

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1920

H.P. 1421

House of Representatives, March 9, 2004

An Act To Revise the Fish and Wildlife Laws To Complement the Recodification of Those Laws

Reported by Representative DUNLAP of Old Town for the Joint Standing Committee of Inland Fisheries and Wildlife pursuant to Public Law 2003, chapter 414, Part D, section 5 and Resolve 2003, chapter 101, section 3.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

4 **Sec. 1. 12 MRSA §10001, sub-§3-A** is enacted to read:

6 **3-A. Aquarium.** "Aquarium" means an enclosed container used
8 in importing, possessing or displaying nonnative and exotic
10 species of fish or other aquatic organisms that has a closed
12 operating system, that is located within a home, exhibition
14 building or other permanent all-season structure and that does
16 not allow the discharge of water or aquatic organisms into the
18 inland waters of the State.

20 **Sec. 2. 12 MRSA §10001, sub-§9, ¶B,** as enacted by PL 2003, c.
22 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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

28 **Sec. 3. 12 MRSA §10001, sub-§10,** as enacted by PL 2003, c.
30 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

32 **Sec. 4. 12 MRSA §10001, sub-§20,** as enacted by PL 2003, c.
34 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

36 **20. Exotic.** "Exotic" means of foreign nature or character,
38 not native, ~~introduced from abroad, and not fully naturalized or~~
40 ~~acclimatized.~~

42 **Sec. 5. 12 MRSA §10001, sub-§22,** as enacted by PL 2003, c.
44 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

46 **22. Fish, the noun.** "Fish" means a cold-blooded,
48 completely aquatic vertebrate characteristically having gills,
finns and an elongated streamlined body usually covered with
scales, and includes any physical part of a fish. The term refers
to fish living predominantly in inland waters, and ~~anadromus to~~
anadromous and ~~catadromus~~ catadromous 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.

42 **Sec. 6. 12 MRSA §10001, sub-§27,** as enacted by PL 2003, c.
44 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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

2 **Sec. 7. 12 MRSA §10001, sub-§42**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
following enacted in its place:

4 **42. Muzzle-loading firearm.** "Muzzle-loading firearm" means
6 a muzzleloader, a traditional muzzleloader or a muzzle-loading
shotgun.

8 **Sec. 8. 12 MRSA §10001, sub-§§42-A and 42-B** are enacted to
10 read:

12 **42-A. Muzzleloader.** "Muzzleloader" means a firearm that:

14 A. Is capable of being loaded only through the muzzle;

16 B. Is ignited by a matchlock, wheel lock, flintlock or
18 caplock, including an in-line caplock or shotgun or rifle
primer mechanism;

20 C. Has a rifled or smooth-bored barrel or barrels, each
22 barrel capable of firing only a single charge;

24 D. Propels a ball, bullet or charge of shot; and

26 E. May have any type of sights, including scopes.

28 **42-B. Muzzle-loading shotgun.** "Muzzle-loading shotgun"
means a firearm that:

30 A. Is capable of being loaded only through the muzzle;

32 B. Is ignited by a matchlock, wheel lock, flintlock or
34 caplock with an exposed ignition mechanism;

36 C. Has a smooth-bored single or double barrel, each barrel
capable of firing only a single charge;

38 D. Is charged with black powder or black powder replica
40 only;

42 E. Propels a load of shot for the purpose of fowling or
small game hunting;

44 F. Propels a charge of buckshot, patched round ball or
46 full-bore diameter lead bullet for purposes of big or small
game hunting; and

48 G. May have only open or aperture sights.

2 **Sec. 9. 12 MRSA §10001, sub-§45**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

4 **Sec. 10. 12 MRSA §10001, sub-§§60 and 61**, as enacted by PL
2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to
6 read:

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

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

18 **Sec. 11. 12 MRSA §10001, sub-§62-A** is enacted to read:

20 **62-A. Traditional muzzleloader.** "Traditional muzzleloader"
22 means a firearm that:

24 A. Is capable of being loaded only through the muzzle;

26 B. Is ignited by a matchlock, wheel lock, flintlock or
caplock with an exposed ignition mechanism;

28 C. Has a rifled or smooth-bored barrel or barrels, each
30 barrel capable of firing only a single charge;

32 D. Is charged with black powder or black powder replica
only;

34 E. Propels a lead ball, full-bore diameter lead bullet or
36 charge of shot; and

38 F. May have only open or aperture sights.

40 **Sec. 12. 12 MRSA §10001, sub-§67-A** is enacted to read:

42 **67-A. Valid license or valid permit.** "Valid license" or
"valid permit" means a license or permit lawfully obtained in the
44 licensee's or permittee's name and signed by that person.

46 **Sec. 13. 12 MRSA §10052, sub-§5**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:
48

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

4
6 **Sec. 14. 12 MRSA §10053, sub-§§6 and 7,** as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

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

10
12 **7. Research.** Research activities for the effective
management of the inland fisheries and wildlife resources;

14
16 **Sec. 15. 12 MRSA §10054, sub-§§2 and 3,** as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

18 **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;

20
22 **3. Snowmobile, watercraft and all-terrain vehicle
enforcement.** Enforcement of laws and department rules pertaining
to the ~~registrations~~ registration and operation of snowmobiles,
watercraft and all-terrain vehicles;

24
26
28 **Sec. 16. 12 MRSA §10054, sub-§7,** as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

30
32 **7. Other.** Such ~~areas~~ responsibilities as specified in state
law.

34 **Sec. 17. 12 MRSA §10056,** as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

36
38 **§10056. Division of Public Information and Education**

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

inland fisheries and wildlife resources and the dissemination of information.

Sec. 18. 12 MRSA §10103, sub-§8, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

8. Biennial revision of fish and wildlife laws. As soon as practicable after the adjournment of the Legislature, the Revisor of Statutes, with the assistance of the commissioner, shall issue a revision of all the public laws relating to inland fisheries and wildlife. The revision must be printed in a pamphlet of the same size pages as the Maine Revised Statutes Annotated, and its printing and distribution must be the same as that of the biennial laws, except that the commissioner may issue as many extra copies of this Part as necessary in a pamphlet of whatever size seems best to inform the people about the fish and wildlife laws. Fees may be established to offset the cost of printing extra copies of this Part as provided in this subsection.

Sec. 19. 12 MRSA §10103, sub-§10, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

10. Water level danger zones. The commissioner may establish, in accordance with section 10104, subsection 1, water level danger zones. These zones are areas of rivers and streams below water impoundment that are subject to rapidly changing water levels. The commissioner may adopt rules to protect individuals using those areas for hunting, fishing, trapping and boating purposes. The commissioner may not regulate the flow of water under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 20. 12 MRSA §10105, sub-§§1 and 2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

1. Authorize taking or destruction of wildlife. Whenever the commissioner determines it necessary for the accomplishment of the commissioner's statutory duties, the commissioner may ~~issue permits authorizing persons~~ authorize a person to assist the commissioner in the taking and destruction of any wildlife. The commissioner may place conditions or restrictions on any authorization granted under this subsection. A person who violates a condition or restriction placed on an authorization granted under this subsection invalidates that authorization and subjects that person to applicable laws under this Part.

~~A person may not engage in an activity for which a permit may be issued under this subsection and for which that person does not~~

~~have a valid permit. 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
4
6 **2. Commissioner's authority to terminate coyote season.**
The commissioner may terminate open season on coyote night
8 hunting at any time in any area if, in the commissioner's
opinion, an immediate emergency action is necessary due to
10 adverse weather conditions or unlawful hunting activity.

12 **Sec. 21. 12 MRSA §10105, sub-§3,** as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

14 **Sec. 22. 12 MRSA §10105, sub-§4,** as enacted by PL 2003, c.
16 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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

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

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

36 C. The commissioner may terminate a search and rescue
operation by members of the department when, in the
38 commissioner's opinion, all reasonable efforts have been
exhausted.
40

42 D. The commissioner may recover all costs directly related
to a specific search and rescue operation:
44

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

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

2 ~~Any person who has knowledge that another person is lost,~~
3 ~~stranded or drowned in the woodlands or inland waters of the~~
4 ~~State shall notify the Bureau of Warden Service of the department.~~

6 **Sec. 23. 12 MRSA §10105, sub-§§7 and 8**, as enacted by PL 2003,
7 c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

8 **7. Sale or destruction of confiscated property.** The
9 commissioner may sell all property held or confiscated by the
10 State for violation of laws relating to the protection of inland
11 fisheries and wildlife that has ben forfeited to the State
12 pursuant to sections 10502 and 10503. A confiscated or forfeited
13 handgun that was confiscated or forfeited because it was used to
14 commit a homicide must be destroyed by the State, unless the
15 handgun was stolen and the rightful owner was not the person who
16 committed the homicide, in which case the handgun must be
17 returned to the owner if ascertainable. For purposes of this
18 subsection, "handgun" means a firearm, including a pistol or
19 revolver, designed to be fired by use of a single hand. The
20 commissioner shall transmit all money received ~~by the~~ from sales
21 under this subsection to the Treasurer of State to be credited to
22 the department.

24 **8. Employee discipline.** The commissioner may dismiss,
25 suspend or otherwise discipline any department employee for
26 cause. This right is subject to the right of appeal and
27 arbitration of grievances as set forth in statute Title 5.

30 **Sec. 24. 12 MRSA §10105, sub-§10**, as enacted by PL 2003, c.
31 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
32 following enacted in its place:

34 **10. Taking and importing wildlife.** The commissioner may:

36 A. For scientific purposes, take fish and wildlife and
37 import fish and wildlife into the State or authorize others
38 to do so; and

40 B. Take or import wild animals or wild birds of any kind,
41 dead or alive, for the purpose of inspection, cultivation,
42 propagation or distribution or for scientific or other
43 purposes considered by the commissioner to be of interest to
44 the game industry of this State.

46 **Sec. 25. 12 MRSA §10105, sub-§11**, as enacted by PL 2003, c.
47 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

48

2 **Sec. 26. 12 MRSA §10105, sub-§12**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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

8 **Sec. 27. 12 MRSA §10106, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

10 **2. Control of distribution and conservation of hares and**
12 **rabbits.** The commissioner may at any time take and transport live
hares or rabbits by purchasing them from local trappers whenever
14 the commissioner determines it necessary for the proper
distribution and conservation of the hares and rabbits.

16 **Sec. 28. 12 MRSA §10108, sub-§3**, as enacted by PL 2003, c.
18 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

20 **3. Supersport certificate.** A person may be designated as a
supersport by obtaining a supersport certificate from the
22 commissioner or the commissioner's agent for a fee of ~~\$15~~ \$20.

24 **Sec. 29. 12 MRSA §10108, sub-§4**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

26 **4. Landowner relations program.** The commissioner shall
28 develop and implement a program to improve landowner relations.
The program must foster public use of private land for hunting
30 and fishing and; promote high standards of courtesy, respect and
responsibility by hunters and anglers for private lands; and
32 prevent abuse of private lands by hunters and anglers. The
program must have the following 2 components:

34 A. A program that supports landowners, called the Support
36 Landowners Program. ~~Twelve~~ Sixteen dollars of each ~~\$15~~ \$20
collected under subsection 3 is dedicated to the Support
38 Landowners Program. The Support Landowners Program may:

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

42 (2) From among existing staff, appoint a landowner
relations coordinator at the Augusta office of the
44 department and regional landowner relations
coordinators at the regional offices. Regional
46 landowner relations coordinators may be appointed only
from the department's recreational safety coordinators
48 and volunteers;

- 2 (3) Provide linkage with local conservation
organizations, volunteer groups and advisory groups;
- 4 (4) Enhance enforcement of trespass, dumping and
property damage violations;
- 6 (5) Provide educational materials and signs;
- 8 (6) Coordinate with other related landowner relations
10 activities, including Landowner Recognition Day; and
- 12 (7) Encourage landowners who allow access to their
14 property only with permission to conspicuously post
signs on the property indicating the name and address
16 of the owner or other person with authority to grant
permission; and
- 18 B. A program called the Sport Hunter Program. The Sport
Hunter Program is established to combat disrespect and
20 misconduct and to improve the hunter's image through
landowner relations, coordination with hunter safety
22 programs and conservation ethics. ~~Three~~ Four dollars of
each ~~\$15~~ \$20 collected under subsection 3 is dedicated to
24 the Sport Hunter Program.

26 The Support Landowners Program and the Sport Hunter Program must
operate within the department ~~and must be implemented no later~~
28 ~~than January 1, 1996.~~

30 **Sec. 30. 12 MRSA §10108, sub-§§10 and 11** are enacted to read:

32 10. **Becoming an Outdoors Woman.** The Becoming an Outdoors
Woman program is established in the department to encourage women
34 to participate in hunting, fishing and other outdoor activities
within the State. The commissioner may sponsor Becoming an
36 Outdoors Woman events, establish appropriate fees for
participation and accept money, goods and services donated to the
38 department for the Becoming an Outdoors Woman program.

40 11. **Coyote control program.** Pursuant to section 10053,
subsection 8, the commissioner shall maintain a coyote control
42 program as follows.

44 A. The commissioner may employ qualified persons to serve
as agents of the department for purposes of coyote control.
46 These agents must be trained by the department in animal
damage control techniques and must be utilized by the
48 department to perform coyote control duties in areas where
predation by coyotes is posing a threat to deer or other

2 wildlife. Each agent shall execute a cooperative agreement
3 with the department specifying the conditions and
4 limitations of the agent's responsibilities as an agent,
5 including any terms for reimbursement of expenses or payment
6 of wages.

7 B. An agent employed pursuant to paragraph A may use snares
8 to control coyotes during winter months under the following
9 conditions.

10 (1) An agent may use snares only for animal damage
11 control purposes to help meet management goals
12 established by the commissioner for deer, threatened or
13 endangered species or other wildlife species or to
14 benefit agricultural interests as described in
15 paragraph C.

16 (2) An agent must be trained and certified by the
17 department in the use of snares.

18 (3) An agent must be deployed by a department wildlife
19 biologist before setting snares.

20 (4) An agent shall post access points to areas in
21 which snaring activity is taking place, including, but
22 not limited to, roads and trails for motorized
23 vehicles, cross-country skiers or hikers or other
24 obvious travel ways that may be used by people.

25 (5) An agent shall plainly label snares with the full
26 name and address of that agent.

27 (6) An agent shall keep an accurate record of the
28 number and location of snares set by that agent and
29 must be able to account for those snares at all times.

30 (7) An agent shall check that agent's snares that are
31 equipped with relaxing locks on a daily basis.

32 (8) A department employee may accompany an agent at
33 any time an agent is checking snares.

34 (9) An agent shall report monthly to the department,
35 on forms provided by the department, the coyotes and
36 nontarget species taken by snaring during the reporting
37 period.

38 The commissioner shall revoke the snaring certificate of an
39 agent who violates any provision of this paragraph.

2 The commissioner shall adopt policies and procedures on the
3 use of snares as necessary to minimize the potential for
4 taking nontarget species and to adequately protect
5 threatened and endangered species.

6 C. An agent employed pursuant to paragraph A may be
7 employed for the benefit of agricultural interests as long
8 as the department is reimbursed annually for the cost of
9 those efforts by the Department of Agriculture, Food and
10 Rural Resources from funds specifically appropriated or
11 otherwise made available to the Department of Agriculture,
12 Food and Rural Resources for that purpose.

13 **Sec. 31. 12 MRSA §10109, sub-§1, ¶B,** as enacted by PL 2003, c.
14 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

15
16 B. The commissioner may purchase, lease or take and hold,
17 for and ~~in~~ on behalf of the State as for public uses, land
18 and all materials in and upon it or any rights necessary for
19 the purpose of establishing, erecting and operating fish
20 hatcheries or fish feeding stations or wildlife management
21 areas or public access sites to inland or coastal waters.
22

23 **Sec. 32. 12 MRSA §10152,** as enacted by PL 2003, c. 414, Pt.
24 A, §2 and affected by Pt. D, §7, is amended to read:

25 **§10152. Disabled hunter, trapper and angler advisory committee**

26
27 The commissioner shall establish a disabled hunter, trapper
28 and angler advisory committee, referred to in this section as the
29 "advisory committee," composed of 4 disabled persons, a ~~licensed~~
30 ~~physician,~~ a representative of state agencies that work on
31 disability issues, representatives of 2 statewide organizations
32 representing hunters, trappers or anglers and one interested
33 person. The purpose of the advisory committee is to advise the
34 commissioner on applications for a special permit under section
35 10853, subsection 11 and to provide recommendations to the
36 commissioner on ways to promote and enhance access to hunting,
37 fishing and trapping opportunities in this State for disabled
38 persons. The commissioner shall meet with the advisory committee
39 at least twice a year, once during the month of January, February
40 or March and once during the month of July, August or September,
41 to review applications for special permits to accommodate
42 permanent physical disabilities provided for in section 10853,
43 subsection 11 but may meet more often as the commissioner
44 determines necessary. The commissioner may, within existing
45 budgeted resources, reimburse advisory committee members for
46 mileage or other expenses related to attending meetings of the
47 advisory committee.
48
49
50

2 **Sec. 33. 12 MRSA §10155, sub-§6**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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

8 **Sec. 34. 12 MRSA §10155, sub-§7** is enacted to read:

10 **7. Rules.** The commissioner may adopt rules to implement the
12 provisions of this section. Rules adopted pursuant to this
subsection are routine technical rules as defined in Title 5,
14 chapter 375, subchapter 2-A.

16 **Sec. 35. 12 MRSA §10156, sub-§1, ¶C**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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

30 **Sec. 36. 12 MRSA §10157** is enacted to read:

32 **§10157. Landowners and Sportsmen Relations Advisory Board**

34 **1. Appointment and composition.** The Landowners and
36 Sportsmen Relations Advisory Board, referred to in this chapter
as "the advisory board" and established by Title 5, section
38 12004-I, subsection 49-C, consists of the following members:

40 A. Three ex officio members:

42 (1) The commissioner or the commissioner's designee;

44 (2) The Commissioner of Environmental Protection or
the commissioner's designee; and

46 (3) The Commissioner of Conservation or the
48 commissioner's designee;

2 B. Nine members, appointed by the Governor, representing
3 landowners:

4 (1) One representative of a statewide small woodland
5 owners association;

6 (2) One representative of corporate landowners;

7 (3) One representative of a statewide forest products
8 organization;

9 (4) One representative of a statewide farmers
10 organization;

11 (5) One representative of a statewide small forest
12 industry organization;

13 (6) One representative of private landowners who is
14 not affiliated with any of the organizations or
15 associations in this subsection relating to farming,
16 forestry or corporate ownership;

17 (7) One representative of a statewide tree farm
18 organization;

19 (8) One representative of land trust organizations; and

20 (9) One representative of a utility corridor ownership
21 interest;

22 C. Nine members, appointed by the Governor, representing
23 land users:

24 (1) One representative of a statewide sportsmen's
25 organization;

26 (2) One representative of a statewide trapping
27 organization;

28 (3) One representative of a statewide snowmobile
29 organization;

30 (4) One representative of a statewide all-terrain
31 vehicle organization;

32 (5) One representative of a statewide turkey hunters
33 organization;

34 (6) One representative of a statewide bowhunters
35 organization;

2 (7) One representative of a northern Maine sportsmen's
3 organization;

4 (8) One representative of a southern Maine sportsmen's
5 organization; and

6 (9) One representative of a statewide environmental
7 organization; and

8
9
10 D. No more than 2 nonvoting, ad hoc members, who may be
11 appointed by the commissioner upon recommendation of the
12 advisory board. These members must possess expertise or
13 knowledge of the advisory board's purpose and duties and may
14 not be affiliated with any organization or association
15 listed in this subsection.

16
17 2. Terms. Members of the advisory board, including the ad
18 hoc members, serve for 3 years, except that, initially, the first
19 3 landowner representative members appointed and the first 3 land
20 user representative members appointed serve 3 years; the next 3
21 landowner representative members appointed and the next 3 land
22 user representative members appointed serve 2 years; and the
23 remaining landowner and land user representative members
24 appointed serve for one year. When a vacancy occurs, the
25 Governor shall fill the vacancy by appointing a member from the
26 same category as the member who vacated the advisory board and
27 that new member continues to serve for the remainder of the term.

28
29 3. Chair; election of board officers. The members of the
30 advisory board shall annually elect one of its members as chair
31 and one of its members as vice-chair.

32
33 4. Quorum. A majority of the advisory board members
34 representing landowners and a majority of the advisory board
35 members representing land users combined constitute a quorum.

36
37 5. Staffing of advisory board. The department shall
38 provide administrative and staff support to the advisory board.

39
40 6. Meetings. The advisory board shall hold quarterly
41 meetings each year. Additional meetings may be held as necessary
42 to conduct the business of the advisory board.

43 7. Duties. The advisory board shall:

44
45 A. Propose changes to or advise the commissioner on
46 landowner-related laws, rules, department policies and other
47 significant landowner and land user issues;

48
49
50

2 B. Review landowner-related policies and procedures,
conduct studies, evaluate programs and make recommendations
4 to the commissioner;

6 C. Obtain public use of private and public land for
recreational activities by assisting with conflict
8 resolution as it pertains to public access issues on both
private and public lands and promote greater understanding
10 and cooperation between owners and users of these lands;

12 D. Review and make recommendations regarding programs
administered by other agencies. The commissioner shall
14 coordinate all reviews; and

16 E. Conduct an organizational review of the advisory board
every 5 years. This review must be designed to provide the
18 information necessary to ascertain whether the advisory
board has the membership required by subsection 1 and the
20 advisory board is fulfilling its duties. If the review
indicates that the advisory board does not have the correct
22 representational membership, a subcommittee of the members
of the advisory board must be convened to recommend to the
24 commissioner appropriate changes. At any time, the advisory
board may recommend to the commissioner ways to improve the
26 advisory board's membership or function, and the
commissioner shall act upon those recommendations.

28 **Sec. 37. 12 MRSA §10201, sub-§1,** as enacted by PL 2003, c.
30 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

32 **1. Sale of publications.** If the commissioner determines it
34 advisable for the more effective dissemination of factual
36 information, information of public interest or information
38 tending to promote better public relations, the commissioner may
40 fix the price, if any, of certain publications and materials of
42 the department and sell and deliver them. Publications and
44 materials included within this authority are all publications,
46 articles, biological and statistical data, professional and
48 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~~ as
described in section 10103, subsection 7. 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.

50 The commissioner may sell or lease video tapes and audio
recordings, photographs ~~of~~ and negatives owned by the department

and may fix the price, if any, giving consideration to their fair market value.

Sec. 38. 12 MRSA §10201, sub-§3, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

A. The commissioner may create dedicated accounts to deposit money received from the sale of general merchandise pursuant to this subsection ~~and may accept money, goods and 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.~~

Sec. 39. 12 MRSA §10201, sub-§5, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

A. The commissioner may provide for the reproduction, sale, licensing, distribution and other disposal of any art created in conjunction with the permit and. The commissioner shall establish by rule the procedures governing the design of the permit and the reproduction, sale, licensing, distribution and other disposal of any art created in conjunction with the permit. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 40. 12 MRSA §10201, sub-§6 is enacted to read:

6. Donations. The commissioner may accept money, goods and 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.

Sec. 41. 12 MRSA §10202, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

2. Additional funding. The appropriation of certain additional funds ~~are~~ is governed by the following.

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

2 B. General Fund appropriations to the Fiscal Stability
4 Program under subsection 9 may are not be considered ~~to be~~
6 amounts appropriated to the department under the
8 Constitution of Maine, Article IX, Section 22.

10 **Sec. 42. 12 MRSA §10202, sub-§5**, as enacted by PL 2003, c.
12 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

14 **5. Nonlapsing appropriations.** General Fund appropriations
16 to the department ~~may not lapse but~~ are nonlapsing and must be
18 carried forward in a separate General Fund program to be used by
20 the department for the purposes described in section 10801,
22 subsection 5. The department, ~~pursuant to~~ in accordance with
24 the Constitution of Maine, Article IX, Section 22, shall seek
26 legislatively authorized transfers from this program to meet the
28 various costs associated with the department's other programs.

30 **Sec. 43. 12 MRSA §10202, sub-§9**, as enacted by PL 2003, c.
32 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

34 **9. Fiscal Stability Program.** The Fiscal Stability Program
36 is established to ensure that the general public and hunters and
38 anglers share the cost of the fish and wildlife conservation
40 programs of the department. To achieve this goal, beginning with
42 the ~~2004-2005~~ 2006-2007 biennial budget and for each biennial
44 budget thereafter, the biennial budget submitted by the executive
46 branch must include a an additional General Fund appropriation of
18% in excess of the department's requested biennial budget.

30 **Sec. 44. 12 MRSA §10202, sub-§13**, as enacted by PL 2003, c.
32 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

34 **13. Equipment.** The department shall notify the joint
36 standing committee of the Legislature having jurisdiction over
38 inland fisheries and wildlife matters of any vehicle or heavy
40 equipment purchase prior to that purchase, including the name of
42 the item and expected cost. ~~This same information must be~~
44 ~~supplied prior to the purchase of any vehicle.~~ In addition,
46 the department shall develop and implement a formal replacement
schedule for the department's radio communication system. ~~This~~
~~plan must be reviewed by the joint standing committee of the~~
~~Legislature having jurisdiction over inland fisheries and~~
~~wildlife matters.~~ The joint standing committee of the Legislature
having jurisdiction over inland fisheries and wildlife matters
shall review the replacement schedule.

48 **Sec. 45. 12 MRSA §10202, sub-§15** is enacted to read:

15. Temporary assessment on licenses, permits and registrations. Notwithstanding any other provision of this Part, an additional temporary assessment of \$3 is imposed on every license, permit, application, registration or other fee pursuant to this Part that is issued for the registration periods beginning January 1, 2004 and January 1, 2005, except that the additional temporary assessment for ATV registrations is \$13 for residents and \$30 for nonresidents. The additional temporary \$3 assessments for snowmobile registrations and the \$13 and \$30 additional temporary assessments for ATV registrations are effective for the registration periods beginning on July 1, 2003 and July 1, 2004. Temporary assessments must be collected at the time a license, permit, application, registration or other fee is issued and credited in full to the department. This subsection is repealed June 30, 2005.

Sec. 46. 12 MRSA §10203, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

§10203. Collection and disposition of money

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

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

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

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

2. Counties not to pay unpaid officers' fees. Officers' fees taxed against a respondent, if any, under this Part that are not paid by or recovered from the respondent may not be assumed or paid by the county where the offense was committed.

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

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

2 **5. Snowmobiles.** Money relating to snowmobile laws and
rules must be collected and expended in accordance with section
4 1893, subsection 3 and section 10206, subsection 2.

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

12 A person who violates this subsection commits a Class E crime.

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

16 **Sec. 47. 12 MRSA §10206, sub-§1, ¶B,** as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

18 B. The department shall ~~use a portion of the revenue~~
20 ~~dedicated to the ATV Recreational Management Fund for~~
develop and implement an ATV law enforcement grant-in-aid
22 program to assist law enforcement agencies other than the
Bureau of Warden Service.

24 **Sec. 48. 12 MRSA §10206, sub-§2, ¶C,** as enacted by PL 2003, c.
26 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

28 **Sec. 49. 12 MRSA §10206, sub-§3,** as enacted by PL 2003, c.
30 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

32 **3. Watercraft revenues.** All Except as provided in
subsection 6, all revenues collected under the provisions of this
Part relating to watercraft, including chapter 935, are disposed
34 of as follows.

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

42 B. Each ~~county~~ court shall pay all fines, forfeitures and
penalties collected for violations of the provisions of this
44 Part relating to watercraft, including chapter 935, and all
officers' costs collected for either coastal wardens or game
46 wardens to the Treasurer of State, monthly, and that money
accrues as undedicated revenue to the General Fund. ~~All,~~
48 except that all fines, forfeitures and penalties collected
as a result of the efforts of municipal law enforcement
50 officers or harbor masters enforcing the provisions of this

2 Part relating to watercraft, including chapter 935, in their
3 respective jurisdictions are paid to that municipality for
4 the local enforcement efforts. The department shall record
5 as dedicated revenue to the Department of Marine Resources
6 that portion of fines, forfeitures and penalties allocable
7 to the Department of Marine Resources in accordance with
8 paragraph C.

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

29 **Sec. 50. 12 MRSA §10206, sub-§9**, as enacted by PL 2003, c.
30 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

31 **9. Moose hunting revenues; moose hunting research and**
32 **management.** Up to \$25,000 may be provided from the revenues
33 generated by moose hunting application and permit fees to carry
34 out the department's documented moose research.

35 **Sec. 51. 12 MRSA §10252**, as enacted by PL 2003, c. 414, Pt.
36 A, §2 and affected by Pt. D, §7, is amended to read:

37 **§10252. Fish hatchery maintenance fund**

38 The fish hatchery maintenance fund, referred to in this
39 section as the "fund," is established in the department as a
40 nonlapsing fund to be used by the commissioner to fund or assist
41 in funding engineering designs for the Embden Hatchery, a
42 statewide assessment of all other hatchery facilities and
43 maintenance, repair and capital improvements at fish hatcheries
44 and feeding stations owned by the State ~~and the per diem and~~
45 ~~related expenses of 4 meetings of the Commission to Study the~~
46 ~~Needs and Opportunities Associated with the Production of~~

2 ~~Salmonid-Fish-in-Maine-in-fiscal-year-2001-02-and-4-meetings-of~~
3 ~~the-commission-in-fiscal-year-2002-03.~~ The fund may not be used
4 to fund personnel services costs or general operating costs of a
5 fish hatchery. The commissioner may accept and deposit into the
6 fund any monetary gifts, donations or other contributions from
7 public or private sources and must use that money for the
8 purposes specified in this section.

10 **Sec. 52. 12 MRSA §10254, sub-§1**, as enacted by PL 2003, c.
11 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

12 **1. Fund established.** The Maine Wildlife Park Fund,
13 referred to in this section as the "fund," is established. The
14 fund receives all funds collected by the department from the
15 operation of the Maine Wildlife Park, including gate fees, the
16 proceeds of any sales at the Maine Wildlife Park and any
17 donations, grants or other funds presented to the department for
18 the benefit of the Maine Wildlife Park. All money deposited in
19 the fund and the earnings on the money remain in the fund to be
20 used for the management and maintenance of the Maine Wildlife
21 Park. ~~Unexpended balances in the fund at the end of the fiscal~~
22 ~~year may not lapse but~~ are nonlapsing and must be carried forward
23 to the next fiscal year to be used for the same purposes.
24

26 **Sec. 53. 12 MRSA §10301, sub-§2**, as enacted by PL 2003, c.
27 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

28 **2. Board.** "Board" means the Maine Outdoor Heritage Fund
29 Board established in section 10308.

32 **Sec. 54. 12 MRSA §10353, sub-§2, ¶C**, as enacted by PL 2003, c.
33 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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

36 (1) A game warden making an arrest for any violation
37 of this Part and Title 38, chapter 3, subchapter 1,
38 ~~former~~ article 1-A 5-A, at a point more than 50 miles
39 distant from the nearest District Court having
40 jurisdiction, may accept the personal recognizance of
41 the prisoner in an amount not to exceed \$1,000 for the
42 prisoner's appearance before the nearest District Court
43 on a specified date and a deposit in money to the
44 amount of that recognizance; and

46 (2) The warden shall report ~~forthwith~~ all those
47 recognizances and forward all those deposits to the
48 court to which the recognizance is returnable.
49

50

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

4 **Sec. 55. 12 MRSA §10451, sub-§§2 and 4**, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed and the
6 following enacted in their place:

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

18 **4. Lawful summons.** A citation as provided for in this
20 section or a Uniform Summons and Complaint, when served upon a
person by a law enforcement officer, acts as a summons to appear
22 in court or to otherwise respond in accordance with law on or
before the date specified in the summons.

24 **A.** Any person who fails to appear in court as directed by
26 the summons or to otherwise respond in accordance with law
on or before the date specified in the summons commits a
Class E crime.

28 **B.** Upon a person's failure to appear or respond in
30 accordance with law, the court may issue a warrant of
arrest. It is an affirmative defense to prosecution under
32 this subsection that the failure to appear or respond
resulted from just cause.

34 **Sec. 56. 12 MRSA §§10452 and 10453**, as enacted by PL 2003, c.
36 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

38 **§10452. Refusal to sign**

40 A person who ~~refuses~~ may not refuse to sign a citation or
42 Uniform Summons and Complaint after having been ordered to do so
by a law enforcement officer. A person who violates this section
44 commits a Class E crime.

46 **§10453. Unlawful disposition of citations**

48 ~~It is unlawful and official misconduct for a~~ A warden or
other public employee to may not dispose of an official citation
form or Uniform Summons and Complaint, except in accordance with

2 law and as provided for in any applicable official policy or
procedure of the Bureau of Warden Service.

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

6 **Sec. 57. 12 MRSA §10501, sub-§11**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

8
10 **11. Failure to give notice of snowmobile accident.** Failure
of a person who is required to give notice of a snowmobile
12 accident under section ~~13106~~ 13106-A, subsection ~~22~~ 23 to give
that notice to the available law enforcement officer nearest to
14 the place where the accident occurred is prima facie evidence
that the accident was not reported.

16 **Sec. 58. 12 MRSA §10502, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

18
20 **2. Exemption from libel proceedings.** The following
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
having a value less than \$10;

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

28 (1) Section ~~11206~~ 11206-A;

30 (2) Section 10902, subsection 6; or

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

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

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

42
44 Property seized by the commissioner that is exempt from libel
under this subsection must be retained by the commissioner
46 pending disposition of ~~criminal~~ court proceedings and is
forfeited to the State upon conviction or adjudication that the
48 person committed the violation.

50 **Sec. 59. 12 MRSA §10502, sub-§3** is enacted to read:

2 ~~prohibited-act-is-violated~~ criminal violation is committed
at the same time, multiple convictions are deemed to be one
offense; or

4
6 B. The person has been adjudicated as having committed 3 or
more civil violations under this Part and convicted of 2 or
8 more Class E crimes pursuant-to-section-10603 as a result of
such prior adjudications within the previous 5-year period.

10 **Sec. 66. 12 MRSA §§10606 and 10607**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, are repealed.

12 **Sec. 67. 12 MRSA §10608** is enacted to read:

14 **§10608. Juvenile violations**

16 Notwithstanding other provisions of law, a person who has
18 not attained 18 years of age and who is convicted of a crime for
a violation of this Part that is not defined as a juvenile crime
20 under Title 15, section 3103, subsection 1 may not be sentenced
to imprisonment.

22 **Sec. 68. 12 MRSA §§10650 and 10650-A** are enacted to read:

24 **§10650. General rule violation**

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

30 **§10650-A. Rule violation; motor vehicles on public water supplies**

32 **1. Penalties.** The following penalties apply to violations
34 of rules regulating the operation of motor vehicles on public
water supplies.

36 A. A person who violates a rule regulating the operation of
38 motor vehicles on public water supplies commits a civil
violation for which a fine of not less than \$100 nor more
40 than \$500 may be adjudged.

42 B. A person who violates a rule regulating the operation of
44 motor vehicles on public water supplies after having been
adjudicated as having committed 3 or more civil violations
46 under this Part within the previous 5-year period commits a
Class E crime.

48 **Sec. 69. 12 MRSA §10651, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

50

1. **Requirement.** A person ~~may not~~ shall:

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

B. ~~Fail-to-stop~~ 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;

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

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

Sec. 70. 12 MRSA §10652, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the following enacted in its place:

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

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

A. A person may not while fishing:

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

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

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

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

(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 observation stand unless the person has the permission of the landowner;

2 (2) Except as provided in this paragraph, erect or use
3 either a portable or permanent tree ladder or stand
4 attached to a tree on the land of another person unless:

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

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

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

18 (3) Tear down or destroy any fence or wall on another
19 person's land;

20 (4) Leave open any gate or bars on another person's
21 land; or

22 (5) Trample or destroy any crop on another person's
23 land.

24 C. A person may not while trapping a wild animal:

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

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

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

31 Except as otherwise provided, a person may not possess any wild
32 animal or wild bird taken by hunting or trapping in violation of
33 this subsection.

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

36 Sec. 71. 12 MRSA §10653, first ¶, as enacted by PL 2003, c.
37 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

38

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

4 **Sec. 72. 12 MRSA §10654**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
6 enacted in its place:

8 **§10654. Harassment of hunters, trappers and anglers**

10 **1. Interference with taking.** A person may not
intentionally or knowingly interfere with the lawful hunting,
12 fishing or trapping of a wild animal, wild bird or fish.

14 **A.** A person who violates this subsection commits a civil
violation for which a fine of not less than \$100 nor more
16 than \$500 may be adjudged.

18 **B.** A person who violates this subsection after having been
adjudicated as having committed 3 or more civil violations
20 under this Part within the previous 5-year period commits a
Class E crime.

22 **2. Disturb or attempt to disturb.** A person may not
intentionally or knowingly disturb or attempt to disturb a wild
24 animal, wild bird or fish with the intent to interfere with the
hunting, fishing or trapping of a wild animal, wild bird or fish.
26

28 **A.** A person who violates this subsection commits a civil
violation for which a fine of not less than \$100 nor more
30 than \$500 may be adjudged.

32 **B.** A person who violates this subsection after having been
adjudicated as having committed 3 or more civil violations
34 under this Part within the previous 5-year period commits a
Class E crime.

36 **3. Injunctions.** The District Court or Superior Court may
enjoin conduct that would be in violation of this section upon
38 petition by a person affected or who reasonably may be affected
by that conduct upon a showing that the conduct is threatened or
40 that it has occurred on particular premises in the past and that
42 it is not unreasonable to expect that under similar circumstances
it will be repeated.

44 **4. Property rights otherwise provided by law.** This section
46 does not limit ownership use, access or control of property
rights otherwise provided by law.

48 **Sec. 73. 12 MRSA §10655, first ¶**, as enacted by PL 2003, c.
50 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

2 Except as otherwise provided through written agreement, a
3 person ~~may not, if that person~~ who has knowledge that a person is
4 lost, stranded or drowned in the woodlands or inland waters of
5 the State, ~~fail to~~ shall give notice of the lost, stranded or
6 drowned person by the quickest means to the Bureau of Warden
7 Service.

