fee is retained by the agent.

34           C. An agent is delinquent if that agent fails to forward to  
36           the commissioner funds collected by that agent by the date  
established in rules adopted under this subsection. Failure  
38           to remit the funds as provided in this subsection results in  
the following sanctions, in addition to any other provided  
40           by law.

42           (1) The commissioner shall charge interest on the  
amount owed at the rate of 18% a year for each day the  
44           agent is delinquent.

46           (2) If the agent has not paid the amount owed by the  
60th day after the agent becomes delinquent, the  
48           commissioner shall assess a surcharge of 5% of the  
principal amount owed.

50

2           (3) If an agent is delinquent for more than 150 days  
3           or is delinquent 3 or more times in one year, the  
4           commissioner shall:

6                   (a) Terminate the agency for the balance of the  
7                   year; and

8                   (b) Order that the agency not be renewed for the  
9                   next year.

10                   2. Unlawful issuance of snowmobile registration. An agent  
11                   may not issue a resident snowmobile registration to a nonresident  
12                   or a nonresident snowmobile registration to a resident.

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

16                   §13106. Operation of snowmobile

17                   1. No permission given. This chapter may not be construed  
18                   to give license or permission to cross or go on the property of  
19                   another.

20                   2. Stop and identify requirement. Persons operating a  
21                   snowmobile upon the land of another shall stop and identify  
22                   themselves upon the request of the landowner or the landowner's  
23                   duly authorized representative. Any person in violation of this  
24                   subsection is accountable to the owner under applicable law.

25                   3. Operating snowmobile upon controlled access highway.  
26                   Except as provided in this subsection, a person may not operate a  
27                   snowmobile upon a controlled access highway or within the  
28                   right-of-way limits of a controlled access highway.

29                   A. A person on a properly registered snowmobile may cross  
30                   controlled access highways by use of bridges over or roads  
31                   under those highways, or by use of roads crossing controlled  
32                   access highways at grade.

33                   B. The Commissioner of Transportation may issue special  
34                   permits for designated crossings of controlled access  
35                   highways.

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

39                   4. Unlawfully operating snowmobile on plowed road. A  
40                   person may not operate a snowmobile upon any plowed private road,  
41                   or public road plowed privately without public compensation,  
42                   or public road plowed privately without public compensation.

2 after having been forbidden to do so by the owner thereof, the  
3 owner's agent or a municipal official, either personally or by  
4 appropriate notices posted conspicuously on that road.

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

8  
9 5. Operating snowmobile on public way. Except as provided  
10 in subsection 4 and this subsection, a person may not operate a  
11 snowmobile upon the main traveled portion, the sidewalks or the  
12 plowed snowbanks of a public way.

13  
14 A. A properly registered snowmobile may be operated on a  
15 public way only the distance necessary, but in no case to  
16 exceed 300 yards, on the extreme right of the traveled way  
17 for the purpose of crossing, as directly as possible, a  
18 public way, sidewalk or culvert;

19  
20 B. A properly registered snowmobile may be operated on a  
21 public way only the distance necessary, but in no case to  
22 exceed 500 yards, on the extreme right of the traveled way  
23 for the sole purpose of crossing, as directly as possible, a  
24 bridge, overpass or underpass, provided that that operation  
25 can be made in safety and that it does not interfere with  
26 vehicular traffic approaching from either direction on the  
27 public way;

28  
29 C. A snowmobile may be operated on any portion of a public  
30 way when the public way has been closed in accordance with  
31 Title 23, section 2953;

32  
33 D. If the main traveled portion of a public way is publicly  
34 plowed and utilized by conventional motor vehicles, a  
35 snowmobile may be operated only on that portion of the way  
36 not maintained or utilized for the operation of conventional  
37 motor vehicles, except that operation on the left side of  
38 the way is prohibited during the hours from sunset to  
39 sunrise on the portion of the way not maintained or utilized  
40 for the operation of conventional motor vehicles. This  
41 paragraph does not apply to a snowmobile operated by a  
42 public utility regulated by the Public Utilities Commission  
43 while being operated in the course of the utility's  
44 corporate function, so that public utilities may effectively  
45 and speedily carry out their obligations to the public;

46  
47 E. A snowmobile may be operated on streets and public ways  
48 during a period of emergency when the emergency has been so  
49 declared by a police agency having jurisdiction and when  
50 travel by conventional motor vehicles is not practicable.

2 This paragraph does not apply to a snowmobile operated by a  
3 public utility regulated by the Public Utilities Commission  
4 while being operated in the course of the utility's  
5 corporate function, so that public utilities may effectively  
6 and speedily carry out their obligations to the public;

7 F. A snowmobile may be operated on streets and public ways  
8 in special snowmobile events of limited duration conducted  
9 according to a prearranged schedule and under a permit from  
10 the governmental unit having jurisdiction; and

11 G. Notwithstanding paragraphs A to F, a snowmobile may be  
12 operated on the extreme right of a public way within the  
13 built-up portion of a municipality, unorganized or  
14 unincorporated township if the appropriate governmental unit  
15 has designated the public way as a snowmobile-access route  
16 for the purpose of allowing snowmobiles access to places of  
17 business. A public way designated by an appropriate  
18 governmental unit as a snowmobile-access route must be  
19 posted conspicuously at regular intervals by that  
20 governmental unit with highly visible signs designating the  
21 snowmobile-access route. Before designating a public way as  
22 a snowmobile-access route, the appropriate governmental unit  
23 shall make appropriate determinations that snowmobile travel  
24 on the extreme right of the public way may be conducted  
25 safely and will not interfere with vehicular traffic on the  
26 public way. For purposes of this paragraph, "appropriate  
27 governmental unit" means the Department of Transportation,  
28 county commissioners or municipal officers within their  
29 respective jurisdictions. The jurisdiction of each  
30 appropriate governmental unit over public ways pursuant to  
31 this paragraph is the same as its jurisdiction over the  
32 passage of vehicles on public ways pursuant to Title 29-A,  
33 section 2395. Municipal or county law enforcement officials  
34 having jurisdiction have primary enforcement authority over  
35 any route established under this paragraph.

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

39 6. Failing to stop snowmobile before entering public way.  
40 A person may not fail to bring a snowmobile to a complete stop  
41 before entering a public way.

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



2 7. Failing to yield right-of-way while operating  
3 snowmobile. A person may not fail to yield the right-of-way to  
4 all vehicular traffic while operating a snowmobile on a public  
5 way.

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

10 8. Crossing a closed bridge, culvert, overpass or underpass  
11 with snowmobile. A person may not cross with a snowmobile a  
12 bridge, culvert, overpass or underpass closed to snowmobiles by  
13 the Commissioner of Transportation.

14 A. The Commissioner of Transportation may, following a  
15 public hearing, prohibit the crossing of an individual  
16 bridge, culvert, overpass or underpass if the commissioner  
17 determines that that crossing or use of the public way is  
18 hazardous.

19 B. Any bridge, culvert, overpass or underpass closed by the  
20 Commissioner of Transportation must be posted by appropriate  
21 notices.

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

25 9. Reckless operation of snowmobile. A person may not  
26 operate a snowmobile in such a way as to recklessly create a  
27 substantial risk of serious bodily injury to another person.  
28 Violation of this subsection is a Class D crime.

29 10. Operating snowmobile to endanger. A person may not  
30 operate a snowmobile so as to endanger any person or property by:

31 A. Operating the snowmobile on the statewide snowmobile  
32 trail system or a public right-of-way that is open to  
33 snowmobiling except at a reasonable and prudent speed for  
34 the existing conditions, including when approaching and  
35 crossing an intersection or railway grade crossing, when  
36 approaching and taking a curve, when approaching a hill  
37 crest, when traveling upon any narrow or winding trail and  
38 when a special hazard exists with respect to pedestrians,  
39 skiers or other traffic by reason of weather or trail  
40 conditions; or

41 B. Operating the snowmobile in a manner that fails to  
42 control its speed at all times as necessary to avoid

2           colliding with any person, vehicle, snowmobile or other  
3           object on or adjacent to the snowmobile trail.

4           A person who violates this subsection commits a Class E crime.

6           11. Operating snowmobile at greater than reasonable and  
7           prudent speed. A person may not operate a snowmobile except at a  
8           reasonable and prudent speed for the existing conditions.

10          A person who violates this subsection commits a Class E crime.

12          12. Operating a snowmobile while underage. A person under  
13          14 years of age may not operate a snowmobile across any public  
14          way maintained for travel.

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

20          13. Permitting unaccompanied child to operate snowmobile.  
21          A person may not permit a child under 10 years of age to operate  
22          a snowmobile unless the child is accompanied by an adult.

24          This subsection does not apply on land that is owned by the  
25          parent or guardian or on land where permission for use has been  
26          granted to the parent or guardian.

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

32          14. Snowmobile noise level limits. This subsection governs  
33          noise levels for snowmobiles.

34           A. Except as provided in section 13112, a person may not:

36                   (1) Operate a snowmobile that exceeds the noise limits  
37                   for that snowmobile established in paragraph B; or

38                   (2) Modify a snowmobile in a manner that amplifies or  
39                   otherwise increases total noise emission above that  
40                   emitted by the snowmobile as originally constructed,  
41                   regardless of the date of manufacture.

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

46           B. The following noise levels are established:

48

50

2           (1) Every snowmobile manufactured after February 1,  
4           1975, and offered for sale or sold in this State must  
6           be constructed to limit total vehicle noise to not more  
          than 78 decibels of sound pressure level at 50 feet  
          on the "A" scale, as measured by the SAE standards J-192;

8           (2) Snowmobiles manufactured after October 1, 1973,  
10          but on or before February 1, 1975, and offered for sale  
12          or sold in this State must be constructed to limit the  
          total vehicle noise to not more than 82 decibels of  
          sound pressure level at 50 feet on the "A" scale, as  
          measured by the SAE standards J-192; and

14          (3) Snowmobiles manufactured on or before October 1,  
16          1973 are not subject to a specific noise level, except  
          that they may not be modified in violation of this  
          subsection.

18                   15. Operating snowmobile with insufficient lights. Except  
20                   as provided in section 13112, a person may not operate a  
22                   snowmobile that is not equipped as follows:

24                   A. Every snowmobile must have mounted on the front at least  
26                   one headlight capable of casting a white beam for a distance  
          of at least 100 feet directly ahead of the snowmobile; and

28                   B. Every snowmobile must have mounted on the rear at least  
30                   one lamp capable of displaying a red light visible at a  
          distance of at least 100 feet behind the snowmobile.

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

36                   16. Failure to use snowmobile lights. Except as provided  
          in section 13112, a person may not fail to use lights:

38                   A. During the period from 1/2 hour after sunset to 1/2 hour  
40                   before sunrise; and

42                   B. At any time when, due to insufficient light or  
44                   unfavorable atmospheric conditions caused by fog or  
          otherwise, other persons, vehicles and other objects are not  
          clearly discernible for a distance of 500 feet ahead.

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

2           17. Unlawfully operating snowmobile on railroad tracks. A  
3           person may not:

4           A. Operate a snowmobile along or adjacent and parallel to  
5           the tracks of a railroad within the limits of a railroad  
6           right-of-way without written permission from the railroad  
7           owning the right-of-way; or

8           B. Operate a snowmobile across the tracks of a railroad  
9           after having been forbidden to do so by the railroad owning  
10           the railroad right-of-way, or by an agent of that railroad,  
11           either personally or by appropriate notices posted  
12           conspicuously along the railroad right-of-way.

