

MAINE STATE LEGISLATURE

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



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1239

H.P. 895

House of Representatives, April 19, 1989

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.

Reference to the Committee on Fisheries and Wildlife suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative JACQUES of Waterville.

Cosponsored by Representative GREENLAW of Standish, Senator ERWIN of Oxford and Representative FARREN of Cherryfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Amend and Update Laws Pertaining to Inland Fisheries and
Wildlife.

(EMERGENCY)



1
3 **Emergency preamble.** Whereas, Acts of the Legislature do not
5 become effective until 90 days after adjournment unless enacted
7 as emergencies; and

9 Whereas, confusion exists as to the application of certain
11 provisions of the inland fisheries and wildlife laws; and

13 Whereas, this confusion poses difficulties for the sporting
15 public and those charged with enforcing the laws; and

17 Whereas, it is vitally necessary that this confusion be
19 resolved to prevent any injustice or hardship to the hunters,
21 anglers, trappers and recreational vehicle owners of Maine; and

23 Whereas, in the judgment of the Legislature, these facts
25 create an emergency within the meaning of the Constitution of
27 Maine and require the following legislation as immediately
29 necessary for the preservation of the public peace, health and
31 safety; now, therefore,

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

35 **Sec. 1.** 12 MRSA §7001, sub-§42, as amended by PL 1981, c. 414,
37 §3, is further amended to read:

39 42. **Wildlife.** "Wildlife" means any species of the animal
41 kingdom belonging to the subphylum Vertebrata, except fish, which
43 is wild by nature, whether or not bred or reared in captivity,
45 and includes any part, egg or offspring thereof, or the dead body
47 or parts thereof. Wildlife includes wild animals and wild birds.

49 **Sec. 2.** 12 MRSA §7013, sub-§8, as enacted by PL 1983, c. 819,
Pt. A, §17, is repealed.

51 **Sec. 3.** 12 MRSA §7033, sub-§2, as amended by PL 1981, c. 631,
§1, is further amended to read:

53 2. **Length of terms.** Appointments shall be for a term of 3
55 years, ~~except that the initial term for the representatives of~~
57 ~~management units 3 and 4 shall be for one year and management~~
59 ~~units 5 and 6 shall be for 2 years,~~ and until successors are
61 appointed and qualified. ~~Successors shall serve a term, or an~~
63 ~~unexpired term, which begins at the expiration of the~~
65 ~~predecessor's one year, 2 year or 3 year term.~~ No person shall
67 may serve more than 2 consecutive 3-year terms. Upon the death,
69 resignation or removal from office of any person so appointed,
the Governor shall appoint a member to serve for the unexpired
term.

71 **Sec. 4.** 12 MRSA §7053, sub-§2, ¶E-1 is enacted to read:

1 E-1. Stop and examine any all-terrain vehicle to ascertain
3 whether it is being operated in compliance with chapter 715,
5 subchapter IV, demand and inspect the operator's certificate
7 of registration and, when appropriate, demand and inspect
9 evidence that the operator has satisfactorily completed a
11 training course as required by section 7853;

12 **Sec. 5. 12 MRSA §7076, sub-§3, ¶A,** as amended by PL 1983, c.
13 154, §1, is further amended to read:

14 A. The commissioner may issue, upon application,
15 complimentary resident hunting and fishing licenses to a
16 resident of Maine who is ~~suffering--from--paraplegia--or~~
17 suffering from the loss of, or the loss of the use of, both
18 lower extremities. Any license issued under this paragraph
19 shall remain valid through December 31st of the 2nd complete
20 calendar year following the year of issuance.