8
9 **Sec. 74. 12 MRSA §10656**, as enacted by PL 2003, c. 414, Pt.
10 A, §2 and affected by Pt. D, §7, is repealed and the following
11 enacted in its place:

12 **§10656. Defacement of notices**

13
14 **1. Prohibition on defacement of notices.** A person may not
15 intentionally or knowingly mutilate, deface or destroy a notice
16 or rule of the commissioner posted in conformity with this Part.

17
18 **2. Penalties.** The following penalties apply to violations
19 of this section.

20
21 **A. A person who violates this section commits a civil**
22 violation for which a fine of not less than \$100 nor more
23 than \$500 may be adjudged.

24
25 **B. A person who violates this section after having been**
26 adjudicated as having committed 3 or more civil violations
27 under this Part within the previous 5-year period commits a
28 Class E crime.

29
30 **Sec. 75. 12 MRSA §10701, sub-§1**, as enacted by PL 2003, c.
31 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

32
33 **Sec. 76. 12 MRSA §10701, sub-§1-A** is enacted to read:

34
35 **1-A. Prohibition.** Prohibitions against hunting and
36 operating under the influence are as follows.

37
38 **A. A person may not hunt wild animals or wild birds:**

39
40 **(1) While under the influence of intoxicating liquor**
41 or drugs or a combination of liquor and drugs;

42
43 **(2) If 21 years of age or older, while having 0.08% or**
44 more by weight of alcohol in that person's blood; or

45
46 **(3) If less than 21 years of age, while having any**
47 amount of alcohol in that person's blood.

2 B. A person may not operate or attempt to operate a
watercraft:

4 (1) While under the influence of intoxicating liquor or
drugs or a combination of liquor and drugs;

6 (2) If 21 years of age or older, while having 0.08% or
more by weight of alcohol in that person's blood; or

8 (3) If less than 21 years of age, while having any
amount of alcohol in the blood.

10
12
14 C. A person may not operate or attempt to operate a
snowmobile:

16 (1) While under the influence of intoxicating liquor or
drugs or a combination of liquor and drugs;

18 (2) If 21 years of age or older, while having 0.08% or
more by weight of alcohol in that person's blood; or

20 (3) If less than 21 years of age, while having any
amount of alcohol in the blood.

22
24
26 D. A person may not operate or attempt to operate an ATV:

28 (1) While under the influence of intoxicating liquor
or drugs or a combination of liquor and drugs;

30 (2) If 21 years of age or older, while having 0.08% or
more by weight of alcohol in that person's blood; or

32 (3) If less than 21 years of age, while having any
amount of alcohol in the blood.

34
36 **Sec. 77. 12 MRSA §10701, sub-§§2 and 3**, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

38
40 **2. Possession of hunting equipment while intoxicated.** The
42 possession of hunting equipment in the fields or forests or on
44 the waters or ice in the State by a person while under the
influence of intoxicating liquor or drugs is prima facie evidence
that the possessor is in violation of subsection 1 1-A, paragraph
A.

46 **3. Penalties.** A person who violates this section commits a
48 Class D crime. In determining an appropriate sentence, refusal
to submit to a chemical test must in every case be an aggravating

2 factor. In the following cases the following minimum penalties
3 apply.

4 A. In the case of a person having no previous convictions
5 of a violation of subsection 1 1-A within the previous
6 6-year period, the fine may not be less than \$400. If that
7 person was adjudicated within the previous 6-year period for
8 failure to comply with the duty to submit to and complete a
9 blood-alcohol test under section 10702, subsection 1, the
10 fine may not be less than \$500. A conviction under this
11 paragraph must include a period of incarceration of not less
12 than 48 hours, none of which may be suspended, when the
13 person:

14 (1) Was tested as having a blood-alcohol level of
15 0.15% or more;

16 (2) Failed or refused to stop upon request or signal
17 of an officer in uniform, pursuant to section 6953 or
18 10651, during the operation that resulted in
19 prosecution for operating under the influence or with a
20 blood-alcohol level of 0.08% or more; or
21

22 (3) Failed to submit to a chemical test to determine
23 that person's blood-alcohol level or drug
24 concentration, requested by a law enforcement officer
25 on the occasion that resulted in the conviction.
26

27 B. In the case of a person having one previous conviction
28 of a violation of subsection 1 1-A within the previous
29 6-year period, the fine may not be less than \$600. If that
30 person was adjudicated within the previous 6-year period for
31 failure to comply with the duty to submit to and complete a
32 blood-alcohol or drug concentration test under section
33 10702, subsection 1, the fine may not be less than \$800. A
34 conviction under this paragraph must include a period of
35 incarceration of not less than 7 days, none of which may be
36 suspended.
37

38 C. In the case of a person having 2 or more previous
39 convictions of violations of subsection 1 1-A within the
40 previous 6-year period, the fine may not be less than
41 \$1,000. If that person was adjudicated within the previous
42 6-year period for failure to comply with the duty to submit
43 to and complete a blood-alcohol or drug concentration test
44 under section 10702, subsection 1, the fine may not be less
45 than \$1,300. A conviction under this paragraph must include
46 a period of incarceration of not less than 30 days, none of
47 which may be suspended.
48

49

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

8
10 E. The penalties provided under paragraphs B, C and D may
not be suspended by the court.

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

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

26 For purposes of this subsection, a prior conviction has occurred
within the 6-year period if the date of docket entry by the clerk
28 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
30 the penalty is or may be enhanced.

32 In determining the appropriate sentence, the court shall consider
the defendant's record of convictions for hunting under the
34 influence or operating a snowmobile, all-terrain vehicle or
watercraft while under the influence of intoxicating liquor or
36 drugs and for failure to comply with the duty to submit. The
court may rely upon oral representations based on records
38 maintained by the courts, by the Department of Public Safety,
State Bureau of Identification; by the Secretary of State,
40 including telecommunications of records maintained by the
Secretary of State; or by the department. If the defendant
42 disputes the accuracy of any representation concerning a
conviction or adjudication, the court shall grant a continuance
44 for the purposes of determining the accuracy of the record.

46 References in this Title to this subsection are deemed to refer
to the juvenile crime stated in Title 15, section 3103,
48 subsection 1, paragraph E and to the disposition, including a
suspension, for that juvenile crime as provided in Title 15,

2 section 3314, subsection 3, except as otherwise provided or when
the context clearly requires otherwise.

4 **Sec. 78. 12 MRSA §10702**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
6 enacted in its place:

8 **§10702. Chemical tests**

10 **1. Duty to submit.** A person who hunts wild animals or wild
12 birds or operates or attempts to operate a watercraft, snowmobile
or ATV within this State has a duty to submit to a test to
14 determine that person's blood-alcohol level or drug concentration
by analysis of blood, breath or urine if there is probable cause
16 to believe that the person is hunting wild animals or wild birds
or operating or attempting to operate a watercraft, snowmobile or
18 ATV while under the influence of intoxicating liquor or drugs.
The duty to submit to a blood-alcohol or drug concentration test
20 includes the duty to complete either a blood, breath or urine
test or any combination of those tests. Tests and procedures for
22 determining whether a person is under the influence of
intoxicating liquor or drugs are governed by section 10703.

24 **2. Failure to comply with duty to submit.** A person shall
26 submit to and complete a blood-alcohol or drug concentration
test, or both, when requested to do so by a law enforcement
28 officer who has probable cause to believe that the person hunted
or operated or attempted to operate a watercraft, snowmobile or
30 ATV while under the influence of intoxicating liquor or drugs.

32 **3. Penalties.** A person who violates this section commits a
civil violation for which a fine of up to \$500 may be adjudged.

34 **Sec. 79. 12 MRSA §10703, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

36 **2. Prerequisites to tests.** Before any test is given, the
38 law enforcement officer shall inform the person to be tested of
the consequences of refusing to comply with the test. If the
40 person fails to comply with the duty to submit to and complete
the requested chemical tests at the direction of the law
42 enforcement officer, that person is committing a civil violation
for which the person may be required to pay a ~~civil- forfeiture~~
44 fine of up to \$500. The officer shall also inform the person
that the failure to comply with the duty to submit to a chemical
46 test is admissible in evidence against that person at any trial
for hunting or operating under the influence of intoxicating
48 liquor 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
with these prerequisites. The only effects of the failure of the
officer to comply with the prerequisites are as provided in
subsection 7.

8 **Sec. 80. 12 MRSA §10703, sub-§4, ¶C**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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

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

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

22 **Sec. 81. 12 MRSA §10703, sub-§8**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

24 **8. Statements by accused.** Any statement by a defendant
26 that the defendant was the operator of a watercraft, snowmobile
or ATV that the defendant is accused of operating in violation of
28 section 10701, subsection ~~1~~ 1-A is admissible if it was made
voluntarily and is otherwise admissible under the United States
30 Constitution or the Constitution of Maine. The statement may
constitute sufficient proof by itself, without further proof of
32 corpus delicti, that the watercraft, snowmobile or ATV was
operated by the defendant. Any statement by a defendant that the
34 defendant was hunting wild animals or wild birds is admissible
against a defendant accused of hunting wild animals or wild birds
36 in violation of section 10701, subsection ~~1~~ 1-A if the statement
was made voluntarily and is otherwise admissible under the United
38 States Constitution or the Constitution of Maine. The statement
may constitute sufficient proof by itself, without further proof
40 of corpus delicti, that the defendant was hunting wild animals or
wild birds.

42 **Sec. 82. 12 MRSA §10703, sub-§10, ¶A**, as enacted by PL 2003,
44 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

46 A. After a person has been charged with hunting wild
48 animals or wild birds or with operating or attempting to
operate a watercraft, snowmobile or ATV while under the
influence of intoxicating liquor or drugs or with an

2 excessive blood-alcohol level, the investigating or
arresting officer shall investigate to determine whether the
4 charged person has any previous convictions of a violation
of section 10701, subsection 1 1-A or adjudications for
6 failure to comply with the duty to submit to and complete a
chemical test under section 10702, subsection 1. As part of
8 that investigation, the officer shall review the records
maintained by the courts, the State Bureau of
10 Identification, the Secretary of State, including
telecommunications of records maintained by the Secretary of
State, or the department.

12 **Sec. 83. 12 MRSA §10751, sub-§1**, as enacted by PL 2003, c.
14 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

16 **1. Form.** The commissioner shall furnish application blanks,
licenses and permits in such form as the commissioner may
18 designate. ~~The department may charge a fee of up to \$10 to cover
administrative costs for the issuance of miscellaneous licenses
20 and permits for which a fee is not provided by law.~~

22 **Sec. 84. 12 MRSA §10751, sub-§3**, as enacted by PL 2003, c.
24 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

26 **Sec. 85. 12 MRSA §10751, sub-§7**, as enacted by PL 2003, c.
28 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

28 **Sec. 86. 12 MRSA §10751, sub-§8** is enacted to read:

30 **8. Transaction fees.** The commissioner may charge a
32 transaction fee of up to \$10 to cover administrative costs for
the issuance of a license or permit that does not have a fee
34 provided by law. When a transfer of a license or permit or
exchange of a hunting zone or area is authorized under this Part,
36 the commissioner may assess a \$5 transaction fee for that
transfer or exchange.

38 The commissioner may adopt rules to implement this subsection.
40 Rules adopted pursuant to this subsection are routine technical
rules as defined in Title 5, chapter 375, subchapter 2-A.

42 **Sec. 87. 12 MRSA §10752, sub-§§5 and 6**, as enacted by PL 2003,
44 c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

46 **5. Persons convicted of burglary, criminal trespass or**
theft. ~~Persons~~ A person convicted of any of the following
48 offenses ~~are not eligible~~ is ineligible to obtain a license or
permit issued by the department:

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

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

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

10

12 If ~~the conviction~~ a person is convicted of an offense under
paragraph A, B or C was ~~a first conviction~~, the that person
14 convicted is ~~not-eligible~~ ineligible to obtain a license or
permit issued by the department within 2 years of the date of
that ~~first~~ conviction.

16

18 **6. License ineligibility following certain offenses.** The
following ~~applies to the~~ provisions set the period of time a
20 person is ineligible to obtain a license following conviction of
certain offenses.

22

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

28

B. Notwithstanding any other provision of this Part, a
30 person is ~~not-eligible~~ ineligible to obtain a hunting
license under the following circumstances.

32

(1) A person convicted of shooting a domestic animal
34 in violation of section 11210 is ~~not-eligible~~
ineligible to obtain a license to hunt in this State
36 for a period of at least 5 years from the date of
conviction.

38

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

44

(3) A person convicted of a violation of Title 17-A,
46 chapter 9, if the offense occurred in the context of a
hunting activity and if, through failure of the hunter
48 to make proper target identification, the offense
resulted in the injury or death of another person, is
50 ~~not-eligible~~ ineligible to obtain a license to hunt in

2 this State for a period of at least 10 years from the
date of the conviction.

4 **Sec. 88. 12 MRSA §10753**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

6 **§10753. Proof of residency**

8 An applicant for a license or permit under this Part is
10 responsible for submitting proof of residency to the agent or the
department, or both. A resident license issued to a person
12 unable to meet the residency requirements at the time the license
was issued is invalid and must be returned to the commissioner
14 upon request. A resident license is valid as long as the license
holder continues to satisfy the residency requirements set out in
section 10001, subsection 53 and the license is not revoked,
16 suspended or otherwise invalid under this Part.

18 **Sec. 89. 12 MRSA §10754**, as enacted by PL 2003, c. 414, Pt.
20 A, §2 and affected by Pt. D, §7, is repealed.

22 **Sec. 90. 12 MRSA §10758**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

24 **§10758. Possession of altered license or permit**

26 A person may not possess a license or permit issued under
28 this Part that has been altered, tampered with or mutilated in
any manner.

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

32 **Sec. 91. 12 MRSA §10801, sub-§4**, as enacted by PL 2003, c.
34 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

36 **4. Deposit.** The commissioner shall deposit funds collected
by agents from the sale of licenses and permits ~~and--any~~
38 ~~unenumerated balances as of June 30, 1990~~ in the State Treasury
as undedicated revenue to the General Fund.

40 **Sec. 92. 12 MRSA §10802**, as enacted by PL 2003, c. 414, Pt.
42 A, §2 and affected by Pt. D, §7, is repealed and the following
enacted in its place:

44 **§10802. Rule violations; agent**

46 The following penalties apply to violations of rules
48 regulating hunting and fishing agents.

2 1. Civil violation. Notwithstanding section 10650, a
3 person who violates a rule regulating hunting and fishing agents
4 commits a civil violation for which a fine of not less than \$100
5 nor more than \$500 may be adjudged.

6 2. Crime. A person who violates a rule regulating hunting
7 and fishing agents after having been adjudicated as having
8 committed 3 or more civil violations under this Part within the
9 previous 5-year period commits a Class E crime.

10 **Sec. 93. 12 MRSA §10803** is enacted to read:

11 **§10803. Agent fee cap**

12 A clerk or agent appointed by the commissioner under section
13 10801 to issue licenses or permits may charge agent fees as
14 provided in this Part up to a maximum of \$6 during a single
15 transaction. For purposes of this section, "transaction" means a
16 single event in which one or more licenses or permits are issued
17 to a person in that person's name.

18 **Sec. 94. 12 MRSA §10851, sub-§1, ¶¶A, B and C**, as enacted by PL
19 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to
20 read:

21 A. For a resident who is less than 6 years of age:

22 (1) An infant resident lifetime fishing license. The
23 fee for an infant resident lifetime fishing license is
24 \$150;

25 (2) An infant resident lifetime hunting license. The
26 fee for an infant resident lifetime hunting license is
27 \$150;

28 (3) An infant resident lifetime archery hunting
29 license. The fee for an infant resident lifetime
30 archery hunting license is \$150;

31 (3-A) An infant resident lifetime trapping license.
32 The fee for an infant resident lifetime trapping
33 license is \$150;

34 (4) An infant resident combination of any 2 lifetime
35 licenses. The fee for an infant resident combination
36 of any 2 lifetime licenses is \$250; and

37 (5) An infant resident combination of all any 3
38 lifetime licenses. The fee for an infant resident
39 combination of all any 3 lifetime licenses is \$400;

- 2 B. For a resident from 6 to 15 years of age:
- 4 (1) A junior resident lifetime fishing license. The
6 fee for a junior resident lifetime fishing license is
 \$300;
- 8 (2) A junior resident lifetime hunting license. The
10 fee for a junior resident lifetime hunting license is
 \$300;
- 12 (3) A junior resident lifetime archery hunting
14 license. The fee for a junior resident lifetime
 archery hunting license is \$300;
- 16 (3-A) A junior resident lifetime trapping license.
18 The fee for a junior resident lifetime trapping license
 is \$300;
- 20 (4) A junior resident combination of any 2 lifetime
22 licenses. The fee for a junior resident combination of
 any 2 lifetime licenses is \$500; and
- 24 (5) A junior resident combination of all any 3
26 lifetime licenses. The fee for a junior resident
 combination of all any 3 lifetime licenses is \$800;
- 28 C. For a resident from 65 to 69 years of age:
- 30 (1) A senior resident lifetime fishing license. The
32 fee for a senior resident lifetime fishing license is
34 \$50 for a person who purchases the license in the year
36 in which that person turns 65 years of age, \$40 for a
38 person who purchases the license in the year in which
40 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;
- 42 (2) A senior resident lifetime hunting license. The
44 fee for a senior resident lifetime hunting license is
46 \$50 for a person who purchases the license in the year
48 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
50 turns 67 years of age, \$20 for a person who purchases

2 the license in the year in which that person turns 68
3 years of age and \$10 for a person who purchases the
4 license in the year in which that person turns 69 years
5 of age;

6 (3) A senior resident lifetime archery hunting
7 license. The fee for a senior resident lifetime
8 archery hunting license is \$50 for a person who
9 purchases the license in the year in which that person
10 turns 65 years of age, \$40 for a person who purchases
11 the license in the year in which that person turns 66
12 years of age, \$30 for a person who purchases the
13 license in the year in which that person turns 67 years
14 of age, \$20 for a person who purchases the license in
15 the year in which that person turns 68 years of age and
16 \$10 for a person who purchases the license in the year
17 in which that person turns 69 years of age;

18 (3-A) A senior resident lifetime trapping license. The
19 fee for a senior resident lifetime trapping license is
20 \$50 for a person who purchases the license in the year
21 in which that person turns 65 years of age, \$40 for a
22 person who purchases the license in the year in which
23 that person turns 66 years of age, \$30 for a person who
24 purchases the license in the year in which that person
25 turns 67 years of age, \$20 for a person who purchases
26 the license in the year in which that person turns 68
27 years of age and \$10 for a person who purchases the
28 license in the year in which that person turns 69 years
29 of age;

30 (4) A senior resident combination of any 2 lifetime
31 licenses. The fee for a senior resident combination of
32 any 2 lifetime licenses is \$80 for a person who
33 purchases the license in the year in which that person
34 turns 65 years of age, \$64 for a person who purchases
35 the license in the year in which that person turns 66
36 years of age, \$48 for a person who purchases the
37 license in the year in which that person turns 67 years
38 of age, \$32 for a person who purchases the license in
39 the year in which that person turns 68 years of age and
40 \$16 for a person who purchases the license in the year
41 in which that person turns 69 years of age; and

42 (5) A senior resident combination of ~~all~~ any 3
43 lifetime licenses. The fee for a senior resident
44 combination of ~~all~~ any 3 lifetime licenses is \$110 for
45 a person who purchases the license in the year in which
46 that person turns 65 years of age, \$94 for a person who
47 purchases the license in the year in which that person
48 purchases the license in the year in which that person
49 purchases the license in the year in which that person
50 purchases the license in the year in which that person

turns 66 years of age, \$78 for a person who purchases the license in the year in which that person turns 67 years of age, \$62 ~~\$52~~ for a person who purchases the license in the year in which that person turns 68 years of age and \$46 ~~\$26~~ for a person who purchases the license in the year in which that person turns 69 years of age; and

Sec. 95. 12 MRSA §10853, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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

Sec. 96. 12 MRSA §10853, sub-§11, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

11. Permits to accommodate permanent physical disabilities. The commissioner may issue a special permit to a person with a permanent physical disability that includes special authorization that allows that person to hunt, trap or fish at times or in a manner otherwise prohibited by this Part in order to enhance access to hunting, trapping and fishing opportunities. No laws or rules may be waived except as are necessary to effect this subsection. A permit may be issued under this subsection only if:

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

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

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

6 Prior to making a determination of eligibility under this
subsection, the commissioner or the commissioner's agent shall
8 meet with the applicant in person at a location chosen by the
commissioner to discuss the applicant's needs. Each applicant's
10 disability and needs must be reviewed in consultation with the
disabled hunter, trapper and angler advisory committee
12 established in section 10152 and a determination made regarding
the special authorization that may be made to enhance the
14 applicant's access to fishing, hunting and trapping
opportunities. A permit issued under this subsection must be
16 signed by the commissioner and include a clear and specific
description of the activities authorized by that permit. The
18 disabled person shall carry the permit whenever that person is
hunting, trapping or fishing, and the permit must be presented to
20 a game warden or other law enforcement officer upon request. No
laws or rules may be waived except as are necessary to effect
22 this subsection.

24 The commissioner may authorize only the minimum special
exceptions necessary to overcome the applicant's disability and
26 allow that applicant to safely hunt, trap or fish. This does not
authorize the commissioner to issue special exceptions that
endanger public safety. A permit issued under this subsection
28 may does not authorize a person to exceed the allowable bag or
size limits for any fish or wildlife species; to fish for or take
30 a fish or wildlife species for which a license is not otherwise
issued; to fish for, trap or hunt a fish or wildlife species more
32 than 7 days before the opening or more than 7 days after the
closing of the regular open season for that species; or to fish,
34 trap or hunt in any area permanently closed to those activities
by state law or rule.

36 **Sec. 97. 12 MRSA §10853, sub-§12** is enacted to read:

38 **12. Persons with acquired brain injury.** A complimentary
40 license to fish must be issued to any person with a head injury,
as defined by Title 22, section 3086, upon application to the
42 commissioner. This complimentary license remains effective for
the life of the license holder if the license is not revoked or
44 suspended.

46 **Sec. 98. 12 MRSA §10901**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
48 enacted in its place:

50 **§10901. Compliance; noncompliance**

2 1. Definitions. As used in this subchapter, unless the
4 context otherwise indicates, the following terms have the
 following meanings.

6 A. "Compliance with a support order" means that the support
8 obligor has obtained or maintained health insurance coverage
 if required by a support order and is:

10 (1) No more than 60 days in arrears in making any of
12 the following payments:

14 (a) Payments in full for current support;

16 (b) Periodic payments on a support arrearage
 pursuant to a written agreement with the
18 Department of Human Services; and

20 (c) Periodic payments as set forth in a support
 order; and

22 (2) No more than 30 days in arrears in making payments
24 as described in subparagraph (1) if the obligor has
 been in arrears for more than 30 days in making
26 payments as described in subparagraph (1) at least 2
 times within the past 24 months.

28 B. "Support order" means a judgment, decree or order,
30 whether temporary, final or subject to modification, issued
 by a court or an administrative agency of competent
32 jurisdiction for the support and maintenance of a child,
 including a child who has attained the age of majority under
34 the law of the issuing state, or a child and the parent with
 whom the child is living, that provides for monetary
36 support, health care, arrearages or reimbursement and may
 include related costs and fees, interest and penalties,
38 income withholding, attorney's fees and other relief.

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

46 3. Noncompliance with support order. An applicant for the
48 issuance or renewal of a license or an existing licensee who is
 not in compliance with a support order is subject to the
50 requirements of Title 19-A, section 2201.

2 4. Suspension of license. If a license or registration is
3 suspended pursuant to Title 19-A, section 2201, the suspension
4 remains in effect until the person is in compliance with the
5 support order. On condition of payment of a \$25 reinstatement
6 fee to the department, the suspension is rescinded and the
7 license reinstated.

8 **Sec. 99. 12 MRSA §10902, sub-§2,** as enacted by PL 2003, c.
9 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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

19 **Sec. 100. 12 MRSA §10902, sub-§4, ¶C,** as enacted by PL 2003,
20 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

21 C. If an habitual violator, as defined in section 10605,
22 subsection 1, is convicted or adjudicated of a violation of
23 any provision of this Part, the commissioner shall revoke
24 all licenses and permits held by that person. A That person
25 is ineligible to have a license may-not-be-granted-to-that
26 person for a period to be determined by the commissioner,
27 but-not which may not be less than 3 years from the date of
28 revocation. A hearing for a person whose licenses and
29 permits have been revoked under this paragraph is governed
30 by the following.

31 (1) A person whose licenses and permits have been
32 revoked under this paragraph may, within 30 days of the
33 effective date of the revocation, petition for a
34 hearing before the commissioner to show cause why the
35 licenses and permits should not have been revoked.

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

2 **Sec. 101. 12 MRSA §10902, sub-§6, ¶¶C and G**, as enacted by PL
2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to
4 read:

6 C. Night hunting, in violation of section ~~11206~~ 11206-A;

8 G. Buying or selling moose, unlawfully hunting moose or
unlawfully possessing moose, in violation of section 11154,
10 11217, 11601, 11652, ~~12302~~ 12302-A, ~~12304~~ 12304-A, 12305 or
12403; or

12 **Sec. 102. 12 MRSA §10902, sub-§7**, as enacted by PL 2003, c.
14 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

16 **7. Mandatory hunting license revocation; coyote hunting**
violation. A hunting license of a person convicted of hunting
18 coyote in violation of section 11160 or 12001 must be revoked and
that person is ~~not--eligible~~ ineligible to obtain any hunting
20 license for a period of one year from the date of conviction.

22 **Sec. 103. 12 MRSA §10902, sub-§8, ¶A**, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

24 A. Introducing fish into inland waters without a permit in
26 violation of section 12509, subsection 2; and sections
12510, 12511 and 12512;

28 **Sec. 104. 12 MRSA §10902, sub-§8, ¶B-1** is enacted to read:

30 B-1. Possessing fish in violation of section 12611;

32 **Sec. 105. 12 MRSA §10902, sub-§8, ¶D**, as enacted by PL 2003,
34 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

36 D. Buying or selling freshwater sport fish, in violation of
section ~~12609~~ 12609-A; or

38 **Sec. 106. 12 MRSA §10904**, as enacted by PL 2003, c. 414, Pt.
40 A, §2 and affected by Pt. D, §7, is amended to read:

42 **§10904. Time limit for nonmandatory suspension decision and**
notice of suspension

44 A decision by the commissioner to suspend a license of a
46 person convicted or adjudicated of a violation that does not
carry a mandatory suspension must be made within 60 days after
48 that conviction. The commissioner shall give written notice of

2 all-suspensions a suspension immediately following a the decision
3 to suspend. A notice of suspension must name the license or
4 permit that is suspended and state the effective date and length
5 of the suspension and must inform the person of any applicable
6 hearing provisions under section 10905.

7 **Sec. 107. 12 MRSA §10906**, as enacted by PL 2003, c. 414, Pt.
8 A, §2 and affected by Pt. D, §7, is amended to read:

9 **§10906. Violation of suspended or revoked license
10 or permit**

11 While a person's license or permit is under suspension or
12 revocation under this Part, a that person may not engage in the
13 particular activity permitted by the license or permit that has
14 been suspended or revoked.
15

16 A person who violates this section commits a Class D crime.

17 **Sec. 108. 12 MRSA §10907**, as enacted by PL 2003, c. 414, Pt.
18 A, §2 and affected by Pt. D, §7, is amended to read:

19 **§10907. Obtaining suspended or revoked license or permit**

20 A person may not obtain or attempt to obtain any license or
21 permit that has been suspended or revoked by the commissioner
22 under this Part.

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

24 **Sec. 109. 12 MRSA §10908, sub-§2**, as enacted by PL 2003, c.
25 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

26 **2. Mandatory revocation.** The commissioner shall revoke for
27 a period of 3 years the guides guide license of a guide who is
28 convicted of violating a provision of this Part punishable by a
29 mandatory fine of not less than \$1,000 and at least 3 days in
30 jail. The commissioner shall provide notice of revocation as
31 provided in section 10904. A person whose license has been
32 revoked under this subsection may, within 30 days of the
33 effective date of the revocation, petition the commissioner for a
34 hearing to show cause why the license should not have been
35 revoked. If, after the hearing, the commissioner finds that the
36 person has not been convicted or that the conditions of this
37 subsection do not apply, the revocation is rescinded. If the
38 commissioner finds that the person has been convicted and that
39 the conditions of this subsection apply, the revocation remains
40 in effect.
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2 **Sec. 110. 12 MRSA §10909, sub-§1, ¶F**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

4 F. For any violation of this section or section 12952 or
6 12953 or any rules adopted pursuant to subsection 5; section
12952, subsection 5; or section 12953, subsection 8.

8 **Sec. 111. 12 MRSA §10909, sub-§4**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

10 **4. Terms of revocation of license.** A person whose license
12 has been revoked under this section ~~may-not~~ is ineligible to
14 apply for a new license for a minimum of 3 years.

16 **Sec. 112. 12 MRSA §10909, sub-§5** is enacted to read:

18 **5. Rules.** The commissioner may adopt rules to implement
20 the provisions of this section. Rules adopted pursuant to this
22 subsection are routine technical rules as defined in Title 5,
24 chapter 375, subchapter 2-A.

26 **Sec. 113. 12 MRSA §11102**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
28 enacted in its place:

30 **§11102. Age limitation for obtaining hunting license**

32 A person under 10 years of age is ineligible to obtain a
34 hunting license.

36 **Sec. 114. 12 MRSA §§11103 and 11104**, as enacted by PL 2003,
38 c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

40 **§11103. Convicted felon**

42 A person who is prohibited from possessing a firearm under
44 Title 15, section 393, subsection 1 is ~~not-eligible~~ ineligible to
46 obtain or possess any license or permit issued by the department
48 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.

44 **§11104. Mental deficiency or illness; eligibility**

46 A ~~hunting-license-may-not-be-issued-to-a~~ person who is a
48 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, is ineligible to obtain a
hunting license.

2 **Sec. 115. 12 MRSA §11108**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

4 **§11108. Hunting without license**

6 **1. On certain land.** Notwithstanding section 11109,
8 subsection 1 as it applies to this subchapter, a resident over 10
10 years of age and a member of the resident's immediate family over
12 10 years of age, as long as the hunter's license to hunt is not
under suspension or revocation, may hunt without a license,
including an archery hunting license and a muzzle-loading
license, on a single plot of land:

- 14 A. To which they are legally entitled to possession;
- 16 B. On which they are actually domiciled;
- 18 C. That is used exclusively for agricultural purposes; and
- 20 D. That is in excess of 10 acres.

22 ~~**2. Junior hunters.** A resident or nonresident hunter 10~~
24 ~~years of age or older and under 16 years of age may hunt with~~
~~firearms only in the presence of:~~

26 ~~A. That hunter's parent or guardian; or~~

28 ~~B. A person at least 18 years of age approved by that~~
30 ~~hunter's parent or guardian who either holds a valid Maine~~
32 ~~hunting license or has successfully completed a hunter~~
~~safety course acceptable under sections 10108 and 11105.~~

34 ~~A hunter who is 16 years of age and who is hunting with a junior~~
36 ~~hunting license must complete a hunter safety course prior to~~
~~hunting without the adult supervision required by this section.~~

38 ~~**3. Allowing junior hunter to hunt without adult**~~
40 ~~**supervision.** A person who is the adult supervisor, parent or~~
42 ~~guardian of a holder of a junior hunting license under 16 years~~
44 ~~of age, may not allow that junior hunter to hunt other than in~~
~~the presence of, and under the supervision of, an adult as~~
~~provided in subsection 2.~~

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, unless otherwise provided.~~

50 ~~**4. Expiration of junior hunting license.** A junior hunting~~
license issued to a person who has passed that person's 15th

2 birthday-is-valid-through-the-calendar-year-for-which-the-license
is-issued.--All-other-permit-requirements-for-a-person-who-is-16
4 years-of-age-or-older-apply-to-a-person-who-continues-to-hunt
with-a-junior-hunting-license.

6 5. Hunting assistance. A person may assist in a hunt
without a license or permit for that activity as long as that
8 person does not carry hunting equipment or engage in driving deer
as described in section 11453.

10 For-the-purposes-of-this-section, "in-the-presence-of"-means
12 in-visual-and-voice-contact-without-the-use-of-visual-or-audio
enhancement-devices,-including-bineoculars-and-citizen-band-rabies,
14

16 **Sec. 116. 12 MRSA §11108-A** is enacted to read:

18 **§11108-A. Junior hunting license restrictions**

20 1. Hunters at least 10 years of age and less than 16 years
of age; supervisor. A person who is the adult supervisor, parent
22 or guardian of a holder of a valid junior hunting license under
16 years of age may not allow that junior hunter to hunt other
than in the presence of:

24 A. That hunter's parent or guardian; or

26 B. A person at least 18 years of age approved by that
28 hunter's parent or guardian who either holds a valid Maine
hunting license or has successfully completed a hunter
30 safety course acceptable under sections 10108 and 11105.

32 2. Supervisor; penalties. The following penalties apply to
violations of subsection 1.

34 A. A person who violates subsection 1 commits a civil
36 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

38 B. A person who violates subsection 1 after having been
40 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
42 Class E crime.

44 3. Hunters 16 years of age. A hunter who is 16 years of
age and who is hunting with a valid junior hunting license and
46 who has not successfully completed a hunter safety course
acceptable under sections 10108 and 11105 may not hunt other than
48 in the presence of:

50 A. That hunter's parent or guardian; or

2 B. A person at least 18 years of age approved by that
4 hunter's parent or guardian who either holds a valid Maine
6 hunting license or has successfully completed a hunter
8 safety course acceptable under sections 10108 and 11105.

10 **4. Hunters 16 years of age; penalties.** The following
12 penalties apply to violations of subsection 3.

14 A. A person who violates subsection 3 commits a civil
16 violation for which a fine of not less than \$100 nor more
18 than \$500 may be adjudged.

20 B. A person who violates subsection 3 after having been
22 adjudicated as having committed 3 or more civil violations
24 under this Part within the previous 5-year period commits a
26 Class E crime.

28 **5. Expiration of junior hunting license.** A junior hunting
30 license issued to a person who has passed that person's 15th
32 birthday is valid through the calendar year for which the license
34 is issued. All other permit requirements for a person who is 16
36 years of age or older apply to a person who continues to hunt
38 with a junior hunting license.

40 **6. Definition.** For the purposes of this section, "in the
42 presence of" means in visual and voice contact without the use of
44 visual or audio enhancement devices, including binoculars and
46 citizen band radios.

48 **Sec. 117. 12 MRSA §11109, sub-§3, ¶N,** as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

N. A license to use leashed dogs to track wounded deer
animals, which permits a person to use one or more leashed
dogs to track a lawfully wounded deer, moose or bear, is \$25.

Sec. 118. 12 MRSA §§11110 and 11111 are enacted to read:

§11110. Transfer of hunting areas or zones

A person who has been assigned a designated hunting area or
zone by the department for purposes of hunting a game animal may
exchange that designated zone or area with another person
assigned a different hunting zone or area for the same game
animal for purposes of hunting that same game animal. The
commissioner may adopt rules to implement this section. Rules
adopted pursuant to this section are routine technical rules as
defined in Title 5, chapter 375, subchapter 2-A.

2 **§11111. Tracking wounded animals with leashed dogs; fee for**
3 **services**

4
5 A person who holds a valid license issued under section
6 11109, subsection 3, paragraph N to use leashed dogs to track
7 wounded bear, deer or moose may charge a fee for dog tracking
8 services. Notwithstanding section 10001, subsection 28, a person
9 is not a guide if the only services that person charges a fee for
10 are dog tracking services pursuant to this section.

11 **Sec. 119. 12 MRSA §11151, sub-§1**, as enacted by PL 2003, c.
12 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

13 **1. Permit required.** Except as otherwise authorized
14 pursuant to this Part, a person may not hunt for bear without a
15 valid permit from the first Monday preceding September 1st to the
16 day preceding the open firearm season on deer. This section does
17 not apply to trapping for bear.

18
19 Each day a person violates this subsection that person commits a
20 Class E crime for which a minimum fine of \$50 and an amount equal
21 to twice the applicable license fee must be imposed.

22 **Sec. 120. 12 MRSA §11152, sub-§1**, as enacted by PL 2003, c.
23 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

24 **1. Permit required.** Except as otherwise authorized
25 pursuant to this Part, a person may not hunt antlerless deer as
26 authorized in this section unless that person has a valid permit
27 issued under this section.

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

31 **Sec. 121. 12 MRSA §11152, sub-§2**, as enacted by PL 2003, c.
32 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
33 following enacted in its place:

34 **2. Authority to regulate taking of antlerless deer.** The
35 commissioner may regulate the taking of antlerless deer within an
36 area of the State as necessary to maintain deer populations in
37 balance with available habitat if the demarcation of each area
38 follows recognizable physical boundaries such as rivers, roads
39 and railroad rights-of-way.

40 **Sec. 122. 12 MRSA §11152, sub-§3**, as enacted by PL 2003, c.
41 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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2 **3. Rulemaking.** The commissioner may adopt rules necessary
3 for the administration, implementation, enforcement and
4 interpretation of this section, except that ~~there may not be the~~
5 ~~commissioner is not authorized to establish~~ an antlerless deer
6 permit system unless otherwise specified in this section. Rules
7 adopted by the commissioner that provide for permits to be issued
8 to nonresident or alien hunters must provide that:

9 A. The percentage of antlerless deer permits issued to
10 nonresident and alien hunters may not exceed the average
11 percentage of applicants for antlerless deer permits over
12 the previous 3 years who were nonresidents or aliens; and

13 B. No more than 15% of the antlerless deer permits issued
14 in any one district or in any one zone may be issued to
15 nonresident and alien hunters.