13           Notwithstanding this subsection, a person may operate a  
14           snowmobile on railroad tracks if the person is operating within  
15           the right-of-way of a portion of railroad line that has been  
16           officially abandoned under the authority of the Interstate  
17           Commerce Commission.

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

21           18. Operating snowmobile in cemetery. A person may not  
22           operate a snowmobile in any cemetery, burial place or burying  
23           ground.

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

27           19. Operating too close to certain buildings. A person may  
28           not operate a snowmobile within 200 feet of a dwelling, hospital,  
29           nursing home, convalescent home or church. This subsection does  
30           not apply when a person is operating a snowmobile:

31           A. On public ways in accordance with subsections 5, 6, 7  
32           and 8 or on controlled access highways in accordance with  
33           subsection 3, paragraphs A and B;

34           B. On the frozen surface of any body of water; and

35           C. On land the operator owns or is permitted to use.

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

2           20. Abuse of another person's property. A person may not  
while operating a snowmobile:

4           A. Tear down or destroy a fence or wall on another person's  
land;

6           B. Leave open a gate or bar on another person's land; or

8           C. Trample or destroy crops on another person's land.

10          A person who violates this subsection commits a Class E crime.

12           21. Unlawfully permitting operation. A person who owns a  
14 snowmobile may not knowingly permit the snowmobile to be operated  
16 in violation of any section of this chapter.

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

22           22. Failure to report accident. A person shall give notice  
of a snowmobile accident, by the quickest means of communication,  
24 to a law enforcement officer available nearest to the place where  
the accident occurred if that person is:

26           A. The operator of a snowmobile involved in an accident  
28 resulting in injuries requiring the services of a physician  
or in the death of a person;

30           B. A person acting for the operator of a snowmobile  
described in paragraph A; or

32           C. The owner of the snowmobile having knowledge of the  
34 accident, if the operator of the snowmobile is unknown.

36          Accidents involving only property damage to the estimated amount  
of \$1,000 or more must be reported within 72 hours on forms  
38 provided by the department.

40          A person who fails to comply with this subsection commits a civil  
violation for which a forfeiture of not less than \$100 nor more  
42 than \$500 may be adjudged.

44           23. Operating snowmobile on open water. A person may not  
operate or attempt to operate a snowmobile on open water. For  
46 purposes of this subsection, "open water" means any area of an  
inland water body that is free of ice and snow. This subsection  
48 does not apply to private ponds.

2 Notwithstanding Title 17, section 2267-A, subsection 3, the owner  
4 or operator of a snowmobile that has been submerged or partially  
6 submerged as a result of a violation of this subsection shall  
8 remove the snowmobile within 24 hours of its submersion. The  
10 owner or operator of a snowmobile submerged or partially  
12 submerged as a result of a violation of this subsection shall pay  
14 any damages resulting form the submersion or removal. If the  
16 owner or operator of a snowmobile submerged or partially  
18 submerged as result of a violation of this subsection fails to  
20 remove the snowmobile within 24 hours of it submersion, the  
22 commissioner may remove the snowmobile at the expense of the  
24 owner or operator or request in writing that the court direct the  
26 owner or operator to remove the snowmobile immediately.

28 A person who violates this subsection commits a civil violation  
30 or which a forfeiture of not less than \$100 nor more than \$500  
32 may be adjudged.

#### 34 **§13107. Unlawfully operating vehicle on snowmobile trail**

36 A person may not operate any 4-wheel-drive vehicle, dune  
38 buggy, all-terrain vehicle, motorcycle or any other motor  
40 vehicle, other than a snowmobile and appurtenant equipment, on  
42 snowmobile trails that are financed in whole or in part with  
44 funds from the Snowmobile Trail Fund, unless that use has been  
46 authorized by the landowner or the landowner's agent, or unless  
48 the use is necessitated by an emergency involving safety of  
50 persons or property.

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

#### 8 **§13108. Liability for damage caused by minors**

10 The owner of a snowmobile, the person who gives or furnishes  
12 that snowmobile to a person under 18 years of age and the parent  
14 or guardian responsible for the care of that minor are jointly  
16 and severally liable with the minor for any damages caused in the  
18 operation of the snowmobile by that minor.

#### 20 **§13109. Dealer's registration and license**

22 1. Application and issuance. A person may not engage in  
24 the business of selling new or used snowmobiles in the State  
26 unless the person has registered as a dealer and secured a valid  
28 dealer's license from the commissioner. A dealer so registered  
30 and licensed need not register individual snowmobiles. For the  
32 purposes of this subsection, "new snowmobile" means a snowmobile  
34 that has not been registered in this State or any other state or

2 for which sales tax has not been paid in this State or any other  
3 state if that other state taxes the purchase of a new snowmobile.

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

8 2. Fees. The dealer's registration and license fee is \$15  
9 annually from each July 1st.

10 3. Dealer's number plates. Dealer's number plates must be  
11 provided and obtained as follows.

14 A. A registered dealer may receive dealer's number plates.  
15 The annual fee for a dealer's number plate is:

16 (1) For a resident dealer's plate, \$16; and

18 (2) For a nonresident dealer's plate, \$60.

20 B. Replacement for lost or stolen dealer's number plates  
21 may be obtained for a fee of \$5 for each plate.

24 C. If a dealer's number plate is lost or stolen, the owner  
25 shall notify the commissioner immediately.

26 4. Temporary registrations and numbers. The commissioner  
27 may issue temporary numbers and registrations for snowmobiles to  
28 bona fide dealers who may, upon the sale or exchange of a  
29 snowmobile, issue them to new owners in order to allow them to  
30 operate snowmobiles for a period of 20 consecutive days after the  
31 day of sale in lieu of a permanent number as required by this  
32 chapter.

34 5. Restrictions. Dealers shall display their dealer's  
35 number on each snowmobile being used until the sale of the  
36 snowmobile, whereupon it becomes the owner's responsibility to  
37 register the snowmobile.

40 6. Penalty. Each day a person violates any restriction of  
41 a license issued under this section that person commits a civil  
42 violation for which a forfeiture of not less than \$100 nor more  
43 than \$500 may be adjudged.

44 **§13110. Snowmobile repair shop registration and**  
45 **license**

48 1. Application and issuance. A person whose business  
49 includes repairing snowmobiles but who is not required to be  
50 licensed as a snowmobile dealer under section 13109 may register

2 that business entity as a snowmobile repair shop and secure a  
3 snowmobile repair shop license and number plate from the  
4 commissioner.

5 2. Fee. The commissioner shall set the fee for a  
6 snowmobile repair shop license. The fee may not exceed \$15 for  
7 any 12-month period.

8 3. Field testing repairs on unregistered snowmobiles. The  
9 owner of a snowmobile repair shop licensed under this section may  
10 operate or allow the operation of an unregistered snowmobile for  
11 the purpose of field testing repairs to that snowmobile if:

12 A. Valid snowmobile repair shop number plates issued under  
13 this section are affixed to the snowmobile during the field  
14 test; and

15 B. The snowmobile is not owned by the snowmobile repair  
16 shop or any person employed by the snowmobile repair shop.

17 Operating an unregistered snowmobile in compliance with this  
18 subsection is not a violation of section 13104, subsection 1.

19 §13111. Snowmobile rental agent certificate

20 1. Registration and issuance. Except as provided in this  
21 section, a person or business may not rent or lease a snowmobile  
22 unless that person or business:

23 A. Registers with the department as a snowmobile rental  
24 agent and is issued a snowmobile rental agent certificate  
25 from the commissioner;

26 B. Obtains a Maine certificate of number for each  
27 snowmobile being offered for rent or lease in the name of  
28 the person or business holding that certificate; and

29 C. Instructs each person who rents or leases a snowmobile  
30 how to operate the snowmobile, including how to use the  
31 brake, throttle and kill switch, and provides to that person  
32 a pamphlet describing proper hand signals.

33 A person who violates this subsection commits a civil violation  
34 or which a forfeiture of not less than \$100 nor more than \$500  
35 may be adjudged.

36 2. Exception: guides. This section does not apply to a  
37 person lawfully engaged in guiding activities under section 12853  
38 who accompanies others on guided trips that include the use of  
39 snowmobiles, except that such a person must provide the operators  
40



2 of snowmobiles with instructions equivalent to those described in  
3 subsection 1, paragraph C.

4 3. Fee. The fee for a snowmobile rental agent certificate  
5 is \$25. The certificate is valid from July 1st to June 30th.

6 **§13112. Racing meets**

8  
9 Notwithstanding section 10602 and section 13106, subsections  
10 14, 15 and 16, snowmobiles operated at a prearranged racing meet  
11 whose sponsor has obtained a permit to hold such a meet from the  
12 commissioner are exempt from the provisions of this chapter  
13 concerning registration, noise, horsepower, and lights during the  
14 time of operation at such meets and at all prerace practice at  
15 the location of the meet.

16  
17 **CHAPTER 939**

18  
19 **ATVS**

20  
21 **§13151. Application**

22  
23 This chapter applies to the operation of ATVs in the State.

24  
25 **§13152. License and training**

26  
27 1. License. An operator's license is not required for the  
28 operation of an ATV, except as required by Title 29-A.

29  
30 2. Training. A person under 16 years of age must  
31 successfully complete a training program approved by the  
32 department prior to operating an ATV on any land other than the  
33 land on which that person is domiciled or land owned or leased by  
34 that person's parent or guardian. The training program must  
35 include instruction on the safe operation of ATVs, the laws  
36 pertaining to ATVs, the effect of ATVs on the environment and  
37 ways to minimize that effect, courtesy to landowners and other  
38 recreationists and other materials as determined by the  
39 department.

40  
41 **§13153. Rule violations: ATVs**

42  
43 Notwithstanding section 10602, a person who violates a rule  
44 regulating ATVs commits a civil violation for which a forfeiture  
45 of not less than \$100 nor more than \$500 may be adjudged.

46  
47 **§13154. Age restrictions**

1           1. Minimum age. A person under 10 years of age may not  
2 operate an ATV, except on the land on which that person is  
3 domiciled or land owned by that person's parent or guardian.

4  
5           2. Unlawfully operating ATV while underage. A person may  
6 not operate an ATV other than on land owned by the person's  
7 parent or guardian or on land where permission for use has been  
8 granted to the person's parent or guardian:

9           A. If the person is under 10 years of age;

10           B. If the person is under 16 years of age unless the person:

11                   (1) Has successfully completed a training course  
12 approved by the department pursuant to section 13152 and

13                   (2) Is accompanied by an adult; or

14           C. Across a public way maintained for travel if the person  
15 is under 16 years of age except that a person over 10 years  
16 of age and under 16 years of age may cross public ways in  
17 accordance with section 13157, subsection 6, paragraph A if  
18 the person satisfies the requirements of paragraph B.

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

22           3. Permitting unaccompanied child to operate ATV. A person  
23 may not permit a child under 16 years of age to operate an ATV  
24 except on land owned by the parent or guardian of the operator or  
25 on land where permission for use has been granted to the parent  
26 or guardian.