21 **Sec. 6. 12 MRSA §7076, sub-§4, ¶A,** as enacted by PL 1979, c
22 420, §1, is amended to read:

23 A. Is a veteran, as defined in ~~Title-37-A,-section-28~~ Title
24 37-B, section 505, subsection 1, paragraph A, subparagraph
25 (5);

26 **Sec. 7. 12 MRSA §7076, sub-§4-A, ¶A,** as enacted by PL 1987, c.
27 352, §1, is amended to read:

28 A. Is a veteran, as defined in ~~Title-37-A,-section-28~~ Title
29 37-B, section 505, subsection 1, paragraph A, subparagraph
30 (5);

31 **Sec. 8. 12 MRSA §7101, sub-§7,** as amended by PL 1987, c. 742,
32 §5, is further amended to read:

33 7. Restrictions. Any resident or nonresident hunter 10
34 years of age or older and under 16 may hunt with firearms only in
35 the presence of his that person's parent or guardian or of a
36 person, at least 18 years of age, approved by his that person's
37 parent or guardian. That presence must be unaided by visual or
38 audio enhancement devices, including binoculars and citizen band
39 radios. The parent, guardian or approved adult who accompanies a
40 hunter under 16 years of age must meet the competency
41 requirements for obtaining a Maine license to hunt with firearms
42 as indicated in section 7071, subsection 7.

43 **Sec. 9. 12 MRSA §7102, sub-§5, ¶C,** as amended by PL 1981, c.
44 644, §7, is repealed and the following enacted in its place:

45 C. Any person 10 years of age or older and under 16 years
46 of age may hunt with bow and arrow only in the presence of
47 that person's parent or guardian or of a person, at least 18
48

1 years of age, approved by that person's parent or guardian.
2 That presence must be unaided by visual or audio enhancement
3 devices, including binoculars and citizen band radios. The
4 parent, guardian or approved adult who accompanies a hunter
5 under 16 years of age must meet the competency requirements
6 for obtaining an archery hunting license as indicated in
7 subsection 7;

9 **Sec. 10. 12 MRSA §7107-A, sub-§4,** as enacted by PL 1985, c.
10 320, §2, is amended to read:

11 4. **Open season.** There shall be a special muzzle-loading
12 open season on deer on the first 6 hunting days after the regular
13 deer hunting season for the purpose of hunting deer only with
14 muzzle-loading firearms as defined in section 7001, subsection
15 23-A. The commissioner may terminate this open season at any
16 time, in any area, if, in his the commissioner's opinion, an
17 immediate emergency action is necessary due to adverse weather
18 conditions or severe hunting pressure.

19 **Sec. 11. 12 MRSA §7133, sub-§1, ¶F** is enacted to read:

20 F. No person under 10 years of age may trap bear at any
21 time.

22 **Sec. 12. 12 MRSA §7154, sub-§3,** as repealed and replaced by PL
23 1983, c. 807, Part P, §13, is repealed and the following enacted
24 in its place:

25 3. **Fee.** The fee for a permit to conduct a one-day bass
26 tournament shall be \$35.

27 **Sec. 13. 12 MRSA §7231, sub-§1-A,** as enacted by PL 1985, c.
28 369, §7, is amended to read:

29 1-A. **Expiration.** ~~Effective June 30, 1986, all~~ All permits
30 issued under this section are valid for one year, commencing July
31 1st of each year. ~~Any license issued under this section for the~~
32 ~~1985 calendar year shall continue to be valid through June 30,~~
33 ~~1986.~~

34 **Sec. 14. 12 MRSA §7235, sub-§4, ¶F** is enacted to read:

35 F. No person may engage in the business of breeding or
36 rearing white-tailed deer, bear or moose at any time.

37 **Sec. 15. 12 MRSA §7311, sub-§1,** as enacted by PL 1987, c. 742,
38 §7, is amended to read:

39 1. **Requirement.** No person may act as a guide without a
40 valid license under this subchapter. A license entitles a person
41 to act as a guide ~~for 3 years from the date of issue~~ through

1 December 31st of the 2nd complete year following the year of
2 issuance.

3

4 **Sec. 16. 12 MRSA §7322, sub-§6**, as enacted by PL 1987, c. 742,
5 §7, is amended to read:

6 **6. Enforcement.** Wardens of the department and, the rangers
7 of the Bureau of Forestry and rangers of the Bureau of Parks and
8 Recreation may enforce this section. They may terminate any trip
9 which is considered unsafe or in violation of this section. By
10 January 1, 1989, the commissioner shall adopt standards for what
11 is considered an unsafe trip. The commissioner shall consider
12 previous violations of this section when issuing or reissuing
13 trip leader permits.