16 Rules adopted pursuant to this subsection are routine technical
17 rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **Sec. 123. 12 MRSA §11152, sub-§5,** as enacted by PL 2003, c.
19 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

20 **5. Junior hunter and senior hunter permit transfers.** A
21 junior hunter or a person 65 years of age or older may take an
22 antlerless deer, if a person who holds a valid antlerless deer
23 permit transfers the permit to the junior hunter or person 65
24 years of age or older by identifying the name, age and address of
25 the transferee on the permit as well as any other information
26 reasonably requested by the commissioner and then returns the
27 permit to the department prior to the start of the firearm season
28 on deer. The commissioner shall record the transfer and return
29 the permit to the junior hunter or person 65 years of age or
30 older. A valid permit must be in the possession of the
31 transferee in order for the transferee to take an antlerless
32 deer. ~~If a person transfers the permit to the junior hunter or~~
33 ~~person 65 years of age or older, that person is prohibited from~~
34 ~~taking an antlerless deer.~~

35 **Sec. 124. 12 MRSA §11152, sub-§6** is enacted to read:

36 **6. Transfer of antlerless deer permit to person with**
37 **ambulatory disabilities.** A person who holds a valid antlerless
38 deer permit may transfer that permit to a person who is suffering
39 from the loss of, or the permanent loss of the use of, both lower
40 extremities. The commissioner shall administer transfers under
41 this subsection.

42 **Sec. 125. 12 MRSA §11153, sub-§3** is enacted to read:

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

6 **Sec. 126. 12 MRSA §11154, sub-§1**, as enacted by PL 2003, c.
7 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

8
9 **1. Permit required.** Except as otherwise authorized
10 ~~pursuant--to provided in~~ this Part, a person may not hunt or
11 ~~possess~~ a moose unless that person has a valid permit issued
12 under this section. ~~Each day a person violates this subsection~~
13 ~~that person commits a Class E crime for which a minimum fine of~~
14 ~~\$50 and an amount equal to twice the applicable license fee must~~
15 ~~be imposed.~~ A person without a moose permit may possess moose
16 parts lawfully sold under section 11217, subsection 2, paragraph
17 D.

18
19 A person who violates this subsection commits a Class D crime for
20 which the court shall impose a sentencing alternative of not less
21 than 3 days for the first offense, none of which may be
22 suspended, and of not less than 10 days for each succeeding
23 offense, none of which may be suspended; the court also shall
24 impose a fine of not less than \$1,000, none of which may be
25 suspended.

26
27 **Sec. 127. 12 MRSA §11154, sub-§4**, as enacted by PL 2003, c.
28 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

29 **4. Big game hunting license required.** While hunting moose
30 both, the permittee and the subpermittee, ~~may not fail to~~ shall
31 ~~each~~ have in that person's possession a valid Maine resident,
32 nonresident or alien big game hunting license, whichever is
33 applicable.
34

35 Each day a person violates this subsection that person commits a
36 Class E crime for which a minimum fine of \$50 and an amount equal
37 to twice the applicable license fee must be imposed.
38

39 **Sec. 128. 12 MRSA §11154, sub-§6**, as enacted by PL 2003, c.
40 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

41
42
43 **6. Application procedure.** An eligible person wishing to
44 apply for a permit must file a written application for a permit
45 on a form furnished by the commissioner. The application fee
46 ~~may not be refunded~~ is nonrefundable. A person may file no more
47 than one application. A person who submits more than one
48 application is disqualified from the selection of permittees.
49 The application must be accompanied by an application fee of:
50

2 A. For a resident:

4 (1) Five dollars for a one-chance application;

6 (2) Ten dollars for a 3-chance application. A
resident must possess a valid big game hunting license
to be eligible to purchase a 3-chance application; and

8 (3) Twenty dollars for a 6-chance application. A
10 resident must possess a valid big game hunting license
to be eligible to purchase a 6-chance application; or

12 B. For a nonresident:

14 (1) Ten dollars for a one-chance application;

16 (2) Twenty dollars for a 3-chance application;

18 (3) Thirty dollars for a 6-chance application; and

20 (4) Fifty dollars for a 10-chance application;
22 multiple 10-chance options may be purchased. After
24 June 30, 2005, a nonresident may not file more than one
10-chance application per year.

26 **Sec. 129. 12 MRSA §11154, sub-§11, ¶C**, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

28 C. An eligible person wishing to apply for a permit under
30 this subsection ~~shall~~ must submit a written application in
such form as the commissioner may require. The application
32 must be accompanied by a bidding fee of \$25, which, except
as otherwise provided in paragraph D, ~~may not be refunded~~ is
34 nonrefundable. The commissioner may waive the requirements
of this paragraph when, as provided in paragraph G, the
36 commissioner enters into a contract with a conservation
organization to auction the permits.

38 **Sec. 130. 12 MRSA §11154, sub-§11, ¶I**, as enacted by PL 2003,
40 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

42 I. The commissioner may adopt rules necessary for the
proper administration, implementation, enforcement and
44 interpretation of this subsection. Rules adopted pursuant
to this paragraph are routine technical rules as defined in
46 Title 5, chapter 375, subchapter 2-A.

2 **Sec. 131. 12 MRSA §11155, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

4 **1. Permit required.** Except as otherwise authorized
6 pursuant to this Part, a person may not hunt or possess wild
turkey unless that person has a valid permit issued under this
8 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.~~

10 A person who violates this subsection commits a Class E crime for
12 which the court shall impose a fine of not less than \$500, none
14 of which may be suspended. The court also shall impose a fine of
\$500 for each turkey unlawfully possessed, none of which may be
suspended.

16 **Sec. 132. 12 MRSA §11155, sub-§4**, as enacted by PL 2003, c.
18 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

20 **4. Application procedure and fee.** If wild turkey permits
22 are issued by public chance drawing, persons wishing to apply for
a permit must apply in a manner prescribed by the commissioner.
24 The application must be accompanied by an application fee of \$5
for residents and \$10 for nonresidents and aliens. The
26 application fee ~~may not be refunded~~ is nonrefundable.

28 **Sec. 133. 12 MRSA §11156, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

30 **2. Rules.** The commissioner may adopt rules necessary for
32 the proper administration, enforcement and interpretation of this
section. Rules adopted pursuant to this subsection are routine
technical rules as defined in Title 5, chapter 375, subchapter
34 2-A.

36 **Sec. 134. 12 MRSA §11157, sub-§4**, as enacted by PL 2003, c.
38 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
following enacted in its place:

40 **4. Expiration date.** Migratory waterfowl hunting permits
expire on December 31st of the year issued.

42 **Sec. 135. 12 MRSA §11158, sub-§1**, as enacted by PL 2003, c.
44 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

46 **1. Certification required; exception.** A person may not
48 hunt migratory game birds unless that person is certified under
this section. This section does not apply to a resident of the
State who is 70 years of age or older and who is issued a
50 complimentary license pursuant to section 10853, subsection 1.

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, unless otherwise specified.~~

6 A. A person who violates this subsection commits a civil
7 violation for which a fine of not less than \$100 nor more
8 than \$500 may be adjudged, unless otherwise specified.

10 B. A person who violates this subsection after having been
11 adjudicated as having committed 3 or more civil violations
12 under this Part within the previous 5-year period commits a
13 Class E crime.

14 **Sec. 136. 12 MRSA §11159, sub-§4**, as enacted by PL 2003, c.
15 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

18 **4. Rules.** The commissioner may adopt rules necessary for
19 the proper administration and enforcement of this section. Rules
20 adopted pursuant to this subsection are routine technical rules
21 as defined in Title 5, chapter 375, subchapter 2-A.

22 **Sec. 137. 12 MRSA §11160, sub-§2**, as enacted by PL 2003, c.
23 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

26 **2. Eligibility; hunting license required.** A person who
27 possesses a valid hunting license is eligible to obtain a permit
28 from the commissioner to hunt coyotes at night, except that a
29 permit may not be issued to a person who has been convicted of a
30 violation of section ~~11206~~ 11206-A within 5 years of the date of
31 application for the permit.

32 **Sec. 138. 12 MRSA §11201**, as enacted by PL 2003, c. 414, Pt.
33 A, §2 and affected by Pt. D, §7, is repealed and the following
34 enacted in its place:

36 **§11201. Hunting during closed season**

38 **1. Closed season; general.** A person may not hunt any wild
39 animal or wild bird during the closed season or possess any wild
40 animal or wild bird taken during the closed season on that wild
41 animal or wild bird. Except as otherwise provided in this
42 section, a person who violates this section commits a Class E
43 crime.

46 **2. Bear.** A person who hunts or possesses a bear in
47 violation of this section commits a Class D crime for which the
48 court shall impose a sentencing alternative involving a term of
49 imprisonment not to exceed 180 days; the court also shall impose
50 a fine of not less than \$1,000, none of which may be suspended.

2 3. Deer. A person who hunts or possesses a deer in
4 violation of this section commits a Class D crime for which the
6 court shall impose a sentencing alternative of not less than 3
8 days for the first offense, none of which may be 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 suspended.

10 **Sec. 139. 12 MRSA §11203, sub-§2**, as enacted by PL 2003, c.
12 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
 following enacted in its place:

14 2. Penalties. The following penalties apply to violations
16 of this section.

18 A. A person who violates this section commits a civil
20 violation for which a fine of not less than \$100 nor more
 than \$500 may be adjudged.

22 B. A person who violates this section after having been
24 adjudicated as having committed 3 or more civil violations
 under this Part within the previous 5-year period commits a
 Class E crime.

26 **Sec. 140. 12 MRSA §11205**, as enacted by PL 2003, c. 414, Pt.
28 A, §2 and affected by Pt. D, §7, is amended to read:

30 **§11205. Hunting on Sunday**

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

34 A. Hunt wild animals or wild birds on Sunday; or

36 B. Possess any wild animal or wild bird taken in violation
 of paragraph A except as otherwise provided in this Part.

38 ~~A-person-who-violates-this-subsection-commits-a-Class-E-crime.~~

40 2. Penalties. A person who violates subsection 1 commits a
42 Class E crime.

44 **Sec. 141. 12 MRSA §11206**, as enacted by PL 2003, c. 414, Pt.
 A, §2 and affected by Pt. D, §7, is repealed.

46 **Sec. 142. 12 MRSA §11206-A** is enacted to read:

48 **§11206-A. Night hunting**

2 1. Prohibition. Except as otherwise provided in this Part,
a person may not:

4 A. Hunt wild birds or wild animals from 30 minutes after
sunset to 30 minutes before sunrise of the following day; or

6
8 B. Possess any wild animal or wild bird taken in violation
of paragraph A.

10 2. Penalty. A person who violates subsection 1 commits a
Class D crime for which the court shall impose a sentencing
alternative of not less than 3 days for the first offense, none
of which may be 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.

18 **Sec. 143. 12 MRSA §11207**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed.

20 **Sec. 144. 12 MRSA §§11208 and 11209**, as enacted by PL 2003,
22 c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

24 **§11208. Unlawful shooting or discharge of firearm**

26 **1. Shooting or discharge of firearm over or near public**
paved way. A person may not:

28 A. Shoot at any wild animal or wild bird from any public
30 paved way or within 10 feet of the edge of the pavement of
the public paved way or from within the right-of-way of any
32 controlled access highway;

34 B. Discharge any firearm over a public paved way; or

36 C. Possess any wild animal or wild bird taken in violation
of paragraph A or B, except as otherwise provided in this
38 Part.

40 This subsection does not prohibit a person who has a valid permit
to carry a concealed weapon from possessing that weapon on or
42 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
44 subsection. ~~A person who violates this subsection commits a~~
~~Class E crime.~~

46 2. Penalty. A person who violates subsection 1 commits a
48 Class E crime.

50 **§11209. Discharge of firearm near dwelling**

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

4 A. Unless a relevant municipal ordinance provides otherwise
6 and except as provided in sections 12401 and 12402,
8 discharge a firearm within 100 yards of a residential
 dwelling without the permission of the owner or, in the
 owner's absence, of an adult occupant of that dwelling; or

10 B. Possess a wild animal or wild bird taken in violation of
12 this subsection, except as otherwise provided in this Part.

14 This subsection may not be construed to prohibit a person from
16 killing or taking a wild animal in accordance with sections 12401
 and 12402.

18 ~~A person who violates this subsection commits a Class E crime.~~

20 2. Penalty. A person who violates subsection 1 commits a
 Class E crime.

22 **Sec. 145. 12 MRSA §11211**, as enacted by PL 2003, c. 414, Pt.
24 A, §2 and affected by Pt. D, §7, is repealed and the following
 enacted in its place:

26 **§11211. Unlawful use of firearm in Southport**

28 1. Prohibited act. A person may not use any firearm other
30 than a shotgun in the Town of Southport or the islands within the
 confines of the Town of Southport.

32 2. Penalties. The following penalties apply to violations
34 of this section.

36 A. A person who violates subsection 1 commits a civil
 violation for which a fine of not more than \$100 nor less
 than \$500 may be adjudged.

38 B. A person who violates subsection 1 after having been
40 adjudicated as having committed 3 or more civil violations
42 under this Part within the previous 5-year period commits a
 Class E crime.

44 **Sec. 146. 12 MRSA §11212, sub-§1, ¶A**, as enacted by PL 2003,
46 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

48 A. A person may not shoot while in or on a motor vehicle or
 motorboat or while in or on a trailer or other type of
 vehicle being hauled by a motor vehicle except:

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

4 (2) Paraplegics and single or double amputees of the
6 legs may shoot from motor vehicles that are not in
motion; and

8 (3) A person may shoot from a motorboat ~~when the motor~~
10 ~~is shut off and the~~ if that boat is drifting, beached,
~~moored, resting at anchor or is~~ not being propelled
12 solely by paddle, oars or pole its motor.

14 **Sec. 147. 12 MRSA §11212, sub-§2** is enacted to read:

16 **2. Penalty.** A person who violates subsection 1 commits a
18 Class E crime.

20 **Sec. 148. 12 MRSA §11213**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed.

22 **Sec. 149. 12 MRSA §11213-A** is enacted to read:

24 **§11213-A. Shooting at or near wildfowl decoys**

26 **1. Shoot or shoot at decoy.** A person may not with a
28 firearm shoot or shoot at a wildfowl decoy of another person.

30 A. A person who violates this subsection commits a civil
32 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

34 B. A person who violates this subsection after having been
adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
36 Class E crime.

38 **2. Shoot within area of another person's decoys.** A person
may not with a firearm shoot within an area encompassed by a set
of another person's wildfowl decoys, including the area 50 yards
40 away from the outer perimeter of the set of decoys.

42 A. A person who violates this subsection commits a civil
44 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

46 B. A person who violates this subsection after having been
48 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
50 Class E crime.

2 **Sec. 150. 12 MRSA §11214, sub-§2** is enacted to read:

4 **2. Penalty.** A person who violates subsection 1 commits a
6 Class E crime.

8 **Sec. 151. 12 MRSA §11215**, as enacted by PL 2003, c. 414, Pt.
10 A, §2 and affected by Pt. D, §7, is repealed and the following
12 enacted in its place:

14 **§11215. Use of motorized vehicle to kill, injure or molest**
16 **wild animals or wild birds**

18 **1. Prohibition.** A person may not intentionally kill, injure
20 or molest a wild animal or wild bird with a:

22 A. Motor vehicle;

24 B. Motorboat; or

26 C. Aircraft.

28 **2. Penalty.** A person who violates subsection 1 commits a
30 Class E crime.

32 **Sec. 152. 12 MRSA §11216, sub-§2, ¶A**, as enacted by PL 2003,
34 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

36 A. A person who violates subsection 1 without the taking of
38 a bear, deer or moose commits a civil violation for which a
40 ~~forfeiture fine~~ fine of not less than \$100 nor more than \$500 may
42 be adjudged, ~~unless otherwise specified.~~

44 **Sec. 153. 12 MRSA §11216, sub-§2, ¶C** is enacted to read:

46 C. A person who violates subsection 1 without the taking of
48 a bear, deer or moose after having been adjudicated as
 having committed 3 or more civil violations under this Part
 within the previous 5-year period commits a Class E crime.

Sec. 154. 12 MRSA §11217, sub-§1, as enacted by PL 2003, c.
42 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

44 **1. Prohibition against buying and selling bear, deer, moose**
46 or wild turkey. Except as provided in subsection 2, a person may
48 not:

 A. Buy, sell or offer for sale or barter a:

- 2 (1) Bear;
- 4 (2) Deer;
- 6 (3) Moose; or
- 8 (4) Wild turkey; or

10 B. Aid in buying, selling or offering for sale or bartering
a:

- 12 (1) Bear;
- 14 (2) Deer;
- 16 (3) Moose; or
- 18 (4) Wild turkey; ~~or.~~

20 ~~C. Counsel or otherwise aid in buying, selling, offering~~
~~for sale or bartering at~~

- 22 ~~(1) Bear;~~
- 24 ~~(2) Deer;~~
- 26 ~~(3) Moose; or~~
- 28 ~~(4) Wild turkey.~~

30 **Sec. 155. 12 MRSA §11217, sub-§2, ¶B,** as enacted by PL 2003,
32 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

34 B. Notwithstanding ~~section 10606 as it applies to~~ section
36 12954, the skin and head of a deer lawfully registered by
that person;

38 **Sec. 156. 12 MRSA §§11219, 11220 and 11221,** as enacted by PL
40 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed
and the following enacted in their place:

42 **§11219. Hunting on state game farm**

44 **1. Prohibition.** A person may not hunt on a state game farm
46 at any time.

48 **2. Penalties.** The following penalties apply to violations
of this section.

2 A. A person who violates subsection 1 commits a civil
3 violation for which a fine of not less than \$100 nor more
4 than \$500 may be adjudged.

5 B. A person who violates subsection 1 after having been
6 adjudicated as having committed 3 or more civil violations
7 under this Part within the previous 5-year period commits a
8 Class E crime.

10 **§11220. Hunting in licensed wildlife exhibit**

12 1. Prohibition. A person may not hunt in a licensed
13 wildlife exhibit at any time.

14 2. Penalties. The following penalties apply to violations
15 of this section.

16 A. A person who violates subsection 1 commits a civil
17 violation for which a fine of not less than \$100 nor more
18 than \$500 may be adjudged.

19 B. A person who violates subsection 1 after having been
20 adjudicated as having committed 3 or more civil violations
21 under this Part within the previous 5-year period commits a
22 Class E crime.

23 **§11221. Disposal of offal; littering**

24 1. Prohibition. A person may not drop, deposit, discard,
25 dump or otherwise dispose of a carcass, waste parts or remains of
26 a wild animal, except waste parts or remains resulting from the
27 normal field dressing of lawfully harvested wild game or the
28 lawful use of waste parts or remains of wild game as bait.

29 2. Penalties. The following penalties apply to violations of
30 this section.

31 A. A person who violates subsection 1 commits a civil
32 violation for which a fine of not less than \$100 nor more
33 than \$500 may be adjudged. Additionally, a person who
34 violates subsection 1 violates the Maine Litter Control Act,
35 Title 17, chapter 80 and is subject to the penalties set
36 forth in that Act.

37 B. A person who violates subsection 1 after having been
38 adjudicated as having committed 3 or more civil violations
39 under this Part within the previous 5-year period commits a
40 Class E crime.

2 **Sec. 157. 12 MRSA §11222, sub-§3**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

4 **Sec. 158. 12 MRSA §11223, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

6 **Sec. 159. 12 MRSA §11251, sub-§1, ¶A**, as enacted by PL 2003,
8 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

10 A. There is an open season on hunting bear from the first
12 Monday preceding September 1st to November 30th annually.
14 The commissioner may, pursuant to section 10104, subsection
16 1, adopt rules prohibiting the use of bait to hunt black
bear during any portion of the open bear hunting season.
Rules adopted pursuant to this paragraph are routine
technical rules as defined in Title 5, chapter 375,
subchapter 2-A.

18 **Sec. 160. 12 MRSA §11301, sub-§1, ¶C**, as enacted by PL 2003,
20 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

22 C. The bait is placed more than 500 yards from a dump site
24 permitted or licensed for the disposal of solid waste or a
campground;

26 **Sec. 161. 12 MRSA §11301, sub-§2** is enacted to read:

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

32 **Sec. 162. 12 MRSA §11302, sub-§3** is enacted to read:

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

36 **Sec. 163. 12 MRSA §11303, sub-§1**, as enacted by PL 2003, c.
38 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

40 1. **Dump demarcation.** The commissioner, or the
42 commissioner's agent, shall establish a line of demarcation at
least ~~200~~ 500 yards from sites permitted or licensed for the
disposal of solid waste.

44 **Sec. 164. 12 MRSA §11303, sub-§§2 and 3**, as enacted by PL 2003,
46 c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed and the
following enacted in their place:

2 2. Prohibition. A person may not within the area described
3 in subsection 1:

4 A. Hunt bear;

6 B. Trap bear;

8 C. Molest or harass a bear; or

10 D. Release dogs for the purpose of hunting a bear.

12 The commissioner, or the commissioner's agent, is exempt from
13 this prohibition for the purpose of live-trapping nuisance bears.

14 3. Penalties. The following penalties apply to violations
15 of this section.

18 A. A person who violates subsection 2 commits a civil
19 violation for which a fine of not less than \$100 nor more
20 than \$500 may be adjudged.

22 B. A person who violates subsection 2 after having been
23 adjudicated as having committed 3 or more civil violations
24 under this Part within the previous 5-year period commits a
25 Class E crime.

26 **Sec. 165. 12 MRSA §11304**, as enacted by PL 2003, c. 414, Pt.
27 A, §2 and affected by Pt. D, §7, is amended to read:

30 **§11304. Permission to harvest another person's bear**

32 A person may not, without the permission of the person
33 conducting the hunt, kill or wound a bear that is treed or held
34 at bay by another person's dog or dogs.

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

38 **Sec. 166. 12 MRSA §11351**, as enacted by PL 2003, c. 414, Pt.
39 A, §2 and affected by Pt. D, §7, is amended to read:

40 **§11351. Bear bag limit**

42 **1. Hunting or trapping bear after having killed one.** A
43 person may not hunt or trap bear after that person has killed or
44 registered one during any open season. ~~A person who violates~~
45 ~~this subsection commits a Class D crime for which the court shall~~
46 ~~impose a sentencing alternative involving a term of imprisonment~~
47 ~~not to exceed 180 days; the court also shall impose a fine of not~~
48 ~~less than \$1,000, none of which may be suspended.~~

2 **2. Exceeding bag limit on bears.** Except as otherwise
provided, a person may not possess more than one bear in any
4 calendar year. ~~A person who violates this subsection commits a~~
~~Class D crime for which the court shall impose a sentencing~~
6 ~~alternative involving a term of imprisonment not to exceed 180~~
~~days; the court also shall impose a fine of not less than \$1,000,~~
8 ~~none of which may be suspended~~ may keep more than one legally
obtained bear in that person's home at any time.

10 **3. Penalty.** A person who violates subsection 1 or 2 commits
a Class D crime for which the court shall impose a sentencing
12 alternative involving a term of imprisonment not to exceed 180
days; the court also shall impose a fine of not less than \$1,000,
14 none of which may be suspended.

16 **Sec. 167. 12 MRSA §11352,** as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
18 enacted in its place:

20 **§11352. Bear tags and tagging bear**

22 **1. Bear tags.** The commissioner shall prescribe the form
and content of and produce a bear tag.

24 **2. Tagging.** Prior to presenting a bear for registration, a
26 person may not possess or leave in the field or forest a bear
killed by that person unless the bear has securely attached to it
28 a plainly visible tag that conforms to the requirements
established under this section.

30 **3. Penalties.** The following penalties apply to violations
32 of this section.

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

38 **B.** A person who violates subsection 2 after having been
40 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
42 Class E crime.

44 **Sec. 168. 12 MRSA §11353,** as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed.

46 **Sec. 169. 12 MRSA §11354,** as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
48 enacted in its place:

50 **§11354. Possessing gift bear**

2 A person may not possess any part or parts of a bear given
4 to that person unless that gift bear is plainly labeled with the
 name of the person who registered it and the year the bear was
 registered by that person.

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

8 **Sec. 170. 12 MRSA §11401, sub-§1, ¶B,** as enacted by PL 2003,
10 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

12 B. The commissioner may shorten the open season on deer in
 any part of the State, as long as:

14 (1) The demarcation of the areas with the shortened
16 season follows recognizable physical boundaries, such
 as rivers and railroad rights-of-way; and

18 ~~(2) The determination is made and published prior to~~
20 ~~June 1st of any year, and~~

22 (3) The Saturday preceding the first day of open
24 season on deer is an open day for residents of the
 State only.

26 **Sec. 171. 12 MRSA §11402, sub-§4, ¶B,** as enacted by PL 2003,
28 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

30 B. Create special hunting seasons for the taking of deer in
 any part of the State to maintain deer populations in
32 balance with available habitat, subject to the provisions of
 this paragraph.

34 (1) The demarcation of each area must follow
36 recognizable physical boundaries, such as rivers, roads
 and railroad rights-of-way.

38 ~~(2) The determination of these areas must be made and~~
40 ~~published prior to August 1st of each year.~~

42 (3) The commissioner may establish limits on the
44 number of deer taken or possessed by persons during a
 special season. Limits established by the commissioner
46 under this subparagraph are exceptions to the limits
 imposed under section 11501.

48 (4) The commissioner may specify types of weapons to
 be used during a special season; and

2 **Sec. 172. 12 MRSA §11403, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

4
6 **2. Open archery season on deer.** The commissioner shall by
rule establish a special archery season beginning at least 30
8 days prior and extending to the beginning of the regular deer
hunting season, as described in section 11401, subsection 1,
10 paragraph A, for the purpose of hunting deer with bow and arrow
only. During the special archery season on deer, the following
restrictions apply.

12
14 A. A person may not take a deer during a special archery
season unless that person uses a hand-held bow and broadhead
arrow with the following specifications.

16 (1) Bows must have a minimum draw weight of 35 pounds.

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

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

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

32 D. Except as provided in this subsection, the provisions of
this Part concerning deer are applicable to the taking of
34 deer with bow and arrow, including the transportation,
registration and possession of deer taken by this method.

36 A person who violates this subsection commits a Class E crime.

38
40 **Sec. 173. 12 MRSA §11452**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

42 **§11452. Baiting deer**

44 **1. Prohibitions.** A person may not, during an open hunting
season on deer:

46 A. Place salt or any other bait or food in a place to
48 entice deer to that place; or

2 B. Hunt from an observation stand or blind overlooking
salt, grain, fruit, nuts or other foods known to be
4 attractive to deer. This prohibition does not apply to
hunting from an observation stand or blind overlooking:

6 (1) Standing crops;

8 (2) Foods that are left as a result of normal
agricultural operations or as a result of a natural
10 occurrence; or

12 (3) Bear bait that is placed at a bear hunting stand
or blind in accordance with section 11301, subsection 1.

14 2. Penalty. A person who violates subsection 1 commits a
16 Class E crime.

18 **Sec. 174. 12 MRSA §11454**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
20 enacted in its place:

22 **§11454. Hunting deer with .22 caliber rimfire cartridge**

24 1. Prohibition. A person may not hunt deer with any
firearms using a .22 caliber rimfire cartridge, except that the
26 use of the .22 caliber rimfire magnum cartridge is not prohibited.

28 2. Penalties. The following penalties apply to violations
of subsection 1.

30 A. A person who violates subsection 1 commits a civil
32 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

34 B. A person who violates subsection 1 after having been
36 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
38 Class E crime.

40 **Sec. 175. 12 MRSA §11501, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

42 **1. Exceeding bag limit.** A person may not possess more than
44 one deer during any open season, except as otherwise provided. A
person may keep more than one legally obtained deer in that
46 person's home at any time.

48 **Sec. 176. 12 MRSA §11502**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

50

2
3 **§11502. Deer tags and tagging**

4 1. **Deer tags.** The commissioner shall prescribe the form
5 and content of a deer tag and produce a deer tag that is part of
6 a big game hunting license.

7 2. **Tagging.** ~~A Prior to presenting a deer for registration,~~
8 ~~a person may not, prior to presenting a deer for registration,~~
9 possess or leave in the fields field or ~~forests~~ forest a deer
10 killed by that person ~~that does not have~~ unless the deer has
11 securely attached to it and a plainly visible a deer tag that
12 conforms to the requirements ~~of subsection 1~~ established under
13 this section.

14 3. **Penalties.** The following penalties apply to violations
15 of this section.

16 A. A person who violates subsection 2 commits a civil
17 violation for which a fine of not less than \$100 nor more
18 than \$500 may be adjudged.

19 B. A person who violates subsection 2 after having been
20 adjudicated as having committed 3 or more civil violations
21 under this Part within the previous 5-year period commits a
22 Class E crime.

23 **Sec. 177. 12 MRSA §11503**, as enacted by PL 2003, c. 414, Pt.
24 A, §2 and affected by Pt. D, §7, is repealed and the following
25 enacted in its place:

26 **§11503. Gift deer**

27 A person may not possess any part or parts of a deer given
28 to that person unless that gift deer is plainly labeled with the
29 name of the person who registered it and the year the deer was
30 registered by that person.

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

32 **Sec. 178. 12 MRSA §11551**, as enacted by PL 2003, c. 414, Pt.
33 A, §2 and affected by Pt. D, §7, is amended to read:

34 **§11551. Commissioner authority regarding moose**

35 The ~~emissioner~~ commissioner may issue applications for
36 moose hunting permits, issue permits and make all rules
37 pertaining to moose hunting permits, including provisions for the
38 permittees who are selected for a permit but unable to use the
39 permit. The commissioner may make all other rules that the

2 commissioner considers necessary for the protection of the moose
3 resource.

4 **Sec. 179. 12 MRSA §11601, sub-§4** is enacted to read:

6 4. Unlawful possession. A person may not possess a moose
7 that has been hunted in violation of this section.

8
9 **Sec. 180. 12 MRSA §§11603 and 11604**, as enacted by PL 2003,
10 c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed and the
11 following enacted in their place:

12 **§11603. Unlawful firearms for hunting moose**

14 1. Prohibition. A person may not use a .22 caliber rimfire
15 firearm or a shotgun using shot loads to hunt moose.

16
17 2. Penalties. The following penalties apply to violations
18 of subsection 1.

19
20 A. A person who violates subsection 1 commits a civil
21 violation for which a fine of not less than \$100 nor more
22 than \$500 may be adjudged.

23
24 B. A person who violates subsection 1 after having been
25 adjudicated as having committed 3 or more civil violations
26 under this Part within the previous 5-year period commits a
27 Class E crime.

28
29 **§11604. Unlawful hunting methods**

30
31 1. Prohibition. A person may not use electronic calling
32 devices while hunting moose.

33
34 2. Penalties. The following penalties apply to violations
35 of subsection 1.

36
37 A. A person who violates subsection 1 commits a civil
38 violation for which a fine of not less than \$100 nor more
39 than \$500 may be adjudged.

40
41 B. A person who violates subsection 1 after having been
42 adjudicated as having committed 3 or more civil violations
43 under this Part within the previous 5-year period commits a
44 Class E crime.

45
46 **Sec. 181. 12 MRSA §11651**, as enacted by PL 2003, c. 414, Pt.
47 A, §2 and affected by Pt. D, §7, is repealed.

2 **Sec. 182. 12 MRSA §§11652, 11653 and 11654**, as enacted by PL
2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed
and the following enacted in their place:

4 **§11652. Bag limit**

6 **1. One moose per permit holder.** A person may not exceed the
8 bag limit of one moose per permit holder. In the case of a
permittee and a subpermittee, the permit allows one of them to
10 take one moose. Except as provided in sections 12401 and 12402,
a person may not shoot more than one moose in a calendar year. A
12 person may keep more than one legally obtained moose in that
person's home at any time.

14 **2. Possession.** A person may not possess a moose in
16 violation of this section.

18 **3. Penalty.** A person who violates this section commits a
20 Class D crime for which the court shall impose a sentencing
alternative of not less than 3 days for the first offense, none
22 of which may be suspended, and of not less than 10 days for each
succeeding offense, none of which may be suspended; the court
24 also shall impose a fine of not less than \$1,000, none of which
may be suspended.

26 **§11653. Tagging moose**

28 **1. Tags.** The commissioner shall prescribe the form and
30 content of and produce moose tags.

32 **2. Tagging.** Prior to presenting a moose for registration, a
34 person may not possess or leave in the field or forest a moose
killed by that person unless the moose has securely attached to
it a plainly visible tag that conforms to the requirements
36 established under this section.

38 **3. Penalties.** The following penalties apply to violations
of subsection 2.

40 **A.** A person who violates subsection 2 commits a civil
42 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

44 **B.** A person who violates subsection 2 after having been
46 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
48 Class E crime.

50 **§11654. Unlawful possession of gift moose**

2 A person may not possess any part or parts of a moose given
3 to that person unless that gift moose is plainly labeled with the
4 name of the person who registered it and the year the moose was
5 registered by that person.

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

8 **Sec. 183. 12 MRSA §11701**, as enacted by PL 2003, c. 414, Pt.
9 A, §2 and affected by Pt. D, §7, is amended to read:

10 **§11701. Authority of commissioner; wild turkey hunting**

11 The commissioner may establish open seasons for hunting wild
12 turkeys, designate areas that are open to the taking of wild
13 turkeys in any part of the State, prescribe the form and regulate
14 the number of permits to be issued, determine the number and sex
15 of the birds to be harvested, establish bag limits, establish
16 permit eligibility requirements, specify the types of weapons to
17 be used during any open wild turkey hunting season and make any
18 other rules that the commissioner considers necessary for the
19 protection of the wild turkey resource. The legal hunting time,
20 unless otherwise provided by rule of the commissioner, is 1/2
21 hour before sunrise to 11 a.m. each wild turkey hunting day. A
22 person may not hunt or possess a wild turkey taken outside the
23 legal hunting time.

24 A person who violates this section commits a Class E crime
25 for which the court shall impose a fine of not less than \$500,
26 none of which may be suspended. The court also shall impose a
27 fine of \$500 for each turkey unlawfully possessed, none of which
28 may be suspended.

29 **Sec. 184. 12 MRSA §11702**, as enacted by PL 2003, c. 414, Pt.
30 A, §2 and affected by Pt. D, §7, is repealed.

31 **Sec. 185. 12 MRSA §11751**, as enacted by PL 2003, c. 414, Pt.
32 A, §2 and affected by Pt. D, §7, is amended to read:

33 **§11751. Unlawful possession of wild turkey**

34 **1. Possession of wild turkeys.** A person may not possess a
35 wild turkey ~~except in accordance with section 11155, subsections~~
36 ~~1 to 6, sections in violation of any rule adopted by the~~
37 ~~commissioner under section 11701, 11702 and 12301, section 12304,~~
38 ~~subsection 3, and section 12305.~~

39 ~~**2. Possession of wild turkey parts.** A person may not,~~
40 ~~notwithstanding section 12356, subsection 1, possess any part or~~
41 ~~parts of a wild turkey, unless each part is plainly labeled with~~
42 ~~the name and address of the person who registered the wild turkey.~~

2 **3. Penalties.** A person who violates subsection 1 commits a
4 Class E crime for which the court shall impose a fine of not less
6 than \$500, none of which may be suspended. The court also shall
impose a fine ~~for~~ of \$500 for each turkey unlawfully possessed,
none of which may be suspended.

8 **Sec. 186. 12 MRSA §11752**, as enacted by PL 2003, c. 414, Pt.
10 A, §2 and affected by Pt. D, §7, is repealed and the following
enacted in its place:

12 **§11752. Tagging wild turkey**

14 **1. Tags.** The commissioner shall prescribe the form and
16 content of and produce wild turkey tags.

18 **2. Tagging.** Prior to presenting a wild turkey for
20 registration, a person may not possess or leave in the field or
22 forest a wild turkey killed by that person unless the wild turkey
has securely attached to it a plainly visible tag that conforms
to the requirements established under this section.

24 **3. Penalties.** The following penalties apply to violations
of this section.

26 A. A person who violates subsection 2 commits a civil
28 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

30 B. A person who violates subsection 2 after having been
32 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
34 Class E crime.

36 **Sec. 187. 12 MRSA §11753** is enacted to read:

38 **§11753. Gift wild turkey**

40 A person may not possess any part or parts of a wild turkey
42 given to that person unless that gift wild turkey is labeled with
the name of the person who registered it and the year the wild
turkey was registered by that person.

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

46 **Sec. 188. 12 MRSA §11801, sub-§§1 and 3**, as enacted by PL 2003,
48 c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

2 1. **Unlawful hunting of wild turkey.** A person may not hunt
wild turkeys, ~~---except---in---accordance---with---section---11155,~~
3 ~~subsections-1-to-6,-sections~~ in violation of rules adopted under
4 section 11701, 11702 and 12301, section 12304, subsection 3, and
5 section 12305.

6
7 3. **Penalties.** A person who violates ~~subsection--1~~ this
8 section commits a Class E crime for which the court shall impose
a fine of not less than \$500, none of which may be suspended.
10 The court also shall impose a fine of \$500 for each turkey
unlawfully killed, none of which may be suspended.

12 **Sec. 189. 12 MRSA §11851, sub-§3** is enacted to read:

14 3. **Penalty.** A person who violates this section commits a
16 Class E crime.

18 **Sec. 190. 12 MRSA §§11853 and 11855,** as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed and the
20 following enacted in their place:

22 **§11853. Closed season; Haley Pond**

24 1. **Prohibition.** A person may not hunt waterfowl on Haley
Pond in the Town of Rangeley and Dallas Plantation in the County
26 of Franklin.

28 2. **Penalties.** The following penalties apply to violations
of this section.

30 A. A person who violates subsection 1 commits a civil
32 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

34 B. A person who violates subsection 1 after having been
36 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
38 Class E crime.

40 **§11855. Unlawful use of migratory game birds**

42 1. **Prohibition.** Unless specifically permitted by
regulations of the federal Migratory Bird Treaty Act, 16 United
44 States Code, Sections 703 to 712, or by rules adopted by the
commissioner in conformity with Title 5, Part 18, except section
46 8052, subsection 3 of that Title, a person may not:

48 A. Hunt migratory game birds;

50 B. Possess migratory game birds;

2 C. Transport migratory game birds; or

4 D. Buy or sell migratory game birds.

6 2. Penalty. A person who violates subsection 1 commits a
8 Class E crime.