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

30           4. Permitting child under 10 years to operate ATV. Except  
31 as provided in subsections 2 and 3, a person may not permit a  
32 child under 10 years of age to operate an ATV.

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

36           §13155. Registration

37           1. Operating unregistered ATV. A person may not operate an  
38 ATV that is not registered in accordance with subsection 3 except:

2       A. Registration is not required for an ATV operated on land  
4       on which the owner lives or on land on which the owner is  
6       domiciled, as long as the ATV is not operated elsewhere  
7       within the jurisdiction of the State;

8       B. Registration is not required for an ATV operated by a  
9       commercial ski area for the purpose of packing snow or for  
10      rescue operations on the commercial ski area, unless the ATV  
11      is required to cross a public way during that operation;

12      C. An ATV owned and operated in the State by the Federal  
13      Government, the State or a political subdivision of the  
14      State is exempt from registration fees but must be  
15      registered and is required to display registration numbers;

16      D. An ATV registration for the farm use specified in Title  
17      29-A, section 501, subsection 8, paragraph E is not required  
18      for a vehicle registered with the Secretary of State under  
19      Title 29-A, section 501, subsection 8.

20      A person who violates this subsection commits a civil violation  
21      for which a forfeiture or not less than \$100 nor more than \$500  
22      may be adjudged.

23      2. Reciprocity. Reciprocity is allowed to nonresidents  
24      from all states, provinces, countries or districts that allow  
25      similar privileges to residents of the State, as long as they are  
26      covered by a valid registration from that state, province,  
27      country or district.

28      A. If an ATV is owned by a nonresident but is primarily  
29      operated by a Maine resident, the ATV must be registered  
30      under this section.

31      B. This subsection may not be construed to authorize the  
32      operation of an ATV described in any manner contrary to this  
33      chapter.

34      3. Application and issuance. The commissioner, or an agent  
35      designated by the commissioner, may register and assign a  
36      registration number to an ATV upon application and payment of an  
37      annual fee by the owner. The commissioner shall charge a fee of  
38      \$1 in addition to the annual fee for each registration issued by  
39      an employee of the department. The registration number must be  
40      clearly displayed on the rear of the vehicle. A registration is  
41      valid for one year commencing July 1st of each year.

42      4. Form of registration. An ATV registration must be in  
43      such form as the commissioner may determine.

2           5. Fees. The annual registration fee for an ATV is \$17 for  
a resident and \$35 for a nonresident.

4  
6           After March 31st, a person may pay a registration fee of \$21.25  
for residents and \$43.75 for nonresidents and receive a  
8           registration covering the remainder of the registration period  
plus one additional year.

10           6. Duplicate registration certificate. The holder of a  
12           registration certificate issued under this section may obtain a  
duplicate from the commissioner upon application and payment of a  
14           fee of \$1.

16           7. Transfer of ownership, discontinuance of use. A  
transfer of ownership or discontinuance of use of an all-terrain  
18           vehicle is subject to this subsection.

20           A. Whoever transfers the ownership or discontinues the use  
of a registered all-terrain vehicle shall, within 10 days,  
22           properly sign the registration, indicate the disposition of  
the all-terrain vehicle, and return the registration to the  
24           commissioner.

26           B. An all-terrain vehicle owner who transfers ownership or  
discontinues its use may, within 10 days from the date of  
28           transfer or discontinuance, apply to the commissioner for  
registration of another all-terrain vehicle. The fee for  
30           the transfer is \$2, and the registration is valid for the  
remainder of the registration year for which the previous  
32           all-terrain vehicle had been registered.

34           C. When there is a change of ownership of an all-terrain  
vehicle for which a registration has previously been issued,  
36           the new owner shall apply for a new registration and shall  
pay the applicable fee under subsection 5.

38           8. Restrictions. This subsection applies to the  
40           registration of an ATV.

42           A. The registration certificate is subject to inspection by  
any law enforcement officer on demand.

44           B. The registrant shall notify the commissioner if an ATV  
is destroyed, abandoned, stolen or permanently removed from  
46           the State.

48           9. Display of registration numbers. Each new ATV sold in  
50           the State must have 3 1/2 inch by 6 inch spaces provided on the  
front and rear of the machine, as high above the tires as

2 possible, for the vertical display of the registration numbers.  
3 A person may not operate an ATV that is required to be registered  
4 under this section unless registration numbers are displayed in  
5 these spaces or as otherwise required by the department.

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

10 10. Training and education. The department shall provide  
11 training and education relating to ATVs.

12 **§13156. ATV registration agents**

14  
15 1. Appointment of ATV registration agents. The  
16 commissioner may appoint municipal clerks or other persons whom a  
17 municipality may designate as municipal agents to issue ATV  
18 registrations. The commissioner may designate other agents as  
19 necessary to issue ATV registrations. The commissioner shall  
20 determine the period when the agents must act.

22 2. Failure to remit funds. An agent is delinquent if that  
23 agent fails to forward to the commissioner funds collected by  
24 that agent by the date established in rules adopted under this  
25 section. Failure to remit the funds as provided in this  
26 subsection results in the following sanctions, in addition to any  
27 other provided by law.

28  
29 A. The commissioner shall charge interest on the amount  
30 owed at the rate of 18% a year for each day the agent is  
31 delinquent.

32  
33 B. If the agent has not paid the amount owed by the 60th  
34 day after the agent becomes delinquent, the commissioner  
35 shall assess a surcharge of 5% of the principal amount owed.

36  
37 C. If an agent is delinquent for more than 150 days or is  
38 delinquent 3 or more times in one year, the commissioner  
39 shall:

40  
41 (1) Terminate the agency for the balance of the year;  
42 and

43  
44 (2) Order that the agency not be renewed for the next  
45 year.

46  
47 3. Service fees. An agent may charge a service fee of \$1  
48 for each ATV renewal registration issued and \$2 for each  
49 registration covered by sections 13002 to 13005. This service  
50 fee is retained by the agent.

2     **§13157. Operation of ATVs**

4             **1. No permission given.** This chapter may not be construed  
6     as giving license or permission to cross or go on the property of  
   another.

8             **2. Stop and identify requirement.** Persons operating ATVs  
10     upon the land of another shall stop and identify themselves upon  
   the request of the landowner or the landowner's duly authorized  
12     representative. A person who violates this subsection is  
   accountable to the owner under existing laws and is subject to  
14     the applicable penalty provided under this Part.

16            **3. Operating ATV upon controlled access highway.** A person  
   may not operate an ATV upon a controlled access highway or within  
18     the right-of-way limits of a controlled access highway, except  
   that:

20            **A.** A properly registered ATV may cross controlled access  
   highways by use of bridges over or roads under those  
22     highways or by use of roads crossing controlled access  
   highways at grade; and

24            **B.** The Commissioner of Transportation may issue special  
26     permits for designated crossings of controlled access  
   highways.

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

32            **4. Unlawfully operating ATV on snowmobile trail.** Operating  
34     an ATV on a snowmobile trail financed in whole or in part with  
   funds from the Snowmobile Trail Fund is governed by section 13107.

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

40            **5. Unlawfully operating ATV on private road.** A person may  
42     not operate an ATV upon a private road after having been  
   forbidden to do so by the owner's agent or a municipal official,  
44     either personally or by appropriate notices posted conspicuously  
   on that road.

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

50

2 6. Operating ATV on public way. Except as provided in this  
3 subsection, a person may not operate an ATV, other than an ATV  
4 registered with the Secretary of State under Title 29-A, on any  
5 portion of a public way maintained or used for the operation of  
6 conventional motor vehicles or on the sidewalks of any public way.

7 A. A properly registered ATV may be operated on a public  
8 way only the distance necessary, but in no case to exceed  
9 300 yards, on the extreme right of the traveled way for the  
10 purpose of crossing, as directly as possible, a public way,  
11 sidewalk or culvert.

12 B. A properly registered ATV may be operated on a public  
13 way only the distance necessary, but in no case to exceed  
14 500 yards, on the extreme right of the traveled way for the  
15 sole purpose of crossing, as directly as possible, a bridge,  
16 overpass or underpass, as long as that operation can be made  
17 in safety and that it does not interfere with traffic  
18 approaching from either direction on the public way.

19 C. An ATV may be operated on any portion of a public way  
20 when the public way has been closed in accordance with Title  
21 23, section 2953.

22 D. An ATV may be operated on a public way that is not  
23 maintained or used for the operation of conventional motor  
24 vehicles, except that operation on the left side of the way  
25 is prohibited during the hours from sunset to sunrise.

26 E. An ATV may be operated on streets and public ways during  
27 a period of emergency when the emergency has been so  
28 declared by a police agency having jurisdiction and when  
29 travel by conventional motor vehicles is not practicable.

30 F. An ATV may be operated on streets and public ways in  
31 special events of limited duration conducted according to a  
32 prearranged schedule under a permit from the governmental  
33 unit having jurisdiction.

34 G. An ATV may be operated on a public way on the extreme  
35 right of the traveled way by a law enforcement officer for  
36 the sole purpose of traveling between the place where the  
37 ATV is usually stored and an area to be patrolled by the law  
38 enforcement officer.

39 H. Notwithstanding paragraphs A to G, an ATV may be  
40 operated on the extreme right of a public way of a  
41 municipality or an unorganized or unincorporated township if  
42 the appropriate governmental unit has designated the public  
43 way as an ATV-access route. A public way designated by an  
44 ATV-access route.

2 appropriate governmental unit as an ATV-access route must be  
3 posted conspicuously at regular intervals by that  
4 governmental unit with highly visible signs designating the  
5 ATV-access route. Before designating a public way as an  
6 ATV-access route, the appropriate governmental unit shall  
7 make appropriate determinations that ATV travel on the  
8 extreme right of the public way may be conducted safely and  
9 will not interfere with vehicular traffic on the public  
10 way. For purposes of this paragraph, "appropriate  
11 governmental unit" means the Department of Transportation,  
12 county commissioners or municipal officers within their  
13 respective jurisdictions. The jurisdiction of each  
14 appropriate governmental unit over public ways pursuant to  
15 this paragraph is the same as its jurisdiction over the  
16 passage of vehicles on public ways pursuant to Title 29-A,  
17 section 2395. Municipal or county law enforcement officials  
18 having jurisdiction have primary enforcement authority over  
19 any route established under this paragraph.

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

24 **7. Failing to stop ATV before entering public way.** A  
25 person may not fail to bring an ATV to a complete stop before  
26 entering a public way.

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

32 **8. Failing to yield right-of-way while operating ATV.** A  
33 person may not fail to yield the right-of-way to all other types  
34 of vehicular traffic while operating an ATV on a public way.

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

40 **9. Crossing closed bridge, culvert, overpass or underpass**  
41 **with ATV.** A person may not cross with an ATV a bridge, culvert,  
42 overpass or underpass closed to ATVs by the Commissioner of  
43 Transportation pursuant to paragraph A.

44 A.  
45 The Commissioner of Transportation may, following a  
46 public hearing, prohibit the crossing by an ATV of an  
47 individual bridge, culvert, overpass or underpass if the  
48 commissioner determines that that crossing or use of a  
49 public way is hazardous. Any bridge, culvert, overpass or



2           underpass closed by the commissioner must be posted by  
3           appropriate notices.