14

15 **Sec. 17. 12 MRSA §7432, sub-§2**, as amended by PL 1987, c. 317,
16 §18, is repealed and the following enacted in its place:

17 **2. Failure to visit traps.** A person is guilty of failure to
18 visit traps if, while trapping in any area of the State, that
19 person fails to visit each trap, except under ice water sets for
20 beaver and muskrat, or fails to cause the traps to be visited at
21 least once in every calendar day including Sunday.

22

23 **Sec. 18. 12 MRSA §7451, sub-§1, ¶C**, as amended by PL 1981, c.
24 644, §20, is further amended to read:

25

26 **C.** There shall be an open season on using a dog or dogs in
27 conjunction with bear hunting from the first Monday
28 preceding September 1st, to the day preceding the open
29 firearm season on deer provided in section 7457, subsection
30 1.

31

32 **Sec. 19. 12 MRSA §7452, sub-§1-A**, as amended by PL 1987, c.
33 742, §8, is repealed.

34

35 **Sec. 20. 12 MRSA §7452, sub-§1-C** is enacted to read:

36

37 **1-C. Illegal baiting of bear.** A person is guilty of
38 illegally baiting bear if that person places bear bait in any
39 manner which does not conform to section 7451, subsection 3.

40

41 **Sec. 21. 12 MRSA §7452, sub-§7, ¶A**, as enacted by PL 1987, c.
42 317, §19, is amended to read:

43

44 **A.** Which he-himself that person did not kill by hunting; or

45

46 **Sec. 22. 12 MRSA §7452, sub-§15, ¶D-1** is enacted to read:

47

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

51

1
3 **Sec. 23. 12 MRSA §7457, sub-§2, ¶D**, as enacted by PL 1979, c.
420 §1, is repealed.

5 **Sec. 24. 12 MRSA §7458, sub-§15, ¶C-1** is enacted to read:

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

11 **Sec. 25. 12 MRSA §7464, sub-§9, ¶B** is enacted to read:

13 B. Notwithstanding subsection 3, paragraph A, that
14 provision does not apply to moose legally registered in
15 accordance with this subchapter.

17 **Sec. 26. 12 MRSA §7553, sub-§1, ¶A**, as amended by PL 1979, c.
18 543, §52, is repealed.

19 **Sec. 27. 12 MRSA §7553, ¶B**, as amended by PL 1987, c. 696,
20 §15, is further amended to read:

21 B. At the following places, the fishway and the area within
22 75 feet of any part of the fishway shall be closed to
23 fishing at all times:

24 (1) Woodland Dam and Grand Falls Powerhouse Dam on the
25 St. Croix River in the Town of Baileyville;

26 (2) East Grand Lake Dam, T9 R4; and

27 (3) Spednic Lake Dam, Vanceboro; and

28 **Sec. 28. 12 MRSA §7553, ¶C**, as enacted by PL 1979, c. 420,
29 §1, is amended to read:

30 C. At the so-called ice control dam on the Narraguagus
31 River in the Town of Cherryfield, the area within 100 feet
32 of the dam shall be closed to fishing at all times; and

33 **Sec. 29. 12 MRSA §7553, sub-§1, ¶D** is enacted to read:

34 D. At East Outlet Dam in Sapling Township (T1R7) in
35 Somerset County and in Big Squaw Township (T2R6) in
36 Piscataquis County at the outlet of Moosehead Lake, the
37 fishway and the area within 50 feet of any part of the
38 fishway shall be closed to fishing at all times.

