

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1692

S.P. 546

In Senate, March 20, 2001

**An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws.**

(EMERGENCY)

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Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.  
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CARPENTER of York.  
Cosponsored by Representative DUNLAP of Old Town and  
Senator WOODCOCK of Franklin, Representatives: BRYANT of Dixfield, CHICK of  
Lebanon, HONEY of Boothbay, PERKINS of Penobscot, USHER of Westbrook.

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

4  
6           **Whereas,** this legislation needs to be an emergency to  
prevent laws that will be repealed on April 1, 2001 from being  
repealed; and

8  
10           **Whereas,** confusion exists as to the application of certain  
laws administered by the Department of Inland Fisheries and  
Wildlife; and

12  
14           **Whereas,** this confusion poses difficulties for the sporting  
public and those charged with enforcement of these laws; and

16           **Whereas,** it is vitally necessary that this confusion be  
resolved to prevent any injustice or hardship to the hunters,  
18 anglers, trappers and recreational vehicle owners of the State;  
and

20  
22           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
24 necessary for the preservation of the public peace, health and  
safety; now, therefore,

26  
28           **Be it enacted by the People of the State of Maine as follows:**

30           **Sec. 1. 12 MRSA §7014, sub-§5,** as enacted by PL 1983, c. 819,  
Pt. A, §17, is amended to read:

32           **5. Safety.** ~~The administration of~~ Assistance with programs  
for hunter safety and for the safe operation of snowmobiles and,  
34 watercraft and all-terrain vehicles;

36           **Sec. 2. 12 MRSA §7016,** as enacted by PL 1983, c. 819, Pt. A,  
§17, is amended to read:

38           **§7016. Division of Public Information and Education**

40  
42           There shall be is, within the Department of Inland Fisheries  
and Wildlife, a the Division of Public Information and Education,  
which shall be is responsible for the administration of programs  
44 to increase the public's knowledge and understanding of the  
inland fisheries and wildlife resources and the management of  
46 these resources, including the administration of education  
programs for hunter safety and for the safe operation of  
48 snowmobiles, watercraft and all-terrain vehicles. The division's  
responsibilities shall include public education, promotion of the  
50 inland fisheries and wildlife resources and the dissemination of  
information.

2           **Sec. 3. 12 MRSA §7035, sub-§1, ¶A**, as amended by PL 1985, c.  
369, §3, is further amended to read:

4  
6           A. Fishing rules as set forth in the 1986 annual Open Water  
Fishing Regulations folder and the 1986 annual Ice Fishing  
8 Regulations folder, as printed and distributed to the  
public, are declared to be official consolidations of  
10 fishing rules. ~~Each subsequent biennial revision of these  
publications shall,~~ upon filing with the Secretary of State,  
12 ~~constitute an official consolidation as printed.~~

14           **Sec. 4. 12 MRSA §7035, sub-§16-A**, as enacted by PL 1999, c.  
447, §2, is amended to read:

16           **16-A. Funds; dedicated account.** Funds received by the  
18 commissioner for the sale of general merchandise products  
pursuant to subsection 16 must be deposited in a dedicated  
20 account to be used only for the purposes described in subsection  
11. ~~This subsection is repealed April 1, 2001.~~

22           **Sec. 5. 12 MRSA §7035, sub-§20**, as reallocated by RR 1999, c.  
1, §21, is amended to read:

24           **20. Dedicated accounts for accepting donations.** The  
26 commissioner may create dedicated accounts to deposit money  
received from the sale of general merchandise pursuant to  
28 subsection 16 and may accept money, goods and services donated to  
the department to support specific programs carried out by the  
30 department. Any money donated to the department in support of a  
specific program must be deposited into a dedicated account for  
32 the purpose of funding activities carried out by that program.  
~~This subsection is repealed April 1, 2001.~~

34           **Sec. 6. 12 MRSA §7101, sub-§1, ¶A**, as enacted by PL 1979, c.  
36 420, §1, is amended to read:

38           A. Any A resident or nonresident ~~over 10 years of age~~ may  
40 ~~obtain~~ apply for a written license to hunt wild animals and  
wild birds from the commissioner or ~~his~~ the commissioner's  
42 authorized agent. No A resident or nonresident under 10  
years of age may not hunt wild animals or wild birds with  
44 ~~firearms~~ at any time.