10 **Sec. 191. 12 MRSA §11856** is enacted to read:

12 **§11856. Pheasants**

14 The commissioner shall establish by rule a hunting season
16 for male pheasants that disallows the taking of female pheasants
18 in certain areas of the State. Rules adopted pursuant to this
20 section are routine technical rules as defined in Title 5,
 chapter 375, subchapter 2-A. A person may not take a female
 pheasant in an area subject to the provisions of this section. A
 person who violates this section commits a Class E crime.

22 **Sec. 192. 12 MRSA §11951**, as enacted by PL 2003, c. 414, Pt.
 A, §2 and affected by Pt. D, §7, is amended to read:

24 **§11951. Hunting hares and rabbits with dogs**

26 A person may use a dog to hunt, or may be accompanied by a
28 dog while hunting, wild hares or rabbits during the open firearm
 season on deer.

30 **Sec. 193. 12 MRSA §11952, sub-§2** is enacted to read:

32 2. Penalty. A person who violates subsection 1 commits a
34 Class E crime.

36 **Sec. 194. 12 MRSA §11953** is enacted to read:

38 **§11953. Unlawful possession of wild hares or wild rabbits**

40 1. Unlawful possession; closed season. A person may not
 possess a wild hare or rabbit taken during the closed season.

42 A. A person who violates this subsection commits a civil
44 violation for which a fine of not less than \$100 nor more
 than \$500 may be adjudged.

46 B. A person who violates this subsection after having been
48 adjudicated as having committed 3 or more civil violations
 under this Part within the previous 5-year period commits a
 Class E crime.

50

2 **2. Unlawful possession; prohibited method or device.** A
3 person may not possess a wild hare or wild rabbit taken by any
4 method or with any device prohibited by section 11952, subsection
5 1 or section 12252, subsection 2, paragraph A, B or C.

6 A. A person who violates this subsection commits a civil
7 violation for which a fine of not less than \$100 nor more
8 than \$500 may be adjudged.

9 B. A person who violates this subsection after having been
10 adjudicated as having committed 3 or more civil violations
11 under this Part within the previous 5-year period commits a
12 Class E crime.

13 **Sec. 195. 12 MRSA §12001**, as enacted by PL 2003, c. 414, Pt.
14 A, §2 and affected by Pt. D, §7, is amended to read:

15 **§12001. Night season and restrictions**

16 **1. Open night hunting season.** Notwithstanding the night
17 hunting prohibitions in section 11206 11206-A, there is an open
18 season for hunting coyotes at night in all counties of the State
19 from January 1st to April 30th is-established.

20 ~~**2. Night hunting hours.** All hunting is limited to the~~
21 ~~hours between 1/2 hour after sunset and 1/2 hour before sunrise~~
22 ~~and ceases at midnight each Saturday and may resume at 12:01 a.m.~~
23 ~~each Monday.~~

24 **3. Calling devices required.** A person may not hunt coyotes
25 at night without possessing an electronic, hand-held or
26 mouth-operated predator calling device.

27 A person who hunts coyotes in violation of this subsection
28 commits a Class E crime.

29 **Sec. 196. 12 MRSA §12051, sub-§3**, as enacted by PL 2003, c.
30 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
31 following enacted in its place:

32 **3. Possessing firearm while training dogs.** A person may not
33 possess a firearm while training a dog outside of the open
34 training season on foxes, rabbits and raccoons as set out in
35 subsection 1.

36 A. A person who violates this subsection commits a civil
37 violation for which a fine of not less than \$100 nor more
38 than \$500 may be adjudged.

2 B. A person who violates this subsection after having been
3 adjudicated as having committed 3 or more civil violations
4 under this Part within the previous 5-year period commits a
5 Class E crime.

6 **Sec. 197. 12 MRSA §12051, sub-§4**, as enacted by PL 2003, c.
7 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

8 **Sec. 198. 12 MRSA §12051, sub-§5** is enacted to read:

9 **5. Unlawful use of firearm during training or field**
10 **trials.** Except as otherwise provided in this subsection, a
11 person may not possess during the training or field trials
12 permitted in this section and section 12054 a firearm other than
13 a blank pistol or shotgun loaded with blank ammunition, except
14 during an open season for hunting. The commissioner may issue a
15 permit to a person authorizing the use of firearms during the
16 training of sporting dogs to shoot and kill wild birds propagated
17 or legally acquired by the permittee and possessed in accordance
18 with section 12152.

19 A. A person who violates this subsection commits a civil
20 violation for which a fine of not less than \$100 nor more
21 than \$500 may be adjudged.

22 B. A person who violates this subsection after having been
23 adjudicated as having committed 3 or more civil violations
24 under this Part within the previous 5-year period commits a
25 Class E crime.

26 **Sec. 199. 12 MRSA §12052, sub-§4, ¶C**, as enacted by PL 2003,
27 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

28 C. A person ~~may not fail to~~ shall plainly and conspicuously
29 post the boundary line of a special dog training area with
30 legible notices at least 11 inches square, placed not more
31 than 100 yards apart, that must bear the following warning:

32 "SPECIAL DOG TRAINING FIELD TRIAL AREA -- HUNTING AND
33 TRAPPING IS UNLAWFUL. This land is set aside under
34 special license for the training of dogs and the
35 holding of field trials. Entering on this land for the
36 purpose of hunting or permitting dogs to enter without
37 proper authorization is prohibited."

38 The name and address of the licensee must be printed on the
39 notice.

2 **Sec. 200. 12 MRSA §12052, sub-§8**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
following enacted in its place:

4 **8. Violation of license restriction.** A person may not
6 violate any restriction of a license or permit issued in
accordance with this section.

8 A. A person who violates a license or permit restriction
10 under this section commits a civil violation for which a
fine of not less than \$100 nor more than \$500 may be
12 adjudged.

14 B. A person who violates a license or permit restriction
16 under this section after having been adjudicated as having
committed 3 or more civil violations under this Part within
the previous 5-year period commits a Class E crime.

18 Each day a person violates a license or permit restriction under
20 this section that person commits a separate violation.

22 **Sec. 201. 12 MRSA §12053, sub-§1, ¶C**, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

24 **Sec. 202. 12 MRSA §12053, sub-§2** is enacted to read:

26 **2. Penalties.** The following penalties apply to violations
28 of this section.

30 A. A person who violates subsection 1 commits a civil
32 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

34 B. A person who violates subsection 1 after having been
36 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
Class E crime.

38 **Sec. 203. 12 MRSA §12055, sub-§5**, as enacted by PL 2003, c.
40 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
following enacted in its place:

42 **5. Violation of restrictions.** A person may not violate any
44 restriction of a license or permit issued in accordance with this
section.

46 A. A person who violates a license or permit restriction
48 under this section commits a civil violation for which a
fine of not less than \$100 nor more than \$500 may be
50 adjudged.

2 B. A person who violates a license or permit restriction
4 under this section after having been adjudicated as having
 committed 3 or more civil violations under this Part within
6 the previous 5-year period commits a Class E crime.

8 Each day a person violates a license or permit restriction under
 this section that person commits a separate violation.

10 **Sec. 204. 12 MRSA §12101**, as enacted by PL 2003, c. 414, Pt.
 A, §2 and affected by Pt. D, §7, is amended to read:

12 **§12101. License to operate commercial shooting area**

14 ~~1.---**Issuance.**---The---commissioner---may---issue---licenses~~
16 ~~authorizing---the---establishment---and---operation---of---commercial~~
 ~~shooting---areas---to---qualified---applicants.---A---commercial---shooting~~
18 ~~area---license---authorizes---the---owner---of---a---commercial---shooting---area~~
 ~~to---charge---others---for---the---opportunity---to---hunt---mallard---ducks,~~
20 ~~pheasants,---quail,---Chukar---partridge---and---Hungarian---partridge---in~~
 ~~that---area.---A---commercial---shooting---area---license---is---valid---for---one~~
22 ~~year---and---is---renewable---annually.~~

24 1-A. License required. A person may not charge others for
26 the opportunity to hunt mallard ducks, pheasants, quail, Chukar
 partridge and Hungarian partridge in an area or establish a
28 commercial shooting area for such purposes unless that person has
 a valid license issued under this section. Each day a person
30 violates this subsection that person commits a Class E crime for
 which a minimum fine of \$50 and an amount equal to twice the
32 applicable license fee must be imposed.

34 A. Nothing in this subsection prohibits the operator of a
 commercial shooting area from authorizing a person to hunt
36 other wild birds or wild animals in the commercial shooting
 area during the regular open season on those species, in
38 accordance with this Part, as long as the person possesses a
 valid state hunting license that allows the hunting of those
40 wild birds and wild animals.

42 1-B. Issuance. The commissioner may issue licenses
 authorizing the establishment and operation of commercial
44 shooting areas to qualified applicants. A commercial shooting
 area license authorizes the owner of a commercial shooting area
46 to charge others for the opportunity to hunt mallard ducks,
 pheasants, quail, Chukar partridge and Hungarian partridge in
48 that area. A commercial shooting area license is valid for one
 year and is renewable annually.

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

4 A. The location of the land must be at least 5 miles from
another commercial shooting area, as measured by a straight
6 line between the property lines at their closest points to
each other;

8 B. The land must be between 200 acres and 400 acres in area;

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

14 D. The land must be owned or leased by the licensed
operator of the commercial shooting area.

18 A person is ~~not-eligible~~ ineligible to receive a new shooting
area license within 6 months of the expiration of the license for
20 another shooting area located within 5 miles unless the holder of
the expired license states in writing to the commissioner that
22 that license will be abandoned.

24 A renewal of a shooting area license may be issued for a
commercial shooting area within 5 miles of another commercial
26 shooting area, notwithstanding paragraph A, as long as the
renewed license is applied for within 6 months following the
28 expiration of the old license.

30 **3. Fees.** The fee for a commercial shooting area license is:

32 A. For the first year of operation, \$500; and

34 B. For each subsequent year, \$250, payable prior to July
1st of each year.

36 **4. Requirements.** The following ~~restrictions~~ requirements
38 apply to a commercial shooting area.

40 A. The operator of the commercial shooting area shall
maintain and keep open to inspection by representatives of
42 the department a register of:

44 (1) The name and address of each person shooting in
the area;

46 (2) The date or dates when that person hunted in the
48 area; and

50 (3) The number and type of birds killed by that person.

2 B. The operator of the commercial shooting area shall
provide to each person taking birds in that area a receipted
4 invoice or bill of sale for possession and transportation of
those birds.

6
8 C. The operator of the commercial shooting area shall mark
the boundary of the shooting area in a manner prescribed by
10 the commissioner and shall post the boundary conspicuously
with signs or other markings approved by the commissioner.
12 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.

14 ~~The operators of a commercial shooting area may not fail to meet~~
16 ~~the requirements of this subsection.~~

18 **4-A. Penalties.** The following penalties apply to violations
of subsection 4.

20 A. A person who violates subsection 4 commits a civil
22 violation for which a fine of not less than \$100 nor more
24 than \$500 may be adjudged.

26 B. A person who violates subsection 4 after having been
28 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
Class E crime.

30 **5. Enforcement.** Enforcement of the trespass laws of a
commercial shooting area is the responsibility of the owner and
32 may is not in any manner to be considered an obligation of the
department.

34 ~~**6. Exceptions.** The following exceptions apply to a~~
36 ~~commercial shooting area.~~

38 ~~A. Notwithstanding subsection 1, the operator of a~~
40 ~~commercial shooting area may authorize a person to hunt~~
42 ~~other wild birds or wild animals in a commercial shooting~~
44 ~~area during the regular open season on those species, in~~
~~accordance with this Part, as long as the person possesses a~~
~~valid state hunting license that allows the hunting of those~~
~~wild birds and wild animals.~~

46 **Sec. 205. 12 MRSA §12151**, as enacted by PL 2003, c. 414, Pt.
48 A, §2 and affected by Pt. D, §7, is repealed and the following
enacted in its place:

50 **§12151. Keeping wildlife in captivity**

2 1. Prohibition. A person may not keep wildlife in
3 captivity except as provided under sections 10105, subsection 10,
4 12102, 12152, 12155, 12157, 12158 and 12704 and Title 7, section
5 1809 or except if the wild animal was purchased from a dealer or
6 pet shop licensed under Title 7, section 3933.

8 2. Penalties. The following penalties apply to violations
9 of this section.

10 A. A person who violates subsection 1 commits a civil
11 violation for which a fine of not less than \$100 nor more
12 than \$500 may be adjudged.

13 B. A person who violates subsection 1 after having been
14 adjudicated as having committed 3 or more civil violations
15 under this Part within the previous 5-year period commits a
16 Class E crime.

17 Sec. 206. 12 MRSA §12152, sub-§1, as enacted by PL 2003, c.
18 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

19 Sec. 207. 12 MRSA §12153, as enacted by PL 2003, c. 414, Pt.
20 A, §2 and affected by Pt. D, §7, is repealed and the following
21 enacted in its place:

22 §12153. Violation of rules regarding wild animals in captivity

23 The following penalties apply to the violation of rules
24 regarding wild animals in captivity.

25 1. Civil. A person who violates a rule regarding wild
26 animals in captivity commits a civil violation for which a fine
27 of not less than \$100 nor more than \$500 may be adjudged.

28 2. Criminal. A person who violates a rule regarding wild
29 animals in captivity after having been adjudicated as having
30 committed 3 or more civil violations under this Part within the
31 previous 5-year period commits a Class E crime.

32 Sec. 208. 12 MRSA §12154, first ¶, as enacted by PL 2003, c.
33 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

34 Notwithstanding section ~~10606~~ 12151 as it applies to section
35 12152, section ~~10606~~ 12151 does not apply to migratory game
36 birds, partridge, grouse or pheasant owned by the department.

37 Sec. 209. 12 MRSA §12155, sub-§1, as enacted by PL 2003, c.
38 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
39 following enacted in its place:

2 1. Permit required. Except as otherwise authorized
3 pursuant to this Part, a person may not:

4 A. Introduce or import wildlife into the State; or

5 B. Receive or possess wildlife introduced or imported into
6 the State.

7 This subsection does not apply to a person who has a valid permit
8 issued under this section.

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 **Sec. 210. 12 MRSA §12157**, as enacted by PL 2003, c. 414, Pt.
13 A, §2 and affected by Pt. D, §7, is repealed and the following
14 enacted in its place:

15 **§12157. Permit to transport wildlife for breeding and**
16 **advertising**

17 1. Permit required. The commissioner may issue a permit to
18 anyone permitting that person to take and transport within the
19 limits of the State wildlife taken in the State for breeding or
20 advertising purposes.

21 2. Prohibition. A person may not take or transport within
22 the limits of the State wildlife taken in the State for breeding or
23 advertising purposes unless that person holds a valid permit
24 issued under this section.

25 3. Penalty. Each day a person violates subsection 2 that
26 person commits a Class E crime for which a minimum fine of \$50
27 and an amount equal to twice the applicable license fee must be
28 imposed.

29 **Sec. 211. 12 MRSA §12158, sub-§4**, as enacted by PL 2003, c.
30 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
31 following enacted in its place:

32 **4. Requirements; leg band required.** The following are leg
33 band requirements for ringneck pheasants.

34 A. Upon receipt of shipment, importers of ringneck
35 pheasants shall attach securely to each bird a permanent leg
36 band.

2 B. A person may not remove a leg band attached to a bird
3 under this subsection until the bird is finally prepared for
4 consumption.

5 Each day a person violates this subsection that person commits a
6 Class E crime.

7 **Sec. 212. 12 MRSA §12159, sub-§1**, as enacted by PL 2003, c.
8 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
9 following enacted in its place:

10 1. Prohibition; penalties. Except as provided in this
11 section, a person may not take and possess snakes or turtles from
12 the wild for export, sale or commercial purposes.

13 A. A person who violates this subsection commits a civil
14 violation for which a fine of not less than \$100 nor more
15 than \$500 may be adjudged.

16 B. A person who violates this subsection after having been
17 adjudicated as having committed 3 or more civil violations
18 under this Part within the previous 5-year period commits a
19 Class E crime.

20 **Sec. 213. 12 MRSA §12159, sub-§3**, as enacted by PL 2003, c.
21 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

22 **3. Rules.** The commissioner shall adopt rules pertaining to
23 harvest methods, confinement and disposal of snapping turtles.
24 The commissioner may by rule:

25 A. Require reporting of commercial harvest activities;

26 B. Establish a season, including daily and season
27 possession limits;

28 C. Establish size limits; and

29 D. Establish a fee schedule to implement a permit system
30 under this section.

31 Rules adopted pursuant to this subsection are routine technical
32 rules as defined in Title 5, chapter 375, subchapter 2-A.

33 **Sec. 214. 12 MRSA §12201, sub-§1-A** is enacted to read:

34 1-A. Trapping by agents of commissioner. The commissioner
35 may authorize a full-time department employee to trap wild
36 animals without a license for purposes of animal damage control.
37 A person serving as an agent of the commissioner for purposes of
38 the trapping shall be subject to the same rules as apply to a
39 licensee.

2 animal damage control, including animal control officers
3 appointed pursuant to Title 7, section 3947, must satisfy the
4 licensing requirements of this section prior to trapping or
5 attempting to trap a wild animal.

6 **Sec. 215. 12 MRSA §12201, sub-§2,** as enacted by PL 2003, c.
7 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

8
9 **2. Eligibility.** The following persons are eligible to
10 purchase a trapping license, subject to the provisions of
11 subsection 3.

12
13 A. A resident 16 years of age or older is eligible to
14 purchase a resident trapping license.

15
16 B. A resident 10 years of age or older and under 16 years
17 is eligible to purchase a resident junior trapping license.

18
19 C. A resident under 10 years of age may trap without a
20 license.

21
22 D. A nonresident is eligible to purchase a nonresident
23 trapping license.

24
25 Nonresident aliens are ~~not-eligible~~ ineligible to purchase a
26 trapping license.

27
28 **Sec. 216. 12 MRSA §12201, sub-§8,** as enacted by PL 2003, c.
29 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
30 following enacted in its place:

31
32 **8. License violations.** The following penalties apply to
33 violations of restrictions of licenses under this section.

34
35 A. A person who violates a restriction of a license issued
36 under this section commits a civil violation for which a
37 fine of not less than \$100 nor more than \$500 may be
38 adjudged.

39
40 B. A person who violates a restriction of a license issued
41 under this section after having been adjudicated as having
42 committed 3 or more civil violations under this Part within
43 the previous 5-year period commits a Class E crime.

44
45 Each day a person violates a restriction of a license issued
46 under this section is a separate offense.

47
48 **Sec. 217. 12 MRSA §12203,** as enacted by PL 2003, c. 414, Pt.
49 A, §2 and affected by Pt. D, §7, is repealed.

50

2 **Sec. 218. 12 MRSA §12251**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

4 **§12251. Closed seasons**

6 **1. General.** Except as otherwise provided in this Part and
except as the commissioner may establish by rule that is not
8 inconsistent with this chapter, there is a perpetual closed
season on trapping any wild animal or wild bird.

10 **2. Unity Utilities District.** There is a continued closed
12 season on all wild animals and wild birds on property owned by
the Unity Utilities District located on Route 139 and Prairie
14 Road in the municipality of Unity in Waldo County.

16 **3. Closed season violation.** A person may not trap, or
attempt to trap, any wild animal or wild bird during the closed
18 season or possess any wild animal or wild bird taken during the
closed season on that wild animal or wild bird.

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

22 **Sec. 219. 12 MRSA §12252, sub-§4** is enacted to read:

24 **4. Penalty.** A person who violates this section commits a
26 Class E crime.

28 **Sec. 220. 12 MRSA §12253**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

30 **§12253. Consent to trap**

32 **1. Trapping without written consent.** A person may not,
34 without first obtaining the written consent of the landowner or
occupant, trap any wild animal on land in any organized or
36 incorporated place or on the cultivated or pasture area of land
that is used for agricultural purposes in any unorganized place
38 and on which land there is an occupied dwelling. The provisions
of this subsection do not apply to:

40 A. Beaver trapping;

42 B. Trapping with drowning sets in navigable rivers and
44 streams; or

46 C. Trapping with drowning sets on state-owned land and
public rights-of-way.

48 A person who violates this subsection commits a Class E crime.

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2 **2. Trapping near occupied dwelling without written**
3 **consent.** A person may not trap any wild animal within 200 yards
4 of an occupied dwelling without first obtaining the written
5 consent of the owner or occupant of the land on which the trap is
6 to be set. The provisions of this subsection do not apply to
7 beaver trapping or trapping with drowning sets on state-owned
8 land or public rights-of-way.

9 A person who violates this subsection commits a Class E crime.

10 **3. Trapping near compact, built-up portion of city or**
11 **village.** A person may not trap outside that person's land within
12 1/2 mile of the compact, built-up portion of a city or village,
13 except:

14 A. A person may trap within 1/2 mile of the built-up
15 portion of a city or village with drowning sets; and

16 B. A person who has a written permit from the landowner may
17 trap on that landowner's land with cage-type live traps
18 within 1/2 mile of the built-up portion of a city or village.

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-A. Penalties.** The following penalties apply to violations
23 of subsection 3.

24 A. A person who violates subsection 3 commits a civil
25 violation for which a fine of not less than \$100 nor more
26 than \$500 may be adjudged.

27 B. A person who violates subsection 3 after having been
28 adjudicated as having committed 3 or more civil violations
29 under this Part within the previous 5-year period commits a
30 Class E crime.

31 **4. Proof of ownership of land.** Before any prosecution is
32 made under subsection 1 or 2, the landowner or occupant shall
33 prove provide proof to the commissioner of that landowner's
34 ownership or that occupant's occupancy of the land in question.

35 **5. Permission to trap on land of another.** This section may
36 does not be construed to give license or permission to set, place
37 or tend traps on property that is owned by another person.

38 **Sec. 221. 12 MRSA §12254,** as enacted by PL 2003, c. 414, Pt.
39 A, §2 and affected by Pt. D, §7, is repealed and the following
40 enacted in its place:

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§12254. Labeling traps

1. Prohibition. A person may not set a trap for any wild animal without having the trap plainly labeled with that person's full name and address.

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 222. 12 MRSA §12255, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

§12255. Tending traps

1. Failure to visit traps. A person ~~may not~~ shall:

A. While trapping in an organized or incorporated place ~~fail-to~~:

(1) Check each trap, except killer-type traps, at least once in every calendar day; and

(2) Check each killer-type trap at least once in every 3 calendar days; and

B. While trapping in an unorganized place ~~fail-to~~:

(1) Check each trap, except killer-type traps and drowning sets, at least once in every calendar day; and

(2) Check each killer-type trap or drowning set at least once in every 5 calendar days.

This subsection does not apply to under-ice drowning sets for beaver and muskrat. For the purposes of this subsection, "check" means to visit or cause to be visited.

A person who violates this subsection commits a Class E crime.

2 **2. Failure to remove animal from trap.** A person ~~may not~~
3 ~~fail to~~ shall remove or cause to be removed from that person's
4 trap an animal found caught in that trap.

6 A person who violates this subsection commits a Class E crime.

8 **3. Carrying a firearm while trapping.** Notwithstanding
9 section 11205, subsection 1, paragraph A and section ~~11206~~
10 11206-A, subsection 1, ~~paragraphs~~ paragraph A and B, a person who
11 holds a valid trapping license may carry a firearm at any time
12 during the open trapping season for the sole purpose of
13 dispatching trapped animals.

14 **Sec. 223. 12 MRSA §12257**, as enacted by PL 2003, c. 414, Pt.
15 A, §2 and affected by Pt. D, §7, is repealed and the following
16 enacted in its place:

18 **§12257. Trapping by certain department employees**

20 **1. Prohibition.** A department biologist or warden may not
21 trap wild animals for profit while on duty within the district to
22 which that person is assigned.

24 **2. Penalties.** The following penalties apply to violations
25 of this section.

26 A. A person who violates subsection 1 commits a civil
27 violation for which a fine of not less than \$100 nor more
28 than \$500 may be adjudged.

30 B. A person who violates subsection 1 after having been
31 adjudicated as having committed 3 or more civil violations
32 under this Part within the previous 5-year period commits a
33 Class E crime.

36 **Sec. 224. 12 MRSA §12258, sub-§2**, as enacted by PL 2003, c.
37 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

38 **2. Restrictions.** A licensed trapper ~~with an~~ who holds a
39 valid eel permit may for purposes of baiting traps take eels by
40 eel pots or hook and line. A person harvesting eels under this
41 subsection may not use any means other than eel pots or hook and
42 line to take eels and may not take more than 20 pounds of eels
43 annually, ~~by eel pots or hook and line only, for use in baiting~~
44 traps.

46 **Sec. 225. 12 MRSA §12258, sub-§3**, as enacted by PL 2003, c.
47 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
48 following enacted in its place:

2 3. Penalties. The following penalties apply to violations
3 of a restriction of a permit issued in accordance with this
4 section.

5 A. A person who violates a restriction of a permit issued
6 in accordance with this section commits a civil violation
7 for which a fine of not less than \$100 nor more than \$500
8 may be adjudged.

9 B. A person who violates a restriction of a permit issued
10 in accordance with this section after having been
11 adjudicated as having committed 3 or more civil violations
12 under this Part within the previous 5-year period commits a
13 Class E crime.

14 Each day a person violates a restriction of a permit issued in
15 accordance with this section is a separate offense.

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17 **Sec. 226. 12 MRSA §12259, sub-§3**, as enacted by PL 2003, c.
18 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

19 **3. Nonresident trapping beaver.** A nonresident may not trap
20 beaver in this State.

21 A person who violates this subsection commits a Class E crime.

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23 **Sec. 227. 12 MRSA §12260, sub-§§2, 3 and 5**, as enacted by PL
24 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to
25 read:

26 **2. Unlawful trapping of bear.** A person may not catch a
27 bear in a trap and cause or allow another person to kill or
28 register that bear. A person who violates this subsection
29 commits a Class E crime.

30 **3. Setting bear traps.** Setting traps for bear is governed
31 by this subsection.

32 **A.** A person may use a cable trap with a closing diameter of
33 not less than 2 1/2 inches to trap bear in the State during
34 the open season on bear.

35 **B.** A person may not set a bear trap other than a cable
36 trap, unless it conforms to the following specifications.

37 (1) The trap must be enclosed by at least 2 strands of
38 wire, one strand 2 feet from the ground and one strand
39 4 feet from the ground.

40 (2) The wire must be securely held in position.

- 2 (3) The wire must be not less than 5 yards nor more
than 10 yards at any point from the enclosed trap.
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- 6 (4) The trap enclosure must be marked by substantial
signs with the words "BEAR TRAP" in letters not less
than 3 inches in height.
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- 10 (5) The signs must be spaced around each enclosure at
intervals of not more than 20 feet.
- 12 (6) Each sign must be securely fastened to the top
strand of wire.
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16 A person who violates this subsection commits a Class E crime.

18 **5. Exceeding bag limit on bears.** -A- Except as otherwise
provided in this Part, a person may not possess more than one
20 bear in any calendar year. A person who violates this subsection
commits a Class D crime for which the court shall impose a
22 sentencing alternative involving a term of imprisonment not ~~to~~
to exceed 180 days and a fine of not less than \$1,000, none of
which may be suspended.

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26 **Sec. 228. 12 MRSA §12260, sub-§6, ¶A,** as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

28 A. The commissioner, or the commissioner's agent, shall
establish a line of demarcation at least ~~200~~ 500 yards from
30 sites permitted or licensed for the disposal of solid waste.

32 **Sec. 229. 12 MRSA §12260, sub-§6, ¶B,** as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
34 following enacted in its place:

36 B. A person may not trap within the demarcation area
established under paragraph A. The commissioner, or the
38 commissioner's agent, is exempt from this prohibition for
the purpose of live trapping of nuisance bears.

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42 (1) A person who violates this paragraph commits a
civil violation for which a fine of not less than \$100
nor more than \$500 may be adjudged.

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46 (2) A person who violates subparagraph 1 after having
been adjudicated as having committed 3 or more civil
violations under this Part within the previous 5-year
48 period commits a Class E crime.

2 **Sec. 230. 12 MRSA §12301**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed.

4 **Sec. 231. 12 MRSA §12301-A** is enacted to read:

6 **§12301-A. Registration of harvested animals**

8 **1. Registration stations established.** The commissioner
10 shall adopt rules governing the establishment and closure of
bear, deer, moose and wild turkey registration stations for the
12 purpose of registering harvested bear, deer, moose and wild
turkey and to allow for the collection of biological and hunting
14 data. Rules adopted pursuant to this subsection are routine
technical rules as defined in Title 5, chapter 375, subchapter
2-A.

16 **2. Agents designated.** An agent designated by the
18 commissioner must be in charge of each bear, deer, moose or wild
turkey registration station.

20 **3. Agent duties.** Registration agents shall:

22 A. Register every bear, deer, moose or wild turkey legally
24 presented for registration;

26 B. Attach a seal to each bear, deer, moose or wild turkey
28 in the manner directed and with the materials furnished by
the commissioner; and

30 C. Collect and retain \$1 for each seal from the person
32 registering a bear, deer, moose or wild turkey.

34 **Sec. 232. 12 MRSA §12302**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed.

36 **Sec. 233. 12 MRSA §12302-A** is enacted to read:

38 **§12302-A. Timely registration of bear, deer, moose or wild turkey**

40 **1. Requirement.** A person who kills a bear, deer, moose or
wild turkey shall:

42 A. Remain with that animal until it is registered, except
44 as provided in section 12303-A;

46 B. Present that animal for registration in that person's
48 name at the first open registration station for that animal
on the route taken by that person; and

2 C. Leave the registration seal attached to the animal in
3 accordance with section 12301-A until that animal is
4 processed and packaged for consumption.

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

7 **Sec. 234. 12 MRSA §12303**, as enacted by PL 2003, c. 414, Pt.
8 A, §2 and affected by Pt. D, §7, is repealed.

9 **Sec. 235. 12 MRSA §12303-A** is enacted to read:

10 **§12303-A. Time limits for registering bear, deer, moose or**
11 **wild turkey**

12 1. Time limits. A person may not keep any of the following
13 unregistered wild animals at home or any place of storage for
14 more than 18 hours:

15 A. Bear;

16 B. Deer;

17 C. Moose; or

18 D. Wild turkey.

19 This subsection does not apply to an animal that is kept in an
20 official registration station for that animal or at the office of
21 a game warden. A person may leave in the woods an unregistered
22 harvested animal if that person notifies a game warden within 18
23 hours as to the location of that animal and the circumstances
24 necessitating leaving that animal in the woods.

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

27 **Sec. 236. 12 MRSA §12304**, as enacted by PL 2003, c. 414, Pt.
28 A, §2 and affected by Pt. D, §7, is repealed.

29 **Sec. 237. 12 MRSA §12304-A** is enacted to read:

30 **§12304-A. Condition of animal presented for registration**

31 1. Prohibition. Except as provided in subsection 2, a
32 person must present the following wild animals for registration
33 in their entirety:

34 A. Bear;

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2 B. Deer;

4 C. Moose; or

6 D. Wild turkey.

8 2. Exceptions. A person may present a bear, deer, moose or wild turkey for registration as follows:

10 A. The viscera and rib cage of the animal may be removed in a manner that permits determination of the sex of the animal; and

14 B. A moose may be dismembered for ease of transportation, and the lower legs, head and hide of a moose may be removed. 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.

20 3. Disposal of moose parts not presented for registration. A person may not place the parts of a moose not presented for registration where they are visible to a person traveling on a public or private way.

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

28 **Sec. 238. 12 MRSA §12305, sub-§2** is enacted to read:

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

32 **Sec. 239. 12 MRSA §12306, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

36 1. Prohibition. A person may not possess any of the following animals if that animal has not been legally registered as provided in sections ~~12301 and 12304~~ this chapter, unless that animal is possessed in accordance with chapter 921:

40 A. Bear;

42 B. Deer;

44 C. Moose; or

46 D. Wild turkey.

48 **Sec. 240. 12 MRSA §12306, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

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Sec. 241. 12 MRSA §12306, sub-§3 is enacted to read:

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

Sec. 242. 12 MRSA §12351, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the following enacted in its place:

§12351. Transportation

1. **Prohibition.** A person may not transport a harvested wild animal or wild bird unless that animal is lawfully possessed by that person.

2. **Penalties.** The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 243. 12 MRSA §§12352 to 12356, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed.

Sec. 244. 12 MRSA §12402, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

5. Failure to report wounding, taking or killing of nuisance wild animal or to properly care for carcass. A person may not:

A. Wound, take or kill a wild animal under section 12401 or this section unless the person reports all the facts relative to the incident to the Maine Warden Service within 12 hours; or

B. Kill a deer, bear or moose pursuant to section 12401 or this section unless the person immediately and properly dresses the carcass and cares for the meat to prevent spoilage.

A person who violates this subsection commits a Class E crime.

2 **Sec. 245. 12 MRSA §12403, sub-§§1 and 3**, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

4 **1. Claims.** The State ~~may-not-pay~~ is not liable for any
6 claims for damages to a motor vehicle by a wild animal or wild
bird.

8 **3. Penalties.** The following penalties apply under to
10 violations of this section.

12 A. A person who fails to report an accident in accordance
14 with subsection 2, paragraph A or who removes a portion of a
carcass in violation of subsection 2, paragraph C commits a
civil violation for which a ~~forfeiture~~ fine of not less than
16 \$100 nor more than \$500 may be adjudged.

18 A-1. A person who fails to report an accident in accordance
with subsection 2, paragraph A or removes a portion of a
carcass in violation of subsection 2, paragraph C after
having been adjudicated as having committed 3 or more civil
violations under this Part within the previous 5-year period
commits a Class E crime.

24 B. A person who possesses a moose ~~injured~~ involved in an
26 accidental collision, except in accordance with subsection
28 2, paragraphs A and B, commits a Class D crime for which the
court shall impose a sentencing alternative of not less than
30 3 days for the first offense, none of which may be
suspended, and of not less than 10 days for each succeeding
32 offense, none of which may be suspended; and a fine of not
less than \$1,000, none of which may be suspended.

34 **Sec. 246. 12 MRSA §12404, sub-§§2, 3, 5 and 6**, as enacted by PL
2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to
36 read:

38 **2. Beaver.** A person may not take or kill beaver under
sections 12401 and 12402. The commissioner may cause agents of
40 the department to take nuisance beaver at any time.

42 A person who violates this subsection commits a Class E crime.

44 **3. Birds.** A person may not take or kill wild birds, with
the exception of rock doves and wild turkeys under sections 12401
46 and 12402.

48 A person who violates this subsection commits a Class E crime.

2 **5. Deer.** This subsection applies to the ~~taking-or-killing~~
3 of control of nuisance deer found-doing-damage in orchards and
4 crops.

5 A. Whenever deer are doing damage to orchards and crops,
6 including legumes, but excepting grass, the department shall
7 furnish to the owner or agent of the orchards and crops
8 suitable repellants without cost to the owner or agent. The
9 commissioner may follow other good conservation practices to
10 alleviate the damage.

11 B. Whenever the commissioner determines it impossible to
12 keep deer from doing damage to young orchards, the
13 commissioner may enter into an agreement with the owner of a
14 young orchard in which the department assumes 1/2 the cost
15 of fencing the orchard.

16 **6. Dogs.** This subsection applies to nuisance dogs.

17 A. A game warden may kill a dog outside the enclosure or
18 immediate care of its owner or keeper when the game warden
19 finds that dog:

20 (1) Chasing, killing, wounding or pursuing a moose,
21 ~~caribou,~~ or deer ~~or-elm~~ at any time;

22 (2) Chasing, killing, wounding or pursuing any other
23 wild animal in closed season; or

24 (3) Worrying, wounding or killing a domestic animal,
25 livestock or poultry.

26 B. An owner of domestic animals, livestock or poultry, a
27 member of the owner's family or a person to whom is
28 entrusted the custody of domestic livestock or poultry may
29 kill any dog killing or attacking the domestic animals,
30 livestock or poultry.

31 C. A person having evidence of a dog chasing, killing,
32 wounding or pursuing moose,~~caribou,~~ or deer ~~or-elm~~ or any
33 other wild animal in closed season may present that evidence
34 to the commissioner or any game warden.

35 (1) The commissioner or game warden shall give notice
36 in writing to the owner or keeper of the dog, stating
37 the acts committed by the dog.

38 (2) After the owner or keeper of the dog has received
39 written notice that the dog has committed any act
40 prohibited by paragraphs E--and E-1, E-2, F and G,
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2 anyone may kill the dog when it is found committing any
of those prohibited acts.

4 D. A person having evidence of a dog chasing, killing,
wounding or pursuing a moose, ~~earibou,~~ or deer ~~or elk~~ or any
6 other wild animal in closed season, or of a dog kept and
used for that purpose, or of a dog worrying, wounding or
8 killing a domestic animal, including another dog, or
livestock, poultry, fowl or fur-bearing animal legally in
10 captivity, when the dog is outside of the enclosure or
immediate care of the dog's owner or keeper, may present
12 that evidence to the District Court having jurisdiction.

14 (1) The court may issue a warrant against the owner of
the dog, ordering the owner to show cause why the dog
16 should not be killed.

18 (2) Upon hearing the evidence in the case, the court
may order the dog killed by a game warden.

20 (3) The costs of prosecution must be paid by the owner
22 or keeper of the dog.

24 ~~E. Except as provided in paragraph F, the owner or keeper
of a dog commits a civil violation for which a forfeiture of
26 not less than \$100 nor more than \$500 may be adjudged if:~~

28 ~~(1) That owner's or keeper's bird dog, retrieving dog
or hound dog is found killing or wounding a moose,
30 earibou, deer or elk during a period in which it is
lawful to train dogs, as provided for in section 12051,
32 subsection 1, while the dog is at a licensed dog
training area or at a licensed trial for retrieving
34 dogs, or~~

36 ~~(2) That owner or keeper has been notified under
paragraph C and that owner or keeper permits any dog
38 mentioned in the notice to leave the owner's or
keeper's immediate control.~~

40 E-1. Except as provided in paragraphs F and G, the owner or
42 keeper of a dog is in violation of this paragraph if that
44 owner's or keeper's bird dog, retrieving dog or hound dog is
46 found killing or wounding a moose, deer or wild turkey
48 during a period in which it is lawful to train dogs, as
provided for in section 12051, subsection 1, while the dog
is at a licensed dog training area or at a licensed trial
for retrieving dogs.