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

8           10. Reckless operating on ATV. A person may not operate an  
9           ATV in such a way as to recklessly create a substantial risk of  
10           serious bodily injury to another person.

12           A person who violates this subsection commits a Class D crime.

14           11. Operating ATV to endanger. A person may not operate an  
15           ATV so as to endanger any person or property.

16           12. Operating ATV at greater than reasonable and prudent  
17           speed. A person may not operate an ATV except at a reasonable  
18           and prudent speed for the existing conditions.

20           13. Operating ATV without protective headgear.  
21           Notwithstanding Title 29-A, section 2083, a person under 18 years  
22           of age may not operate an ATV without protective headgear.

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

28           14. Carrying passenger on ATV without headgear.  
29           Notwithstanding Title 29-A, section 2083, a person may not carry  
30           a passenger under 18 years of age on an ATV unless the passenger  
31           is wearing protective headgear.

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

38           15. Operating ATV without muffler. Except as provided in  
39           section 13159, a person may not:

40           A. Operate an ATV that is not equipped at all times with an  
41           effective and suitable muffling device on its engine to  
42           effectively deaden or muffle the noise of the exhaust; or

44           B. Modify the exhaust system of an ATV in any manner that  
45           will increase the noise emitted above the following emission  
46           standard:

48                   (1) Each ATV must meet noise emission standards of the  
49                   United States Environmental Protection Agency and in no  
50                   case shall the noise exceed the standards set forth in 49 CFR 201.11

2 case exceed 82 decibels of sound pressure level at 50  
3 feet on the 'A' scale as measured by the SAE standards  
4 J-192.

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

8 Each ATV must be equipped with a working spark arrester. In  
9 addition to any penalties imposed under this subsection, the  
10 court may, subject to section 9321 and Title 17-A, chapter 54,  
11 order restitution for fire suppression costs incurred by state or  
12 municipal government entities in suppressing a fire caused by an  
13 ATV operating without a working spark arrester.

14 16. Operating ATV with insufficient lights. This  
15 subsection governs the light equipment required on ATVs.

16 A. Except as provided in this subsection and section 13159,  
17 a person may not operate an ATV in the State, regardless of  
18 where purchased, unless equipped as follows.

19 (1) The ATV must have mounted on the front at least  
20 one headlight capable of casting a white beam for a  
21 distance of at least 100 feet directly ahead of the ATV.

22 (2) The ATV must have mounted on the rear at least one  
23 taillight capable of displaying a light that must be  
24 visible at a distance of at least 100 feet behind the  
25 ATV.

26 B. The following are exceptions to the requirements of  
27 paragraph A.

28 (1) An ATV manufactured prior to January 1, 1991  
29 without a headlight or taillight is exempt from the  
30 provisions of this subsection while being operated  
31 between sunrise and sunset.

32 (2) A person may operate an ATV without a headlight  
33 and taillight between sunrise and sunset if:

34 (a) The ATV has an engine size of 90 cubic  
35 centimeters or less; and

36 (b) The ATV has 4 or more wheels.

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

2           17. Failure to use ATV lights. Except as provided in  
3 section 13159, a person may not fail to use the lights required  
4 under subsection 16 as follows:

6           A. During the period from 1/2 hour after sunset to 1/2 hour  
7 before sunrise; and

8           B. At any time when, due to insufficient light or  
9 unfavorable atmospheric conditions caused by fog or  
10 otherwise, other persons, vehicles and other objects are not  
11 clearly discernible for a distance of 500 feet ahead.

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

15           18. Unlawfully operating ATV on railroad tracks. This  
16 subsection governs operation of an ATV on railroad tracks.

17           A. A person may not:

18                   (1) Operate an ATV along or adjacent and parallel to  
19 the tracks of a railroad within the limits of the  
20 railroad right-of-way without written permission from  
21 the railroad owning the right-of-way; or

22                   (2) Operate an ATV across the tracks of a railroad  
23 after having been forbidden to do so by the railroad  
24 owning the railroad right-of-way or by an agent of that  
25 railroad, either personally or by appropriate notices  
26 posted conspicuously along the railroad right-of-way.

27           B. Notwithstanding paragraph A, a person may operate within  
28 the right-of-way of a portion of railroad line that has been  
29 officially abandoned under the authority of the Interstate  
30 Commerce Commission.

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

34           19. Operating too close to certain buildings. A person may  
35 not operate an ATV within 200 feet of a dwelling, hospital,  
36 nursing home, convalescent home or church, except a person may:

37           A. Operate an ATV on public ways in accordance with  
38 subsections 3, 6, 7, 8 and 9;

2           B. Operate an ATV on the frozen surface of any body of  
3           water; and

4           C. Operate an ATV on land that the operator owns or is  
5           permitted to use.

6  
7           A person who violates this subsection commits a civil violation  
8           for which a forfeiture of not less than \$100 nor more than \$500  
9           may be adjudged.

10           20. Failure to report accident. The operator of an ATV  
11           involved in an accident resulting in injuries requiring the  
12           services of a physician or in death of a person, a person acting  
13           for such an operator or the owner of the involved ATV having  
14           knowledge of the accident if the operator of the ATV is unknown  
15           shall give notice of the accident, by the quickest means of  
16           communication, to a law enforcement officer available nearest to  
17           the place where the accident occurred.

18  
19           Accidents involving only property damage to the estimated amount  
20           of \$1,000 or more must be reported within 72 hours on forms  
21           provided by the department.

22  
23           A person who fails to comply with this subsection commits a civil  
24           violation for which a forfeiture of not less than \$100 nor more  
25           than \$500 may be adjudged.

26           21. Operating ATV in prohibited area. A person may not  
27           operate an ATV:

28           A. On a salt marsh, intertidal zone, marine sand beach,  
29           sand dune or any cemetery, burial place or burying ground; or

30           B. On alpine tundra or on a freshwater marsh or bog, other  
31           than on a trail designated for ATV use by the Department of  
32           Conservation, when the ground is not frozen and sufficiently  
33           covered with snow to prevent direct damage to the vegetation.

34  
35           A person who violates this subsection commits a civil violation  
36           for which a forfeiture of not less than \$100 nor more than \$500  
37           may be adjudged.

38           22. Abuse of another person's property. A person may not  
39           while operating an ATV:

40           A. Tear down or destroy a fence or wall on another person's  
41           land;

42           B. Leave open a gate or bars on another person's land; or  
43

2           C. Trample or destroy crops on another person's land.

4           A person who violates this subsection commits a Class E crime.

6           23. Operating ATV on cropland or pastureland. A person may  
8           not operate an ATV on any cropland or pastureland without the  
10           permission of the owner or lessee. As used in this subsection,  
12           "cropland" means acreage in tillage rotation, land being cropped  
14           and land in bush fruits and "pastureland" means acreage devoted  
16           to the production of forage plants used for animal production.

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

24           **§13158. Unlawfully permitting operation; liability for damage by**  
26           **other persons**

28           1. Permitting operation. A person may not permit operation  
30           of an ATV in violation of this subsection. A person permits the  
32           operation of an ATV in violation of this subsection if:

34           A. The person owns an ATV that is operated by another  
36           person in violation of this chapter; or

38           B. The person is the parent or guardian responsible for the  
40           care of a minor under 18 years of age who operates an ATV in  
42           violation of this chapter.

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

50           2. Furnishing ATV. An owner of an ATV, a person who gives  
          or furnishes an ATV to a person and a parent or guardian  
          responsible for the care of a minor under 18 years of age are  
          jointly and severally liable with the operator for damages caused  
          in the operation of the vehicle or by the minor in operating any  
          ATV.

**§13159. Racing meets**

Notwithstanding section 13155 and section 13159, subsection  
          15, subsection 16, paragraph A and subsection 17, ATVs used  
          exclusively for scheduled racing meets and operated solely on  
          predefined race courses are exempt from the provisions of this  
          chapter concerning registration, mufflers and lights during the  
          time of operation at these meets and at all prerace practices at  
          the location of the meets.

2  
3 **§13160. Dealer's registration and license**

4 **1. Application and issuance.** A person may not engage in  
5 the business of selling ATVs in the State unless that person has  
6 registered as a dealer and secured a valid dealer's license from  
7 the commissioner. A dealer so registered and licensed need not  
8 register individual ATVs.

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

12 **2. Fees.** The annual license fee for a dealer registered  
13 under subsection 1 is \$15. The license runs from July 1st of  
14 each year.

15 **A.** A dealer licensed under Title 29-A, section 954,  
16 subsection 2 is not required to pay the license fee under  
17 this subsection.

18 **3. Dealer's number plates.** Dealer's number plates must be  
19 provided and obtained as follows.

20 **A.** A dealer registered under subsection 1 may receive  
21 dealer's number plates for a \$5 annual fee for each plate.

22 **B.** Replacements for lost or stolen plates may be obtained  
23 for a fee of \$5 for each plate.

24 **C.** If a number plate is lost or stolen, the owner shall  
25 notify the commissioner immediately.

26 **4. Temporary registration plate and certificate number.**  
27 The commissioner may issue temporary registration plates and  
28 certificates to a registered dealer who may, upon the sale or  
29 exchange of an ATV, issue a temporary registration plate and  
30 certificate to a new owner, in order to allow the new owner to  
31 operate the ATV for a period of 20 consecutive days, after the  
32 date of sale in lieu of a permanent number as required by this  
33 chapter. The fee for each temporary registration is \$1.

34 **5. Restrictions.** A dealer shall display the dealer's  
35 number on each ATV being used until the sale of the ATV,  
36 whereupon it becomes the owner's responsibility to register the  
37 ATV.

38 **6. Warranties and information on used ATVs.** A dealer who  
39 offers a warranty in connection with the sale or transfer of a  
40 used ATV shall furnish a written statement concerning that  
41 warranty. The statement regarding the warranty must indicate the  
42

2 parts or systems of the vehicle that are covered and those not  
3 covered by the warranty and what the dealer will do in the event  
4 of a defect and at whose expense repairs be made.

5 The dealer shall also furnish before sale a written statement  
6 identifying any and all defects known to the dealer and any type  
7 of damage that the vehicle has sustained if such information is  
8 known to the dealer.

10 7. Violation. Each day a person violates any restriction  
11 of a license issued under this section, that person commits a  
12 civil violation for which a forfeiture of not less than \$100 nor  
13 more than \$500 may be adjudged.

14 **§13161. ATV lights**

16 1. Headlight and taillight required. A person may not sell  
17 or offer to sell a new ATV unless:

19 A. That ATV is equipped with a functioning headlight and  
20 taillight; or

21 B. The ATV:

23 (1) Is a 2-wheel off-road motorcycle; or

24 (2) Has an engine size of 90 cubic centimeters or less  
25 and has 4 or more wheels.