46           **Sec. 7. 12 MRSA §7101, sub-§4**, as enacted by PL 1979, c. 420,  
§1, is amended to read:

48           **4. Expiration.** A junior hunting license issued to a person  
who has passed ~~his~~ that person's 15th birthday is valid through  
50 the calendar year for which the license is issued. All other

2 permit requirements for a person who is 16 years of age or older  
4 apply to persons who continue to hunt with a junior hunting  
6 license.

8 **Sec. 8. 12 MRSA §7102-A, sub-§6, ¶C**, as corrected by RR 1993,  
10 c. 1, §35, is amended to read:

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

26 (1) Deer may be taken only by means of a hand-held bow  
28 and broadhead arrow, ~~provided that:~~

30 (a) ~~Bows must be of adequate strength to shoot an~~  
32 ~~arrow--at--least--150--yards~~ have a minimum draw  
34 weight of 35 pounds; and

36 (b) Arrowheads must be at least 7/8 inch in width.

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

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

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

2 **Sec. 9. 12 MRSA §7104, sub-§2**, as amended by PL 1997, c. 432,  
4 §19, is further amended to read:

6 **2. Eligibility.** In order to qualify for a commercial  
8 shooting area license:

10 B. The land shall must be at least 5 miles from another  
12 commercial shooting area, as measured between the property  
14 lines at their closest points to each other;

2 C. The land shall must contain not less than 200 acres nor  
4 more than 400 acres;

6 D. The land shall must be contiguous. Property bisected by  
8 a road or highway is considered to be contiguous for  
10 purposes of this paragraph; and

12 E. The land may must be owned or leased by the operator of  
14 the commercial shooting area.

16 A new shooting area license may not be issued within 6 months of  
18 the expiration of the license for another shooting area located  
20 within 5 miles, unless the holder of the expired license states  
in writing to the commissioner that the license will be abandoned.

22 A renewal of a shooting area license may be issued,  
24 notwithstanding paragraph B, as long as the renewed license is  
26 applied for within 6 months following the expiration of the old  
28 license.

30 **Sec. 10. 12 MRSA §7153, sub-§§1 and 2**, as repealed and replaced  
32 by PL 1995, c. 536, Pt. B, §2, are amended to read:

34 **1. Issuance.** The commissioner may issue permits to fish  
36 for or possess alewives, eels, suckers, lampreys and yellow perch  
38 under rules that the commissioner establishes, if these permits  
do not interfere with rights granted under section 6131.

40 A. Eels may be harvested in inland waters using only eel  
42 pots or weirs.

44 B. Alewives, suckers and yellow perch may be harvested in  
46 inland waters using trap nets, dip nets or spears.

48 C. Lampreys may be harvested in inland waters by use of a  
hand-held dip net or by hand.

**2. Fee.** The minimum fee for an individual permit for  
alewives, suckers, lampreys and yellow perch is \$42. ~~Beginning  
in calendar year 1996,--~~ a A crew permit may be sold for alewives,  
suckers, lampreys and yellow perch for \$100, authorizing up to 3  
persons to engage in the licensed activity. The annual fee for  
an eel pot or weir permit is \$100. An eel pot or eel weir  
license is not transferable.

**Sec. 11. 12 MRSA §7161, sub-§1, ¶D**, as enacted by PL 1999, c.  
690, §1, is amended to read:

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

(1) A senior resident lifetime fishing license. The fee for a senior resident lifetime fishing license is \$50 for a person who purchases the license in the year in which that person turns 65 years of age, \$40 for a person who purchases the license in the year in which that person turns 66 years 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. A person who is 70 years of age or older may purchase the senior resident lifetime fishing license at the same rate as may a person who is 69 years of age;

(2) A senior resident lifetime hunting license. The fee for a senior resident lifetime hunting license is \$50 for a person who purchases the license in the year in which that person turns 65 years of age, \$40 for a person who purchases the license in the year in which that person turns 66 years 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. A person who is 70 years of age or older may purchase the senior resident lifetime hunting license at the same rate as may a person who is 69 years of age; and

(3) A senior resident combination lifetime fishing and hunting license. The fee for a senior resident combination lifetime fishing and hunting license is \$80 for a person who purchases the license in the year in which that person turns 65 years of age, \$64 for a person who purchases the license in the year in which that person turns 66 years of age, \$48 for a person who purchases the license in the year in which that person turns 67 years of age, \$32 for a person who purchases the license in the year in which that person turns 68 years of age and \$16 for a person who purchases the license in the year in which that person turns 69 years of age. A person who is 70 years of age or older may purchase the senior resident lifetime fishing license at the same rate as may a person who is 69 years of age.