39 **Sec. 30. 12 MRSA §7572, sub-§1**, as amended by PL 1987, c. 696,
40 §16, is further amended to read:

1 1. Five-line limit. A Unless otherwise provided by rule, a
3 person licensed to fish may fish through ice in the daytime with
5 not more than 5 lines set or otherwise, which shall be under his
that person's immediate supervision, in any waters which have
been opened to ice fishing by the commissioner.

7 **Sec. 31. 12 MRSA §7572, sub-§2,** as enacted by PL 1979, c. 420,
§1, is amended to read:

9 2. Cusk. A Unless otherwise provided by rule, a person
11 licensed to fish may fish in the nighttime for cusk in waters
13 which have been opened to ice fishing by the commissioner by
15 using not more than 5 lines set or otherwise. All lines set for
cusk in the nighttime shall be visited at least once every hour
by the person setting them.

17 **Sec. 32. 12 MRSA §7627-A** is enacted to read:

19 §7627-A. Illegally placing ice fishing shack

21 A person is guilty of illegally placing an ice fishing shack
23 if that person owns any shack or temporary structure used for ice
25 fishing and places or allows the shack or structure to be placed
27 on the ice of any inland waters more than 3 days before the
waters on which the shack or structure is located are opened to
ice fishing.

29 **Sec. 33. 12 MRSA §7630, sub-§2, ¶A,** as enacted by PL 1979, c.
420, §1, is repealed.

31 **Sec. 34. 12 MRSA §7652, sub-§1, ¶¶ A and B,** as enacted by PL
1979, c. 420, §1, are amended to read:

33 A. The commissioner may acquire in the name of the State,
35 by gift, bequest or otherwise, real and personal property
37 for the location, construction and convenient operation of a
wildlife management area or public access sites to
39 Merrymeeting-Bay inland or coastal waters.

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

47 **Sec. 35. 12 MRSA §7792, sub-§1-A,** as amended by PL 1985, c.
49 579, §§1 and 7, is repealed and the following enacted in its
place:

51 1-A. Appointment of watercraft registration agents; report;
fees.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

A. The commissioner may appoint municipal clerks or other persons who a municipality may designate as municipal agents to issue watercraft registrations. The commissioner shall determine the period when the agents shall act.

B. For the purpose of issuing watercraft registrations, agents other than municipal agents shall be appointed or reappointed as follows.

(1) The commissioner shall designate as an agent, for the purpose of issuing watercraft registrations, any person who holds a boat dealer's certificate of number in accordance with section 7795, submits a complete application, is credit worthy and has not violated any provision of this subchapter.

(2) A business, the agency of which is revoked for a violation of this subchapter, may reapply for an agency for the 2nd year following the last year it held an agency.

C. Each agent, for the purpose of issuing watercraft registrations, shall submit a report to the commissioner on or before the 15th day of each calendar month. The report shall include an accounting of all watercraft registrations issued during the previous calendar month and shall be accompanied by:

(1) The department's copy of each registration issued; and

(2) All watercraft registration funds collected by the agent during the reporting period.

Agents may charge a service fee of not more than \$1 for each watercraft registration issued and this service fee shall be retained by the agent.

Sec. 36. 12 MRSA §7794, sub-§4, ¶C, as enacted by PL 1979, c. 420, §1, is amended to read:

C. Duplicate validation sticker (each-one per set)..25¢ \$1

Sec. 37. 12 MRSA §7794, sub-§9, as amended by PL 1985, c. 579, §§5, and 7, is further amended to read:

9. Expiration. Every certificate of number awarded under this subchapter continues in force until the last day of the 12th month after the month of issuance, except that a dealer's certificate of number shall expire at midnight on December 31st of the calendar year for which the certificate was issued.