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

30 **SUBPART 7**

32 **LOCAL REGULATION**

34 **CHAPTER 941**

36 **LOCAL REGULATION**

38 **§13201. Limits on local regulation**

40 A municipality or political subdivision of the State may not  
41 enact any ordinance, law or rule regulating the hunting, trapping  
42 or fishing for any species of fish or wildlife; the operation,  
43 registration or numbering of watercraft or snowmobiles or any  
44 other subject matter relating to watercraft or snowmobiles

2 regulated under chapter 935 or 937 or under any other provisions  
3 of this Part. For purposes of this section, except as provided  
4 in subsection 3, the regulation of fishing includes the  
5 regulation of ice fishing shacks. This section may not be  
6 construed to prohibit:

7 1. Firearm discharge. The enactment of any ordinance  
8 generally regulating the discharge of firearms in a municipality  
9 or any part of a municipality;

10 2. Certain rules. The adoption of rules as authorized in  
11 section 13051; or

12 3. Ice fishing shacks. The enactment of any ordinance  
13 regulating ice fishing shacks on:

14 A. Sources of public water supply as provided under Title  
15 22, section 2642; or

16 B. Coastal waters as defined in section 6001, subsection 6.

## 22 PART B

23 **Sec. B-1. 4 MRSA §164, sub-§15, ¶A,** as amended by PL 1995, c.  
24 462, Pt. A, §4, is further amended to read:

25 A. A fisheries and wildlife offense means any violation of  
26 any provision of Title 12, Part ~~10~~ 13; any provision of law  
27 enumerated in Title 12, section ~~7053~~ 10353; or any rule  
28 adopted by the Commissioner of Inland Fisheries and Wildlife  
29 pursuant to these provisions.

30 **Sec. B-2. 4 MRSA §164, sub-§17, ¶A,** as amended by PL 1993, c.  
31 680, Pt. A, §6, is further amended to read:

32 A. A marine resources offense means any violation of any  
33 provision of Title 12, chapters 601 to 627 and ~~chapter-715~~  
34 chapters 935, 937 and 939, or any rules adopted by the  
35 Commissioner of Marine Resources pursuant to those chapters.

36 **Sec. B-3. 4 MRSA §164, sub-§18, ¶A,** as enacted by PL 1991, c.  
37 635, is amended to read:

38 A. For purposes of this subsection, a forest service  
39 offense means any violation of Title 12, chapters ~~705,-715,~~  
40 801, 805, 807 and, 809, 935, 937 and 939 and section 10203,  
41 subsection 6 and sections 10651, 10653 and 11221 or any  
42



2 rules adopted by the Director of the Maine Forest Service  
pursuant to those chapters.

4 **Sec. B-4. 5 MRSA §12004-G, sub-§20**, as amended by PL 1995, c.  
667, Pt. A, §1 and affected by §39, is further amended to read:

6  
8 **20.** Inland \$50/Day 12 MRSA  
Inland Fisher- Fisheries and §7033-A  
ies and Wild- Wildlife §10151  
10 life Advisory  
Council

12 **Sec. B-5. 5 MRSA §12004-G, sub-§29-B**, as enacted by PL 1995,  
14 c. 494, §3, is amended to read:

16 **29-B.** Maine Legislative 12 MRSA  
Natural Outdoor Per Diem §7788  
18 Resources Heritage and Travel §10308  
20 Fund Board Expenses for  
Appointed  
Members

22 **Sec. B-6. 5 MRSA §12004-I, sub-§23**, as amended by PL 1989, c.  
24 503, Pt. A, §27, is further amended to read:

26 **23.** Advisory Board \$50/Day 12 MRSA  
Environment: for the Licens- §7320  
28 Natural ing of Guides §10153  
Resources

30 **Sec. B-7. 5 MRSA §12004-I, sub-§23-A**, as enacted by PL 1989,  
32 c. 913, Pt. C, §2, is amended to read:

34 **23-A.** Advisory \$50/Day 12 MRSA  
Environment: Board for the §7355  
36 Natural Licensing §10155  
Resources of Taxi-  
38 dermists

40 **Sec. B-8. 5 MRSA §12004-I, sub-§23-B**, as enacted by PL 1995,  
42 c. 667, Pt. B, §1, is amended to read:

44 **23-B.** Advisory \$50/Day 12 MRSA  
Environment: Board for §7366-A  
46 Natural the Licensing §10156  
Resources of Whitewater  
Guides

48 **Sec. B-9. 5 MRSA §12004-I, sub-§24**, as amended by PL 1989, c.  
50 503, Pt. A, §27, is further amended to read:

2           **24.**            Junior Maine Expenses            12 MRSA  
 Environment: Guides and Only            \$7323  
 4            Natural Trip Leaders            \$10154  
 Resources Curriculum  
 6            Advisory  
              Board

8  
 10            **Sec. B-10. 5 MRSA §12004-I, sub-§70**, as amended by PL 1991, c.  
 780, Pt. S, §§2 and 3, is further amended to read:

12            **70.**            Whitewater \$25/Day            12 MRSA  
 Natural Safety            \$7367  
 14            Resources: Committee            \$12910  
 Recreation

16  
 18            **Sec. B-11. 7 MRSA §2-A**, as enacted by PL 1995, c. 667, Pt. C,  
 §1, is amended to read:

20            **§2-A. Hunters for the Hungry Program; acceptance**  
              **of donations**

22  
 24            The department and those recipient agencies participating in  
 the department's food assistance distribution programs may accept  
 26            wild game meat from persons participating in the Hunters for the  
 Hungry Program established under Title 12, ~~chapter---709,~~  
~~subchapter---III-A~~ section 10108. The department may facilitate  
 28            the acceptance of that meat by its recipient agencies through  
 coordination with the Department of Inland Fisheries and Wildlife  
 30            and may undertake educational and promotional efforts on behalf  
 of the program.

32  
 34            **Sec. B-12. 7 MRSA §1342, sub-§6**, as enacted by PL 1999, c.  
 765, §3, is amended to read:

36            **6. Restrictions.** Large game may not be tethered in a  
 shooting area and must be free to roam. A person may shoot or  
 38            attempt to shoot large game within a shooting area only when that  
 person is in a tree stand or accompanied by the license holder or  
 40            an employee of the license holder. Shooting is limited to the  
 time period from 1/2 hour before sunrise as defined in Title 12,  
 42            section ~~7001~~ 10001 to 1/2 hour after sunset as defined in Title  
 12, section ~~7001~~ 10001. A person who kills or attempts to kill  
 44            large game in a commercial large game shooting area may use only  
 the following weapons:

46            A. Firearms of any type permitted for hunting under Title  
 48            12, Part ~~10~~ 13; and

2 B. Archery equipment of any type permitted for hunting  
under Title 12, Part ~~10~~ 13.

4 **Sec. B-13. 7 MRSA §3953**, as amended by PL 1997, c. 690, §37,  
is further amended to read:

6 **§3953. Stealing, injuring or killing dogs**  
8

10 Except as provided in section 3951 and Title 12, ~~sections~~  
~~7504-and-7505~~ section 12404, and unless the killing is justified  
12 to protect persons or property, ~~any a~~ person who steals, confines  
or secretes, willfully or negligently injures or willfully or  
14 negligently kills a dog is liable in damages to ~~its~~ the dog's  
owner in a civil action.

16 **Sec. B-14. 7 MRSA §4011, sub-§1, ¶G**, as amended by PL 2001, c.  
617, §9, is further amended to read:

18 G. Hunts, traps or sells for the purpose of hunting any  
20 animal, except as permitted pursuant to ~~Title--7~~, chapter  
202-A and Title 12, Part ~~10~~ 13;

22 **Sec. B-15. 7 MRSA §4011, sub-§2, ¶C**, as enacted by PL 1987, c.  
24 383, §3, is amended to read:

26 C. The conduct involved the use of live animals as bait or  
in the training of other animals in accordance with the laws  
28 of the Department of Inland Fisheries and Wildlife, Title  
12, Part ~~10~~ 13.

30 **Sec. B-16. 7 MRSA §4012, sub-§§2 and 3**, as enacted by PL 1987,  
32 c. 383, §3, are amended to read:

34 **2. Construction.** ~~Nothing-in-this~~ This section may not be  
construed to prohibit the shooting of wild game in its wild state  
36 or the shooting of birds at field trials under the supervision of  
the Department of Inland Fisheries and Wildlife in accordance  
38 with Title 12, chapter ~~707~~ 915, subchapter ~~IX~~ 13.

40 **3. Affirmative defense.** It is an affirmative defense to  
this section that the conduct involved the use of live animals in  
42 the training of other animals in accordance with the laws of the  
Department of Inland Fisheries and Wildlife, Title 12, Part ~~10~~ 13.

44 **Sec. B-17. 8 MRSA §374, sub-§5**, as amended by PL 1997, c. 373,  
46 §7, is further amended to read:

48 **5. Wildlife lottery game.** No later than January 30, 1996,  
the commission, in consultation with the Maine Outdoor Heritage  
50 Fund Board, shall develop and initiate a wildlife lottery game

2 designed to raise funds for the Maine Outdoor Heritage Fund  
3 established pursuant to Title 12, chapter ~~714~~ 903, ~~subchapter 6~~.  
4 The commission shall provide the net proceeds of this wildlife  
5 lottery game to the Maine Outdoor Heritage Fund annually. The  
6 commission shall change the wildlife game ticket periodically  
7 throughout the year.

8 **Sec. B-18. 8 MRSA §387, sub-§1, ¶D**, as enacted by PL 1995, c.  
9 494, §5, is amended to read:

10 D. For payment to the Maine Outdoor Heritage Fund pursuant  
11 to Title 12, section ~~7782~~ 10302.

12 **Sec. B-19. 10 MRSA §1242, sub-§15**, as enacted by PL 1997, c.  
13 473, §3, is amended to read:

14 **15. Personal sports mobile.** "Personal sports mobile" means  
15 any snowmobile as defined in Title 12, section ~~7821~~ 13001,  
16 subsection ~~5~~ 25; any all-terrain vehicle as defined in Title 12,  
17 section ~~7851~~ 13001, subsection ~~2~~ 3; any motorcycle as defined in  
18 Title 29-A, section 101, subsection 38; and any personal  
19 watercraft as defined in Title 12, section ~~7791~~ 13001, subsection  
20 ~~11-A~~ 23. "Personal sports mobile" does not include a motor  
21 vehicle as defined in section 1171, subsection 11.  
22  
23  
24

25 **Sec. B-20. 12 MRSA §598-A, sub-§1, ¶¶A and B**, as enacted by PL  
26 1993, c. 639, §1, are amended to read:

27 A. State-owned wildlife management areas and public access  
28 sites described in section ~~7652~~ 10109, ~~subsection 1 and~~  
29 ~~section 12708~~; and  
30

31 B. Lands held and managed as a state game farm under the  
32 provisions of section ~~7735~~ 10109, ~~subsection 2~~;  
33

34 **Sec. B-21. 12 MRSA §1893, sub-§1, ¶A**, as amended by PL 2001,  
35 c. 693, §1 and affected by §11, is further amended to read:

36 A. Within available funds, the snowmobile program shall  
37 develop and maintain snowmobile trails and provide  
38 educational and informational materials for the use of  
39 operators of snowmobiles. The bureau may charge a reasonable  
40 fee for such services and materials when the money credited  
41 to it under chapter ~~715~~, ~~subchapter II~~ 937 is insufficient  
42 to satisfy the demand for those services and materials. All  
43 fees collected must be deposited in the bureau's Snowmobile  
44 Trail Fund. The bureau shall administer the Snowmobile  
45 Trail Fund, and the snowmobile program's other activities  
46 must be conducted pursuant to ~~section 7824~~, subsection ~~4-~~  
47 3. The Snowmobile Trail Fund receives funding as provided  
48  
49  
50

2 in chapter ~~715,--subchapter--II~~ 937 and Title 36, section  
2903-D, subsection 2.