2 A person who is 70 years of age or older is entitled to  
3 receive a complimentary lifetime license under section 7076,  
4 subsection 1, but may purchase a lifetime license as  
5 authorized in subparagraphs 1, 2 and 3.

6  
7 **Sec. 12. 12 MRSA §7161, first and 2nd ¶¶,** as enacted by PL 1997,  
8 c. 679, §1, are amended to read:

10 A person must be a resident to purchase a resident lifetime  
11 license under this section. Once purchased, a resident lifetime  
12 license is valid for the life of the holder without regard to  
13 subsequent changes in the legal residence of the holder. The  
14 license entitles the holder to all fishing or hunting privileges  
15 extended to residents of that same age who hold the equivalent  
16 annual license and subjects the holder to all limitations and  
17 prerequisites on those fishing or hunting privileges that apply  
18 to residents of that same age who hold the equivalent annual  
19 license. A person who has purchased a senior lifetime license  
20 with hunting privileges may, at any time during the calendar year  
21 in which that person turns 70 years of age, apply for the same  
22 privileges extended to complimentary license holders under the  
23 provisions of section 7076, subsection 1.

24  
25 Revenue from the sale of lifetime licenses is dedicated  
26 revenue and must be deposited in the Lifetime License Fund  
27 established in this subchapter. ~~The department may establish~~  
28 ~~payment procedures for licenses under this section; a license may~~  
29 ~~not be issued until full payment is received.~~

30 **Sec. 13. 12 MRSA §7174, sub-§2,** as enacted by PL 1979, c. 420,  
31 §1, is amended to read:

32  
33 **2. Restrictions.** A licensed trapper with an eel permit may  
34 take not more than 20 pounds of eels annually, by single eel pot  
35 or hook and line only, for use in baiting traps.

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37 **Sec. 14. 12 MRSA §7202, sub-§3,** as enacted by PL 1999, c. 315,  
38 §6, is amended to read:

39  
40 **3. Rules.** The commissioner may adopt rules allowing the  
41 possession and importation of certain species of tropical fish  
42 and goldfish without a permit, for aquarium purposes only, if the  
43 commissioner determines that the species does not pose an  
44 unreasonable risk to any species of fish or other organism after  
45 evaluating fish health, habitat and population management  
46 issues. Rules adopted pursuant to this subsection are routine  
47 technical rules as defined in Title 5, chapter 375, subchapter  
48 II-A.

2           **Sec. 15. 12 MRSA §7352, sub-§3, ¶B**, as amended by PL 1981, c.  
644, §15, is further amended to read:

4  
6           B. The record shall must be open for inspection by the  
7 commissioner or his the commissioner's agent, and shall must  
8 be filed with the commissioner, ~~after being notarized~~, on or  
before June 30th of each year.

10           **Sec. 16. 12 MFS A §7352-A, sub-§4**, as enacted by PL 1991, c.  
642, is amended to read:

12           **4. Restrictions.** Each licensee shall keep a true and  
14 complete record, in such form as is required by the commissioner,  
of all hides bartered or sold.

16           The record must be open for inspection by the commissioner or the  
18 commissioner's agent, and must be filed with the commissioner,  
19 ~~after being notarized~~, on or before February 1st of the following  
20 year.

22           **Sec. 17. 12 MRSA §7354, sub-§3**, as enacted by PL 1989, c. 913,  
Pt. C, §4, is amended to read:

24           **3. Records.** The holder of a taxidermist license shall keep  
26 a true and complete record, in such form as required by the  
27 commissioner, of all activities conducted by virtue of the  
28 taxidermist license. The record must be open for inspection by  
any agent of the commissioner during normal business hours. The  
30 license holder shall file a ~~notarized~~ copy of the record with the  
31 commissioner no later than 10 days after the end of the year  
32 during which the license is valid.