1 **Sec. 38. 12 MRSA §7795, sub-§3**, as amended by PL 1979, c. 720,
3 §3, is further amended to read:

5 3. **Fee.** The fee for a dealer's certificate of number is
7 \$15 annually from each January 1st.

9 **Sec. 39. 12 MRSA §7796**, as enacted by PL 1979, c. 420, §1, is
11 amended to read:

13 **§7796. Twenty-day boat number and registration**

15 1. **Issuance.** The commissioner may issue temporary 10-day
17 20-day boat numbers and registrations to bona fide dealers who
request them under such conditions as he the commissioner deems
necessary.

19 2. **Fee.** The commissioner shall receive ~~50¢~~ \$1 for each
21 10-day 20-day temporary plate.

23 3. **Use of 20-day plates.**

25 A. Upon the sale or exchange by a dealer of any motorboat
27 which requires numbering, the new owner may secure from him
29 the dealer a temporary 10-day 20-day boat number and
31 registration to operate the craft for one period of 10 20
consecutive days only after the date of sale in lieu of a
permanent boat number as required in section 7794, provided
the owner shall make application to the commissioner on the
date of sale for a certificate of boat number.

33 B. The application and fee for certificate of boat number,
35 together with a copy of the temporary registration issued by
37 the dealer, shall be forwarded by the dealer to the
commissioner within 48 hours after the date of sale of the
motorboat.

39 C. The dealer shall affix the temporary 10-day 20-day boat
41 number to the bow of the motorboat and shall clearly mark
43 thereon the date issued, date of expiration and his the
dealer's Maine dealer's number.

45 4. **Restrictions.**

47 A. The temporary 10-day 20-day boat number is
49 nontransferable and shall be conspicuously displayed on the
bow of the motorboat, notwithstanding any other requirements
of display of boat number.

1 B. The operator of a motorboat shall have the temporary
3 registration aboard at all times while the motorboat is in
operation.

5 C. After expiration of the 10-day 20-day period, the owner
7 shall remove and discard the temporary 10-day 20-day boat
9 number and display the permanent boat number and validation
stickers assigned by the commissioner in accordance with
section 7794, subsection 5, paragraph B.

11 **Sec. 40. 12 MRSA §7824, sub-§1-B,** as enacted by PL 1985, c.
13 631, §§1 and 2, is repealed and the following enacted in its
place:

15 1-B. Appointment of snowmobile registration agents; report;
17 fees.

19 A. The commissioner may appoint municipal clerks or other
21 persons who a municipality may designate as municipal agents
to issue snowmobile registrations. The commissioner shall
determine the period when the agents shall act.

23 B. For the purpose of issuing snowmobile registrations,
25 agents other than municipal agents shall be appointed or
reappointed as follows.

27 (1) The commissioner shall designate as an agent, for
29 the purpose of issuing snowmobile registrations, any
31 person who is licensed as a snowmobile dealer in
accordance with section 7825, submits a complete
application, is credit worthy and has not violated any
33 provision of this subchapter.

35 (2) A business, the agency of which is revoked for a
37 violation of this subchapter, may reapply for an agency
for the 2nd year following the last year it held an
agency.

39 C. Each agent, for the purpose of issuing snowmobile
41 registrations, shall submit a report to the commissioner on
43 or before the 15th day of each calendar month. The report
shall include an accounting of all snowmobile registrations
issued during the previous calendar month and shall be
45 accompanied by:

47 (1) The department's copy of each registration issued;
and

49 (2) All snowmobile registration funds collected by the
51 agent during the reporting period.

1 Agents may charge a service fee of not more than \$1 for each
2 snowmobile registration issued and this service fee shall be
3 retained by the agent.

5 **Sec. 41. 12 MRSA §7824, sub-§7**, as amended by PL 1979, c. 543,
6 §77, is repealed.