2 (1) A person who violates this paragraph commits a
3 civil violation for which a fine of not less than \$100
4 nor more than \$500 may be adjudged.

5 (2) A person who violates this paragraph after having
6 been adjudicated as having committed 3 or more civil
7 violations under this Part within the previous 5-year
8 period commits a Class E crime.

9 E-2. Except as provided in paragraphs F and G, the owner or
10 keeper of a dog is in violation of this paragraph if that
11 owner or keeper has been notified under paragraph C and that
12 owner or keeper permits any dog mentioned in the notice to
13 leave the owner's or keeper's immediate control.

14 (1) A person who violates this paragraph commits a
15 civil violation for which a fine of not less than \$100
16 nor more than \$500 may be adjudged.

17 (2) A person who violates this paragraph after having
18 been adjudicated as having committed 3 or more civil
19 violations under this Part within the previous 5-year
20 period commits a Class E crime.

21 F. The owner or keeper of a dog commits a civil violation
22 for which a forfeiture of not less than \$500 nor more than
23 \$1,000, none of which may be suspended, may be adjudged is
24 in violation of this paragraph if that owner's or keeper's
25 dog is found chasing or pursuing a moose, deer or wild
26 turkey at any time or any other wild animal in closed season.

27 (1) Chasing or pursuing a moose, caribou, deer or elk
28 at any time or any other wild animal in closed season;
29 or A person who violates this paragraph commits a civil
30 violation for which a fine of not less than \$100 nor
31 more than \$500 may be adjudged.

32 (2) Killing or wounding a moose, caribou, deer or elk
33 at any time or any other wild animal in closed season
34 A person who violates this paragraph after having been
35 adjudicated as having committed 3 or more civil
36 violations under this Part within the previous 5-year
37 period commits a Class E crime.

38 G. The owner or keeper of a dog is in violation of this
39 paragraph if that owner's or keeper's dog is found killing
40 or wounding a moose, deer or wild turkey at any time or any
41 other wild animal in closed season.

2 (1) A person who violates this paragraph commits a
3 civil violation for which a fine of not less than \$100
4 nor more than \$500 may be adjudged.

6 (2) A person who violates this paragraph after having
7 been adjudicated as having committed 3 or more civil
8 violations under this Part within the previous 5-year
9 period commits a Class E crime.

10 **Sec. 247. 12 MRSA §12456, sub-§3** is enacted to read:

12 **3. Rules.** Rules adopted pursuant to this section are
13 routine technical rules as defined in Title 5, chapter 375,
14 subchapter 2-A.

16 **Sec. 248. 12 MRSA §12457**, as enacted by PL 2003, c. 414, Pt.
17 A, §2 and affected by Pt. D, §7, is amended to read:

18 **§12457. Restricted areas**

20 **1. Closed waters.** Except as the commissioner may by rule
21 provide and as provided in subsection 2, the following waters are
22 closed to fishing:

24 A. The area within 150 feet of any ~~dam--in--which--a~~
25 operational fishway ~~is-located~~, except:

28 (1) At the following places, the fishway and the area
29 within 75 feet of any part of the fishway are closed to
30 fishing at all times:

32 (a) Grand Falls Powerhouse Dam on the St. Croix
33 River in Baileyville; and

34 (b) Woodland Dam on the St. Croix River in
35 Baileyville;

38 (2) At the following places, the area within 75 feet
39 of the mouth of the fishway is closed to fishing at all
40 times:

42 (a) East Grand Lake Dam in Forest City Township,
43 T9 R4 NBPP; and

44 (b) Spednic Lake Dam in Vanceboro;

46 (3) At the so-called ice control dam on the
47 Narraguagus River in the Town of Cherryfield, the area
48 within 100 feet of the dam must be closed to fishing at
49 all times;

2 (4) At East Outlet Dam in Sapling Township, T1R7, in
Somerset County and in Big Moose Township, T2R6, in
4 Piscataquis County at the outlet of Moosehead Lake, the
fishway and the area within 50 feet of any part of the
6 fishway must be closed to fishing at all times; and

8 (5) There is no fishing in or from the fishway at the
Sheepscot Lake Dam in the Town of Palermo in Waldo
10 County;

12 B. All waters within 200 feet of any fish hatchery or
rearing station; and

14 C. The property owned by the Unity Utilities District
16 located on Route 139 and Prairie Road in the municipality of
Unity in Waldo County.

18 **2. Prohibition.** A person may not fish in inland waters
20 closed to fishing as described in this section except that a
person may fish for alewives and smelts in the manner provided
22 under the laws regulating marine resources.

24 **3. Penalty.** A person who violates this section commits a
26 Class E crime. The court shall also impose a fine of \$20, none
of which may be suspended, for each fish unlawfully possessed.

28 **Sec. 249. 12 MRSA §12460** is enacted to read:

30 **§12460. Smelt fishing in Long Lake**

32 Notwithstanding section 12456, a person may fish for smelt
34 by use of a dip net in the parts of Long Lake and its tributaries
that are within Township 17, Range 3, Aroostook County. A person
36 may not:

38 **1. Exceed daily bag limit.** Exceed the daily bag limit of 2
quarts per person. A person who violates this subsection commits
40 a Class E crime; or

42 **2. Harvest for commercial purposes.** Harvest smelt for
commercial purposes. A person who violates this subsection
44 commits a Class D crime for which a fine of not less than \$1,000
may be adjudged.

46 **3. Repeal.** This section is repealed December 31, 2005.

48 **Sec. 250. 12 MRSA §12501, sub-§7,** as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

50

2 ~~7. Reciprocity with New Hampshire. When similar legislation~~
3 ~~is enacted by~~ As long as the State of New Hampshire has similar
4 laws, a fishing license issued to any person by either this State
5 or New Hampshire meets all requirements of the law for a fishing
6 license with respect to fishing in any lake or pond that lies
partly in both of the states of Maine and New Hampshire.

8 **Sec. 251. 12 MRSA §12502, sub-§2**, as enacted by PL 2003, c.
9 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
10 following enacted in its place:

12 **2. Penalties.** The following penalties apply to violations
13 of this section.

14 A. A person who violates the terms of a special privilege
15 under this section commits a civil violation for which a
16 fine of not less than \$100 nor more than \$500 may be
17 adjudged.

18 B. A person who violates the terms of a special privilege
19 under this section after having been adjudicated as having
20 committed 3 or more civil violations under this Part within
21 the previous 5-year period commits a Class E crime.

22 Each day a person violates the terms of a special privilege under
23 this section is a separate offense.

24 **Sec. 252. 12 MRSA §12503, sub-§§2, 3, 4, 5 and 6**, as enacted by PL
25 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to
26 read:

27 **2. Land used for agricultural purposes; domicile.**
28 ~~Notwithstanding section 10606 as it applies to this subchapter,~~
29 any **Any** resident and any member of the resident's immediate
30 family, as long as the angler's license to fish is not under
31 suspension or revocation, may fish without a license in open
32 inland waters from land:

33 A. To which they are legally entitled to possession;

34 B. On which they are actually domiciled; and

35 C. That is used exclusively for agricultural purposes.

36 **3. Free fishing days.** The Saturday and Sunday of Father's
37 Day weekend and the Saturday and Sunday immediately preceding
38 President's Day are free fishing days. Notwithstanding sections
39 ~~10606 and section~~ 12501, it is lawful during a free fishing day
40 established under this subsection for a person to fish without a
41 license in inland waters, except that this subsection does not
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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.

6 **4. Groups of resident students.** The commissioner may
7 permit groups of residents who attend high school or who are
8 enrolled in special education courses for persons who are
9 underprivileged, persons with handicaps or people with special
10 learning needs to fish without licenses for periods of not more
11 than 3 days as long as the fishing activity is conducted as part
12 of an educational program and is under the direct supervision of
13 a teacher or instructor.

14 ~~A. Each day a person violates the terms of the special~~
15 ~~privilege granted under this subsection that person commits~~
16 ~~a civil violation for which a forfeiture of not less than~~
17 ~~\$100 and not more than \$500 may be adjudged.~~

18 B. A permit holder:

20 (1) May not allow fishing to go on for more than 3
22 days;

24 (2) May not allow any fishing activity that is not
26 conducted as part of an educational program; and

28 (3) Shall provide direct supervision.

30 C. The following penalties apply to violations of this
31 subsection.

32 (1) A permit holder who violates paragraph B commits a
34 civil violation for which a fine of not less than \$100
35 nor more than \$500 may be adjudged.

36 (2) A person who violates paragraph B after having
38 been adjudicated as having committed 3 or more civil
39 violations under this Part within the previous 5-year
40 period commits a Class E crime.

42 Each day a person violates paragraph B is a separate offense.

44 **5. Patients at Veterans Administration Hospital.** The
45 commissioner may permit inpatients at the Veterans Administration
46 Hospital at Togus to fish without a license in the inland waters
47 within a 25-mile radius of Togus. Patients not under the direct
48 supervision of hospital staff or volunteer supervisors shall have
49 in their possession while fishing a valid pass issued by the
50 Veterans Administration Hospital.

2 ~~A. Each day a person violates the terms of the special~~
3 ~~privilege granted under this subsection that person commits~~
4 ~~a civil violation for which a forfeiture of not less than~~
5 ~~\$100 and not more than \$500 may be adjudged.~~

6 B. An inpatient at the Veterans Administration Hospital at
7 Togus permitted under this subsection:

8 (1) May not fish beyond a 25-mile radius of Togus; and

9 (2) Shall have supervision while fishing or have in
10 that inpatient's possession a valid pass issued by the
11 hospital.

12 C. The following penalties apply to violations of this
13 subsection.

14 (1) A person who violates paragraph B commits a civil
15 violation for which a fine of not less than \$100 nor
16 more than \$500 may be adjudged.

17 (2) A person who violates paragraph B after having
18 been adjudicated as having committed 3 or more civil
19 violations under this Part within the previous 5-year
20 period commits a Class E crime.

21 Each day a person violates paragraph B is a separate offense.

22 **6. Fishing during event sanctioned by department.**
23 ~~Notwithstanding section 10606 as it applies to this subchapter,~~
24 A person who does not hold a fishing license may assist a child
25 or a handicapped person who is a participant in a fishing event
26 sanctioned by the department.

27 **Sec. 253. 12 MRSA §12504, sub-§3-A** is enacted to read:

28 **3-A. Violation of rules; penalty.** Except as provided in
29 section 12602, the following penalties apply to violations of
30 rules adopted under this section.

31 A. A person who violates a rule adopted under subsection 3
32 commits a civil violation for which a fine of not less than
33 \$100 nor more than \$500 may be adjudged.

34 B. A person who violates a rule adopted under subsection 3
35 after having been adjudicated as having committed 3 or more
36 civil violations under this Part within the previous 5-year
37 period commits a Class E crime.

2 **Sec. 254. 12 MRSA §12505, sub-§5**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

4 **5. Rules.** The commissioner shall adopt all rules necessary
6 to carry out the purposes of this section, including, but not
limited to:

8 A. Requiring that precautions be taken so that, if
10 possible, all fish caught may be retained alive and,
following the close of the tournament, be released into the
12 body from which they were taken;

14 B. Fixing the maximum total value of prizes that may be
awarded at each tournament; and

16 C. Limiting the length of a tournament to 3 days. A
18 tournament lasting more than one day must be a regional or
multistate tournament sanctioned by the applicant bass club.

20 Rules adopted pursuant to this subsection are routine technical
22 rules as defined in Title 5, chapter 375, subchapter 2-A.

24 **Sec. 255. 12 MRSA §12505, sub-§6** is enacted to read:

26 **6. Violation of rules; penalty.** Except as provided in
28 section 12602, the following penalties apply to violations of
rules adopted under subsection 5.

30 A. A person who violates a rule adopted under subsection 5
32 commits a civil violation for which a fine of not less than
\$100 nor more than \$500 may be adjudged.

34 B. A person who violates a rule adopted under subsection 5
36 after having been adjudicated as having committed 3 or more
civil violations under this Part within the previous 5-year
period commits a Class E crime.

38 **Sec. 256. 12 MRSA §12506**, as enacted by PL 2003, c. 414, Pt.
40 A, §2 and affected by Pt. D, §7, is repealed and the following
enacted in its place:

42 **§12506. Alewife, eel, sucker and yellow perch harvesting**
44 **method permit; elver prohibition**

46 **1. Permit required.** Except as otherwise authorized
48 pursuant to this Part and except as provided in subsections 5 and
5-A, a person may not fish for or possess the following fish
50 using the harvesting methods listed in subsection 2 without a
valid permit issued under this section:

- 2 A. Alewives;
- 4 B. Eels;
- 6 C. Suckers;
- 8 D. Lampreys; or
- 10 E. Yellow perch.

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

18 **2. Issuance.** The commissioner may adopt rules providing
20 for the issuance of permits to fish for or possess the following
22 fish using the following harvesting methods in the inland waters
24 of the State, provided the permits do not interfere with any
26 rights granted under section 6131:

- 28 A. Eels using eel pots or weirs;
- 30 B. Suckers and yellow perch using trap nets, dip nets or
32 spears;
- 34 C. Lampreys by hand or using hand-held dip nets; and
- 36 D. Alewives using trap nets, dip nets, spears or fish pumps.

38 The commissioner may place conditions on the use of gear allowed
40 under this subsection and may prohibit or restrict the use of any
42 gear used to concentrate species for harvest under this
44 subsection.

46 Each day a person violates a condition or restriction placed on
48 the use of gear allowed under this subsection, that person
50 commits a Class E crime.

3. Fees; transfer of permit. The minimum fee for an
 individual permit for alewives, suckers, lampreys and yellow
 perch is \$42. A crew permit may be sold for alewives, suckers,
 lampreys and yellow perch for \$100, authorizing up to 3 persons
 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.

4. Five-year limited entry; eel weirs. A person is
 ineligible to receive an eel weir permit unless that person
 possessed a valid eel weir permit for calendar year 1995. The
 department shall adopt routine technical rules pursuant to Title

2 5, chapter 375, subchapter 2-A regarding the issuance of eel weir
3 permits. The number of weirs and the number of square miles of
4 watersheds in this State fished by eel weirs can be no more than
5 those permitted in calendar year 1995.

6 **5. Exception to permit requirement.** Notwithstanding
7 subsection 1:

8
9 A. A person may fish for alewives by use of a dip net or
10 single hook and line for consumption by that person or
11 members of that person's family, provided that the person
12 takes or possesses no more than one bushel in any day and
13 provided also that the alewives are not taken from any
14 waters in which a municipality or other person has been
15 granted exclusive rights under section 6131;

16
17 C. A person may fish for or possess alewives from inland
18 waters if that person has been granted fishing rights under
19 section 6131; and

20
21 D. A person may take suckers for use as bait for fishing in
22 inland waters as provided in section 12551-A without a
23 permit under subsection 2.

24
25 **6. Eels and elvers prohibitions.** The following
26 prohibitions apply to the harvesting of eels and elvers in inland
27 waters.

28
29 A. A person may not fish for or take elvers from inland
30 waters.

31
32 B. A person other than the owner of a weir used to fish for
33 or take eels in inland waters may not tend that weir while
34 the weir is immersed unless that person has in the person's
35 possession written permission from the owner to tend the
36 weir or is in the presence of the owner and has the owner's
37 permission to tend the weir.

38
39 A person who violates this subsection commits a Class E crime.

40
41 **7. Other harvesting methods for suckers.** Notwithstanding
42 subsection 1, a person licensed or otherwise entitled to fish in
43 Maine waters may take suckers for that person's use in all
44 streams, brooks and rivers that are open to fishing between April
45 1st and June 30th of each calendar year by the use of a hand
46 spear, by bow and arrow or by snagging.

47
48 A. A person may not use a bow and arrow to harvest suckers
49 unless the arrow used has a barbed or pronged point and the
50 arrow is attached to the bow with a line.

2 B. The following penalties apply to violations of paragraph
3 A.

4
5 (1) A person who violates paragraph A commits a civil
6 violation for which a fine of not less than \$100 nor
7 more than \$500 may be adjudged.

8
9 (2) A person who violates paragraph A after having been
10 adjudicated as having committed 3 or more civil
11 violations under this Part within the previous 5-year
12 period commits a Class E crime.

13
14 **Sec. 257. 12 MRSA §12507, sub-§§5 and 6,** as enacted by PL 2003,
15 c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed and the
16 following enacted in their place:

17 **5. Requirements.** A licensee shall:

18
19 A. Keep a license issued under subsection 2 constantly and
20 publicly posted in the office or place of business of the
21 licensee;

22
23 B. Be licensed for each wholesale and retail outlet from
24 which a person sells fish;

25
26 C. Identify in a manner approved by the commissioner the
27 name and address of the source of all fish offered for sale
28 or sold under this section; and

29
30 D. Keep invoices of fish sold and purchased under this
31 section so that the invoices are available at all times for
32 inspection by the commissioner or the commissioner's duly
33 authorized agent.

34
35 **6. Penalties.** The following penalties apply to violations
36 of subsection 5.

37
38 A. A person who violates subsection 5 commits a civil
39 violation for which a fine of not less than \$100 nor more
40 than \$500 may be adjudged.

41
42 B. A person who violates subsection 5 after having been
43 adjudicated as having committed 3 or more civil violations
44 under this Part within the previous 5-year period commits a
45 Class E crime.

46
47 Each day a person violates subsection 5 is a separate violation.
48

2 **Sec. 258. 12 MRSA §12508, sub-§4**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
following enacted in its place:

4 **4. Requirements.** Except as otherwise authorized under this
6 Part, a person shall:

8 A. Kill all fish taken from a private fee pond operated
10 pursuant to this section prior to their transportation from
the site; and

12 B. Tag all fish transported from the site as provided by
14 rules adopted by the commissioner. Rules providing for
16 tagging adopted pursuant to this paragraph are routine
technical rules as defined in Title 5, chapter 375,
subchapter 2-A.

18 Each day a person violates this subsection that person commits a
20 Class E crime.

22 **Sec. 259. 12 MRSA §12509, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

24 **1. Permit required.** Except as otherwise authorized
26 pursuant to this Part, a person may not introduce, import or
transport any live fish or gametes into the State or receive or
28 have in that person's possession fish or gametes so introduced,
imported or transported without a valid permit issued under this
section.

30 ~~Each day a~~ A person who violates this subsection,--that person
32 commits a Class E crime for which a minimum fine of \$50 and an
34 amount equal to twice the applicable license fee must be imposed,
except that, notwithstanding Title 17-A, section 1301, the fine
may not be less than \$1,000 nor more than \$10,000.

36 **Sec. 260. 12 MRSA §§12511 and 12512**, as enacted by PL 2003,
38 c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed and the
following enacted in their place:

40 **§12511. Permit to introduce fish or fish spawn into**
42 **private pond**

44 **1. Permit required.** Except as otherwise authorized
46 pursuant to this Part, a person may not introduce fish or fish
spawn into a private pond without a valid permit issued under
48 this section. A person who violates this subsection commits a
Class E crime, except that, notwithstanding Title 17-A, section
1301, the fine may not be less than \$1,000 nor more than \$10,000.

2 2. Issuance. The commissioner may issue a written permit to
introduce fish or fish spawn into a private pond.

4 **§12512. Permit to transport live fish for breeding**
 and advertising

6 1. Permit required. Except as otherwise authorized
8 pursuant to this Part, a person may not take and transport within
the limits of the State fish taken in the State for breeding or
10 advertising purposes without a valid permit issued under this
section. A person who violates this subsection commits a Class E
12 crime, except that, notwithstanding Title 17-A, section 1301, the
fine may not be less than \$1,000 nor more than \$10,000.

14 2. Issuance. The commissioner may issue a permit to a
16 person permitting that person to take and transport within the
limits of the State fish taken in the State for breeding or
18 advertising purposes.

20 **Sec. 261. 12 MRSA §12551**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed.

22 **Sec. 262. 12 MRSA §12551-A** is enacted to read:

24 **§12551-A. Dealing in live smelts and baitfish**

26 1. Definition. For purposes of this section, "business
28 facility" means a fixed place of business and does not include a
motor vehicle or trailer. Live smelts or baitfish that are held
30 in or on a motor vehicle or trailer by a person licensed under
this section are considered in transport even if the motor
32 vehicle or trailer may be temporarily placed at a specific
location by the licensee, or the licensee's designee, for the
34 purpose of selling live smelts or baitfish to anglers.

36 2. License required. A person may not:

38 A. Possess for resale, sell or offer to sell live smelts,
Osmerus mordax, or live baitfish, as defined in section
40 10001, subsection 6, without an appropriate and valid
license issued under subsection 3;

42 B. Engage in taking or assist in taking live baitfish for
44 resale from inland waters without a valid baitfish
wholesaler's license;

46 C. Engage in taking or assist in taking live smelts for
48 resale from inland waters without a smelt wholesaler's
license; or

50

2 D. Sell live smelts or baitfish from more than one facility
3 without an appropriate and valid license for each facility.

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 3. Issuance; eligibility. The commissioner may issue to a
9 resident or nonresident upon payment of the appropriate fee:

10 A. A live bait retailer's license that permits a person to
11 possess for resale, sell or offer to sell live smelts and
12 baitfish;

13 B. A baitfish wholesaler's license that permits a person to
14 take and possess for resale, sell or offer to sell live
15 baitfish; and

16 C. A smelt wholesaler's license that permits a person to
17 take and possess for resale, sell or offer to sell live
18 smelts.

19 4. Schedule of fees. The fees for licenses under this
20 section are:

21 A. For a live bait retailer's license, \$14;

22 B. For a baitfish wholesaler's license, \$24; and

23 C. For a smelt wholesaler's license, \$69.

24 5. Live bait retailer's license authorizations and
25 restrictions. The provisions of this subsection apply to the
26 selling of live smelts and baitfish under a live bait retailer's
27 license.

28 A. The holder of a live bait retailer's license may:

29 (1) Sell live baitfish or smelts acquired from a
30 person licensed under this section to deal in live
31 baitfish or smelts;

32 (2) Designate others to assist in selling live smelts
33 and baitfish at the license holder's business facility;

34 (3) Transport live smelts and baitfish or designate
35 another to transport live smelts and baitfish on the
36 license holder's behalf; and

2 (4) Possess more than the daily bag limit of smelts,
4 provided that the smelts were acquired from a person
 licensed under this section to deal in live smelts.

6 B. The holder of a live bait retailer's license:

8 (1) May not take or possess for the purposes of retail
10 sale live baitfish or smelts from the inland waters of
 the State or private ponds;

12 (2) Shall present a receipted invoice, bill of lading,
14 bill of sale or other satisfactory evidence of the
 lawful possession of live baitfish or smelts for retail
 sale to any agent of the commissioner upon request; or

16 (3) May not possess at that person's place of business
18 any species of fish that may not legally be sold as
 bait.

20 Each day a person violates this paragraph that person
22 commits a class E crime.

24 6. Baitfish wholesaler's license authorizations and
 restrictions. The provisions of this subsection apply to the
26 taking and selling of baitfish under the baitfish wholesaler's
 license.

28 A. The holder of a baitfish wholesaler's license may:

30 (1) Take for the purpose of sale live baitfish from
32 the inland waters of the State or from private ponds;

34 (2) Use particles of food for the purpose of luring
 baitfish to a baitfish trap, a dip net, a drop net, a
 lift net or a bag net;

36 (3) Designate others to assist the holder in selling
38 live baitfish at the holder's business facility; and

40 (4) Transport live baitfish or designate another to
42 transport live baitfish on the license holder's behalf.

44 B. The holder of a baitfish wholesaler's license may not:

46 (1) When engaged in taking, or assisting in taking,
48 live baitfish for resale from inland waters, fail to
 exhibit a baitfish wholesaler's license to any agent of
 the commissioner upon request;

2 (2) Take baitfish other than by use of a seine as
4 defined in section 10001, subsection 55; a baitfish
6 trap as defined in section 10001, subsection 7; a dip
8 net, a drop net, a lift net or a bag net; or by hook
10 and line;

12 (3) Attempt to take live bait for resale from the
14 inland waters of the State by fishing through the ice
16 using drop nets unless the holder marks all holes made
18 in the ice by the holder for that purpose. The holes
20 must be marked by suspending at least one strand of
22 fluorescent biodegradable tape at least 3 feet above
24 the ice around the entire perimeter of the hole so that
26 the tape is visible from all sides;

28 (4) Take eels;

30 (5) Take or sell suckers, Genus Catostomus, greater
32 than 10 inches in length between April 1st and
34 September 30th of each year; or

36 (6) Possess at that person's place of business any
38 species of fish that may not legally be sold as bait.

40 Each day a person violates this paragraph that person
42 commits a class E crime.

44 **7. Smelt wholesaler's license authorizations and**
46 **restrictions.** The provisions of this subsection apply to the
48 taking and selling of live smelts under the smelt wholesaler's
50 license.

52 A. The holder of a smelt wholesale dealer's license may:

54 (1) Take live smelts for resale from any inland water
56 or private pond. The taking of live smelts from inland
58 waters must be in accordance with general rules adopted
60 by the commissioner in regard to the taking of smelts.
62 Except as provided in paragraph B, the holder of a
64 smelt wholesaler's license shall comply with the same
66 daily bag limit and the same tackle restrictions that
68 apply to all other anglers and is subject to the same
70 penalties for violations of those limits and
72 restrictions;

74 (2) Use a baitfish trap, a dip net, a drop net, a lift
76 net, a bag net or hook and line to take up to 8 quarts
78 of smelts in a 24-hour period, beginning at noon on a
80 given day, from specific inland waters designated by
82 the commissioner;

2 (3) May use particles of food for the purpose of
4 luring smelts to a baitfish trap, a dip net, a drop
 net, a lift net or a bag net;

6 (4) Transport or possess at the holder's business
8 facility more than the daily bag limit of smelts
10 provided that the smelts were taken by the license
 holder in accordance with this section or acquired from
 a person licensed under this section to deal in live
12 smelts;

14 (5) Designate others to assist in selling live smelts
 at the holder's business facility; and

16 (6) Transport or designate others to transport on the
18 license holder's behalf live smelts in accordance with
 this subsection.

20 B. The holder of a smelt wholesale dealer's license may not:

22 (1) When engaged in taking, or assisting in taking,
24 live smelts for resale from inland waters, fail to
 exhibit the license to any agent of the commissioner
 upon request;

26 (2) Take multiple bag limits from waters governed by
28 general rules regulating the taking of smelts in order
30 to attain the 8-quart limit of smelts described in
 paragraph A, subparagraph 2;

32 (3) Use a seine to take smelts;

34 (4) Transport or possess at the holder's business
36 facility more than the daily bag limit of smelts at any
38 time unless the smelts were acquired in accordance with
40 paragraph A, subparagraph 4. If the smelts were
 purchased from another person, the license holder must
 present a receipted invoice, bill of lading or bill of
 sale to any agent of the commissioner upon request;

42 (5) Transport from an inland water source to the
44 licensee's place of business more than 8 quarts of live
 smelts;

46 (6) Permit any person to transport live smelts on the
48 license holder's behalf directly from an inland water
 source;

2 (7) Attempt to take from the inland waters of the
3 State live smelts for resale using drop nets through
4 the ice unless the license holder marks all holes made
5 in the ice by that license holder for that purpose.
6 The holes must be marked either by evergreen boughs
7 placed around the hole or by suspending at least one
8 strand of fluorescent biodegradable tape at least 3
9 feet above the ice around the entire perimeter of the
10 hole so that the tape is visible from all sides;

11 (8) Take smelts during the winter months, except by
12 hook and line, unless the holder has a number 14 fish
13 grader in operable condition in that holder's immediate
14 proximity during the taking of smelts and uses that
15 grader during the smelt harvesting activity. The
16 holder shall liberate immediately all undersized smelts
17 alive into the waters from which they were taken. For
18 the purpose of this subparagraph, a number 14 grader is
19 a grader having a minimum grate size of 14/64 inches.
20 This subparagraph does not apply to a license holder
21 who fishes with a hook and line only; or

22 (9) Possess at that person's place of business any
23 species of fish that may not legally be sold as bait.

24 Each day a person violates this paragraph that person
25 commits a class E crime.

26 For purposes of this subsection, live smelts are considered in
27 possession of the licensee once the smelts have been removed from
28 the inland waters and placed in a container.

29 **8. Effect of revoked or suspended license.** A person whose
30 license to deal in live smelts and baitfish has been revoked or
31 suspended pursuant to section 10902 may not assist another dealer
32 in selling or transporting live smelts and baitfish.

33 A person who violates this subsection commits a class E crime.

34 **9. Inspection of live smelts and baitfish.** A person
35 licensed under this section who possesses live smelts or baitfish
36 at a fixed place of business shall make those fish available for
37 inspection by a warden or a department fisheries biologist during
38 normal business hours. A person licensed under this section who
39 possesses live smelts or baitfish at a location other than the
40 licensee's fixed place of business shall make those fish
41 available for inspection by a warden or a department fisheries
42 biologist at any time, upon request.

2 **Sec. 263. 12 MRSA §12552, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

4 **1. Prohibition.** A person licensed to deal in live baitfish
6 pursuant to section ~~12551~~ 12551-A may not purchase live smelts
8 from a person who does not hold a current license to sell live
smelts issued pursuant to section ~~12551~~ 12551-A, subsection -4-
3, paragraph A or C.

10 **Sec. 264. 12 MRSA §12552, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
12 following enacted in its place:

14 **2. Penalty.** The following penalties apply to violations of
16 this section.

18 A. A person who violates subsection 1 commits a civil
20 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

22 B. A person who violates subsection 1 after having been
24 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
Class E crime.

26 The commissioner, subject to the hearing provisions of section
28 10902, shall revoke for a period of at least one year from the
date of adjudication any licenses issued under section 12551-A to
a person adjudicated of a violation of subsection 1.

30 **Sec. 265. 12 MRSA §12553**, as enacted by PL 2003, c. 414, Pt.
32 A, §2 and affected by Pt. D, §7, is amended to read:

34 **§12553. Selling, using or possessing baitfish**

36 ~~**1.--Selling, using or possessing unlawful baitfish.** A person
38 may not, except as provided in this section, sell, offer for
sale, use or possess for use as bait for fishing any species of
40 fish other than baitfish as defined in section 1001, subsection
6.~~

42 ~~A.--Nothing in this Title prohibits the use of commercially
44 prepared eggs from species that do not naturally occur in
the State for bait.~~

46 ~~B.--A person may take baitfish from all inland waters of the
48 State during the period that those waters are open to fishing and
the commissioner may grant permits in accordance with section
50 12513 to take baitfish from certain waters at any time.~~

2 ~~A person who violates this subsection commits a Class E crime.~~
The court shall, in addition, impose a fine of \$20, none of which
4 may be suspended, for each fish illegally possessed.

6 1-A. Unlawfully selling, using or possessing baitfish.
Except as provided in this subsection and for baitfish as defined
8 in section 10001, subsection 6, a person may not:

10 A. Sell or offer for sale fish as bait for the purpose of
fishing; or

12 B. Use or possess fish as bait for the purpose of fishing.

14 Nothing in this Title prohibits the use of commercially prepared
eggs from species that do not naturally occur in the State for
16 bait. A person may take baitfish from all inland waters of the
State during the period that those waters are open to fishing and
18 the commissioner may grant permits in accordance with section
12513 to take baitfish from certain waters at any time.

20 A person who violates this subsection commits a Class E crime.
The court shall, in addition, impose a fine of \$20, none of which
22 may be suspended, for each fish illegally possessed.

24 **2. Sale of bait or baitfish in containers.** A person who
26 sells bait or baitfish may not provide or sell the bait or
baitfish in containers that are composed in whole or in part of
28 polystyrene-foam-plastic unless the containers are composed of
biodegradable paper or cardboard.

30 ~~A person who violates this subsection commits a civil violation~~
32 ~~for which a forfeiture of not less than \$100 nor more than \$500~~
may be adjudged.

34 A. A person who violates this subsection commits a civil
36 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

38 B. A person who violates this subsection after having been
40 adjudicated as having committed 3 or more civil violations
42 under this Part within the previous 5-year period commits a
Class E crime.

44 **3. Failure to label baitfish traps, drop nets or baitfish**
46 **holding boxes.** A person may not set or place within the inland
waters of the State any baitfish trap, drop net or baitfish
48 holding box without having the baitfish trap, drop net or
baitfish holding box plainly labeled with that person's full name
and address.

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.~~

5 A. A person who violates this subsection commits a civil
6 violation for which a fine of not less than \$100 nor more
7 than \$500 may be adjudged.

8 B. A person who violates this subsection after having been
9 adjudicated as having committed 3 or more civil violations
10 under this Part within the previous 5-year period commits a
11 Class E crime.

12 **Sec. 266. 12 MRSA §12555**, as enacted by PL 2003, c. 414, Pt.
13 A, §2 and affected by Pt. D, §7, is repealed and the following
14 enacted in its place:

15 **§12555. Checking baitfish traps**

16 1. Prohibition. While trapping for baitfish in the inland
17 waters with the use of a baitfish trap as defined in section
18 10001, subsection 7, a person shall check the baitfish trap or
19 cause the baitfish trap to be checked at least once in every 7
20 calendar days.

21 2. Penalty. The following penalties apply to violations of
22 this section.

23 A. A person who violates subsection 1 commits a civil
24 violation for which a fine of not less than \$100 nor more
25 than \$500 may be adjudged.

26 B. A person who violates subsection 1 after having been
27 adjudicated as having committed 3 or more civil violations
28 under this Part within the previous 5-year period commits a
29 Class E crime.

30 **Sec. 267. 12 MRSA §12601**, as enacted by PL 2003, c. 414, Pt.
31 A, §2 and affected by Pt. D, §7, is repealed and the following
32 enacted in its place:

33 **§12601. Rule violations; open-water fishing or ice fishing**

34 1. Civil violations. Notwithstanding section 10650, a
35 person who violates a rule regulating open-water fishing or ice
36 fishing, except a rule implementing a statute the violation of
37 which is a Class E crime, commits a civil violation for which a
38 fine of not less than \$100 nor more than \$500 may be adjudged.

2 2. Crime. A person who violates a rule regulating
open-water fishing or ice fishing, except a rule implementing a
statute the violation of which is a Class E crime, after having
4 been adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a Class
6 E crime.

8 **Sec. 268. 12 MRSA §12603, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
10 following enacted in its place:

12 2. Penalty. The following penalties apply to violations of
this section.

14 A. A person who violates subsection 1 commits a civil
16 violation for which a fine of not less than \$100 nor more
18 than \$500 may be adjudged.

20 B. A person who violates subsection 1 after having been
22 adjudicated as having committed 3 or more civil violations
24 under this Part within the previous 5-year period commits a
26 Class E crime.

28 **Sec. 269. 12 MRSA §12605**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed.

30 **Sec. 270. 12 MRSA §12608**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
enacted in its place:

32 §12608. Failure to label fish

34 1. Prohibition. A person may not keep the following
species of fish at any sporting camp, hotel or public lodging
place unless the name and address of the person who caught the
36 fish is attached to the fish:

38 A. Black bass;

40 B. Salmon;

42 C. Togue; or

44 D. Trout.

46 2. Penalty. The following penalties apply to violations of
this section.

48

2 A. A person who violates this section commits a civil
3 violation for which a fine of not less than \$100 nor more
4 than \$500 may be adjudged.

5 B. A person who violates this section after having been
6 adjudicated as having committed 3 or more civil violations
7 under this Part within the previous 5-year period commits a
8 Class E crime.

9 **Sec. 271. 12 MRSA §12609**, as enacted by PL 2003, c. 414, Pt.
10 A, §2 and affected by Pt. D, §7, is repealed.

11 **Sec. 272. 12 MRSA §12609-A** is enacted to read:

12 **§12609-A. Purchase or sale of certain fish**

13 **1. Prohibition.** Except as otherwise provided in this
14 section, a person may not directly or indirectly purchase or sell
15 the following species of fish:

16 A. Black bass;

17 B. Landlocked salmon;

18 C. Pickerel;

19 D. Togue;

20 E. Trout; or

21 F. White perch.

22 **2. Fish produced by commercial producers or imported.** A
23 person may purchase or sell fish that have been lawfully produced
24 by commercial producers within the State or that have been
25 lawfully imported from without the State.

26 **3. Skins of fish preserved through taxidermy.** A person may
27 purchase or sell the skins of fish that have been preserved for
28 display through the art of taxidermy.

29 **4. Penalty.** A person who violates this section commits a
30 Class E crime. The court shall also impose a fine of \$20 for each
31 fish unlawfully possessed, none of which may be suspended.

32 **Sec. 273. 12 MRSA §12610**, as enacted by PL 2003, c. 414, Pt.
33 A, §2 and affected by Pt. D, §7, is repealed and the following
34 enacted in its place:

35 **§12610. Unlawful importation or sale of certain fresh or**

frozen fish

2
4 1. Prohibition. A person may not import or offer for sale
fresh or frozen any of the following fish:

6 A. Salmon;

8 B. Brook trout;

10 C. Brown trout;

12 D. Rainbow trout;

14 E. Lake trout; or

16 F. Any member of the family salmonidae whose source is
18 outside of the continental United States, Canada or Alaska
or their adjacent waters.

20 2. Penalty. The following penalties apply to violations of
22 this section.

24 A. A person who violates this section commits a civil
violation for which a fine of not less than \$100 nor more
26 than \$500 may be adjudged.

28 B. A person who violates this section after having been
adjudicated as having committed 3 or more civil violations
30 under this Part within the previous 5-year period commits a
Class E crime.

32 **Sec. 274. 12 MRSA §12611** is enacted to read:

34 **§12611. Illegal possession of live fish**

36 Except as otherwise provided in this Part, a person who
38 legally takes a fish, other than baitfish or smelt, from inland
waters pursuant to this Part shall immediately release that fish
40 alive into the waters from which it was taken or immediately kill
that fish. Any fish killed pursuant to this section becomes part
42 of the daily bag limit. A person who possess a fish in violation
of this section commits a Class E crime.