34           **Sec. 18. 12 MRSA §7365, sub-§6-A**, as amended by PL 1997, c.  
730, §3 and affected by §22, is further amended to read:

36           **6-A. Sale of business; allocations.** When a licensed  
38 whitewater outfitter's business is sold, the selling outfitter's  
allocations or portions of the allocations subject to the sale  
40 must be returned to the department. On application to the  
department, allocations may be reissued to the purchaser, as long  
42 as the purchaser meets the licensing and allocation requirements  
of the department and pays the license and allocation fees. The  
44 allocations are not assets of a business. Allocations or  
portions of the allocations may be transferred, pursuant to this  
46 chapter, from a selling outfitter to one or more purchasers only  
if the selling outfitter's allocations or portions of the  
48 allocations subject to the sale are returned to the department.  
When allocations are forfeited or when new allocations become  
50 available as a result of increases in the commercial use limits

2 on an allocated river, the department shall sell those  
allocations at public auction to qualified recipients. Net  
4 proceeds from the sale of allocations must be paid to the General  
Whitewater Rafting Fund and ~~are considered revenues of the~~  
department.

6  
8 **Sec. 19. 12 MRSA §7377, sub-§5-A**, as enacted by PL 1995, c.  
455, §25, is repealed.

10 **Sec. 20. 12 MRSA §7406, sub-§20, ¶A**, as amended by PL 1999, c.  
12 790, Pt. J, §4, is further amended to read:

14 A. Notwithstanding the provisions of subsection 9-A:

16 (1) A person may hunt migratory waterfowl from a  
motorboat in accordance with federal regulations;

18 (2) A person who has a valid Maine permit to carry a  
20 concealed weapon may have in or on a motor vehicle or  
trailer a loaded pistol or revolver covered by that  
22 permit; and

24 (3) Paraplegics and single or double amputees of the  
legs may shoot from motor vehicles that are not in  
26 motion; and

28 (4) It is lawful to hunt wild animals and wild birds  
from floating craft, including those capable of being  
30 propelled by motor, sail and wind, or both only when a  
motor of the craft has been completely shut off or the  
32 sails furlled, as the case may be, and the progress or  
motion of the craft in the water has ceased and the  
34 craft is drifting, beached, moored, resting at anchor  
or is being propelled solely by paddle, oars or pole.

36 **Sec. 21. 12 MRSA §7457, sub-§1, ¶A**, as amended by PL 1999, c.  
38 16, Pt. G, §5, is further amended to read:

40 A. Except as otherwise provided in this section, ~~section~~  
and sections 7102-A, 7102-B, and 7107-A or by rule adopted  
42 by the commissioner pursuant to this section, there is an  
open season on deer in each calendar year in all counties of  
44 the State from the 5th Monday preceding Thanksgiving to  
~~November 30th the 2nd Saturday following Thanksgiving. In~~  
~~any year when November 30th falls on a Wednesday, Thursday~~  
~~or Friday, the commissioner may, by rule, extend the open~~  
46 ~~season on deer to the first Saturday in December. In any~~  
~~year in which the commissioner extends the season beyond~~  
48 ~~November 30th, the commissioner shall by rule open the~~  
50 ~~season in the northern portion of the State a week before~~

opening the season in the southern portion of the State.  
The commissioner may by rule establish for this purpose a  
northern and a southern zone.

**Sec. 22. 12 MRSA §7462, sub-§3**, as enacted by PL 1979, c. 420,  
§1, is repealed.

**Sec. 23. 12 MRSA §7463-A, sub-§1-A**, as amended by PL 1997, c.  
432, §44, is further amended to read:

**1-A. Areas open to moose hunting.** The commissioner may  
establish designate by rule areas of the State open to moose  
hunting zones. ~~Physical boundaries must be used to delineate all~~  
~~zones. The boundaries of the zones and the number of permits to~~  
~~be issued for each zone must be made public at least 14 days~~  
~~before application for permits may be made.~~

**Sec. 24. 12 MRSA §7463-A, sub-§2-B**, as enacted by PL 1999, c.  
402, §3, is amended to read:

**2-B. Moose management.** To effectively manage the moose  
herd in the State, the commissioner may by rule establish the  
following:

A. The number of moose permits to be issued every year,  
including a percentage for antlerless moose;

B. The length of the moose hunting season; and

C. The timing of the moose hunting season.

~~The commissioner shall adopt rules for paragraphs B and C~~  
~~governing moose hunts occurring after 1999 and rules for~~  
~~paragraph A governing moose hunts occurring after 2000.~~ Rules  
adopted under this subsection are routine technical rules as  
defined in Title 5, chapter 375, subchapter II-A. The  
commissioner shall report to the joint standing committee of the  
Legislature having jurisdiction over wildlife matters by February  
1st of each year on proposed actions under this subsection.