7
8 **Sec. 42. 12 MRSA §7825, sub-§2**, as enacted by PL 1979, c. 420,
9 §1, is amended to read:

11 2. Fees. The dealer's registration and license fee shall
12 be \$25 \$15 annually from each July 1st.

13 **Sec. 43. 12 MRSA §7825, sub-§3**, as enacted by PL 1979, c. 420,
14 §1, is repealed and the following enacted in its place:

17 3. Dealer's number plates. Dealer's plates shall be
18 provided and obtained as follows.

19 A. Each registered dealer may receive dealer's number
20 plates for a \$5 fee for each plate.

23 B. Replacement for lost or stolen plates may be obtained
24 for a fee of \$5 for each plate.

25 C. If a number plate is lost or stolen, the owner shall
26 notify the commissioner immediately.

29 **Sec. 44. 12 MRSA §7854, sub-§1**, as amended by PL 1985, c. 762,
30 §5, is further amended to read:

31 1. Application and issuance. The commissioner, or an agent
32 designated by him the commissioner, may register and assign
33 ~~registration-number-plates~~ a registration number to any ATV upon
34 application and payment of an annual fee by the owner. The
35 ~~plates shall be attached securely to~~ registration number shall be
36 clearly displayed on the front and rear of the vehicle and shall
37 ~~be clearly visible. After the first year of registration of the~~
38 ~~vehicle, the commissioner may issue validation devices which~~
39 ~~shall be placed on the number plates.~~ A registration shall be
40 valid for one year commencing July 1st of each year.

43 **Sec. 45. 12 MRSA §7854, sub-§1-A**, as enacted by PL 1985, c.
44 762, §6, is repealed and the following enacted in its place:

45 1-A. Appointment of ATV registration agents; report; fees.

47 A. The commissioner may appoint municipal clerks or other
48 persons who a municipality may designate as municipal agents
49 to issue ATV registrations. The commissioner shall
50 determine the period when the agents shall act.

1 B. For the purpose of issuing ATV registrations, agents
2 other than municipal agents shall be appointed or
3 reappointed as follows.

4 (1) The commissioner shall designate as an agent, for
5 the purpose of issuing ATV registrations, any person
6 who is licensed as an ATV dealer in accordance with
7 section 7855, submits a complete application, is credit
8 worthy and has not violated any provision of this
9 subchapter.

10 (2) A business, the agency of which is revoked for a
11 violation of this subchapter, may reapply for an agency
12 for the 2nd year following the last year it held an
13 agency.

14 C. Each agent, for the purpose of issuing ATV
15 registrations, shall report to the commissioner on or before
16 the 15th day of each calendar month. The report shall
17 include an accounting of all ATV registrations issued during
18 the previous calendar month and shall be accompanied by:

19 (1) The department's copy of each registration issued;
20 and

21 (2) All ATV registration funds collected by the agent
22 during the reporting period.

23 Agents may charge a service fee of not more than \$1 for each ATV
24 registration issued and this service fee shall be retained by the
25 agent.

26 Sec. 46. 12 MRSA §7854, sub-§6-A, as enacted by PL 1985, c.
27 304, §23, is repealed.

28 Sec. 47. 12 MRSA §7854, sub-§7, as amended by PL 1985, c. 762,
29 §10, is further amended to read:

30 7. Transfer of ownership or discontinuance of use. A
31 transfer of ownership or discontinuance of use of an all-terrain
32 vehicle shall be subject to the following.

33 A. Whoever transfers the ownership or discontinues the use
34 of a registered all-terrain vehicle shall, within 10 days,
35 properly sign the registration certificate, indicating the
36 disposition of the all-terrain vehicle, and return the
37 certificate to the commissioner. ~~Except as provided in~~
38 ~~paragraph B, the registration number plate shall be returned~~
39 ~~with the certificate.~~

40 B. An all-terrain vehicle owner who transfers ownership or
41 discontinues its use may, within 10 days from the date of

1 transfer or discontinuance, apply to the commissioner for
2 registration of another all-terrain vehicle, ~~in which case~~
3 ~~he may retain the registration number plates and, upon~~
4 ~~receipt of the new certificate, attach the plates to the new~~
5 all-terrain vehicle. The fee for such a the transfer shall
6 be \$2 and the registration certificate shall be valid for
7 the remainder of the registration year for which the
8 previous all-terrain vehicle had been registered.