44 **Sec. 275. 12 MRSA §12651, sub-§1**, as enacted by PL 2003, c.
46 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

48 **1. Prohibition.** Except as provided in section 12506,
subsubsection 5, ~~paragraph~~-B 7, a person may not fish by snagging as
50 defined by section 10001, subsection 58.

2 **Sec. 276. 12 MRSA §12652, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

4 **1. Prohibition.** Except in accordance with section 12659
12659-A, subsections subsection 1 and 2, a person may not fish
6 with more than 2 lines at any one time.

8 **Sec. 277. 12 MRSA §12652, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
10 following enacted in its place:

12 **2. Penalty.** The following penalties apply to violations of
14 this section.

16 A. A person who violates this section commits a civil
18 violation for which a fine of not less than \$100 nor more
20 than \$500 may be adjudged.

22 B. A person who violates this section after having been
24 adjudicated as having committed 3 or more civil violations
26 under this Part within the previous 5-year period commits a
28 Class E crime.

30 **Sec. 278. 12 MRSA §12654-A** is enacted to read:

32 **§12654-A. Limit on artificial flies**

34 **1. Prohibition.** A person may not fish with more than 3
36 unbaited artificial flies individually attached to a line.

38 **2. Penalty.** The following penalties apply to violations of
40 this section.

42 A. A person who violates this section commits a civil
44 violation for which a fine of not less than \$100 nor more
46 than \$500 may be adjudged.

48 B. A person who violates this section after having been
50 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
Class E crime.

Sec. 279. 12 MRSA §12655, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
enacted in its place:

§12655. Unlawful use of bait

1. Prohibition. During times when fishing is limited by
rule to the use of artificial lures only, a person may not use:

2 A. Live bait;

4 B. Dead bait; or

6 C. Chemically preserved natural or organic bait.

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

12 **Sec. 280. 12 MRSA §12657, sub-§3**, as enacted by PL 2003, c.
14 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
16 following enacted in its place:

18 3. Penalty. The following penalties apply to violations of
20 this section.

22 A. A person who violates subsection 1 commits a civil
24 violation for which a fine of not less than \$100 nor more
26 than \$500 may be adjudged.

28 B. A person who violates subsection 1 after having been
30 adjudicated as having committed 3 or more civil violations
32 under this Part within the previous 5-year period commits a
34 Class E crime.

36 **Sec. 281. 12 MRSA §12658, sub-§2**, as enacted by PL 2003, c.
38 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
40 following enacted in its place:

42 2. Penalty. The following penalties apply to violations of
44 this section.

46 A. A person who violates this section commits a civil
48 violation for which a fine of not less than \$100 nor more
50 than \$500 may be adjudged.

52 B. A person who violates this section after having been
54 adjudicated as having committed 3 or more civil violations
56 under this Part within the previous 5-year period commits a
58 Class E crime.

60 **Sec. 282. 12 MRSA §12659**, as enacted by PL 2003, c. 414, Pt.
62 A, §2 and affected by Pt. D, §7, is repealed.

64 **Sec. 283. 12 MRSA §12659-A** is enacted to read:

66 §12659-A. Ice fishing regulations

2 1. Five-line limit. Unless otherwise provided by rule, a
3 person licensed to fish may not fish through the ice with more
4 than 5 lines set or otherwise.

5 A. Except as provided in paragraph B, the licensee shall
6 have all lines under that person's immediate supervision.

7 B. In waters that have been opened under section 12454,
8 subsection 1, paragraph B, a person fishing for cusk in the
9 nighttime shall visit at least once every hour all lines set
10 by that person for cusk.

11 2. Penalty. The following penalties apply to violations of
12 this section.

13 A. A person who violates this section commits a civil
14 violation for which a fine of not less than \$100 nor more
15 than \$500 may be adjudged.

16 B. A person who violates this section after having been
17 adjudicated as having committed 3 or more civil violations
18 under this Part within the previous 5-year period commits a
19 Class E crime.

20 **Sec. 284. 12 MRSA §12661, sub-§1,** as enacted by PL 2003, c.
21 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

22 **1. Prohibitions and requirements.** A person who owns any
23 shack or temporary structure used for ice fishing ~~may not~~:

24 A. Leave ~~May not leave~~ or allow the shack or structure to
25 remain on the ice of any inland waters more than 3 days
26 after the waters on which the shack or structure is located
27 are closed to ice fishing;

28 B. ~~Place~~ ~~May not place~~ or allow the shack or structure to
29 be placed on the ice of any inland waters more than 3 days
30 before the waters on which the shack or structure is located
31 are opened to ice fishing; or

32 C. ~~Fail to~~ Shall have painted on the outside of the shack
33 or structure in 2-inch letters the owner's name and address
34 when the shack or structure is on the ice of any inland
35 waters.

36 **Sec. 285. 12 MRSA §12661, sub-§2,** as enacted by PL 2003, c.
37 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
38 following enacted in its place:
39

2 2. Penalty. The following penalties apply to violations of
3 subsection 1.

4 A. A person who violates subsection 1 commits a civil
5 violation for which a fine of not less than \$100 nor more
6 than \$500 may be adjudged.

8 B. A person who violates subsection 1 after having been
9 adjudicated as having committed 3 or more civil violations
10 under this Part within the previous 5-year period commits a
11 Class E crime.

12 **Sec. 286. 12 MRSA §12662, sub-§1**, as enacted by PL 2003, c.
13 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

14 **1. Prohibition.** Except as provided in section 12659
15 12659-A, subsection 2 1, a person may not ice fish from 1/2 hour
16 after sunset to 1/2 hour before sunrise of the following morning.
17

18 **Sec. 287. 12 MRSA §12662, sub-§2**, as enacted by PL 2003, c.
19 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
20 following enacted in its place:
21

22 2. Penalty. The following penalties apply to violations of
23 subsection 1.

24 A. A person who violates subsection 1 commits a civil
25 violation for which a fine of not less than \$100 nor more
26 than \$500 may be adjudged.

27 B. A person who violates subsection 1 after having been
28 adjudicated as having committed 3 or more civil violations
29 under this Part within the previous 5-year period commits a
30 Class E crime.

31 **Sec. 288. 12 MRSA §12663**, as enacted by PL 2003, c. 414, Pt.
32 A, §2 and affected by Pt. D, §7, is repealed.
33

34 **Sec. 289. 12 MRSA §12663-A** is enacted to read:

35 §12663-A. Unlawful sale of lead sinkers

36 1. Sale of lead sinker. A person may not sell a lead
37 sinker for fishing that contains lead and weighs 1/2 ounce or
38 less.

39 A. A person who violates this subsection commits a civil
40 violation for which a fine of not less than \$100 nor more
41 than \$500 may be adjudged.
42

2 B. A person who violates this subsection after having been
3 adjudicated as having committed 3 or more civil violations
4 under this Part within the previous 5-year period commits a
5 Class E crime.

6 **2. Offer lead sinker for sale.** A person may not offer for
7 sale a lead sinker for fishing that contains any lead and weighs
8 1/2 ounce or less.

10 A. A person who violates this subsection commits a civil
11 violation for which a fine of not less than \$100 nor more
12 than \$500 may be adjudged.

14 B. A person who violates this subsection after having been
15 adjudicated as having committed 3 or more civil violations
16 under this Part within the previous 5-year period commits a
17 Class E crime.

18 **3. Definition: sinker.** For the purposes of this section,
19 "sinker" means a device that is designed to be attached to a
20 fishing line and intended to sink the line. "Sinker" does not
21 include artificial lures, weighted line, weighted flies or jig
22 heads.

24 **Sec. 290. 12 MRSA §12701, sub-§1,** as enacted by PL 2003, c.
25 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

28 **1. Public use.** The commissioner may, pursuant to section
29 10104, adopt rules regulating hunting, fishing, trapping or other
30 public use of any wildlife management area or wildlife sanctuary
31 as designated in section 12706, subsection 1, except that a
32 landowner may not be prohibited from operating any vehicle on
33 land on which that person is domiciled. Rules adopted pursuant
34 to this subsection are routine technical rules as defined in
35 Title 5, chapter 375, subchapter 2-A.

36 **Sec. 291. 12 MRSA §12701, sub-§5,** as enacted by PL 2003, c.
37 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

40 **5. Access sites to inland and coastal waters.** The
41 commissioner may, pursuant to section 10104, subsection 1, adopt
42 rules regulating public use of department-owned or
43 department-maintained sites that provide public access to inland
44 or coastal waters. The commissioner may establish reasonable
45 fees for use of these sites by members of the public as necessary
46 to help defray the cost of routine maintenance and security.
47 Rules adopted pursuant to this subsection are routine technical
48 rules as defined in Title 5, chapter 375, subchapter 2-A.

2 **Sec. 292. 12 MRSA §§12702 and 12703**, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed and the
following enacted in their place:

4 **§12702. Rule violations; state-owned wildlife management areas**

6 The following penalties apply to violations of rules
8 regulating state-owned wildlife management areas.

10 **1. Civil violation.** Notwithstanding section 10650, a
12 person who violates a rule regulating state-owned wildlife
management areas commits a civil violation for which a fine of
not less than \$100 nor more than \$500 may be adjudged.

14 **2. Criminal violation.** A person who violates a rule
16 regulating state-owned wildlife management areas after having
18 been adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a Class
E crime.

20 **§12703. Rule violations; state game farms**

22 The following penalties apply to violations of rules
24 regulating state game farms.

26 **1. Civil violation.** Notwithstanding section 10650, a
28 person who violates a rule regulating state game farms commits a
civil violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

30 **2. Criminal violation.** A person who violates a rule
32 regulating state game farms after having been adjudicated as
34 having committed 3 or more civil violations under this Part
within the previous 5-year period commits a Class E crime.

36 **Sec. 293. 12 MRSA §12705**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
enacted in its place:

40 **§12705. Rule violations; scientific collection permits**

42 The following penalties apply to violations of rules
44 regulating scientific collection permits.

46 **1. Civil violation.** Notwithstanding section 10650, a
48 person who violates a rule regulating scientific collection
permits commits a civil violation for which a fine of not less
than \$100 nor more than \$500 may be adjudged.

2 2. Criminal violation. A person who violates a rule
3 regulating scientific collection permits after having been
4 adjudicated as having committed 3 or more civil violations under
5 this Part within the previous 5-year period commits a Class E
6 crime.

7 **Sec. 294. 12 MRSA §12706, sub-§1, ¶AA,** as enacted by PL 2003,
8 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

9 AA. Readfield and Winthrop Sanctuary: The waters of
10 Carleton Pond, so called, in the Towns of Readfield and
11 Winthrop in the County of Kennebec, and the lands of the
12 Augusta Water District adjacent to said pond and located in
13 said Towns of Readfield and Winthrop, now owned or which may
14 ~~be hereafter~~ are acquired by said district in furtherance of
15 its chartered purposes. For provisions relating specifically
16 to Readfield and Winthrop Sanctuary, see section 12707,
17 subsection 2, paragraphs F and G and subsection 6;

18 **Sec. 295. 12 MRSA §12707,** as enacted by PL 2003, c. 414, Pt.
19 A, §2 and affected by Pt. D, §7, is amended to read:

20 **§12707. Unlawful activity in wildlife sanctuary;**
21 **general prohibitions and exceptions**

22 Except to the extent permitted by the commissioner under
23 section 12701, activities listed in this section are prohibited
24 in a wildlife sanctuary.

25 ~~1. Unlawful activity in wildlife sanctuary. Except as~~
26 ~~provided in subsection 2, a person may not:~~

27 ~~A. Trap or hunt any wild animal or wild bird at any time~~
28 ~~within a wildlife sanctuary as designated in section 12706;~~
29 ~~or~~

30 ~~B. Possess any wild animal or wild bird taken in violation~~
31 ~~of paragraph A.~~

32 **1-A. Unlawful activity in wildlife sanctuary.** Except as
33 provided in subsection 2, the following activities are prohibited.

34 A. A person may not trap or hunt any wild animal or wild
35 bird at any time within a wildlife sanctuary as designated
36 in section 12706.

37 (1) A person who violates this paragraph commits a
38 civil violation for which a fine of not less than \$100
39 nor more than \$500 may be adjudged.

2 (2) A person who violates this paragraph after having
3 been adjudicated as having committed 3 or more civil
4 violations under this Part within the previous 5-year
5 period commits a Class E crime.

6
7 B. A person may not possess any wild animal or wild bird
8 taken in violation of paragraph A.

9
10 (1) A person who violates this paragraph commits a
11 civil violation for which a fine of not less than \$100
12 nor more than \$500 may be adjudged.

13
14 (2) A person who violates this paragraph after having
15 been adjudicated as having committed 3 or more civil
16 violations under this Part within the previous 5-year
17 period commits a Class E crime.

18
19 **2. Exceptions.** The ~~prohibitions--in--subsection--1--are~~
20 ~~subject--to--the following exceptions and--limitations--listed--in~~
21 ~~this~~ apply to the prohibitions in subsection 1-A.

22
23 A. Subsection ~~1-~~ 1-A does not apply to crows and skunks in
24 the Willow Water Game Sanctuary.

25
26 B. A person residing within the limits of the York Game
27 Sanctuary in the County of Franklin may kill any wild bird,
28 except grouse, or any wild animal, except beaver, when found
29 destroying that person's property.

30
31 C. A person residing within the limits of Prout's Neck,
32 Richmond's Island and Cape Elizabeth Sanctuary may kill any
33 wild bird, except ruffed grouse or Hungarian partridge, or
34 any wild animal, when found destroying that person's
35 property.

36
37 D. A person may trap any wild animal except moose, ~~caribou,~~
38 and deer ~~and elk~~ within Fairfield Sanctuary, Narragansett
39 Game Sanctuary and Prout's Neck, Richmond's Island and Cape
40 Elizabeth Sanctuary in accordance with the general laws of
41 the State.

42
43 E. If the commissioner determines that the public health
44 and safety are threatened by diseased animals within
45 Rangeley Plantation Sanctuary, the commissioner may
46 authorize the use of firearms or any other device the
47 commissioner determines appropriate to eliminate diseased
48 animals.

2 F. The Augusta Water District may use Carleton Pond in the
Readfield and Winthrop Sanctuary as it determines necessary.

4 G. Within the Readfield and Winthrop Sanctuary, subsection
6 ~~1- 1-A~~ applies only to fenced lands ~~that--are--or--may--be~~
~~hereafter-fenced.~~

8 H. The use of firearms on Megunticook Lake and Vicinity
10 Sanctuary is prohibited only from the first day of April of
each year to the 30th day of September following.

12 **3. Using motorboat within Merrymeeting Bay Game Sanctuary.**

14 A person may not use a motorboat within Merrymeeting Bay Game
Sanctuary, except that motorboats may be used between the
16 Woolwich shore on the east and a line on the west designated by a
series of red markers adjacent to the edge of the grassy marsh
18 area from Kelly's Point to the southern boundary of the
Merrymeeting Bay Game Sanctuary.

20 A. A person who violates this subsection commits a civil
22 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

24 B. A person who violates this subsection after having been
26 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
28 Class E crime.

30 **4. Carrying loaded firearm on bounds of Limington, Hollis**
and Waterboro Sanctuary. A person may not carry a loaded firearm
32 on any of the roads bounding the Limington, Hollis and Waterboro
Sanctuary.

34 A. A person who violates this subsection commits a civil
36 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

38 B. A person who violates this subsection after having been
40 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
42 Class E crime.

44 **5. Carrying loaded firearm on bounds of Standish**
Sanctuary. A person may not carry a loaded firearm on any road
46 or on the Maine Central Railroad right-of-way that bounds the
Standish Game Sanctuary.

48 A. A person who violates this subsection commits a civil
50 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

2 B. A person who violates this subsection after having been
4 adjudicated as having committed 3 or more civil violations
 under this Part within the previous 5-year period commits a
 Class E crime.

6

8 **6. Fishing in Carleton Pond.** A person may not fish in
 Carleton Pond in the Readfield and Winthrop Sanctuary.

10 A. A person who violates this subsection commits a civil
12 violation for which a fine of not less than \$100 nor more
 than \$500 may be adjudged.

14 B. A person who violates this subsection after having been
16 adjudicated as having committed 3 or more civil violations
 under this Part within the previous 5-year period commits a
 Class E crime.

18

20 ~~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.~~

22

24 **Sec. 296. 12 MRSA §12708, sub-§1, ¶B,** as enacted by PL 2003,
 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended by
 enacting subparagraph (20-A) to read:

26

28 (20-A) Maine Youth Conservation WMA - T32MD - Hancock
 County;

30 **Sec. 297. 12 MRSA §12751,** as enacted by PL 2003, c. 414, Pt.
 A, §2 and affected by Pt. D, §7, is amended to read:

32

34 **§12751. Commissioner's authority relating to**
 culture and research

36

38 **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~~ by the
40 State in ~~the prosecution of the~~ conducting work of ~~on~~ on fish
 culture and scientific research relative to fish.

42

44 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
46 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
48 for the use of registered fish toxicants for reclamation purposes.

2 ~~2. --- Taking of certain fish. After a hearing pursuant to~~
3 ~~section 10104, subsection 1, the commissioner may permit the~~
4 ~~taking of pickerel, perch and other fish in specified waters,~~
5 ~~subject to conditions the commissioner may prescribe, whenever it~~
6 ~~appears that these fish seriously injure the propagation of or~~
7 ~~the fishing for any game fish.~~

8 **Sec. 298. 12 MRSA §12753, sub-§2**, as enacted by PL 2003, c.
9 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

10 **2. Tampering with screen.** A person may not take up, destroy
11 or injure any screen installed pursuant to this section, unless
12 the person is duly authorized by the commissioner.

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 **Sec. 299. 12 MRSA §12753, sub-§3** is enacted to read:

17 **3. Penalty.** The following penalties apply to violations of
18 subsection 2.

19 A. A person who violates subsection 2 commits a civil
20 violation for which a fine of not less than \$100 nor more
21 than \$500 may be adjudged.

22 B. A person who violates subsection 2 after having been
23 adjudicated as having committed 3 or more civil violations
24 under this Part within the previous 5-year period commits a
25 Class E crime.

26 **Sec. 300. 12 MRSA §12755, sub-§2**, as enacted by PL 2003, c.
27 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
28 following enacted in its place:

29 **2. Penalty.** The following penalties apply to violations of
30 this section.

31 A. A person who violates this section commits a civil
32 violation for which a fine of not less than \$100 nor more
33 than \$500 may be adjudged.

34 B. A person who violates this section after having been
35 adjudicated as having committed 3 or more civil violations
36 under this Part within the previous 5-year period commits a
37 Class E crime.

2 **Sec. 301. 12 MRSA §12756, sub-§1, ¶D**, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

4 D. Damage Otherwise damage or destroy a fishway.

6 **Sec. 302. 12 MRSA §12756, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
8 following enacted in its place:

10 **2. Penalty.** The following penalties apply to violations of
this section.

12 A. A person who violates this section commits a civil
14 violation for which a fine of not less than \$100 nor more
16 than \$500 may be adjudged.

18 B. A person who violates this section after having been
adjudicated as having committed 3 or more civil violations
20 under this Part within the previous 5-year period commits a
Class E crime.

22 **Sec. 303. 12 MRSA §12758**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed.

24 **Sec. 304. 12 MRSA §12759, sub-§2**, as enacted by PL 2003, c.
26 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
following enacted in its place:

28 **2. Penalty.** The following penalties apply to violations of
30 this section.

32 A. A person who violates this section commits a civil
34 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

36 B. A person who violates this section after having been
adjudicated as having committed 3 or more civil violations
38 under this Part within the previous 5-year period commits a
Class E crime.

40 **Sec. 305. 12 MRSA §12760, sub-§6**, as enacted by PL 2003, c.
42 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

44 **6. Decision.** In the event that the commissioner decides
46 that a fishway should be constructed, repaired, altered or
maintained pursuant to this section, the commissioner shall issue
48 final orders with specific plans and descriptions of the fishway
construction, alteration, repair or maintenance requirements, the
conditions of the use of the fishway and the time and manner

2 required for fishway operation. The commissioner may issue a
3 decision requiring the owners, lessees or other persons in
4 control of the dam or obstruction to construct, repair, alter or
5 maintain a fishway. Such a decision must be supported by a
6 finding based on evidence submitted to the commissioner that
either of the following conditions exist:

8 A. One or more species of anadromous or migratory fish can
9 be restored in substantial numbers to the watershed by
10 construction, alteration, repair or maintenance of a fishway
11 and habitat anywhere in the watershed above the dam or
12 obstruction is sufficient and suitable to support a
13 substantial commercial or recreational fishery for one or
14 more species of anadromous or migratory fish; or

16 B. The construction, alteration, repair or maintenance of a
17 fishway is necessary to protect or enhance rare, threatened
18 or endangered fish species.

20 In the event that the commissioner decides that no fishway should
21 be constructed, the commissioner shall specify in that decision a
22 period not to exceed 5 years subsequent to that decision during
23 which no fishway may be required to be constructed. ~~That period~~
24 ~~may not exceed 5 years.~~

26 **Sec. 306. 12 MRSA §12761, sub-§3**, as enacted by PL 2003, c.
27 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

28 **3. Unlawful building of dam.** A person may not build any
29 dam or other obstruction in any of the rivers, streams or brooks
30 of this State without first filing written notice with the
31 commissioner pursuant to subsection 1. ~~A person who violates~~
32 ~~this subsection commits a civil violation for which a forfeiture~~
33 ~~of not less than \$100 nor more than \$500 may be adjudged.~~

36 A. A person who violates this subsection commits a civil
37 violation for which a fine of not less than \$100 nor more
38 than \$500 may be adjudged.

40 B. A person who violates this subsection after having been
41 adjudicated as having committed 3 or more civil violations
42 under this Part within the previous 5-year period commits a
43 Class E crime.

44 **Sec. 307. 12 MRSA §12762**, as enacted by PL 2003, c. 414, Pt.
45 A, §2 and affected by Pt. D, §7, is repealed and the following
46 enacted in its place:

48 **§12762. Fish kills; violations; fines; rules; definition**

50

2 1. Prohibition. A person may not improperly operate a
fishway required under this subchapter in a manner that results
4 in a fish kill.

6 2. Penalty. The following penalties apply to violations of
this section.

8 A. A person who violates this section commits a civil
violation for which a fine equivalent to the value of the
10 fish killed but not more than \$10,000 for each day of that
violation may be adjudged.

12 B. A person who violates this section after having been
14 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
16 Class E crime.

18 3. Rules; definition. The department and the Department of
20 Marine Resources shall jointly make rules defining "fish kill."

22 **Sec. 308. 12 MRSA §12763**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

24 **§12763. Use or possession of gill net; Penobscot
26 Nation research; department personnel**

28 ~~1. Prohibition. Except as otherwise allowed under this
section, a person, including any agent of the State, may not use
or possess a gill net.~~

30 ~~A person who violates this subsection commits a Class E crime.
32 The court shall also impose a fine of \$20 for each fish
unlawfully possessed, none of which may be suspended.~~

34 **2. Penobscot Nation research.** Under the direction of its
36 director, the staff of the Department of Natural Resources of the
Penobscot Nation may use gill nets for the purpose of scientific
38 fisheries research and management on any waters within, flowing
through or adjacent to Penobscot Indian territory as defined in
40 Title 30, section 6205, subsection 2.

42 A. The authority granted under this subsection is subject
44 to the following constraints.

46 (1) Both ends of the gill net must be marked with
buoys that are clearly visible from a distance of 300
48 feet and that identify the Department of Natural
Resources of the Penobscot Nation as the owner of the
50 net.

2 (2) The results of each netting must be forwarded on a
3 weekly basis to the office of the commissioner where
4 the results must be available for public inspection.

5 ~~A person may not fail to comply with any provision of this~~
6 ~~paragraph.~~

7 ~~A person who violates this paragraph commits a Class E crime.~~

8 B. The following penalties apply to violations of paragraph
9 A.

10 (1) A person who violates paragraph A commits a civil
11 violation for which a fine of not less than \$100 nor
12 more than \$500 may be adjudged.

13 (2) A person who violates paragraph A after having
14 been adjudicated as having committed 3 or more civil
15 violations under this Part within the previous 5-year
16 period commits a Class E crime.

17 **3. Use of gill nets by department personnel.** Department
18 personnel may use gill nets pursuant to this subsection. When
19 requested by another agency to undertake a gill netting project,
20 the department must be reimbursed by that agency for all costs
21 relating to the gill netting project.

22 A. The department may use gill nets in inland waters
23 provided that:

24 ~~(1) When requested by another agency to undertake a~~
25 ~~gill netting project, the department is reimbursed by~~
26 ~~that agency for all costs relating to the gill netting~~
27 ~~project;~~

28 (2) Both ends of the net are marked with buoys that
29 are clearly visible from a distance of 300 feet and
30 that identify the department; and

31 (3) The results of each netting are forwarded on a
32 weekly basis to the office of the commissioner. The
33 records of the results must be available for public
34 inspection at the office of the commissioner.

35 A-1. The following penalties apply to violations of
36 paragraph A.

37 (1) A person who violates paragraph A commits a civil
38 violation for which a fine of not less than \$100 nor
39 more than \$500 may be adjudged.

2 (2) A person who violates paragraph A after having
4 been adjudicated as having committed 3 or more civil
6 violations under this Part within the previous 5-year
 period commits a Class E crime.

8 ~~B. A person may not fail to comply with the restrictions~~
 ~~established under this subsection.~~

10 C. The department shall submit an annual report to the
12 joint standing committee of the Legislature having
14 jurisdiction over inland fisheries and wildlife matters no
 later than March 1st of each year on the use of gill nets by
 department personnel. The report must include a summary of
 each use of gill nets, indicating the following:

16 (1) The specific purpose for which the gill nets were
18 used;

20 (2) The date of each use;

22 (3) The location of each use by water body, town and
 county; and

24 (4) The number and mortality of each species of fish
26 taken by gill nets.

28 **4. Permits allowing use of gill nets by other state**
30 **agencies.** The department may authorize the use of gill nets by
32 other state agencies for purposes of scientific research or
 public safety projects. Any authorization by the department for
 another state agency to utilize gill nets must be given through
 written permit.

34 A. The authority granted to the department under this
36 subsection is subject to the following constraints.

38 ~~(1) Any authorization by the department for another~~
40 ~~state agency to utilize gill nets must be given through~~
 ~~written permit.~~

42 (2) Both ends of the gill net must be marked with
44 buoys that are clearly visible from a distance of 300
 feet and that identify the state agency responsible for
 setting the net.

46 (3) The results of each netting must be forwarded on a
48 weekly basis to the department, and the records of the
50 results must be available for public inspection at the
 department.

2 B. The following penalties apply to violations of paragraph
3 A.

4 (1) A person who violates paragraph A commits a civil
5 violation for which a fine of not less than \$100 nor
6 more than \$500 may be adjudged.

7 (2) A person who violates paragraph A after having
8 been adjudicated as having committed 3 or more civil
9 violations under this Part within the previous 5-year
10 period commits a Class E crime.

11 **Sec. 309. 12 MRSA §12802, sub-§1**, as enacted by PL 2003, c.
12 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

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 occurring in the State, whether endangered or not.

19 **Sec. 310. 12 MRSA §12804, sub-§§2 and 3**, as enacted by PL 2003,
20 c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

21 **2. Habitat.** For species designated as endangered or
22 threatened under this subchapter the commissioner may, by rule,
23 ~~pursuant to Title 5, chapter 375,~~ identify areas currently or
24 historically providing physical or biological features essential
25 to the conservation of the species and that may require special
26 management considerations. Rules adopted pursuant to this
27 subsection are routine technical rules as defined in Title 5,
28 chapter 375, subchapter 2-A.

29 **3. Protection guidelines.** The commissioner may, by rule,
30 ~~pursuant to Title 5, chapter 375,~~ develop guidelines for the
31 protection of species designated as endangered or threatened
32 under this subchapter. Rules adopted pursuant to this subsection
33 are routine technical rules as defined in Title 5, chapter 375,
34 subchapter 2-A.

35 **Sec. 311. 12 MRSA §12808, first ¶**, as enacted by PL 2003, c.
36 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

37 For the purposes of this section, "to take," "take" and
38 "taking" mean the ~~intentional or negligent~~ act or omission that
39 results in the death of any endangered or threatened species.

2 **Sec. 312. 12 MRSA §12808, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
following enacted in its place:

4 **1. Prohibited acts regarding endangered or threatened**
6 **species; negligence.** Except as provided in subsections 2 and 3,
a person may not negligently:

8 A. Import into the State or export out of the State any
10 endangered or threatened species. A person who violates
12 this paragraph commits a Class E crime;

14 B. Hunt, take, trap or possess any endangered or threatened
16 species within the State. A person who violates this
18 paragraph commits a Class E crime;

20 C. Possess, process, sell, offer for sale, deliver, carry,
22 transport or ship, by any means whatsoever, any endangered
24 or threatened species or any part of an endangered or
26 threatened species. A person who violates this paragraph
28 commits a Class E crime; or

30 D. Feed, set bait for or harass any endangered or
32 threatened species. A law enforcement officer, as defined in
34 Title 25, section 2801-A, subsection 5, must issue a warning
36 to a person who violates this paragraph for the first time.
38 A person who violates this paragraph after having previously
40 been given a warning under this paragraph commits a Class E
42 crime.

44 **Sec. 313. 12 MRSA §12808, sub-§1-A** is enacted to read:

46 **1-A. Prohibited acts regarding endangered or threatened**
48 **species; intentional.** Except as provided in subsections 2 and 3,
a person may not intentionally:

A. Import into the State or export out of the State any
endangered or threatened species. A person who violates
this paragraph commits a Class D crime;

B. Hunt, take, trap or possess any endangered or threatened
species within the State. A person who violates this
paragraph commits a Class D crime;

C. Possess, process, sell, offer for sale, deliver, carry,
transport or ship, by any means whatsoever, any endangered
or threatened species. A person who violates this paragraph
commits a Class D crime; or

2 D. Feed, set bait for or harass any endangered or
4 threatened species. A law enforcement officer, as defined
6 in Title 25, section 2801-A, subsection 5, must issue a
8 warning to a person who violates this paragraph for the
10 first time. A person who violates this paragraph after
12 having previously been given a warning under this paragraph
14 commits a Class D crime.

16 **Sec. 314. 12 MRSA §12808, sub-§2**, as enacted by PL 2003, c.
18 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

20 **2. Exceptions for certain purposes.** Notwithstanding
22 ~~subsection~~ subsections 1 and 1-A or section ~~10602~~ 10650 as it
24 applies to rules adopted in accordance with this subchapter, the
26 commissioner may:

28 A. Under such terms and conditions as the commissioner may
30 prescribe, permit any act prohibited by this section or by
32 rule for educational or scientific purposes or to enhance
34 the propagation or survival of an endangered or threatened
36 species; and

38 B. Under such terms and conditions as the commissioner may
40 prescribe, permit any endangered or threatened species that
42 enters the State and is being transported to a point outside
44 the State to be so entered and transported without
46 restriction in accordance with the terms of any federal or
48 state permit.

50 **Sec. 315. 12 MRSA §12851, first ¶**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

42 ~~The commissioner shall, pursuant to Title 5, chapter 375,~~
44 ~~with the advice and consent of the Advisory Board for the~~
46 ~~Licensing of Guides, adopt rules necessary to administer this~~
48 ~~chapter. Rules adopted pursuant to this section are routine~~
50 ~~technical rules as defined in Title 5, chapter 375, subchapter~~
2-A. 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.

Sec. 316. 12 MRSA §12852, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
enacted in its place:

§12852. Rule violations; licensed guides and trip leaders

The following penalties apply to violations of rules
regulating licensed guides or camp leaders and course instructor
certificates.

2 **1. Civil.** Notwithstanding section 10650, a person who
3 violates a rule regulating licensed guides or camp trip leaders
4 and course instructor certificates commits a civil violation for
5 which a fine of not less than \$100 nor more than \$500 may be
6 adjudged.

8 **2. Criminal.** A person who violates a rule regulating
9 licensed guides or camp trip leaders and course instructor
10 certificates after having been adjudicated as having committed 3
11 or more civil violations under this Part within the previous
12 5-year period commits a Class E crime.

14 **Sec. 317. 12 MRSA §12853, sub-§§1 and 2,** as enacted by PL 2003,
15 c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

16 **1. Prohibition.** Except as provided in subsection 7, a
17 person may not act as a guide without a valid license issued
18 under this chapter. ~~A person violates this subsection each day~~
19 ~~the person acts as a guide without a valid license issued under~~
20 ~~this chapter.~~

22 **2. Penalty.** A person who violates subsection 1 commits a
23 Class D crime for which the court shall impose a sentencing
24 alternative involving a term of imprisonment of 3 days, none of
25 which may be suspended. The court shall also impose a fine of
26 \$1,000, none of which may be suspended. A person violates
27 subsection 1 each day that person acts as a guide without a valid
28 license issued under this chapter.

30 **Sec. 318. 12 MRSA §12857, sub-§2,** as enacted by PL 2003, c.
31 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
32 following enacted in its place:

34 **2. Penalty.** The following penalties apply to violations of
35 this section.

38 A. A person who violates subsection 1 commits a civil
39 violation for which a fine of not less than \$100 nor more
40 than \$500 may be adjudged.

42 B. A person who violates subsection 1 after having been
43 adjudicated as having committed 3 or more civil violations
44 under this Part within the previous 5-year period commits a
45 Class E crime.

46 **Sec. 319. 12 MRSA §12858,** as enacted by PL 2003, c. 414, Pt.
47 A, §2 and affected by Pt. D, §7, is repealed and the following
48 enacted in its place:

2 **§12858. Guide license violations**

4 **1. Guide license violations.** A person licensed as a guide
may not violate the following provisions.

6 A. A person licensed as a guide may not knowingly assist a
8 client in violating any of the provisions of this Part.

10 (1) If the violation committed by the client is a
12 civil violation, a person licensed as a guide who
14 violates this paragraph commits a civil violation for
which a fine of not less than \$100 nor more than \$500
may be adjudged.

16 (2) If the violation committed by the client is a
18 civil violation, a person licensed as a guide who
20 violates this paragraph after having been adjudicated
as having committed 3 or more civil violations under
this Part within the previous 5-year period commits a
Class E crime.

22 (3) If the violation committed by the client is a
24 criminal violation, a person licensed as a guide who
26 violates this paragraph commits a Class E crime.

28 B. A person licensed as a guide who has knowledge that a
30 client has violated the provisions of this Part shall,
within 24 hours, inform a person authorized to enforce this
Part.

32 (1) A person who violates this paragraph commits a
34 civil violation for which a fine of not less than \$100
nor more than \$500 may be adjudged.

36 (2) A person who violates this paragraph after having
38 been adjudicated as having committed 3 or more civil
violations under this Part within the previous 5-year
period commits a Class E crime.

40 C. A person licensed as a guide may not take a party of
42 more than 12 people out on any lake, stream or waterway in
the State at any time.

44 (1) A person who violates this paragraph commits a
46 civil violation for which a fine of not less than \$100
nor more than \$500 may be adjudged.

48 (2) A person who violates this paragraph after having
50 been adjudicated as having committed 3 or more civil

2 violations under this Part within the previous 5-year
3 period commits a Class E crime.

4 **Sec. 320. 12 MRSA §12860, sub-§1-A** is enacted to read:

6 **1-A. Prohibition.** A person may not conduct trip camping
7 under subsection 1 without a trip leader permit issued under this
8 section. Each day a person violates this subsection, that person
9 commits a Class E crime for which a minimum fine of \$50 and an
10 amount equal to twice the applicable license fee must be imposed.

12 **Sec. 321. 12 MRSA §12901, sub-§2**, as enacted by PL 2003, c.
13 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

14 **2. Affiliated outfitter.** "Affiliated outfitter" means:

16 A. An outfitter who owns directly, indirectly or through a
17 chain of successive ownership 10% or more of the financial
18 interest in any other outfitter;

20 B. An outfitter, 10% or more of whose financial interests
21 are owned directly or indirectly or through a chain of
22 successive ownership by any other outfitter;

24 C. An outfitter, 10% or more of whose financial interests
25 are owned directly or indirectly or through a chain of
26 successive ownership by a person who owns 10% or more of the
27 financial interest in another outfitter; or

30 D. An outfitter who, in the year 1982 or thereafter:

32 (1) Purchases, leases, borrows, accepts, receives or
33 otherwise obtains on a nonarms-length basis from
34 another whitewater outfitter, either directly or
35 indirectly, more than 1/2 of its real or personal
36 property; or

38 (2) Receives from another outfitter on a
39 nonarms-length basis more than 1/2 of the ordinary
40 services related to the business of whitewater
41 outfitting, including, but not limited to, mail,
42 telephone, reservations, repair, maintenance, personnel
43 training and management.

44 ~~A person may not be found to be~~ is not an affiliated outfitter
45 solely because of blood relationship, marriage or previous
46 employment. If the department transfers a selling outfitter's
47 allocation to a buying outfitter or outfitters, pursuant to
48 section 12907, subsection 7, these transferred allocations must

2 be added to the buyer's allocations and may not be considered as
3 affiliated.

4 **Sec. 322. 12 MRSA §12901, sub-§5**, as enacted by PL 2003, c.
5 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

6
7 **5. Commercial whitewater outfitter; outfitter.** "Commercial
8 whitewater outfitter" or "outfitter" means a person ~~who conducts~~
9 ~~commercial whitewater trips or~~ who collects dues or fees or
10 receives any form of compensation for arranging or providing
11 whitewater rafting ~~services~~ trips or for operating a whitewater
12 rafting organization. A commercial whitewater outfitter license
13 does not authorize the holder to guide whitewater rafting trips
14 unless that person also holds a valid whitewater guide's license.

15
16 **Sec. 323. 12 MRSA §12901, sub-§11**, as enacted by PL 2003, c.
17 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

18
19 **11. Whitewater guide.** "Whitewater guide" means a person
20 who receives any remuneration from a commercial whitewater
21 outfitter for accompanying, assisting or instructing ~~passengers~~
22 clients of that commercial whitewater outfitter on the river on
23 whitewater trips and who holds a current whitewater guide's
24 license.