4 **Sec. B-22. 12 MRSA §1893, sub-§1, ¶B**, as amended by PL 2001,  
c. 693, §1 and affected by §11, is further amended to read:

6  
8 B. The bureau shall administer the ATV Recreational  
Management Fund established under ~~section-7854~~, subsection  
10 4- 2 for the purposes given in that subsection and for the  
12 acquisition of land to be used for ATV trails. The bureau  
14 may adopt rules in accordance with Title 5, chapter 375,  
16 subchapter ~~II~~ 2 for the issuance of grants-in-aid from the  
fund and to further define alpine tundra areas pursuant to  
section ~~7851~~ 13001, subsection 2-A 4. Additional funding  
for the ATV Recreational Management Fund is as provided in  
Title 36, section 2903-D, subsection 3.

18 **Sec. B-23. 12 MRSA §1893-A, sub-§2**, as enacted by PL 2001, c.  
466, §7, is amended to read:

20  
22 **2. Development of recreational management areas.** An owner  
or operator of an excavation site proposing to develop a  
24 recreational management area and requesting a variance from  
reclamation standards under Title 38, section 490-E shall request  
the assistance of the division.

26  
28 Upon receipt of a request for assistance, the division shall  
assess the affected land for suitability for an all-terrain  
30 vehicle trail system. The division shall advise the landowner of  
funding, technical assistance and other assistance available  
32 through the ATV ~~Recreation~~ Recreational Management Fund  
established in section ~~7854~~ 1893, ~~subsection--4,--paragraph--B~~  
34 subsections 2 and 3. When an initial assessment of the affected  
land indicates the area is appropriate for an all-terrain vehicle  
36 trail system, the division may assist the owner or operator in  
developing a plan and completing a variance application.

38 **Sec. B-24. 12 MRSA §6431-E, sub-§1, ¶B**, as enacted by PL 1997,  
c. 693, §1 and affected by §3, is amended to read:

40  
42 B. "Owner" means:

44 (1) An individual who is the owner of a vessel  
registered under chapter ~~715,--subchapter--I~~ 935 or the  
46 owner of a vessel documented under 46 Code of Federal  
Regulations, Part 67;

48 (2) The person who owns the highest percentage of a  
partnership, corporation or other entity that is the  
50 owner of a vessel registered under chapter ~~715,~~

2                   ~~subchapter-I~~ 935 or a vessel documented under 46 Code  
of Federal Regulations, Part 67; or

4                   (3) When 2 or more people own in equal proportion the  
highest percentages of a partnership, corporation or  
6                   other entity that owns a vessel registered under  
chapter ~~715,--subchapter--I~~ 935 or a vessel documented  
8                   under 46 Code of Federal Regulations, Part 67, one of  
the highest percentage owners as designated by the  
10                   owners of that partnership, corporation or other entity.

12                   **Sec. B-25. 12 MRSA §9904, sub-§11**, as enacted by PL 1995, c.  
406, §12, is amended to read:

14                   **11. Fishing in inland waters.** When fishing in inland  
16                   waters, the holder of a license authorized under this section is  
subject to all the provisions of ~~chapters-701-to-721~~ Part 13.

18                   **Sec. B-26. 14 MRSA §3142, sub-§1, ¶C**, as amended by PL 2001,  
20                   c. 471, Pt. A, §20, is further amended to read:

22                   C. The suspension of any license, certification,  
registration, permit, approval or other similar document  
24                   evidencing the granting of authority to hunt, fish or trap  
or to engage in a profession, occupation, business or  
26                   industry, not including a registration, permit, approval or  
similar document evidencing the granting of authority to  
28                   engage in the business of banking pursuant to Title 9-B.  
Licenses and registration subject to suspension include, but  
30                   are not limited to:

32                   (1) Licenses issued by the Commissioner of Marine  
Resources, as provided in Title 12, section 6409;

34                   (2) Licenses issued by the Commissioner of Inland  
36                   Fisheries and Wildlife, as provided in Title 12,  
section ~~7077~~ 10902, subsection ~~1-G~~ 3;

38                   (3) Watercraft, snowmobile and all-terrain vehicle  
40                   registrations, as provided in Title 12, section ~~7077~~  
10902, subsection ~~1-G~~ 3; and

42                   **Sec. B-27. 14 MRSA §8104-A, sub-§1, F**, as enacted by PL 1987,  
44                   c. 740, §4, is amended to read:

46                   F. Snowmobiles, as defined in Title 12, section ~~7821~~ 13001,  
subsection ~~5~~ 25; and

48                   **Sec. B-28. 15 MRSA §1025**, as amended by PL 2001, c. 604, §20,  
50                   is further amended to read:

2       **§1025. Law enforcement officers**

4           A law enforcement officer making a warrantless arrest under  
6 Title 17-A, section 15 may, without fee, take the personal  
8 recognizance of any defendant for appearance on a charge of a  
10 Class D or Class E crime. If authorized, a law enforcement  
12 officer may, without fee, take the personal recognizance with  
deposit in accordance with Title 12, section 7053 10353,  
subsection 2, paragraph C; and Title 12, section 9707. The law  
enforcement officer's authority under this section continues as  
long as the arrestee remains in the officer's custody.

14       **Sec. B-29. 15 MRSA §3103, sub-§1, ¶E**, as amended by PL 1997,  
c. 462, §2, is further amended to read:

16           E. Offenses involving hunting or the operation or attempted  
18 operation of a watercraft, ATV or snowmobile while under the  
influence of intoxicating liquor or drugs, as defined in  
20 Title 12, section 7406 10701, subsection 3, ~~Title 12,~~  
~~section 7801, subsection 9; Title 12, section 7827,~~  
22 ~~subsection 9; and Title 12, section 7857, subsection 10,~~  
respectively 1, and offenses involving failing to aid an  
24 injured person or to report a hunting accident as defined in  
Title 12, section 7406, ~~subsection 15~~ 11223;

26       **Sec. B-30. 17 MRSA §1031, sub-§1, ¶G**, as amended by PL 2001,  
c. 617, §11, is further amended to read:

30           G. Hunts, traps or sells for the purpose of hunting any  
32 animal, except as permitted pursuant to Title 7, chapter  
202-A and Title 12, Part ~~10~~ 13;

34       **Sec. B-31. 17 MRSA §1031, sub-§2, ¶C**, as enacted by PL 1987,  
c. 383, §4, is amended to read:

36           C. The defendant's conduct involved the use of live animals  
38 as bait or in the training of other animals in accordance  
with the laws of the Department of Inland Fisheries and  
40 Wildlife, Title 12, Part ~~10~~ 13.

42       **Sec. B-32. 17 MRSA §1032, sub-§3**, as enacted by PL 1987, c.  
383, §4, is amended to read:

44           **3. Exception.** Nothing in this section may be construed to  
46 prohibit the shooting of wild game in its wild state or the  
shooting of birds at field trials under the supervision of the  
48 Department of Inland Fisheries and Wildlife in accordance with  
Title 12, chapter 707 915, subchapter ~~X~~ 13.

50

2           **Sec. B-33. 17 MRSA §1033, sub-§3**, as enacted by PL 1987, c.  
383, §4, is amended to read:

4           **3. Affirmative defense.** It is an affirmative defense to  
5 prosecution under subsections 1 and 2, that the activity charged  
6 involves the possession, training, exhibition or use of an animal  
7 in the otherwise lawful sport of animal hunting and the training  
8 or use of hunting dogs. It is also an affirmative defense that  
9 the defendant's conduct involved the use of live animals as bait  
10 or in the training of other animals in accordance with the laws  
11 of the Department of Inland Fisheries and Wildlife, Title 12,  
12 Part 10 13.

14           **Sec. B-34. 17 MRSA §3853-D, sub-§2, ¶B**, as enacted by PL 1989,  
c. 289, is amended to read:

16           B. "Motor vehicle" means any self-propelled vehicle not  
17 operated exclusively on tracks, including all-terrain  
18 vehicles as defined in Title 12, section 7851 13001, but not  
19 including snowmobiles.

22           **Sec. B-35. 22 MRSA §1696-I, 2nd ¶**, as enacted by PL 1993, c.  
280, §1, is amended to read:

24           If, in the professional judgment of the Director of the  
25 Bureau of Health, conditions exist in which consumption of fish  
26 caught in state waters poses a threat to public health, the  
27 director shall prepare an advisory of the public health threat.  
28 The advisory must be in a form suitable for posting in places  
29 frequented by noncommercial anglers, included in the abstract of  
30 fish and wildlife laws prepared under Title 12, section 7034  
31 10103, subsection 5 7 and distributed to all holders of sport  
32 fishing licenses. The director has final authority regarding the  
33 content of the advisory, including the exact language used in the  
34 advisory. The Commissioner of Inland Fisheries and Wildlife is  
35 responsible for printing and posting verbatim copies of the  
36 advisory and for incorporating the verbatim health advisory in  
37 the abstract of fish and wildlife laws.

40           **Sec. B-36. 25 MRSA §2001, sub-§3**, as enacted by PL 1985, c.  
478, §2, is amended to read:

42           **3. Hunting knives.** Knives used ~~for--the--purposes--of~~  
43 ~~hunting,--fishing--or--trapping~~ to hunt, fish or trap as defined in  
44 Title 12, section 7001 10001;

46           **Sec. B-37. 25 MRSA §2001, sub-§6**, as amended by PL 2001, c.  
48 459, §1, is further amended to read:



2           **6. Licensed hunters and trappers.** Firearms carried by any  
3 person engaged in conduct for which a state-issued hunting or  
4 trapping license is required and possessing the required license,  
5 or firearms carried by a resident person engaged in conduct  
6 expressly authorized by Title 12, section 11108 and section 7377,  
7 subsections 1 and 2 12202, subsection 1. This subsection does  
8 not authorize or permit the carrying of a concealed or loaded  
9 firearm in a motor vehicle; and

10           **Sec. B-38. 26 MRSA §1043, sub-§11, ¶F,** as corrected by RR 2001,  
11 c. 1, §40, is amended by amending subparagraph (38) to read:

12                   (38) Services performed by a person licensed as a  
13 guide as required by Title 12, section ~~7311~~ 12853, as  
14 long as that employment is not subject to federal  
15 unemployment tax;

16           **Sec. B-39. 26 MRSA §1420-A, sub-§3,** as enacted by PL 1995, c.  
17 560, Pt. F, §13, is amended to read:

18           **3. Guide dogs.** Every deaf or hard-of-hearing person has  
19 the right to be accompanied by a guide dog, described and known  
20 as a "hearing dog," especially trained for the purpose, and  
21 identified by a collar and leash colored hunter orange, as that  
22 color is defined in Title 12, section ~~7001~~ 10001, subsection ~~16~~  
23 32, in a place listed in subsection 2 without being required to  
24 pay an extra charge for the guide dog, except that the person is  
25 liable for any damage done to the premises or facilities by that  
26 dog. When the deaf or hard-of-hearing person is accompanied by a  
27 guide dog, the person must also carry a card, issued by the  
28 Bureau of Rehabilitation Services, that states that the dog is an  
29 especially trained guide dog and cites section 1420 and this  
30 section that allow for access by the person and the person's dog  
31 to streets, public places and public conveyances.