9
10 C. Whenever there is a change of ownership of an
11 all-terrain vehicle for which a registration has previously
12 been issued, the new owner shall apply for a new
13 registration certificate ~~and plates~~ and shall pay the
14 regular \$12 fee.

15 **Sec. 48. 12 MRSA §7855, sub-§2**, as amended by PL 1985, c. 304,
16 §§25 and 26, is further amended to read:

17
18 2. Fees. The dealer's license fee shall be \$10 \$15
19 annually from each July 1st.

20
21 A. Any dealer licensed under Title 29, section 357, will
22 not be required to pay the \$10 \$15 license fee.

23
24 **Sec. 49. 12 MRSA §7857, sub-§13**, as amended by PL 1985, c.
25 762, §12, is further amended to read:

26
27 13. **Unlawfully operating an ATV while under age.** A person
28 is guilty of unlawfully operating an ATV while under age, if he
29 is under the age of 15 years and ~~operates~~ operating an ATV across
30 any public way maintained for travel or if he ~~operates~~ operating
31 an ATV while unaccompanied by an adult, except as provided in
32 subsection 24, paragraph E.

33
34 Notwithstanding this subsection, persons over the age of 12
35 years, who have successfully completed a training course approved
36 by the department pursuant to section 7853, may cross public ways
37 as permitted under subsection 24, paragraph D, subparagraph (1),
38 provided that they are accompanied by an adult.

39
40 **Sec. 50. 12 MRSA §7863, sub-§4**, as amended by PL 1981, c. 414,
41 §39, is further amended to read:

42
43 4. **Illegal use of firearm during training or field trials.**
44 A Except as otherwise provided in subsection 5, a person is
45 guilty of illegal use of a firearm during training or field
46 trials if, during the training or field trials permitted in
47 ~~section 7862, subsection 1, and section 7861, subsection 1~~
48 sections 7861 and 7862, he that person uses or possesses any
49 firearm other than a pistol or shotgun loaded with blank
50 ammunition, except during open season for hunting.

1 hunting license. Rewording makes the language consistent with a
3 similar law which addresses juveniles who hunt with firearms.

5 Section 10 makes it clear that only muzzle-loading firearms
7 may be used to hunt deer during the special muzzle-loading season.

9 Section 11 makes it unlawful for children under the age of
11 10 to trap bear.

13 Section 12 establishes a permit fee of \$35 for all one-day
15 bass tournaments regardless of the number of participants.

17 Section 13 updates the laws by removing obsolete language
19 which accompanied a 1985 change in the effective dates of a
21 wildlife exhibit permit.

23 Section 14 reestablishes a prohibition on rearing
25 white-tailed deer in captivity by virtue of a breeder's license
27 which was inappropriately repealed last year in a bill which
29 legalized the sale of meat from fallow deer. This section also
31 prohibits licensed breeders from engaging in the business of
33 breeding or rearing bear and moose and thereby resolves a
35 conflict with other laws which prohibit the sale of meat from
37 these animals.

39 Section 15 establishes uniform expiration dates for guides
41 licenses, makes the expiration date consistent with other
43 licenses issued by the department and allows for a single annual
45 mailing of computerized renewal forms.

47 Section 16 makes it clear that rangers of the Bureau of
49 Parks and Recreation have authority to enforce the section of law
51 which regulates trips conducted by licensed boys and girls camps.

Section 17 changes the trap tending laws to require daily
tending of traps set anywhere in the State, except under ice
water sets for beaver and muskrat.