25
26 **Sec. 324. 12 MRSA §12905**, as enacted by PL 2003, c. 414, Pt.
27 A, §2 and affected by Pt. D, §7, is repealed.

28
29 **Sec. 325. 12 MRSA §12906**, as enacted by PL 2003, c. 414, Pt.
30 A, §2 and affected by Pt. D, §7, is repealed and the following
31 enacted in its place:

32 **§12906. Rule violations; whitewater rafting**

33
34 The following penalties apply to violations of rules
35 regulating commercial whitewater rafting.

36
37 **1. Civil.** Notwithstanding section 10650, a person who
38 violates a rule regulating commercial whitewater rafting commits
39 a civil violation for which a fine of not less than \$100 nor more
40 than \$500 may be adjudged.

41
42 **2. Criminal.** A person who violates a rule regulating
43 commercial whitewater rafting after having been adjudicated as
44 having committed 3 or more civil violations under this Part
45 within the previous 5-year period commits a Class E crime.

46
47
48 **Sec. 326. 12 MRSA §12907, sub-§3**, as enacted by PL 2003, c.
49 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

50

2 3. Insurance requirements. An outfitter shall carry
3 liability insurance, in the minimum amounts established by the
4 department by rule, covering the operation of whitewater trips
5 and motor vehicles carrying passengers. ~~The department shall~~
6 ~~establish, by rule, the minimum limits of liability insurance.~~
7 Rules adopted pursuant to this subsection are routine technical
8 rules as defined in Title 5, chapter 375, subchapter 2-A.

9 A. A person who violates this subsection commits a civil
10 violation for which a fine of not less than \$100 nor more
11 than \$500 may be adjudged.

12 B. A person who violates this subsection after having been
13 adjudicated as having committed 3 or more civil violations
14 under this Part within the previous 5-year period commits a
15 Class E crime.

16 **Sec. 327. 12 MRSA §12907, sub-§§6 and 7,** as enacted by PL 2003,
17 c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed and the
18 following enacted in their place:

19 6. Sale of business; license. The following provisions
20 govern the sale of an outfitter's business and treatment of the
21 outfitter's license.

22 A. When a licensed outfitter's business is sold, the
23 outfitter shall return the outfitter's commercial whitewater
24 outfitter's license to the department.

25 (1) A person who violates this paragraph commits a
26 civil violation for which a fine of not less than \$100
27 nor more than \$500 may be adjudged.

28 (2) A person who violates this paragraph after having
29 been adjudicated as having committed 3 or more civil
30 violations under this Part within the previous 5-year
31 period commits a Class E crime.

32 B. On application, the license must be reissued to the
33 purchaser, as long as the purchaser meets the licensing
34 requirements of the department and pays the license fee.

35 C. A person may not profit on the return and reissuance of
36 the license itself, but nothing in this chapter may be
37 construed to prohibit profit on the sale of any of the
38 assets of a business.

39 (1) A person who violates this paragraph commits a
40 civil violation for which a fine of not less than \$100
41 nor more than \$500 may be adjudged.

2 (2) A person who violates this paragraph after having
4 been adjudicated as having committed 3 or more civil
 violations under this Part within the previous 5-year
6 period commits a Class E crime.

8 D. The license is not an asset and is not transferable as
 part of a sale or transaction.

10 E. The department may require an affidavit from the
12 purchaser to aid in enforcement of this subsection.

14 7. Sale of business; allocations. The following provisions
 govern the sale of an outfitter's business and the treatment of
16 allocations.

18 A. When a licensed outfitter's business is sold, the
 selling outfitter shall return to the department the selling
20 outfitter's allocations or portions of the allocations
 subject to the sale.

22 (1) A person who violates this paragraph commits a
 civil violation for which a fine of not less than \$100
24 nor more than \$500 may be adjudged.

26 (2) A person who violates this paragraph after having
 been adjudicated as having committed 3 or more civil
28 violations under this Part within the previous 5-year
 period commits a Class E crime.

30 B. An outfitter who purchases the business of another
32 outfitter whose commercial whitewater outfitter's license
 has been returned to the department as provided in
34 subsection 6 has 60 days from the date of sale to submit an
 affidavit applying for the selling outfitter's allocation,
36 ensuring that the level and quality of services of the
 selling outfitter will be maintained. On application to the
38 department, allocations may be reissued to the purchaser, as
 long as the purchaser meets the licensing and allocation
40 requirements of the department and pays the license and
 allocation fees.

42 C. The allocations are not assets of a business.
44 Allocations or portions of the allocations may be
 transferred, pursuant to this chapter, from a selling
46 outfitter to one or more purchasers only if the selling
 outfitter's allocations or portions of the allocations
48 subject to the sale are returned to the department.

2 D. An outfitter may not receive more than the maximum
3 allocations allowed under section 12913, subsection 3.

4 E. When allocations are forfeited or when new allocations
5 become available as a result of increases in the commercial
6 use limits on an allocated river, the department shall sell
7 those allocations at public auction to qualified
8 recipients. Net proceeds from the sale of allocations must
9 be paid to the Whitewater Rafting Fund established under
10 section 10259.

12 **Sec. 328. 12 MRSA §12907, sub-§9**, as enacted by PL 2003, c.
13 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

14 **9. Limitation.** This chapter may ~~does not be construed as~~
15 ~~repealing~~ revoke any right of passage or access created by
16 statute, contract or operation of law or as creating any such
17 right for any outfitter or any associates or customers of any
18 outfitter upon the project or project works of any licensee of
19 the Federal Energy Regulatory Commission, as the terms "project"
20 and "project works" are defined in United States Code, Title 16,
21 Section 796 (11) and (12), respectively.

24 **Sec. 329. 12 MRSA §12908**, as enacted by PL 2003, c. 414, Pt.
25 A, §2 and affected by Pt. D, §7, is amended to read:

26 **§12908. Noncommercial organization that collects**
27 **dues or fees**

30 Notwithstanding section 12901, subsection 5, an organization
31 that collects dues or fees may conduct rafting trips on rapidly
32 flowing rivers without obtaining a commercial whitewater
33 outfitter's license if the commissioner determines under this
34 section that the organization is a noncommercial organization.
35 ~~An organization is a "noncommercial organization" if the~~
36 ~~commissioner determines that the organization is:~~

38 **1. Tax-exempt nonprofit corporation formed before March 1,**
39 **1996.** ~~A-~~ An organization is a "noncommercial organization" if
40 the commissioner determines that the organization is a nonprofit
41 corporation incorporated before March 1, 1996, including any
42 council, troop or other organized local group affiliated with the
43 corporation, that collects dues or fees from its members and for
44 which conducting whitewater rafting is incidental to the purpose
45 of the corporation. The organization wishing to conduct a
46 rafting trip on a rapidly flowing river without a commercial
47 whitewater outfitter's license under this subsection shall file a
48 written request with the commissioner at least 15 days before
49 conducting that trip. The request must include the name of the
50 organization conducting the trip and the time, location and

number of persons participating in the trip. The commissioner
2 may request any additional information from the organization
necessary to make a determination under this subsection.
4 ~~Notwithstanding any other provision of this section, the~~
~~commissioner may not allow any council, troop or other organized~~
6 ~~local group affiliated with the corporation to conduct more than~~
~~2 whitewater rafting trips in any one calendar year without~~
8 ~~obtaining a commercial whitewater outfitter's license, or~~

10 A. Notwithstanding any other provision of this section, a
12 council, troop or other organized local group affiliated
with the corporation may not conduct more than 2 whitewater
14 rafting trips in any one calendar year without obtaining a
commercial whitewater outfitter's license.

16 (1) A person who violates this paragraph commits a
18 civil violation for which a fine of not less than \$100
nor more than \$500 may be adjudged.

20 (2) A person who violates this paragraph after having
22 been adjudicated as having committed 3 or more civil
violations under this Part within the previous 5-year
24 period commits a Class E crime.

26 **2. Noncommercial whitewater rafting club.** ~~---A-~~ An
organization is a "noncommercial organization" if the
28 commissioner determines that the organization is a qualifying
noncommercial whitewater rafting club. A "qualifying
30 noncommercial whitewater rafting club" is a group that collects
dues or fees from its members and that the commissioner
32 determines to be organized solely to provide noncommercial
whitewater rafting opportunities to its members. To be
34 considered under this subsection, a club must provide to the
commissioner the following information before January 1st of each
year:

36 A. A list that includes the name, legal residence and home
38 telephone number of each dues-paying member of the club.
That list must identify a member as the president of the
40 club and must identify any other officers or board members
of the club. An A commercial whitewater outfitter or a
42 licensed whitewater guide is ineligible to be an officer or
a board member of the club ~~may not be a commercial~~
44 ~~whitewater outfitter or a licensed whitewater guide.~~ The
commissioner may not accept more than one amended membership
46 list from a club between April 1st and November 1st;

48 B. A statement signed by all board members, if any, and all
50 officers of the club swearing that:

2 (1) The sole purpose of the club is to provide
noncommercial whitewater rafting opportunities to its
members;

4 (2) No member of the club, including officers and
6 board members, receives any form of compensation from
the club at any time, either while a member of the club
8 or afterwards;

10 (3) The club will use its own rafting equipment, and
all fees or dues collected from club members are used
12 only to provide insurance and to purchase and maintain
rafting equipment for use solely by the club; and

14 (4) The club will not employ or otherwise compensate
16 any person for any service relating to rafting or
accept any gifts of products or services from any
18 commercial whitewater outfitter or licensed whitewater
guide; and

20 C. Any other information the commissioner determines
22 necessary. If the club is an incorporated entity, the
commissioner shall require the club to submit a copy of the
24 club's articles of incorporation. The commissioner may not
consider any incorporated entity other than a tax-exempt,
26 nonprofit corporation as a noncommercial whitewater rafting
club.

28 ~~When--authorizing--a--noncommercial--organization--under--this
30 section--to--conduct--whitewater--rafting--trips--without--a--commercial
license,--the--commissioner--shall,--when--the--commissioner--determines
32 necessary,--place--limits--on--that--organization's--whitewater--rafting
activities,--including--limits--on--the--time--and--location--of--rafting
34 activities,--the--number--of--persons--that--may--participate--in--those
rafting--activities--and--the--safety--equipment--required--for--rafting
36 trips,--The--commissioner--may--reject--a--request--under--this--section
if--the--commissioner--determines--that--granting--the--request--would
38 conflict--with--the--river--management--objectives--set--forth--in
section-12903.~~

40 **3. Limits placed by commissioner.** When authorizing a
42 noncommercial organization under this section to conduct
whitewater rafting trips without a commercial license, the
44 commissioner shall, when the commissioner determines necessary,
place limits on that organization's whitewater rafting
46 activities, including limits on the time and location of rafting
activities, the number of persons that may participate in those
48 rafting activities and the safety equipment required for rafting
trips.

50

2 A. A person who violates limits imposed under this
3 subsection commits a civil violation for which a fine of not
4 less than \$100 nor more than \$500 may be adjudged.

6 B. A person who violates limits imposed under this
7 subsection after having been adjudicated as having committed
8 3 or more civil violations under this Part within the
9 previous 5-year period commits a Class E crime.

10 4. Rejection of request. The commissioner may reject a
11 request under this section if the commissioner determines that
12 granting the request would conflict with the river management
13 objectives set forth in section 12903.

14 **Sec. 330. 12 MRSA §12909, sub-§1**, as enacted by PL 2003, c.
15 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

18 **1. Eligibility.** A person may not act as a whitewater guide
19 unless that person is 18 years of age or older and has procured a
20 license from the commissioner pursuant to this section.

22 A. A person who violates this subsection commits a Class E
23 crime for which a minimum fine of \$50 and an amount equal to
24 twice the applicable license fee must be imposed.

26 **Sec. 331. 12 MRSA §12909, sub-§6** is enacted to read:

28 6. Nonrenewal, suspension or revocation. A whitewater
29 guide's license is subject to nonrenewal, suspension or
30 revocation for good cause shown, including, but not limited to,
31 unsafe practices, falsification of reports or serious or
32 continued violation of this chapter, subject to Title 5, chapter
33 375.

34 **Sec. 332. 12 MRSA §12910, sub-§1**, as enacted by PL 2003, c.
35 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

38 **1. Whitewater trip safety restrictions.** The commissioner
39 shall by rule establish safety restrictions for whitewater
40 trips. Rules adopted pursuant to this subsection are routine
41 technical rules as defined in Title 5, chapter 375, subchapter
42 2-A. A person who violates safety restrictions established
43 pursuant to this subsection commits a Class E crime.

44 **Sec. 333. 12 MRSA §12910, sub-§2, ¶¶A and B** are enacted to
45 read:

48 A. A commercial whitewater outfitter shall comply with any
49 order of launch established by the department under this
50 subsection.

2 B. The following penalties apply to violations of this
3 subsection.

4 (1) A person who violates this subsection commits a
5 civil violation for which a fine of not less than \$100
6 nor more than \$500 may be adjudged.

7 (2) A person who violates this subsection after having
8 been adjudicated as having committed 3 or more civil
9 violations under this Part within the previous 5-year
10 period commits a Class E crime.

11 **Sec. 334. 12 MRSA §12910, sub-§4, ¶A,** as enacted by PL 2003,
12 c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

13 A. A written report of any accident occurring in connection
14 with a whitewater trip conducted by that outfitter resulting
15 in the death of a person, a person's losing consciousness or
16 receiving professional medical treatment, a person's
17 becoming disabled for more than 24 hours, a person's
18 disappearance from a whitewater craft under circumstances
19 indicating death or injury or damage to the whitewater craft
20 or other property of more than ~~\$100~~ \$1,000; and

21 **Sec. 335. 12 MRSA §12910, sub-§5** is enacted to read:

22 **5. Penalties.** The following penalties apply to violations
23 of subsection 4.

24 A. A person who violates subsection 4 commits a civil
25 violation for which a fine of not less than \$100 nor more
26 than \$500 may be adjudged.

27 B. A person who violates subsection 4 after having been
28 adjudicated as having committed 3 or more civil violations
29 under this Part within the previous 5-year period commits a
30 Class E crime.

31 **Sec. 336. 12 MRSA §12911, sub-§3,** as enacted by PL 2003, c.
32 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
33 following enacted in its place:

34 **3. West Branch Penobscot River.** The recreational use limit
35 of the West Branch Penobscot River between McKay Station and
36 Pockwockamus Falls is 560 commercial passengers per day.
37 Noncommercial recreational use is not limited.

38

2 A. In order to allow free time for other uses, a person may
3 not conduct a whitewater trip on the West Branch Penobscot
4 River between McKay Station and Pockwockamus Falls between
5 5:00 p.m. and 8:30 a.m.

6 B. The following penalties apply to violations of paragraph
7 A.

8
9
10 (1) A person who violates paragraph A commits a civil
11 violation for which a fine of not less than \$100 nor
12 more than \$500 may be adjudged.

13
14 (2) A person who violates paragraph A after having
15 been adjudicated as having committed 3 or more civil
16 violations under this Part within the previous 5-year
17 period commits a Class E crime.

18 **Sec. 337. 12 MRSA §12912**, as enacted by PL 2003, c. 414, Pt.
19 A, §2 and affected by Pt. D, §7, is repealed and the following
20 enacted in its place:

21 **§12912. Rapidly flowing rivers**

22
23 **1. User fee.** This subsection applies to the payment of user
24 fees by outfitters carrying passengers on rapidly flowing rivers.

25
26
27 **A. Each outfitter shall:**

28
29 (1) Pay a user fee of \$1 per passenger, excluding
30 guides, carried by the outfitter on any whitewater
31 trip; and

32
33 (2) Pay this fee by the 30th day of the month
34 following the month in which the passengers were
35 carried.

36
37 **B. The following penalties apply to violations of paragraph**
38 **A.**

39
40 (1) A person who violates paragraph A commits a civil
41 violation for which a fine of not less than \$100 nor
42 more than \$500 may be adjudged.

43
44 (2) A person who violates paragraph A after having
45 been adjudicated as having committed 3 or more civil
46 violations under this Part within the previous 5-year
47 period commits a Class E crime.

48

2 2. Reporting. This subsection applies to the submission of
3 monthly reports by outfitters carrying passengers on rapidly
4 flowing rivers.

5 A. Each outfitter shall:

6 (1) Report monthly to the department the number of
7 passengers carried each day on each rapidly flowing
8 river;

9 (2) Ensure this report is accurate; and

10 (3) Submit the report by the 30th day of the month
11 following the month in which the passengers were
12 carried.

13 B. The following penalties apply to violations of paragraph
14 A.

15 (1) A person who violates paragraph A commits a civil
16 violation for which a fine of not less than \$100 nor
17 more than \$500 may be adjudged.

18 (2) A person who violates paragraph A after having
19 been adjudicated as having committed 3 or more civil
20 violations under this Part within the previous 5-year
21 period commits a Class E crime.

22 3. Passenger limitation. This subsection applies to the
23 carrying of passengers under this section.

24 A. Except as provided in this subsection, an outfitter may
25 not carry:

26 (1) On any unallocated rapidly flowing river more than
27 92 passengers per day; or

28 (2) On any allocated rapidly flowing river more than 92
29 passengers per day or more than the allocations for
30 that outfitter's largest single day on that river,
31 whichever number is greater. On allocated days, that
32 limit may be exceeded only as provided in section
33 12913, subsection 2, paragraph A, subparagraph 4. On
34 unallocated days, an outfitter may occasionally carry
35 up to 4 additional passengers to accommodate problems
36 in booking. Abuse of the privilege to carry 4
37 additional passengers results in its loss for a period
38 to be determined by the commissioner.

2 B. The following penalties apply to violations of paragraph
3 A.

4 (1) A person who violates paragraph A commits a civil
5 violation for which a fine of not less than \$100 nor
6 more than \$500 may be adjudged.

7 (2) A person who violates paragraph A after having
8 been adjudicated as having committed 3 or more civil
9 violations under this Part within the previous 5-year
10 period commits a Class E crime.

11 **Sec. 338. 12 MRSA §12913, sub-§2,** as enacted by PL 2003, c.
12 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
13 following enacted in its place:

14 **2. Allocation required; affiliated outfitters restricted.**
15 This subsection governs commercial whitewater trips on rivers
16 subject to allocation requirements.

17 A. Except as provided in this paragraph, a person may not
18 operate a commercial whitewater trip on the Kennebec River
19 between Harris Station and West Forks or on the West Branch
20 Penobscot River between McKay Station and Pockwockamus Falls
21 without an allocation or in excess of an allocation on any
22 day for which allocations are established under this
23 subsection or by the department by rule.

24 (1) Allocations are not established and are not
25 required for other rivers or for other stretches of the
26 Kennebec River or the West Branch Penobscot River.

27 (2) Allocations are required for Saturdays on the
28 Kennebec River between Harris Station and West Forks
29 for the period of July 1st to August 31st. Allocations
30 are required for Saturdays on the West Branch Penobscot
31 River between McKay Station and Pockwockamus Falls for
32 the period of June 8th to August 31st. The commissioner
33 may adopt rules establishing allocations for Sundays
34 for the period of July 1st to August 31st. If the
35 department determines that the recreational use limit
36 will be reached on other days, the department shall
37 provide by rule for allocations. Rules adopted under
38 this subparagraph are routine technical rules as
39 defined in Title 5, chapter 375, subchapter 2-A.

40 (3) Under high-water or low-water conditions on the
41 West Branch Penobscot River, an emergency swap of an
42 allocation may be made to the Kennebec River, as long
43 as sufficient water is available there. Under no
44 circumstances shall an allocation be made to the West Branch
45 Penobscot River if the allocation would result in a violation
46 of any other provision of this section.

2 circumstances is a transfer of an allocation allowed
3 from the Kennebec River to the West Branch Penobscot
4 River.

5 (4) An outfitter may occasionally exceed the
6 allocation by 2 passengers on a trip of up to 40
7 passengers, or 4 passengers on a trip of more than 40
8 passengers, to accommodate problems in booking, as long
9 as the average of the number of passengers carried on
10 an outfitter's 10 best allocated days for each river
11 and for each allocated day of the week does not exceed
12 the outfitter's allocation for that river and day.
13 Abuse by an outfitter of the privilege to carry
14 additional passengers results in the loss of the
15 privilege for a period to be determined by the
16 commissioner.

17 (5) On the several days in the months of April and May
18 when special water releases are scheduled to be made
19 from the Flagstaff Dam to permit whitewater rafting on
20 the Dead River, commercial whitewater rafting trips may
21 be transferred from the Dead River to the Kennebec
22 River whenever high-water or low-water conditions
23 render use of the Dead River unsafe or inappropriate
24 for commercial whitewater rafting trips.

25 (6) The following penalties apply to violations of
26 this paragraph.

27 (a) A person who violates this paragraph commits
28 a civil violation for which a fine of not less
29 than \$100 nor more than \$500 may be adjudged.

30 (b) A person who violates this paragraph after
31 having been adjudicated as having committed 3 or
32 more civil violations under this Part within the
33 previous 5-year period commits a Class E crime.

34 B. Not more than one member of an affiliated group may
35 conduct whitewater trips on any river or stretch of river
36 for which a specific allocation is required, including on
37 days for which an allocation is not required. The following
38 penalties apply to violations of this paragraph.

39 (1) A person who violates this paragraph commits a
40 civil violation for which a fine of not less than \$100
41 nor more than \$500 may be adjudged.

42 (2) A person who violates this paragraph after having
43 been adjudicated as having committed 3 or more civil
44 violations under this Part within the previous 5-year
45 period commits a Class E crime.

2 violations under this Part within the previous 5-year
3 period commits a Class E crime.

4 C. Three or more years after the period of affiliation, the
5 department may, in its discretion, consider requests by any
6 former member of an affiliated group to run passengers on
7 allocated rivers. The burden rests on the former member of
8 an affiliated group to demonstrate that the reasons for any
9 finding of affiliation have so diminished in effect that the
10 public interest will be served by considering the former
11 member's request to run passengers on an allocated river.

12 **Sec. 339. 12 MRSA §12913, sub-§3**, as enacted by PL 2003, c.
13 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

14 **3. Allocations, maximum, minimum.** The department may
15 allocate the privilege to conduct whitewater trips to licensed
16 outfitters. The maximum allocation for an outfitter is 120
17 passengers per river per day. The minimum allocation to be
18 awarded is 10 passengers per day on the Kennebec River and 16
19 passengers per day on the West Branch Penobscot River. The
20 department is not authorized to issue a total number of
21 allocations issued for an allocated day ~~may--not--exceed~~ that
22 exceeds the recreational use limits established in section
23 12911. The department may declare a day to be an allocated day
24 when the department determines that the regular and persistent
25 use of the river on that day from year to year may exceed the
26 recreational use limits for that day.

27 **Sec. 340. 12 MRSA §12913, sub-§§5 and 6**, as enacted by PL 2003,
28 c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

29 **5. Allocation criteria; reports.** The department may adopt
30 rules specifying a schedule for reviewing outfitters who hold
31 allocations and setting forth the criteria for awarding
32 allocations. ~~An outfitter shall submit periodic public reports~~
33 ~~to the department documenting river use for both allocated and~~
34 ~~unallocated days.~~ If the department determines that additional
35 allocated days are required, the allocation of trips on any such
36 additional day must be distributed among existing licensed
37 outfitters, upon payment of the appropriate allocation fee, in
38 accordance with their percentage of total use averaged over the
39 rafting season on that rapidly flowing river on that particular
40 day, up to the limit on allocations established in subsection 3.
41 Rules adopted pursuant to this subsection are routine technical
42 rules as defined in Title 5, chapter 375, subchapter 2-A.

43 A. An outfitter shall submit on a schedule determined by
44 the department periodic public reports to the department

2 documenting river use for both allocated and unallocated
3 days. The following penalties apply to violations of this
4 paragraph.

5 (1) A person who violates this paragraph commits a
6 civil violation for which a fine of not less than \$100
7 nor more than \$500 may be adjudged.

8 (2) A person who violates this paragraph after having
9 been adjudicated as having committed 3 or more civil
10 violations under this Part within the previous 5-year
11 period commits a Class E crime.

12
13 **6. Allocation fee.** When allocations are required, an
14 outfitter shall pay the department an annual allocation fee, for
15 either river when allocations are required, of \$250 per unit of
16 20 passengers or less allocated per day on either river in excess
17 of a single unit on a single river. Additional passengers over
18 each increment of 20 constitute a new unit. This The annual
19 allocation fee may be paid in quarterly payments, beginning 30
20 days after the allocation is awarded. The maximum allocation fee
21 an outfitter may pay is \$2,625 for the privilege of carrying 120
22 passengers per day on both rivers annually.

23 **Sec. 341. 12 MRSA §12913, sub-§§7 and 8,** as enacted by PL 2003,
24 c. 414, Pt. A, §2 and affected by Pt. D, §7, are repealed.

25 **Sec. 342. 12 MRSA §12913, sub-§9** is enacted to read:

26 **9. Noncommercial whitewater rafting trips; prior**
27 **registration required.** A person without a commercial whitewater
28 outfitter's license using a whitewater craft on any stretch of
29 river for which a specific allocation is required, including days
30 for which an allocation is not required, shall file, prior to
31 launching the craft, a noncommercial trip registration form with
32 the department. The form must state that the person's use of
33 whitewater craft on this river stretch does not constitute a
34 commercial whitewater trip as defined in section 12901 and must
35 be signed by all persons using the craft.

36
37 A commercial whitewater outfitter may not use a whitewater craft
38 on any stretch of river for which a specific allocation is
39 required, including days for which an allocation is not required,
40 to carry any person, other than a commercial passenger or
41 commercial whitewater guide, unless the outfitter files a
42 noncommercial passenger registration form with the department
43 before launching the craft. The form must list the persons who
44 are not commercial whitewater guides or commercial passengers,
45 state that the persons listed are not commercial whitewater
46 rafting trips.

2 guides or commercial passengers and be signed by each person
3 listed.

4 A. A person who violates this subsection commits a civil
5 violation for which a fine of not less than \$100 nor more
6 than \$500 may be adjudged.

8 B. A person who violates this subsection after having been
9 adjudicated as having committed 3 or more civil violations
10 under this Part within the previous 5-year period commits a
11 Class E crime.

12 **Sec. 343. 12 MRSA §12951**, as enacted by PL 2003, c. 414, Pt.
14 A, §2 and affected by Pt. D, §7, is repealed and the following
15 enacted in its place:

16 **§12951. Rule violations; taxidermy**

17 The following penalties apply to violations of rules
18 regulating taxidermy.

19 1. Civil. Notwithstanding section 10650, a person who
20 violates a rule regulating taxidermy commits a civil violation
21 for which a fine of not less than \$100 nor more than \$500 may be
22 adjudged.

23 2. Criminal. A person who violates a rule regulating
24 taxidermy after having been adjudicated as having committed 3 or
25 more civil violations under this Part within the previous 5-year
26 period commits a Class E crime.

27 **Sec. 344. 12 MRSA §12952, sub-§2-A** is enacted to read:

28 **2-A. Record-keeping requirements.** The following provisions
29 apply to keeping and filing records.

30 A. The holder of a taxidermist license shall:

31 (1) Keep a true and complete record, in such form as
32 required by the commissioner, of all activities
33 conducted by virtue of the taxidermist license; and

34 (2) File a copy of the record with the commissioner no
35 later than 10 days after the end of the year during
36 which the license is valid.

37 B. The following penalties apply to violations of this
38 subsection.

2 (1) A person who violates this subsection commits a
3 civil violation for which a fine of not less than \$100
4 nor more than \$500 may be adjudged.

5 (2) A person who violates this subsection after having
6 been adjudicated as having committed 3 or more civil
7 violations under this Part within the previous 5-year
8 period commits a Class E crime.

9 Each day a person violates this subsection is a separate
10 offense.

11 **Sec. 345. 12 MRSA §12952, sub-§3**, as enacted by PL 2003, c.
12 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
13 following enacted in its place:

14 3. Records inspection. Records retained under subsection
15 2-A must be open for inspection by any agent of the commissioner
16 during normal business hours.

17 **Sec. 346. 12 MRSA §12952, sub-§5**, as enacted by PL 2003, c.
18 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

19 **5. Rules.** The commissioner may, pursuant to the Maine
20 Administrative Procedure Act, adopt rules to implement the
21 provisions of this section ~~and sections 10155, 10909 and 12953.~~
22 Rules adopted pursuant to this subsection are routine technical
23 rules as defined in Title 5, chapter 375, subchapter 2-A.

24 **Sec. 347. 12 MRSA §12953, sub-§7**, as enacted by PL 2003, c.
25 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

26 **7. Annual renewal of license; fees.** Licenses issued
27 pursuant to this section run for the current year until the 30th
28 day of June following the date of the issuance, on which date the
29 license terminates unless sooner ~~it is~~ it is ~~revoked~~ revoked ~~sooner.~~ Subject
30 to any revocation or suspension, the license or permit may be
31 renewed annually upon application by the licensee accompanied by
32 a \$75 license fee.

33 **Sec. 348. 12 MRSA §12953, sub-§8** is enacted to read:

34 8. Rules. The commissioner may adopt rules to implement the
35 provisions of this section. Rules adopted pursuant to this
36 subsection are routine technical rules as defined in Title 5,
37 chapter 375, subchapter 2-A.

38 **Sec. 349. 12 MRSA §12954, sub-§4-A** is enacted to read:

2 **4-A. Record-keeping requirements.** The following provisions
apply to the keeping and filing of records.

4 **A. A licensee shall:**

6 (1) Keep a true and complete record, in such form as
is required by the commissioner, of all heads, hides
8 and bear gall bladders purchased; and

10 (2) File that record with the commissioner on or
before June 30th of each year.

12 **B. The following penalties apply to violations of this**
14 **subsection.**

16 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
18 nor more than \$500 may be adjudged.

20 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil
22 violations under this Part within the previous 5-year
period commits a Class E crime.

24 Each day a person violates this subsection is a separate
26 offense.

28 **Sec. 350. 12 MRSA §12954, sub-§5,** as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
30 following enacted in its place:

32 **5. Record inspection.** Records retained under subsection
4-A must be open for inspection by the commissioner or the
34 commissioner's agent.

36 **Sec. 351. 12 MRSA §12954, sub-§7,** as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

38 **Sec. 352. 12 MRSA §12955, sub-§4-A** is enacted to read:

40 **4-A. Record-keeping requirements.** The following provisions
42 apply to the keeping and filing of records.

44 **A. A licensee shall:**

46 (1) Keep a true and complete record, in such form as
is required by the commissioner, of all hides bartered
48 or sold; and

2 (2) Retain records required under this subsection for
3 at least 3 years.

4 B. The following penalties apply to violations of this
5 subsection.

6 (1) A person who violates this subsection commits a
7 civil violation for which a fine of not less than \$100
8 nor more than \$500 may be adjudged.

10 (2) A person who violates this subsection after having
11 been adjudicated as having committed 3 or more civil
12 violations under this Part within the previous 5-year
13 period commits a Class E crime.

14 Each day a person violates this subsection is a separate
15 offense.

16 **Sec. 353. 12 MRSA §12955, sub-§5**, as enacted by PL 2003, c.
17 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
18 following enacted in its place:

19 **5. Record inspection.** Records retained under subsection
20 4-A must be open for inspection by the commissioner or the
21 commissioner's agent.

22 **Sec. 354. 12 MRSA §12955, sub-§6**, as enacted by PL 2003, c.
23 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

24 **Sec. 355. 12 MRSA §13001, sub-§§19, 20 and 22**, as enacted by PL
25 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to
26 read:

27 **19. Operation.** "~~Operation,~~" ~~when it refers to watercraft of~~
28 ~~any type or description,~~ means the act of operating as defined in
29 subsection 18.

30 **20. Operator.** "Operator" means the person who is in control
31 or in charge of a watercraft, snowmobile or ATV while it is in
32 use.

33 **22. Passenger.** "Passenger" ~~includes~~ means every person
34 carried on board a watercraft other than:

- 35 A. The owner or the owner's representative;
- 36 B. The operator;

2 C. Bona fide members of the crew engaged in the business of
the watercraft who have not contributed consideration for
their carriage and who are paid for their services; and

4
6 D. A guest on board a watercraft that is being used
exclusively for pleasure purposes who has not contributed
any consideration, directly or indirectly, for that guest's
8 carriage.

10 **Sec. 356. 12 MRSA §13003, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

12
14 **1. Registration of watercraft and ATV.** An Except in the
case of a renewal of registration by the same owner, an
16 application for the registration may not be granted in respect to
any of a watercraft or ATV whose may not be granted when the sale
18 or use of that watercraft or ATV may be subject to tax under
Title 36, chapters 211 to 225, except in the case of a renewal of
20 registration by the same owner, unless and until one of the
following conditions has been satisfied:

22 A. The applicant has submitted a dealer's certificate in a
form prescribed by the State Tax Assessor, showing either
24 that the sales tax due in respect to the watercraft or ATV
in question has been collected by the dealer or that the
26 sale of the watercraft or ATV is exempt from or otherwise
not subject to tax under Title 36, chapters 211 to 225;

28
30 B. The applicant has properly executed and signed a use tax
certificate in the form and manner prescribed by the State
Tax Assessor and paid the amount of tax shown therein to be
32 due; or

34 C. The applicant has properly executed and signed a use tax
certificate in the form and manner prescribed by the State
36 Tax Assessor showing that the sale or use of the watercraft
or ATV in question is exempt from or otherwise not subject
38 to tax under Title 36, chapters 211 to 225.

40 **Sec. 357. 12 MRSA §13004**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

42 **§13004. Collection by State Tax Assessor**

44
46 This section and sections 13002, 13003 and 13005 must be
construed as cumulative of other methods prescribed in Title 36
for the collection of the sales or use tax. These sections may
48 ~~not be construed as precluding~~ do not preclude the State Tax
Assessor's collecting the tax due in respect to any watercraft,

2 ATV or snowmobile in accordance with such other methods as are
prescribed in Title 36 for the collection of the sales or use tax.

4 **Sec. 358. 12 MRSA §13051, sub-§6**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

6 **Sec. 359. 12 MRSA §13051, last ¶**, as enacted by PL 2003, c.
8 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

10 Rules adopted pursuant to this section must be written in a
clear and easy-to-understand format for educational purposes.
12 ~~These rules~~ A summary of rules adopted under subsections 3, 4, 5
14 and 7 must be attached-to-and distributed with each watercraft
16 registration form together with a--summary--of--the--rules--and
information on how to prevent water contamination and minimize
wildlife disturbance.

18 **Sec. 360. 12 MRSA §13053, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

20 **1. Rules.** The commissioner shall adopt rules restricting
22 the operation of airmobiles in areas where their use may be
harmful. These rules must be adopted in accordance with Title 5,
24 chapter 375 after public hearings in the areas affected. Rules
26 adopted pursuant to this subsection are routine technical rules
as defined in Title 5, chapter 375, subchapter 2-A.

28 **Sec. 361. 12 MRSA §13054**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed and the following
30 enacted in its place:

32 **§13054. Rule violations; watercraft**

34 The following penalties apply to violations of rules
36 regarding watercraft.

38 **1. Civil.** Notwithstanding section 10650, a person who
40 violates a rule regarding watercraft commits a civil violation
for which a fine of not less than \$100 nor more than \$500 may be
adjudged.

42 **2. Criminal.** A person who violates a rule regarding
44 watercraft after having been adjudicated as having committed 3 or
more civil violations under this Part within the previous 5-year
46 period commits a Class E crime.

48 **Sec. 362. 12 MRSA §13055**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed.

2 Sec. 363. 12 MRSA §13056, as corrected by RR 2003, c. 1, §9,
is amended to read:

4 **§13056. Certificate of number, identification numbers and
validation stickers**

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

8 A. Except as provided in subparagraph (1), operate or give
10 permission to operate a motorboat requiring a certificate of
12 number without a current certificate of number or a current
14 temporary certificate of number. Only the certificate of
number or temporary certificate of number as issued by the
commissioner is valid. A facsimile or copy of the
certificate is not valid.

16 (1) The certificate of number for a watercraft less
18 than 26 feet in length and leased or rented to another
for the latter's noncommercial use may be retained on
20 shore by the owner of the watercraft or the owner's
representative at the place where the watercraft
22 departs or returns to the possession of the owner or
the owner's representative, provided that the person
24 leasing or renting the watercraft has a copy of the
lease or rental agreement that shows the watercraft
26 number thereon and the period of time for which the
watercraft is leased or rented and that is signed by
28 the owner or the owner's representative;

30 B. Operate or give permission to operate a motorboat
without the identification number and validation stickers,
32 assigned by the commissioner and authorized by this chapter,
displayed on each side of the bow in accordance with
34 subsection 12, paragraphs A and B or section 13059,
subsection 4, or

36 C. Rent or lease any motorboat not covered by a current
38 certificate of number as required by section 13064.

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 1-A. Operating without certificate of number. Except as
46 provided in paragraph A, a person may not operate or give
permission to operate a motorboat requiring a certificate of
48 number without a current certificate of number or a current
temporary certificate of number. Only the certificate of number
or temporary certificate of number as issued by the commissioner
50 is valid. A facsimile or copy of the certificate is not valid.

2 A. The certificate of number for a watercraft less than 26
4 feet in length and leased or rented to another for the
6 latter's noncommercial use may be retained on shore by the
8 owner of the watercraft or the owner's representative at the
10 place where the watercraft departs or returns to the
12 possession of the owner or the owner's representative, as
 long as the person leasing or renting the watercraft has a
 copy of the lease or rental agreement that shows the
 watercraft number thereon and the period of time for which
 the watercraft is leased or rented and that is signed by the
 owner or the owner's representative.

14 B. The following penalties apply to violations of this
 subsection.

16 (1) A person who violates this subsection commits a
18 civil violation for which a fine of not less than \$100
 nor more than \$500 may be adjudged.

20 (2) A person who violates this subsection after having
22 been adjudicated as having committed 3 or more civil
24 violations under this Part within the previous 5-year
 period commits a Class E crime.