**Sec. 25. 12 MRSA §7463-A, sub-§4**, as amended by PL 1999, c.  
402, §5, is further amended to read:

**4. Hunting permits.** In accordance with the provisions of  
subsections 1-A, 2-A and 2-B, the commissioner may issue moose  
hunting permits and may establish the number of moose hunting  
permits to be issued for each wildlife management district  
established by the commissioner by rule open to moose hunting  
~~zone~~. No more than 10% of the moose hunting permits may be issued  
to nonresident and alien hunters. A person whose application is

2 selected may purchase a moose hunting permit upon presentation of  
proof that the person possesses:

4 A. A valid Maine hunting license, if the person is a  
resident of the State; or

6  
8 B. A valid Maine big game hunting license, if the person is  
a nonresident or alien.

10 The fee for a moose hunting permit is \$29 for residents and \$300  
12 for nonresidents and aliens. While hunting moose, each  
nonresident or alien hunter, both permittee and subpermittee,  
14 must be in possession of a valid Maine nonresident or alien big  
game hunting license, whichever is applicable.

16 **Sec. 26. 12 MRSA §7463-A, sub-§7,** as enacted by PL 1981, c.  
118, §2, is amended to read:

18  
20 **7. Selection procedure.** Permittees shall must be selected  
by a public chance drawing. ~~Alternates shall be chosen and may~~  
22 ~~receive permits in the event that selected hunters do not~~  
~~purchase permits.~~

24 **Sec. 27. 12 MRSA §7463-A, sub-§10, ¶B,** as repealed and  
replaced by PL 1987, c. 696, §11, is amended to read:

26  
28 B. Moose registration agents shall register each moose  
legally presented for registration and shall attach a seal  
30 to each moose in the manner directed by and with materials  
furnished by the commissioner. The person registering a  
32 moose shall pay to the moose registration agent the sum of  
\$1 for the seal, which sum is retained by the agent.

34 **Sec. 28. 12 MRSA §7463-A, sub-§14,** as enacted by PL 1997, c.  
432, §46, is amended to read:

36  
38 **14. Point system for public chance drawing.** The department  
shall adopt rules establishing a point system for applicants  
38 ~~beginning with the 1998~~ in the public chance drawing. The rules  
40 must allow a person to accumulate one point for each consecutive  
year that person purchases an application for a permit but is not  
42 selected to receive a permit. Each point entitles that applicant  
to one chance in the public chance drawing. ~~A person's~~  
44 ~~accumulated points are eliminated if, in any year, that person is~~  
~~selected to receive a permit or that person fails to purchase a~~  
46 ~~new chance.~~ Rules adopted under this subsection are routine  
48 technical rules as defined in Title 5, chapter 375, subchapter  
II-A.

50 **Sec. 29. 12 MRSA §7552, sub-§5-A, ¶C,** as enacted by PL 1993,  
c. 155, §3, is amended to read:

2 C. Whenever the last day of open-water fishing season falls  
4 on a Saturday, ~~the commissioner shall issue a rule extending~~  
the season is extended one day to include the following  
6 Sunday;

8 **Sec. 30. 12 MRSA §7605**, as enacted by PL 1979, c. 420, §1, is  
amended to read:

10 **§7605. Illegally introducing fish or fish spawn**

12 A person is guilty of illegally introducing fish or fish  
14 spawn if he that person introduces fish or fish spawn raised by  
the department into a private pond, except that such an  
16 introduction may be permitted for fishing events held in  
conjunction with educational or special programs sanctioned by  
the department.

18 **Sec. 31. 12 MRSA §7606, sub-§2**, as enacted by PL 1985, c. 607,  
20 §5, is amended to read:

22 **2. Failure to label baitfish traps, drop nets or baitfish**  
**holding boxes.** A person is guilty of failure to label baitfish  
24 traps, drop nets or baitfish holding boxes if he that person sets  
or places within the inland waters of the State any baitfish  
26 trap, drop net or any baitfish holding box without having the  
baitfish trap, drop net or baitfish holding box plainly labeled  
28 with ~~his~~ that person's full name and address.