32           **Sec. B-40. 29-A MRSA §101, sub-§25-A,** as enacted by PL 2001,  
33 c. 197, §1, is amended to read:

34           **25-A. Golf cart.** "Golf cart" means a motor vehicle that is  
35 originally designed and manufactured for operation on a golf  
36 course for sporting or recreational purposes and that is not  
37 capable of exceeding speeds of 20 miles per hour. ~~A-golf~~ "Golf  
38 cart" does not include an ATV as defined in Title 12, section  
39 ~~7851~~ 13001.

40           **Sec. B-41. 29-A MRSA §101, sub-§32-A,** as enacted by PL 1999,  
41 c. 660, §1, is amended to read:

42           **32-A. Low-speed vehicle.** "Low-speed vehicle" means a  
43 4-wheeled automobile that is able to attain a speed of at least  
44

20 miles per hour but not more than 25 miles per hour and does not exceed 1800 pounds in unloaded weight. "Low-speed vehicle" does not include an ATV as defined in Title 12, section ~~7851~~ 13001. A low-speed vehicle must be originally manufactured and maintained in accordance with the Federal Motor Vehicle Safety Standards as a low-speed vehicle pursuant to 49 Code of Federal Regulations, Section 571.500 (1998).

**Sec. B-42. 29-A MRSA §101, sub-§42, ¶A**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. A snowmobile as defined in Title 12, section ~~7821~~ 13001;

**Sec. B-43. 29-A MRSA §101, sub-§42, ¶B**, as amended by PL 2001, c. 361, §2, is further amended to read:

B. An all-terrain vehicle as defined in Title 12, section ~~7851~~ 13001, unless the all-terrain vehicle is registered for highway use or is operated on a way and section 2080 applies; and

**Sec. B-44. 29-A MRSA §101, sub-§91**, as amended by PL 2001, c. 687, §12, is further amended to read:

**91. Vehicle.** "Vehicle" means a device for conveyance of persons or property on a way. "Vehicle" does not include conveyances propelled or drawn by human power or used exclusively on tracks or snowmobiles as defined in Title 12, section ~~7821~~ 13001 or an electric personal assistive mobility device as defined in this section.

**Sec. B-45. 29-A MRSA §455, sub-§4**, as amended by PL 1995, c. 256, §1, is further amended to read:

**4. Initial contribution to Maine Environmental Trust Fund; renewal contribution.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for environmental registration plates is \$20, which must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund established in Title 12, section ~~7759~~ 10255.

In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the annual renewal contribution for environmental registration plates is \$15, which must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund established in Title 12, section ~~7759~~ 10255.

2           **Sec. B-46. 29-A MRSA §2251, sub-§11**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4           **11. Exemption.** The operator of a snowmobile as ~~defined by~~  
5 ~~Title 12, section 7821,~~ or an all-terrain vehicle as defined by  
6 Title 12, section 7851 13001, unless the all-terrain vehicle is  
7 registered for highway use by the Secretary of State under this  
8 Title, is exempt from the reporting requirements of subsections 2  
and 5.

10           **Sec. B-47. 30-A MRSA §7502, sub-§1**, as enacted by PL 1987, c.  
12 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c.  
13 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

14           **1. Fund established.** There is established in each county,  
15 one unorganized territory fund ~~into~~ to which ~~shall~~ must be  
16 credited all receipts under Title 12, section 7824 10203 and  
17 Title 36, sections 1489 and 1606 and all other receipts ~~which~~  
18 that are allocated for municipal services in the unorganized  
19 territory, and from which all disbursements for municipal  
20 services in the unorganized territory ~~shall be~~ are made.

22           **Sec. B-48. 33 MRSA §1581, sub-§2, ¶C**, as enacted by PL 1999,  
24 c. 371, §1, is amended to read:

26           C. For use by all-terrain vehicles as defined in Title 12,  
27 section 7851 13001 if the instrument creating the easement  
28 provides for the use of all-terrain vehicles; or

30           **Sec. B-49. 36 MRSA §655, sub-§1, ¶L**, as amended by PL 1991, c.  
31 546, §9, is further amended to read:

32           L. Registered snowmobiles as defined in Title 12, section  
34 7821 13001, subsection 5, 25;

36           **Sec. B-50. 36 MRSA §1106-A, sub-§3, ¶C**, as enacted by PL 1993,  
37 c. 452, §9, is amended to read:

38           C. Public access open space is an area of open space land,  
39 whether ordinary, permanently protected or forever wild,  
40 that is eligible for an additional cumulative percentage  
41 reduction in valuation because public access is by  
42 reasonable means and the applicant agrees to refrain from  
43 taking action to discourage or prohibit daytime,  
44 nonmotorized and nondestructive public use. The applicant  
45 may permit, but is not obligated to permit as a condition of  
46 qualification for public access status, hunting,  
47 snowmobiling, overnight use or other more intensive outdoor  
48 recreational uses. The applicant, without disqualifying

land from status as public access open space, may impose temporary or localized public access restrictions to:

(1) Protect active habitat of endangered species listed under Title 12, chapter ~~713~~ 925, subchapter ~~4~~ 3;

(2) Prevent destruction or harm to fragile protected natural resources under Title 38, chapter 3, subchapter ~~I~~ 1, article 5-A; or

(3) Protect the recreational user from any hazardous area.

**Sec. B-51. 36 MRSA §1109, sub-§3, ¶M**, as enacted by PL 1989, c. 748, §4, is amended to read:

M. The identification of the land or of outstanding natural resources on the land by a legislatively mandated program, on the state, local or federal level, as particular areas, parcels, land types or natural resources for protection including, but not limited to, the Register of Critical Areas under Title 5, chapter 312; the laws governing wildlife sanctuaries and management areas under Title 12, section 10109, subsection 1 and sections 7651 12706 and 7652 12708; the laws governing the State's rivers under Title 12, chapter 200; the natural resource protection laws under Title 38, chapter 3, subchapter ~~I~~ 1, article 5-A; and the Maine Coastal Barrier Resources Systems under Title 38, chapter 21; or

**Sec. B-52. 36 MRSA §1481, sub-§3**, as amended by PL 1991, c. 546, §15, is further amended to read:

**3. Motor vehicle.** "Motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, including motorcycles, but not including aircraft. "Motor vehicle" does not include any vehicle prohibited by law from operating on the public highways. "Motor vehicle" does not include any snowmobile as defined in Title 12, section ~~7821~~ 13001.

**Sec. B-53. 36 MRSA §1481, sub-§5**, as amended by PL 2001, c. 396, §20, is further amended to read:

**5. Vehicle.** "Vehicle" means a motor vehicle, mobile home, camper trailer, heavier-than-air aircraft or lighter-than-air aircraft. "Vehicle" does not include any snowmobiles as defined in Title 12, section ~~7821~~ 13001.

**Sec. B-54. 36 MRSA §1503, sub-§1, ¶A**, as enacted by PL 1983, c. 92, Pt. B, §9, is amended to read:

2           A. Is required to be registered under Title 12, section  
3           7794 13056; or

4

5           **Sec. B-55. 36 MRSA §1503, sub-§8-B**, as enacted by PL 1997, c.  
6           324, §4 and affected by §7, is amended to read:

7           **8-B. Registration period.** "Registration period" means from  
8           January 1st to December 31st of the year for which the  
9           certificate of number is issued pursuant to Title 12, section  
10           7794 13056.

11

12           **Sec. B-56. 36 MRSA §1504, sub-§1**, as amended by PL 1987, c.  
13           196, §§6 and 7, is further amended by amending the first  
14           paragraph to read:

15

16           **1. Payment schedule.** An excise tax ~~shall-be~~ is payable  
17           annually by the owner of each watercraft located in this State,  
18           except those exempt under subsection 4, within 10 days of  
19           operation upon the waters of this State, or prior to obtaining a  
20           certificate of number pursuant to Title 12, section 7794 13056,  
21           or prior to July 1st, whichever event first occurs, based on the  
22           following schedules. For 1984, watercraft subject to the  
23           watercraft excise tax, ~~which that~~ are not required to register  
24           under Title 12, former chapter 715, ~~shall~~ are not be required to  
25           pay the excise tax until June 30, 1984.

26           **Sec. B-57. 36 MRSA §1504, sub-§4, ¶E**, as enacted by PL 1983,  
27           c. 92, Pt. B, §9, is amended to read:

28

29           **E.** Watercraft 20 feet or less in length ~~which that~~ are not  
30           required to be registered under Title 12, section 7794  
31           13056.

32

33           **Sec. B-58. 36 MRSA §1504, sub-§7**, as amended by PL 1985, c.  
34           726, §6, is further amended to read:

35

36           **7. Evidence of tax payment.** Each watercraft, required to  
37           pay the excise tax established by this chapter but not required  
38           to be registered under Title 12, section 7794 13056, ~~shall~~ must  
39           display a current excise tax decal as directed by the  
40           commissioner. A current excise tax decal ~~shall~~ must be issued by  
41           the municipal tax collector or tribal clerk upon the payment of  
42           all excise taxes due under this chapter. The commissioner shall  
43           make excise tax decals available at cost to municipalities and  
44           Indian reservations. For watercraft required to be registered  
45           under Title 12, section 7794 13056, the registration sticker  
46           ~~shall-be~~ is considered evidence of tax payment.

47

2           **Sec. B-59. 36 MRSA §1504, sub-§9, ¶A**, as amended by PL 1985,  
c. 726, §8, is further amended to read:

4           A. Beginning March 1, 1984, payment of the excise tax and  
6           accrued interest, where applicable, is a prerequisite for  
obtaining a certificate of number of a watercraft under  
8           Title 12, section 7794 13056, and no registration may be  
renewed until all excise taxes and accrued interest, where  
10           applicable, with respect to the watercraft have been paid in  
accordance with this chapter.

12           **Sec. B-60. 36 MRSA §1752, sub-§7**, as amended by PL 1991, c.  
14           546, §16, is further amended to read:

16           **7. Motor vehicle.** "Motor vehicle" means any self-propelled  
vehicle designed for the conveyance of passengers or property on  
the public highways. "Motor vehicle" includes an all-terrain  
18           vehicle ~~as defined in Title 12, section 7851~~ and a snowmobile as  
defined in Title 12, section 7821 13001.