Section 18 changes the opening date for using dogs in
conjunction with bear hunting to make it consistent with the
opening date for taking bear by other legal methods.

Section 19 repeals the requirement that nonresident bear
hunters who utilize dogs must employ and hunt in the presence of
a resident Maine guide.

Section 20 establishes a "prohibited act" for failure to
comply with the laws governing the placement of bear bait.

Section 21 makes it clear that it is unlawful for a hunter
to register a bear not killed by hunting.

1 Section 22 removes a provision that legally registered bear
must be transported open to view.

3 Section 23 repeals a provision that archery-killed deer must
5 be inspected by a warden prior to registration.

7 Sections 24 and 25 remove a provision that legally
registered deer and moose must be transported open to view.

9 Sections 26 to 29 correct an error involving a description
11 of the location of East Outlet Dam.

13 Sections 30 and 31 make it clear that the Commissioner of
Inland Fisheries and Wildlife has authority through the
15 rule-making process to restrict the number of lines which a
person may use in fishing through the ice.

17 Section 32 prohibits placement of ice fishing shacks on
19 inland waters more than 3 days before the opening of the ice
fishing season and resolves enforcement and safety problems
21 associated with earlier placement of these structures on ice-
covered bodies of water.

23 Section 33 eliminates a provision which allows for the sale
25 of pickerel in Washington County. The sale of pickerel is
currently prohibited in all other counties.

27 Section 34 makes it clear that the commissioner has
29 authority to acquire land for the purpose of public access to
inland and coastal waters.

31 Section 35 establishes procedures for the issuance of
33 watercraft registrations by municipalities and boat dealers. The
language is consistent with similar changes involving the
35 registration of all-terrain vehicles and snowmobiles.

37 Section 36 changes the fee on watercraft validation stickers
from 25¢ each to \$1 per set.

39 Sections 37 and 38 make it clear that the certificate of
41 number issued to a boat dealer is valid for one calendar year.

43 Section 39 increases from 10 to 20 the number of days during
which a temporary boat registration is valid to ensure that the
45 new owner has sufficient time to obtain a permanent
registration. The fee for a temporary boat registration is also
47 increased from 50¢ to \$1 make it consistent with temporary
registration fees associated with snowmobiles and all-terrain
49 vehicles.

51 Section 40 establishes procedures for the issuance of
snowmobile registrations by municipalities and snowmobile

1 dealers. The language is consistent with similar changes
involving the registration of all-terrain vehicles and boats.

3

5 Section 41 repeals the provision that a snowmobile
registration number remains with the snowmobile to which it was
originally assigned until the machine is destroyed, abandoned or
7 permanently removed from the State.

9

11 Sections 42 and 43 create procedural changes involving the
licensing of snowmobile dealers and the issuance of snowmobile
dealer's number plates. Currently a dealer pays a registration
fee of \$25 and receives 2 dealer plates. The change provides for
13 a \$15 registration fee and a fee of \$5 for each dealer plate
obtained.

15

17 Sections 44, 46 and 47 remove all reference to number plates
from the all terrain-vehicle law and provide the opportunity for
large numbered decals to be used in place of number plates for
19 identification purposes and to verify registration.

21

23 Section 45 establishes procedures for the issuance of ATV
registrations by municipalities and ATV dealers. The language is
consistent with similar changes involving the registration of
boats and snowmobiles.

25

27 Section 48 increases from \$10 to \$15 the license fee for ATV
dealers. This change will result in consistent license fees for
persons who deal in boats, snowmobiles and all-terrain vehicles.

29

31 Section 49 makes it clear that people between the ages of 12
and 15 must be accompanied by an adult while crossing public ways
with an ATV even if they have satisfactorily completed an ATV
33 training course.

35

37 Section 50 makes it lawful for a person to use a shotgun
loaded with blank ammunition during field trials and dog training
exercises.

39