30 **Sec. 32. 12 MRSA §7771, sub-§3**, as amended by PL 1997, c. 255,  
§1, is further amended to read:

32 **3. Taking of certain fish.** After hearing pursuant to  
34 section 7035, subsection 1, the commissioner may permit the  
taking of pickerel, perch and other fish in specified waters,  
36 subject to conditions the commissioner may prescribe, whenever it  
appears that those fish seriously injure the propagation of or  
38 the fishing for any game fish. ~~The commissioner shall solicit~~  
~~bids prior to issuing a permit under this subsection to take fish~~  
40 ~~for reclamation purposes and may solicit bids prior to issuing~~  
~~any other permit issued under this subsection.~~

42 **Sec. 33. 12 MRSA §7801, sub-§19**, as amended by PL 1989, c.  
44 913, Pt. A, §13, is further amended to read:

46 **19. Failure to report a watercraft accident.** A person is  
guilty of failure to report a watercraft accident if that person  
48 is the operator or owner of any a watercraft involved in any a  
collision, accident or other casualty while using a watercraft  
50 which that results in the death of a person, a person's losing

consciousness or receiving medical treatment, a person's becoming disabled for more than 24 hours, or a person's disappearance from a watercraft under circumstances indicating death or injury, ~~or damage to the watercraft or other property of more than \$300~~ and fails to file accident reports as follows:

A. A written report on forms provided by the commissioner containing ~~such~~ the information as required within 24 hours of the occurrence if a person dies, disappears, loses consciousness, receives medical treatment, or is disabled for more than 24 hours, ~~or within 5 days of the occurrence if the accident involved property damage only;~~ and

B. A report of the occurrence, by the quickest means of communication, to the nearest available law enforcement officer to the place where the accident occurred.

Accidents involving damage only to watercraft or other property to the estimated amount of \$1,000 or more must be reported within 72 hours on forms provided by the department.

**Sec. 34. 12 MRSA §7801, sub-§30**, as amended by PL 1995, c. 455, §40, is further amended to read:

**30. Failure to comply with additional safety requirements while operating a personal watercraft.** A person is guilty of failure to comply with additional safety requirements while operating a personal watercraft if that person:

A. Or any passenger is not wearing Coast Guard approved Type I, Type II or Type III personal flotation devices while operating or riding on the personal watercraft; or

B. Operates the personal watercraft during the hours between sunset and sunrise; ~~or,~~

~~C. Operates a personal watercraft before attaining the age of 12 years.~~

**Sec. 35. 12 MRSA §7801, sub-§37** is enacted to read:

**37. Unlawfully renting or leasing a personal watercraft.** A person is guilty of unlawfully renting or leasing a personal watercraft if that person rents or leases a personal watercraft in violation of section 7798-B.

**Sec. 36. 12 MRSA §7824, sub-§10, ¶D**, as enacted by PL 1999, c. 692, §1, is amended to read:

D. Prior to issuing a registration certificate to a

2           resident for a new snowmobile, a snowmobile registration  
4           agent shall require that the registrant produce evidence  
6           that the registrant's name has been submitted to the  
8           manufacturer of the snowmobile for warranty coverage and to  
          receive any product recalls and safety updates. For the  
          purpose of this paragraph, the warranty registration form  
          provided to the registrant by the selling dealer at the time  
          of sale is sufficient evidence.

10           **Sec. 37. 12 MRSA §7827, sub-§20-A** is enacted to read:

12           **20-A. Abuse of another person's property.** A person is  
14           guilty of abuse of another person's property if, while operating  
          a snowmobile, that person:

16           A. Tears down or destroys a fence or wall on another  
          person's land;

18           B. Leaves open a gate or bars on another person's land; or

20           C. Tramples or destroys crops on another person's land.

22           **Sec. 38. 12 MRSA §7827, sub-§22**, as amended by PL 1997, c.  
24           796, §7, is further amended to read:

26           **22. Failure to report accident.** A person is guilty of  
28           failure to report a snowmobile accident if that person:

30           A. Is the operator of any a snowmobile involved in any a  
32           accident resulting in injuries requiring the services of a  
34           physician, or in death of any a person ~~ex-in-property-damage~~  
36           to the estimated amount of \$1,000 or more; some person  
          acting for such an operator; or the owner of the involved  
          snowmobile having knowledge of the accident, should the  
          operator of the snowmobile be unknown; and

38           B. Fails to give notice of the accident, by the quickest  
40           means of communication, to a law enforcement officer  
          available nearest to the place where the accident occurred.