20           **Sec. B-61. 36 MRSA §1760, sub-§23-C, ¶A**, as enacted by PL  
22           1999, c. 759, §2 and affected by §5, is amended to read:

24           A. Motor vehicles, except all-terrain vehicles ~~as defined~~  
~~in Title 12, section 7851~~ and snowmobiles as defined in  
26           Title 12, section 7821 13001;

28           **Sec. B-62. 36 MRSA §1760, sub-§25-A**, as amended by PL 1995, c.  
30           467, §15, is further amended to read:

32           **25-A. All-terrain vehicles.** All-terrain vehicles as  
defined in Title 12, section 7851 13001 purchased by a  
34           nonresident and intended to be driven or transported outside the  
State immediately upon delivery by the seller. The purchaser is  
36           exempt from use tax, unless the all-terrain vehicle is present in  
the State for more than 30 days during the 12-month period  
38           following the date of purchase or is registered in the State  
without being registered in another state within 12 months of the  
date of purchase;

40           **Sec. B-63. 36 MRSA §1760, sub-§25-B**, as enacted by PL 1995, c.  
42           467, §16, is amended to read:

44           **25-B. Snowmobiles.** A snowmobile, as that term is defined  
in Title 12, section 7821 13001, subsection 5 25, purchased by a  
46           person who is not a resident of this State;

48           **Sec. B-64. 36 MRSA §1952-A**, as amended by PL 1995, c. 625,  
Pt. A, §50, is further amended to read:

50

2 **§1952-A. Payment of tax on vehicles and watercraft**

4 The tax imposed by chapters 211 to 225 on the sale or use of  
6 any vehicle or watercraft must, except where the dealer of the  
8 vehicle or watercraft has collected the tax in full, be paid by  
10 the purchaser or other person seeking registration of the vehicle  
12 or watercraft at the time and place of registration of the  
14 vehicle or watercraft. In the case of vehicles except snowmobiles  
16 and all-terrain vehicles, the tax must be collected by the  
Secretary of State and transmitted to the Treasurer of State as  
provided by Title 29-A, section 409. In the case of watercraft,  
snowmobiles and all-terrain vehicles, the tax must be collected  
by the Commissioner of Inland Fisheries and Wildlife and  
transmitted to the Treasurer of State as provided by Title 12,  
sections ~~7793-A to 7793-E, 7824-A to 7824-F or 7854-A to 7854-E~~  
13002 to 13005.

18 **Sec. B-65. 36 MRSA §1955-C**, as amended by PL 1995, c. 467,  
20 §19, is further amended to read:

22 **§1955-C. Assessment for vehicles**

24 Certificates forwarded to the State Tax Assessor under Title  
26 29-A, section 409, subsection 4 or Title 12, section ~~7793-G,~~  
~~7824-F or 7854-C~~ 13003, must be treated as returns filed under  
this Title for purposes of section 141.

28 **Sec. B-66. 36 MRSA §2903-D, sub-§2, ¶A**, as enacted by PL 2001,  
30 c. 693, §7 and as affected by §11, is amended to read:

32 A. The Commissioner of Inland Fisheries and Wildlife  
34 receives 14.93% of that amount, to be used by the  
36 commissioner for the purposes set forth in Title 12, section  
7824 1893, subsection 3, section 10206, subsection 2,  
section 13104, subsections 2 to 13 and section 13105,  
subsection 1; and

38 **Sec. B-67. 36 MRSA §2903-D, sub-§3, ¶B**, as enacted by PL 2001,  
40 c. 693, §7 and as affected by §11, is amended to read:

42 B. The ATV Recreational Management Fund, established in  
44 Title 12, section ~~7854 1893,~~ subsection 4, ~~paragraph-B,~~ 2  
receives 50% of that amount.

46 **Sec. B-68. 36 MRSA §5284**, as amended by PL 1995, c. 639, §30,  
is further amended to read:

48 **§5284. Nongame wildlife voluntary checkoff**

1. **Maine Endangered and Nongame Wildlife Fund.** Taxpayers who, when filing their return, are entitled to a refund under this Part may designate that a part of that refund be paid into the Maine Endangered and Nongame Wildlife Fund established in Title 12, section ~~7757~~ 10253. A taxpayer who is not entitled to a refund under this Part may contribute to the Maine Endangered and Nongame Wildlife Fund by including with that taxpayer's return sufficient funds to make the contribution. Each individual income tax return form must contain a designation in substantially the following form: "Contribution to Maine Endangered and Nongame Wildlife Fund: ( ) \$5, ( ) \$10, ( ) \$25 or ( ) Other \$ ."

2. **Contributions credited to Maine Endangered and Nongame Wildlife Fund.** The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, ~~he~~ the assessor shall deduct the cost of administering the nongame checkoff, but not exceeding \$5,000 annually, and report the remainder to the Treasurer of State, who shall credit that amount to the Maine Endangered and Nongame Wildlife Fund, which is established in Title 12, section ~~7757~~ 10253.

**Sec. B-69. 37-B MRSA §183, sub-§1,** as amended by PL 1995, c. 600, §4, is further amended to read:

1. **Activation of Maine National Guard.** In the event of illness, injury, missing persons or loss of life, creating an emergency that requires specialized personnel or equipment of the Maine National Guard to prevent human suffering, increased health risk or loss of life, the Governor or the Governor's designee may order into active state service the necessary personnel and equipment of the Maine National Guard. Human health emergencies may include medical evacuation and search and rescue under Title 6, section 303 and Title 12, section ~~7035~~ 10105, which may include providing emergency helicopter airlift service. Any person ordered into active state service, for the purposes of this subsection, is considered a state employee for purposes of the Maine Tort Claims Act and that person's liability is limited by that Act.

**Sec. B-70. 38 MRSA §423,** as amended by PL 1989, c. 502, Pt. B, §49, is further amended to read:

**§423. Discharge of waste from watercraft**

Ne A person, firm, corporation or other legal entity may not discharge, spill or permit to be discharged sewage, garbage or other pollutants from watercraft, as defined in Title 12, section ~~7791~~ 13001, subsection ~~14~~ 28, and including houseboats, into



inland waters of this State, or on the ice thereof of inland waters, or on the banks thereof of inland waters in such a manner that the same may fall or be washed into such waters, or in such manner that the drainage therefrom from the sewage, garbage or other pollutants may flow into such waters.

Any watercraft, as defined in Title 12, section 7791 13001, subsection 14 28, including houseboats, operated upon the inland waters of this State and having a permanently installed sanitary waste disposal system shall must have securely affixed to the interior discharge opening of such sanitary waste disposal system a holding tank or suitable container for holding sanitary waste material so as to prevent its discharge or drainage into the inland waters of the State.

**Sec. B-71. 38 MRSA §480-R, sub-§2**, as amended by PL 1989, c. 546, §7 and affected by c. 890, Pt. A, §40 and amended by Pt. B, §82, is further amended to read:

**2. Enforcement.** In addition to department staff, inland fisheries and wildlife game wardens, Department of Marine Resources marine patrol officers and all other law enforcement officers enumerated in Title 12, section 7055, 10401 shall enforce the terms of this article.

**Sec. B-72. 38 MRSA §1861, sub-§3**, as enacted by PL 2001, c. 434, Pt. A, §7, is amended to read:

**3. Watercraft.** "Watercraft" has the same meaning as in Title 12, section 7791 13001, subsection 14 28.

**Sec. B-73. 38 MRSA §1863**, as enacted by PL 2001, c. 434, Pt. A, §7, is amended to read:

**§1863. Invasive Aquatic Plant and Nuisance  
Species Fund**

The Invasive Aquatic Plant and Nuisance Species Fund, referred to in this section as the "fund," is created within the department as a nonlapsing fund. The fund is administered by the commissioner. The fund is funded from fees collected for lake and river protection stickers issued under Title 12, section 7794-B 13058, subsection 3 and from other funds accepted for those purposes by the commissioner or allocated or appropriated by the Legislature. Money in the fund may be used only for costs related to conducting inspections under section 1862, conducting invasive aquatic plant prevention, containment, eradication and management activities and reimbursing agencies as necessary for costs associated with conducting or enforcing the provisions of this chapter and chapter 20-B. The commissioner may also use

2 funds to contract with municipalities or other entities to  
3 conduct inspection, prevention or eradication programs to protect  
4 the inland waters of the State from invasive aquatic plant and  
5 nuisance species.

6  
7 **PART C**

8  
9 **Sec. C-1. 12 MRSA §1893, sub-§§2 and 3** are enacted to read:

10 **2. ATV Recreational Management Fund.** The ATV Recreational  
11 Management Fund, referred to in this subsection as "the fund," is  
12 established and administered by the department.

13  
14 A. The fund may be used to conduct research on issues  
15 related to the management of ATVs; assist in the formation  
16 of nonprofit ATV groups; make grants-in-aid to political  
17 subdivisions, educational institutions, regional planning  
18 agencies, ATV groups and others to construct and maintain  
19 ATV trails or to otherwise carry out the purposes of the  
20 fund; assist in the design and development of ATV trails;  
21 provide protection to landowners against ATV-related suit or  
22 liability; or otherwise provide for the wise and orderly  
23 management of ATVs.

24  
25 B. If any money in the fund is not expended during the year  
26 in which it is collected, the unexpended balance may not  
27 lapse, but must be carried as a continuing account available  
28 for the purposes specified until expended.

29  
30 **3. Use of fees.** This subsection applies to the use of  
31 fees credited to the Snowmobile Trail Fund.

32  
33 A. The bureau is authorized to use the money credited to  
34 the Snowmobile Trail Fund to make grants-in-aid to political  
35 subdivisions, educational institutions, regional planning  
36 agencies, snowmobile groups and others for the construction  
37 and maintenance of snowmobile trails and for research,  
38 development and planning of snowmobile trails.

39  
40 (1) For all grants disbursed after July 1, 1984, the  
41 bureau shall adopt rules specifying how to apply for  
42 the grants, which projects are eligible and the formula  
43 for state support.

44  
45 (2) The bureau may charge a reasonable fee for these  
46 services and materials when the money credited to it  
47 under this paragraph is insufficient to satisfy the  
48 demand for the services and materials. All fees so



2 to a major substantive rule to reflect updated statutory  
cross-references necessitated by Part A of this Act does not  
require legislative review under that subchapter.

4  
6 **Sec. D-3. Continuation of terms.** Nothing in Part A of this Act  
is intended to affect the terms of members serving on the  
8 effective date of this Act on the Inland Fisheries and Wildlife  
Advisory Council established in the Maine Revised Statutes, Title  
10 12, former section 7033-A, the Maine Outdoor Heritage Fund Board  
established in Title 12, former section 7788, the Advisory Board  
12 for the Licensing of Guides established in Title 12, former  
section 7320, the Advisory Board for the Licensing of  
14 Taxidermists established in Title 12, former section 7355, the  
Advisory Board for the Licensing of Whitewater Guides established  
16 in Title 12, former section 7366-A, the Junior Maine Guides and  
Trip Leaders Curriculum Advisory Board established in Title 12,  
18 former section 7323 and the Whitewater Safety Committee  
established in Title 12, former section 7367.

20 **Sec. D-4. Legislative intent.** It is the intent of the  
Legislature that this Act be considered a recodification of  
22 certain laws governing inland fisheries and wildlife and that  
this Act not be considered to change or revise in any way the  
24 meaning or intent of those laws.

26 **Sec. D-5. Authorization to report out legislation.** The joint  
standing committee of the Legislature having jurisdiction over  
28 inland fisheries and wildlife matters may report out to the  
Second Regular Session of the 121st Legislature and to the First  
30 Regular Session of the 122nd Legislature legislation, including  
legislation to correct and update any cross-references, related  
32 to and necessitated by the recodification enacted by this Act.

34 **Sec. D-6. Effective date.** This Act takes effect 90 days after  
adjournment of the Second Regular Session of the 121st  
36 Legislature.

38  
40 **SUMMARY**

42 This bill recodifies the Maine Revised Statutes, Title 12,  
Part 10 pursuant to Joint Order 2003, Senate Paper 440.  
44