42           Accidents involving only property damage to the estimated amount  
44           of \$1,000 or more must be reported within 72 hours on forms  
          provided by the department.

46           **Sec. 39. 12 MRSA §7827, sub-§27**, as enacted by PL 1999, c.  
          127, Pt. B, §3, is repealed.

48           **Sec. 40. 12 MRSA §7854, sub-§10, ¶C**, as enacted by PL 1999, c.  
          692, §2, is amended to read:

2 C. Prior to issuing a registration certificate to a  
4 resident for a new ATV, an ATV registration agent shall  
6 require that the registrant produce evidence that the  
8 registrant's name has been submitted to the manufacturer of  
10 the ATV for warranty coverage and to receive any product  
recalls and safety updates. For the purpose of this  
paragraph, the warranty registration form provided to the  
registrant by the selling dealer at the time of sale is  
sufficient evidence.

12 **Sec. 41. 12 MRSA §7857, sub-§22**, as amended by PL 1989, c.  
14 913, Pt. A, §17, is further amended to read:

16 **22. Failure to report accident.** A person is guilty of  
failure to report an ATV accident, if that person:

18 A. Is the operator of an ATV involved in any an accident  
20 resulting in injuries requiring the services of a physician,  
or in death of any a person ~~or in property damage to the~~  
22 ~~estimated amount of \$300 or more~~; some person acting for  
such an operator; or the owner of the involved ATV having  
24 knowledge of the accident, should the operator of the ATV be  
unknown; and

26 B. Fails to give notice of the accident, by the quickest  
28 means of communication, to a law enforcement officer  
available nearest to the place where the accident occurred.

30 Accidents involving only property damage to the estimated amount  
32 of \$1,000 or more must be reported within 72 hours on forms  
provided by the department.

34 **Sec. 42. 12 MRSA §7857, sub-§22-B** is enacted to read:

36 22-B. Abuse of another person's property. A person is  
38 guilty of abuse of another person's property if, while operating  
an ATV, that person:

40 A. Tears down or destroys a fence or wall on another  
42 person's land;

44 B. Leaves open a gate or bars on another person's land; or

46 C. Tramples or destroys crops on another person's land.

48 **Sec. 43. 12 MRSA §7857, sub-§24, ¶E**, as amended by PL 1985, c.  
762, §21, is further amended to read:

50 E. Notwithstanding subsections 13, 13-A and 14, those

2 subsections do not apply on land ~~which--is~~ owned by the  
parent or guardian of the operator or on land where  
4 permission for use has been granted to the parent or  
guardian.

6 **Sec. 44. 12 MRSA §7901, sub-§1**, as enacted by PL 1979, c. 420,  
§1, is amended to read:

8  
10 1. A violation of section 7406, subsection 15, ~~failure to~~  
~~aid-injured-person,~~ is a Class C crime.

12 **Sec. 45. 12 MRSA §7901, sub-§2-A**, as amended by PL 1989, c.  
252, §3, is further amended to read:

14  
16 **2-A. Bear.** A violation of section 7406, subsection 1, as  
it applies to bear, section 7432, subsection 1 or section 7452,  
18 subsection 3 or 4 is a Class D crime. A convicted person shall  
must be imprisoned for not more than 180 days and shall must be  
20 fined not less than \$1,000. This fine ~~is~~ may not ~~to~~ be suspended.

22 **Sec. 46. 12 MRSA §7901, sub-§18**, as enacted by PL 1999, c.  
127, Pt. B, §5, is amended to read:

24 **18. Unlawfully renting or leasing a personal watercraft.** A  
violation of section ~~7827~~ 7801, subsection ~~27~~ 37 is a civil  
26 violation for which a forfeiture of not less than \$200 must be  
adjudged. The \$200 minimum ~~fine~~ may not be waived by the court.

28  
30 **Sec. 47. Effective date.** The section of this Act that amends  
the Maine Revised Statutes, Title 12, section 7463-A, subsection  
14 takes effect January 1, 2002.

32  
34 **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved, except as  
36 otherwise indicated.

38 **SUMMARY**

40 This bill amends provisions of the State's fish and wildlife  
laws.