26 1-B. Operating without identification number and validation
 stickers. A person may not operate or give permission to operate
28 a motorboat without the identification number and validation
30 stickers, assigned by the commissioner and authorized by this
 chapter, displayed on each side of the bow in accordance with
 subsection 12, paragraphs A and B or section 13059, subsection 4.

32 A. A person who violates this subsection commits a civil
34 violation for which a fine of not less than \$100 nor more
 than \$500 may be adjudged.

36 B. A person who violates this subsection after having been
38 adjudicated as having committed 3 or more civil violations
40 under this Part within the previous 5-year period commits a
 Class E crime.

42 2. Motorboats requiring. Except as provided in this
44 subsection, the owner of a motorboat, including an airmobile,
46 used on the waters of the State as the state of principal use
48 shall obtain a certificate of number for the motorboat from the
50 commissioner. No certificate of number may be issued unless the
 owner submits proof that the watercraft excise tax, assessed
 under Title 36, chapter 112, has been paid or that the boat is
 exempt from the watercraft excise tax. The following motorboats
 are exempt from this subsection:

- 2 A. A watercraft that has or is required to have a valid
marine document as a watercraft of the United States;
- 4
- 6 B. A motorboat already covered by a current certificate of
number issued under a federally approved numbering system of
8 another state or a federal law, as long as the number so
issued is displayed on the motorboat and as long as the
10 motorboat has not been within this State for a period in
excess of 60 consecutive days after the state of principal
use has been changed;
- 12
- 14 C. Military or public watercraft, except recreational type
watercraft of the United States;
- 16
- 18 D. A motorboat whose owner is the United States, a state or
subdivision thereof that is used for governmental purposes
and is clearly identifiable as such;
- 20
- 22 E. A ship's lifeboat;
- 24
- 26 F. A motorboat from a country other than the United States,
as long as the motorboat has not been within this State for
a period in excess of 60 consecutive days; and
- 28
- 26 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.

30 **3. Other watercraft may be numbered.** Nothing in this
section prohibits the numbering of any watercraft upon the
32 request of the owner. The owner shall comply with all applicable
requirements of this chapter if the owner chooses to number a
34 watercraft.

36 **4. Application.** The owner of a motorboat requiring or of a
watercraft for which the owner wishes to request a certificate of
38 number shall make application to the commissioner on forms
approved by the commissioner. The application must show the
40 legal residence of the applicant and the place where the
watercraft is situated.

42

5. Issuance. Upon receipt of the approved application with
44 the proper fee, the commissioner shall enter the application upon
the office records and issue the applicant a pocket-sized
46 certificate of number stating:

- 48 A. The number assigned to the motorboat;
- 50 B. Its description;

2 C. The name and address of the owner; and

4 D. Such other information as the commissioner deems
6 appropriate.

8 The holder of any certificate of number issued under this chapter
10 may obtain a duplicate validation sticker from the commissioner
12 upon application and payment of the fee set forth in subsection 8.

14 **6. Certificate of number; term.** A certificate of number is
16 issued to the owner of a watercraft or a dealer for a specific
18 calendar year and is valid through December 31st of the year for
20 which it was issued.

22 **7. Numbers permanent.** A number once awarded under this
24 chapter to a motorboat remains with that boat until the boat is
26 destroyed, abandoned, permanently removed or no longer
28 principally used in this State, except that numbers that have
30 been inactive for at least 7 years may be reissued by the
32 division.

34 **8. Fees.** The fees for each original or renewal certificate
36 of number with 2 validation stickers are set out in this
38 subsection.

40 A. For a watercraft requiring or whose owner requests a
42 certificate of number and that is equipped with a motor
44 having a manufacturer's horsepower rating of:

46 (1) Ten horsepower or less, the fee is \$6;

48 (2) Greater than 10, but not more than 50 horsepower,
50 the fee is \$10; and

(3) Greater than 50 horsepower, the fee is \$15.

B. For a personal watercraft requiring or whose owner
requests a certificate of number, the fee is \$20.

C. For a duplicate certificate of number, the fee is \$1.

D. For a duplicate validation sticker (per set), the fee is
\$1.

E. For a certificate of number issued with transfer of
ownership authorized in subsection 10, the fee is \$2.

F. For a registration issued for an expanded registration
period authorized in subsection 11, paragraph A:

- 2 (1) Ten horsepower or less, the fee is \$7.50;
- 4 (2) Greater than 10, but not more than 50 horsepower,
the fee is \$12.50;
- 6 (3) Greater than 50 horsepower, the fee is \$18.75; and
- 8 (4) Personal watercraft, the fee is \$25.00.

10 Validation stickers are nontransferable.

12 **9. Renewal.** The owner may renew the owner's certificate of
14 number at expiration by stating the old number in the owner's
16 application and paying the fee prescribed in subsection 8. The
fee is the same fee the owner would pay for the original issuance.

18 **10. Transfer of ownership.** Whoever transfers ownership of
20 a motorboat for which a certificate of number has already been
issued under this chapter and applies for a certificate of number
22 for another motorboat is entitled to a new certificate of number
upon payment of a transfer fee of \$2 as set forth in subsection
24 8, paragraph E, provided the applicant returns to the
commissioner the old certificate of number properly signed and
26 executed, showing that ownership of the motorboat has been
transferred.

28 **11. New ownership.** If there is a change of ownership of a
motorboat for which a certificate of number has previously been
30 issued under this chapter, the new owner shall apply for a new
certificate of number and set forth the original boat number in
32 the application. The new owner shall pay the regular fee for the
particular motorboat involved and is not entitled to the special
34 transfer fee set forth in subsection 10.

36 A. After September 30th, a person may pay 125% of the
original watercraft registration fee as listed in subsection
38 8, paragraph F and receive a registration covering the
remainder of the calendar year plus one additional year.

40 **12. Requirements.** The following provisions ~~must--be~~
42 observed establish requirements for certificates of number,
identification numbers and validation stickers.

44 A. The operator shall have the certificate of number
46 available for inspection on the motorboat for which it was
issued whenever the motorboat is in operation.

48 B. The A person may not operate or give permission to
50 operate a motorboat unless the identification number and

validation stickers assigned by the commissioner and authorized by this chapter ~~must--be~~ are displayed on each side of the bow of the boat in the following manner:

(1) The identification numbers must be painted or permanently attached to the bow and be of a color that is in contrast to the color of the background so as to provide the highest degree of visibility, i.e., dark numbers on a light background or vice versa, and be plainly visible;

(2) The identification number must be displayed in 3 parts. The prefix, which is the initial letters ME, designating the State of Maine, must be separated by a hyphen or space equal to the width of a letter, other than the letter "I," from the numerals that follow it. The suffix, which consists of the ending letter or letters which appear after the numerals, must be likewise separated from the numerals;

(3) The identification number must be displayed to read from left to right, of good proportion, with vertical block character capital letters and Arabic numerals, all of which must be not less than 3 inches in height and maintained in a legible condition at all times;

(4) No number other than the assigned boat number may be displayed on the bow of such a motorboat; and

(5) The validation sticker, as issued by the division, must be displayed approximately 3 inches behind the last letter of the identification number and on a level with the number on both sides of the bow viz.: ME-123-A.

C. The owner of a certificate of number terminated or invalidated under subsection 13 shall return it within 10 days of the termination or invalidation.

D. The owner of a watercraft that has been issued a certificate of number shall notify the commissioner in writing within 10 days of:

(1) The transfer of all or any part of the owner's interest, other than the creation of a security interest, in the watercraft covered by the certificate;

(2) The permanent removal of the watercraft from the State;

- 2 (3) The destruction or abandonment of the watercraft;
4 (4) The theft or recovery of the watercraft; or
6 (5) Any change in the owner's address.

8 E. Upon sale or transfer of ownership of a registered
10 watercraft, the owner or dealer shall remove and destroy any
12 validation stickers on the craft.

14 F. The person whose name appears on the certificate of
16 number as the owner of a watercraft shall remove the number
18 and validation stickers from the craft when:

- 20 (1) The watercraft is documented;
22 (2) The watercraft is no longer used principally in
24 the State;
26 (3) The application for a certificate of number
contains false or fraudulent statements or information;
or
(4) The fees for issuance of a certificate of number
are not paid.

28 **12-A. Violation of requirements; penalty.** The following
penalties apply to violations of subsection 12.

30 A. A person who violates subsection 12 commits a civil
32 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

34 B. A person who violates subsection 12 after having been
36 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
38 Class E crime.

40 **13. Termination of certificate of number.** Under any of the
42 following conditions, the certificate of number issued by the
44 commissioner is terminated or invalidated:

- 46 A. Transfer of the watercraft;
48 B. Documentation of the watercraft;
50 C. Change in state of principal use of the watercraft;
D. Permanent removal of the watercraft from the State;

2 E. Abandonment or destruction of the watercraft;

4 F. False or fraudulent information on the application for
the certificate of number;

6 G. Failure to pay the required fee for the certificate of
number; or

8 H. Involuntary loss of interest in the watercraft due to
10 legal process.

12 The transfer of a partial interest that does not affect the
original owner's right to operate the watercraft does not
14 terminate or invalidate the certificate of number.

16 **Sec. 364. 12 MRSA §13058, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

18 **1. Prohibition.** A person may not place or operate a
20 motorboat or personal watercraft on the inland waters of the
State unless a lake and river protection sticker issued under
22 subsection 3 is affixed to both sides of the bow above the water
line and approximately 3 inches behind the validation sticker
24 required under section 13056.

26 **Sec. 365. 12 MRSA §13058, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
28 following enacted in its place:

30 **2. Violation.** A citation for a violation of subsection 1
32 may not be issued to a person who is also issued a citation at
the same time for a violation of any other provision of this
chapter regulating watercraft, other than section 13073.

34 A. A person who violates subsection 1 commits a civil
36 violation for which a fine of not less than \$100 and not
more than \$250 per violation may be adjudged. A fine
38 imposed under this subsection may not be suspended by the
court.

40 B. A person who violates subsection 1 after having been
42 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
44 Class E crime.

46 **Sec. 366. 12 MRSA §13058, sub-§3**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

48 **3. Lake and river protection sticker; fee.** By No later
50 than January 1st of each year, the commissioner shall provide

2 each agent authorized to register watercraft or issue licenses
with a sufficient quantity of lake and river protection stickers
4 for that boating season. The sticker must be in 2 parts so that
one part of the sticker can be affixed to each side of the bow of
6 a motorboat or personal watercraft. The fee for a sticker is \$20
for a motorboat or personal watercraft not registered in the
8 State and \$10 for a motorboat or personal watercraft registered
in the State. Each agent shall retain \$1 for each sticker sold
10 by that agent for which a fee is required. A motorboat or a
personal watercraft owned by the Federal Government, a state
12 government or a municipality is exempt from the fee established
in this subsection.

14 **Sec. 367. 12 MRSA §13059, sub-§4**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

16 **4. Restrictions.** The dealer or manufacturer who receives a
18 dealer's certificate of number pursuant to this section shall
display the number and validation stickers issued under the
20 dealer's certificate of number on a motorboat being demonstrated
or tested ~~and. The dealer or manufacturer may transfer that the~~
22 ~~number from one motorboat owned by that dealer or manufacturer to~~
another motorboat owned by that dealer or manufacturer by
24 temporarily attaching removable plates on which a dealer's number
and validation stickers may be ~~printed or attached to~~ displayed
26 on the bow of any boat covered by the dealer's certificate of
number.

28 **Sec. 368. 12 MRSA §13059, sub-§5** is enacted to read:

30 **5. Penalty.** The following penalties apply to violations of
32 subsection 4.

34 A. A person who violates subsection 4 commits a civil
violation for which a fine of not less than \$100 nor more
36 than \$500 may be adjudged.

38 B. A person who violates subsection 4 after having been
adjudicated as having committed 3 or more civil violations
40 under this Part within the previous 5-year period commits a
Class E crime.

42 **Sec. 369. 12 MRSA §13060, sub-§§3 and 4**, as enacted by PL 2003,
44 c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

46 **3. Use of 20-day plates.** Upon the sale or exchange by a
dealer of any motorboat that requires a certificate of number,
48 the new owner may secure from the dealer a temporary 20-day plate
to operate the craft for 20 consecutive days after the date of

2 sale in lieu of a permanent certificate of number as required in
3 section 13056, as long as the new owner applies to the
4 commissioner on the date of sale for a certificate of number.
The temporary 20-day boat number is nontransferable.

6 A. The application and fee for a certificate of number,
7 together with a copy of the temporary registration issued by
8 the dealer, must be forwarded by the dealer to the
9 commissioner within 48 hours after the date of sale of the
10 motorboat.

12 B. The dealer shall affix the temporary 20-day ~~beat-number~~
13 plate to the bow of the motorboat and shall clearly mark
14 thereon the date issued, date of expiration and the dealer's
15 Maine dealer's number.

16 **4. Requirements.** The following ~~restrictions~~ requirements
17 govern the use of 20-day plates.

20 A. ~~The Notwithstanding any other requirements for the~~
21 ~~display of a boat number, the new owner shall conspicuously~~
22 ~~display the temporary 20-day beat-number-is-nontransferable~~
23 ~~and-must-be-conspicuously-displayed~~ plate on the bow of the
24 motorboat, ~~notwithstanding any other requirements of display~~
25 ~~of-beat-number~~ when the motorboat is operated.

26 B. The operator of a motorboat must have the temporary
27 registration aboard at all times while the motorboat is in
28 operation.

30 C. After expiration of the 20-day period, the owner shall
31 remove and discard the temporary 20-day boat number and
32 display the permanent boat number and validation stickers
33 assigned by the commissioner in accordance with section
34 13056, subsection 12, paragraph B.

36 **Sec. 370. 12 MRSA §13060, sub-§5** is enacted to read:

38 **5. Penalty.** The following penalties apply to violations of
39 subsection 4.

42 A. A person who violates subsection 4 commits a civil
43 violation for which a fine of not less than \$100 nor more
44 than \$500 may be adjudged.

46 B. A person who violates subsection 4 after having been
47 adjudicated as having committed 3 or more civil violations
48 under this Part within the previous 5-year period commits a
49 Class E crime.

50

2 **Sec. 371. 12 MRSA §13061, sub-§§1 and 4**, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

4 **1. Permit required.** A person may not hold a regatta, race,
boat exhibition or water-ski exhibition without a permit from the
6 commissioner issued under subsection 2. ~~A person who violates~~
~~this subsection commits a civil violation for which a forfeiture~~
8 ~~of not less than \$100 nor more than \$500 may be adjudged.~~

10 A. A person who violates this subsection commits a civil
12 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

14 B. A person who violates this subsection after having been
16 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
18 Class E crime.

20 **4. Requirements.** The following ~~restrictions~~ requirements
apply to permits issued under this section.

22 A. The person obtaining the permit under subsection 2 is
24 ~~responsible for providing~~ shall provide reasonable
protection, as prescribed by the commissioner, from water
26 precautions to safeguard persons and property.

28 B. During any event authorized pursuant to subsection 1,
the officials conducting it shall conspicuously display one
30 or more orange warning flags of a size not less than 4 feet
by 4 feet while the event is in progress. The officials
32 shall remove the warning flag or flags for reasonable
periods of time during the event to allow nonparticipating
34 watercraft to pass through the area.

36 **Sec. 372. 12 MRSA §13061, sub-§4-A** is enacted to read:

38 **4-A. Penalty.** The following penalties apply to violations
40 of subsection 4.

42 A. A person who violates subsection 4 commits a civil
violation for which a fine of not less than \$100 nor more
44 than \$500 may be adjudged.

46 B. A person who violates subsection 4 after having been
adjudicated as having committed 3 or more civil violations
48 under this Part within the previous 5-year period commits a
Class E crime.

2 **Sec. 373. 12 MRSA §13061, sub-§5**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

4 **5. Unlawfully crossing event area.** Except in an emergency,
6 an operator of a watercraft may not cross the area of a regatta,
7 race, boat exhibition authorized under subsection 1 or water-ski
8 exhibition when the warning flag required under subsection 4,
9 paragraph B is displayed. ~~A person who violates this subsection~~
10 ~~commits a civil violation for which a forfeiture of not less than~~
~~\$100 nor more than \$500 may be adjudged.~~

12 A. A person who violates this subsection commits a civil
13 violation for which a fine of not less than \$100 nor more
14 than \$500 may be adjudged.

16 B. A person who violates this subsection after having been
17 adjudicated as having committed 3 or more civil violations
18 under this Part within the previous 5-year period commits a
19 Class E crime.

20 **Sec. 374. 12 MRSA §13062, sub-§1**, as enacted by PL 2003, c.
21 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
22 following enacted in its place:

24 **1. Certificate required.** A person may not operate a
25 motorboat carrying passengers for hire without a certificate of
26 number as required under this section.

28 A. A person who violates this subsection commits a civil
29 violation for which a fine of not less than \$100 nor more
30 than \$500 may be adjudged.

32 B. A person who violates this subsection after having been
33 adjudicated as having committed 3 or more civil violations
34 under this Part within the previous 5-year period commits a
35 Class E crime.

38 **Sec. 375. 12 MRSA §13063, sub-§1**, as enacted by PL 2003, c.
39 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
40 following enacted in its place:

42 **1. Prohibition.** A person may not operate a motorboat
43 carrying passengers for hire without an operator's license to
44 carry passengers for hire as required in this section.

46 A. A person who violates this subsection commits a civil
47 violation for which a fine of not less than \$100 nor more
48 than \$500 may be adjudged.

2 B. A person who violates this subsection after having been
3 adjudicated as having committed 3 or more civil violations
4 under this Part within the previous 5-year period commits a
5 Class E crime.

6 **Sec. 376. 12 MRSA §13064**, as enacted by PL 2003, c. 414, Pt.
7 A, §2 and affected by Pt. D, §7, is repealed and the following
8 enacted in its place:

10 **§13064. Certificate of number for motorboats rented or leased**

12 **1. Certificate of number required.** Before any motorboat is
13 rented or leased, the owner of the motorboat shall obtain a
14 certificate of number from the commissioner under section 13056.

16 **2. Penalty.** The following penalties apply to violations of
17 this section.

18 **A.** A person who violates this section commits a civil
19 violation for which a fine of not less than \$100 nor more
20 than \$500 may be adjudged.

22 **B.** A person who violates this section after having been
23 adjudicated as having committed 3 or more civil violations
24 under this Part within the previous 5-year period commits a
25 Class E crime.

28 **Sec. 377. 12 MRSA §13065, sub-§1**, as enacted by PL 2003, c.
29 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

30 **1. Prohibition.** A person may not rent or lease a personal
31 watercraft in violation of this section. This subsection does
32 not apply to:

34 **A.** A campground licensed by the Department of Human
35 Services that offers the personal watercraft owned by that
36 campground exclusively for use by campground clientele;

38 **B.** A commercial sporting camp. For the purposes of this
39 subsection, "commercial sporting camp" means a business
40 consisting of primitive lodging facilities that offers the
41 public the opportunity to pursue primitive hunting, fishing,
42 boating or snowmobiling activities;

44 **C.** A person lawfully engaged in guiding activities under
45 section 12853 who accompanies others on guided trips that
46 include the use of personal watercraft; or

48

2 D. A property owner who offers a person renting or leasing
that property the use of a personal watercraft registered to
the property owner.

4
6 ~~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.~~

8 **Sec. 378. 12 MRSA §13065, sub-§1-A** is enacted to read:

10 **1-A. Penalty.** The following penalties apply to violations
12 of subsection 1.

14 **A.** A person who violates subsection 1 commits a civil
violation for which a fine of not less than \$100 nor more
16 than \$500 may be adjudged.

18 **B.** A person who violates subsection 1 after having been
adjudicated as having committed 3 or more civil violations
20 under this Part within the previous 5-year period commits a
Class E crime.

22 **Sec. 379. 12 MRSA §13066**, as enacted by PL 2003, c. 414, Pt.
24 A, §2 and affected by Pt. D, §7, is amended to read:

26 **§13066. Displaying excise tax decal and maintaining list**

28 **1. Failure to display excise tax decal.** The owner of a
watercraft shall display the excise tax decal, as required by
30 Title 36, chapter 112. In all cases when the owner of a
watercraft fails to display an excise tax decal as required under
32 Title 36, chapter 112, the law enforcement officer discovering
the failure shall notify the tax collector of the owner's
34 residence or, in the case of nonresidents, partnerships or
corporations, foreign or domestic, the tax collector of the
36 municipality where the watercraft is principally moored, docked
or located or has its established base of operations.

38 **A.** A person who fails to display an excise tax decal in
40 accordance with this subsection commits a civil violation
for which a ~~forfeiture~~ fine of not less than \$25 nor more
42 than \$250 may be adjudged, which must be paid to the
municipality in which the watercraft is subject to the
44 excise tax.

46 **B.** A person who fails to display an excise tax decal in
accordance with this subsection after having been
48 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
50 Class E crime. Any fine imposed as part of the sentencing

2 alternative must be paid to the municipality in which the
3 watercraft is subject to the excise tax.

4 **2. Failure to maintain list or make list available.** A
5 marina or ~~beat--yard~~ boatyard owner shall maintain the list
6 required by Title 36, section 1504, subsection 9, and make that
7 list available as required by that section.

8
9 A. A person who ~~fails to maintain a list or make a list~~
10 ~~available in accordance with~~ violates this subsection
11 commits a civil violation for which a ~~forfeiture~~ fine of not
12 less than \$25 nor more than \$250 may be adjudged.

13 B. A person who violates this subsection after having been
14 adjudicated as having committed 3 or more civil violations
15 under this Part within the previous 5-year period commits a
16 Class E crime.

17
18 **Sec. 380. 12 MRSA §13067, sub-§2,** as enacted by PL 2003, c.
19 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
20 following enacted in its place:

21
22 **2. Penalty.** The following penalties apply to violations of
23 this section.

24
25 A. A person who violates subsection 1 commits a civil
26 violation for which a fine of not less than \$100 nor more
27 than \$500 may be adjudged.

28
29 B. A person who violates subsection 1 after having been
30 adjudicated as having committed 3 or more civil violations
31 under this Part within the previous 5-year period commits a
32 Class E crime.

33
34 **Sec. 381. 12 MRSA §13068,** as enacted by PL 2003, c. 414, Pt.
35 A, §2 and affected by Pt. D, §7, is repealed.

36
37 **Sec. 382. 12 MRSA §13068-A** is enacted to read:

38
39 **§13068-A. Operating watercraft; prohibitions**

40
41 **1. Launching contaminated watercraft.** A person may not
42 place a watercraft that is contaminated with an invasive aquatic
43 plant upon the inland waters of the State.

44
45 A. A person who violates this subsection commits a civil
46 violation for which a fine of not less than \$500 and not
47 more than \$5,000 per violation may be adjudged. A fine
48 imposed under this subsection may not be suspended by the
49 court.

2 B. A person who violates this subsection after having been
4 adjudicated as having committed 3 or more civil violations
 under this Part within the previous 5-year period commits a
 Class E crime.

6
8 2. Unlawfully permitting operation by another. A person
 may not permit operation of a watercraft in violation of this
 subsection.

10
12 A. A person violates this subsection if that person owns a
 watercraft and negligently permits another person to operate
 that watercraft in violation of this chapter.

14
16 (1) A person who violates this paragraph commits a
 civil violation for which a fine of not less than \$100
 nor more than \$500 may be adjudged.

18
20 (2) A person who violates this paragraph after having
 been adjudicated as having committed 3 or more civil
 violations under this Part within the previous 5-year
22 period commits a Class E crime.

24 B. A person violates this subsection if that person is the
 parent or guardian responsible for the care of a minor under
26 18 years of age and the minor operates a personal watercraft
 in violation of this chapter.

28
30 (1) A person who violates this paragraph commits a
 civil violation for which a fine of not less than \$100
 nor more than \$500 may be adjudged.

32
34 (2) A person who violates this paragraph after having
 been adjudicated as having committed 3 or more civil
 violations under this Part within the previous 5-year
36 period commits a Class E crime.

38 3. Operating motorboat other than personal watercraft while
 underage. A person under 12 years of age may not operate a
40 motorboat propelled by machinery of more than 10 horsepower
 unless under the immediate supervision of a person located in the
42 motorboat who is at least 16 years of age.

44 This subsection does not apply to operating a personal watercraft.

46 A. A person who violates this subsection commits a civil
 violation for which a fine of not less than \$100 nor more
48 than \$500 may be adjudged.

2 B. A person who violates this subsection after having been
3 adjudicated as having committed 3 or more civil violations
4 under this Part within the previous 5-year period commits a
5 Class E crime.

6 4. Operating watercraft without proper safety equipment.
7 Except as provided in paragraph B, a person may not operate a
8 watercraft without proper safety equipment as described in
9 paragraph A.

10 A. A person operates a watercraft without proper safety
11 equipment if the person operates a watercraft and:

12 (1) Fails to comply with the same requirements
13 pertaining to lights, life-saving devices, fire
14 extinguishers and other safety equipment as required by
15 federal laws and regulations on federal navigable
16 waters, as promulgated under the Federal Boat Safety
17 Act of 1971, Public Law 92-75, as amended;

18 (2) Fails to comply with requirements pertaining to
19 additional equipment not in conflict with federal
20 navigation laws, which the commissioner may prescribe
21 if there is a demonstrated need;

22 (3) Fails to wear a Coast Guard approved Type I, Type
23 II or Type III personal flotation device while canoeing
24 or kayaking on the Saco River between Hiram Dam and the
25 Atlantic Ocean between January 1st and June 1st; or

26 (4) Fails to wear a Coast Guard approved Type I, Type
27 II, Type III or Type V personal flotation device while
28 operating a watercraft on:

29 (a) The Penobscot River, between the gorge and
30 the head of Big Eddy; or

31 (b) The Kennebec River, between Harris Station
32 and Turtle Island, at the foot of Black Brook
33 Rapids.

34 B. Notwithstanding paragraph A:

35 (1) Canoes, owned by a boys or girls summer camp
36 located upon internal waters in the State and duly
37 licensed by the Department of Human Services and
38 utilized by campers under the direction and supervision
39 of a camp counselor at least 18 years of age or older
40 during training and instruction periods on waters
41 adjacent to the main camp within a distance of 500 feet

2 from the shoreline of that camp, are exempt from this
3 subsection; and

4 (2) Log rafts, carrying not more than 2 persons and
5 used on ponds or lakes or internal waters of less than
6 50 acres in area, are exempt from carrying personal
7 flotation devices.

8
9 C. The following penalties apply to violations of this
10 subsection.

11 (1) A person who violates this subsection commits a
12 civil violation for which a fine of not less than \$100
13 nor more than \$500 may be adjudged.

14 (2) A person who violates this subsection after having
15 been adjudicated as having committed 3 or more civil
16 violations under this Part within the previous 5-year
17 period commits a Class E crime.

18
19 5. Operating watercraft to endanger. A person may not
20 operate any of the following so as to endanger any person or
21 property:

- 22 A. Watercraft;
23
24 B. Water ski; or
25
26 C. Surfboard or similar device.

27 A person who violates this subsection commits a Class E crime.

28
29 6. Reckless operation of watercraft. A person may not
30 operate any of the following in such a way as to recklessly
31 create a substantial risk of serious bodily injury to another
32 person:

- 33 A. Watercraft;
34
35 B. Water ski; or
36
37 C. Surfboard or similar device.

38 A person who violates this subsection commits a Class D crime.

39 7. Operating watercraft at greater than reasonable and
40 prudent speed. A person:

- 41 A. May not operate a watercraft except at a reasonable and
42 prudent speed for existing conditions; and

2 B. Shall regulate the speed of a watercraft so as to avoid
4 danger, injury or unnecessary inconvenience in any manner to
6 other watercraft and their occupants, whether anchored or
8 under way; waterfront piers; floats or other property or
 shorelines, either directly or by the effect of the wash or
 wave created by the watercraft through its speed, or
 otherwise.

10 A person who violates this subsection commits a Class E crime.

12 8. Imprudent operation of watercraft. A person may not,
14 while operating a watercraft on the inland or coastal waters of
16 the State, engage in prolonged circling, informal racing, wake
 jumping or other types of continued and repeated activities that
 harass another person.

18 A. This subsection may be enforced by any law enforcement
20 officer or a person may bring a private nuisance action for
 a violation of this subsection pursuant to Title 17, section
 2802.

22 B. The following penalties apply to violations of this
24 subsection.

26 (1) A person who violates this subsection commits a
28 civil violation for which a fine of not less than \$100
 nor more than \$500 may be adjudged.

30 (2) A person who violates this subsection after having
32 been adjudicated as having committed 3 or more civil
34 violations under this Part within the previous 5-year
 period commits a Class E crime.

36 9. Operating watercraft to molest wild animals or wild
38 birds. A person may not operate a watercraft so as to pursue,
 molest, harass, drive or herd any wild animal or wild bird,
 except as may be permitted during the open season on that animal.

40 A. A person who violates this subsection commits a civil
42 violation for which a fine of not less than \$100 nor more
 than \$500 may be adjudged.

44 B. A person who violates this subsection after having been
46 adjudicated as having committed 3 or more civil violations
48 under this Part within the previous 5-year period commits a
 Class E crime.

50 10. Operating motorboat that exceeds noise limits. The
 following provisions govern noise limits.

2 A. A person may not operate a motorboat in such a manner as
3 to exceed:

4 (1) A noise level of 90 decibels when subjected to a
5 stationary sound level test with and without cutouts
6 engaged and as prescribed by the commissioner; or

7 (2) A noise level of 75 decibels when subjected to an
8 operational test measured with and without cutouts
9 engaged and as prescribed by the commissioner.

10 B. The following penalties apply to violations of this
11 subsection.

12 (1) A person who violates this subsection commits a
13 civil violation for which a fine of not less than \$300
14 nor more than \$500 may be adjudged.

15 (2) A person who violates this subsection after having
16 been adjudicated as having committed 3 or more civil
17 violations under this Part within the previous 5-year
18 period commits a Class E crime.

19 C. This subsection does not apply to motorboats that are
20 operating in a regatta or race approved by the commissioner
21 under section 13061.

22 11. Operating motorboat without muffler. A person may not
23 operate a motorboat that is not equipped at all times with an
24 effective and suitable muffling device on its engine or engines
25 to effectively deaden or muffle the noise of the exhaust, except
26 that motorboats that are operating in a regatta or race approved
27 by the commissioner under section 13061 may use cutouts for these
28 motorboats while on trial runs or competing in speed events, for
29 a period not to exceed 48 hours immediately preceding or
30 following such an authorized event.

31 A. The following penalties apply to violations of this
32 subsection.

33 (1) A person who violates this subsection commits a
34 civil violation for which a fine of not less than \$100
35 nor more than \$500 may be adjudged.

36 (2) A person who violates this subsection after having
37 been adjudicated as having committed 3 or more civil
38 violations under this Part within the previous 5-year
39 period commits a Class E crime.

40

2 12. Tampering with motorboat muffler system. A person may
not modify a motorboat muffler system in any way that results in
an increase in the decibels of sound emitted by that motorboat.

4
6 A. A person who violates this subsection commits a civil
violation for which a fine not to exceed \$100 may be
adjudged.

8
10 B. A person who violates this subsection after having been
adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
12 Class E crime.

14 13. Headway speed only. The following provisions govern
speeds in certain zones.

16
18 A. A person may not operate a 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
20 inland waters except:

22 (1) While actively fishing; or

24 (2) While picking up or dropping off one or more
persons on water skis in the water safety zone if a
26 reasonably direct course is taken through the water
safety zone between the point that the skiers are
28 picked up or dropped off and the outer boundary of the
water safety zone.

30
32 B. For the purposes of this subsection, "headway speed"
means the minimum speed necessary to maintain steering and
control of the watercraft while the watercraft is moving.

34
36 C. The following penalties apply to violations of this
subsection.

38 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
40 nor more than \$500 may be adjudged.

42 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil
44 violations under this Part within the previous 5-year
period commits a Class E crime.

46
48 14. Operating motorboat in bathing areas. The following
provisions apply to operating a motorboat in a bathing area.

50 A. A person may not:

2 (1) Operate a motorboat within a bathing area marked
4 or buoyed for bathing; or

6 (2) Operate an airmobile on a beach adjacent to a
8 bathing area marked or buoyed for bathing.

10 B. The following penalties apply to violations of this
12 subsection.

14 (1) A person who violates this subsection commits a
16 civil violation for which a fine of not less than \$100
18 nor more than \$500 may be adjudged.

20 (2) A person who violates this subsection after having
22 been adjudicated as having committed 3 or more civil
24 violations under this Part within the previous 5-year
26 period commits a Class E crime.

28 15. Operating watercraft in quarantined area. A person may
30 not operate a watercraft in violation of an order issued under
32 Title 38, section 1864.

34 A. A person who violates this subsection commits a civil
36 violation for which a fine of not less than \$500 and not
38 more than \$5,000 per violation may be adjudged. A fine
40 imposed under this subsection may not be suspended by the
42 court.

44 B. A person who violates this subsection after having been
46 adjudicated as having committed 3 or more civil violations
48 under this Part within the previous 5-year period commits a
50 Class E crime.

16. Operating motorboat in prohibited or restricted area.
 The following provisions apply to operating a motorboat in
 prohibited or restricted areas.

A. A person may not:

(1) Operate a motorboat on that portion of Portage
 Lake in Township T. 13, R. 6, W.E.L.S., County of
 Aroostook, known as the Floating Island Area, north and
 westerly of a line beginning at the eastern edge of the
 marshy peninsula running out from Hutchinson Ridge,
 running 50 yards outside of the floating islands in a
 northerly direction to the mouth of Mosquito Brook;

(2) Operate a motorboat on Quimby Pond in the Town of
 Rangeley, Franklin County;

- 2 (3) Operate a motorboat upon the waters of Jerry Pond,
4 so called, situated within the boundaries, or having a
6 shore line abutting, the incorporated municipality of
 Millinocket and the unincorporated Townships being T.1,
 R. 7 and T.A., R. 7, all in Penobscot County;
- 8 (4) Operate a motorboat on Upper and Lower Ox Brook
10 Lakes in the Towns of T. 6 ND, T. 6 RI and Talmadge in
 Washington County;
- 12 (5) Operate a motorboat on Little Nesowadnehunk
14 (Sournahunk) Lake, in T. 5, R. 11, Piscataquis County;
- 16 (6) Operate a motorboat having more than 10 horsepower
18 on Eagle Lake and Jordan Pond, Mt. Desert Island,
 Hancock County and Long Pond, T.E. and T. D., Franklin
 County;
- 20 (7) Operate a motorboat on a body of water commonly
22 known as and referred to in the Dunham-Davee Work Plan
24 as Snow's Pond, situated west of Route 7 in the Town of
 Dover-Foxcroft, Piscataquis County;
- 26 (8) Operate a motorboat having more than 6 horsepower
 on Long Pond, Town of Denmark, Oxford County;
- 28 (9) Operate a motorboat on Lily Pond, Edgecomb,
30 Lincoln County;
- 32 (10) Operate a motorboat powered by an internal
34 combustion engine on Nokomis Pond, situated in the
 Towns of Newport and Palmyra, Penobscot County;
- 36 (11) Operate a motorboat in Merrymeeting Bay at a
38 speed in excess of 10 miles per hour, except within the
 confines of the buoyed channels;
- 40 (12) Operate a motorboat equipped with an internal
42 combustion engine on the following waters on Mount
 Desert Island in Hancock County: Witch Hole Pond; Aunt
 Betty's Pond; Bubble Pond; Round Pond; and Lake Wood;
- 44 (13) Operate a motorboat equipped with a motor greater
46 than 10 horsepower on Upper Hadlock Pond or Lower
 Hadlock Pond on Mount Desert Island in Hancock County;
- 48 (14) Operate a personal watercraft in violation of
 section 685-C, subsection 10 or any rule adopted by the

2 Maine Land Use Regulation Commission to implement that
3 subsection;

4 (15) Operate a watercraft at greater than headway
5 speed on any area of Torsey Lake within 1/2 mile from
6 the boat launch on Desert Pond Road in the Town of
7 Mount Vernon;

8
9
10 (16) Operate a watercraft at greater than headway
11 speed on any area of Torsey Lake within 1/2 mile from
12 the boat launch on Old Kents Hill Road in the Town of
13 Readfield;

14 (17) Operate a watercraft equipped with a motor
15 greater than 10 horsepower on Cold Rain Pond in the
16 Town of Naples or on Holt Pond in the Town of Naples
17 and the Town of Bridgton;

18
19 (18) Operate a watercraft equipped with a motor
20 greater than 5 horsepower on Moose Pond in the Town of
21 Otisfield;

22
23 (19) Operate a watercraft at greater than headway
24 speed on any area of Pickerel Pond in the Town of Wayne;

25
26 (20) Operate a motorboat having more than 10
27 horsepower on Middle Branch Pond in the Town of
28 Waterboro in York County;

29
30 (21) Operate a motorboat having more than 10
31 horsepower on Adams Pond, Foster Pond or Otter Pond in
32 the Town of Bridgton in Cumberland County; or

33
34 (22) Operate a motorboat having more than 10
35 horsepower on Pickerel Pond in the territory of T.32 MD
36 in Hancock County.

37
38 B. The following penalties apply to violations of this
39 subsection.

40
41 (1) A person who violates this subsection commits a
42 civil violation for which a fine of not less than \$100
43 nor more than \$500 may be adjudged.

44
45 (2) A person who violates this subsection after having
46 been adjudicated as having committed 3 or more civil
47 violations under this Part within the previous 5-year
48 period commits a Class E crime.

2 **Sec. 383. 12 MRSA §13069**, as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is amended to read:

4 **§13069. Watercraft accident; requirements**

6 **1. Failure to render aid or provide personal identification**
after watercraft accident. The operator of a watercraft that is
8 involved in a collision, accident or other casualty ~~may not~~ shall:

10 A. ~~Fail-to-render~~ Render all necessary aid and assistance
12 to all persons involved in the collision, accident or other
casualty, so far as the operator can do so without serious
14 danger to the operator's watercraft, crew and passengers, if
any; ~~or~~ and

16 B. ~~Fail-to-give~~ Give the person's name and address and
18 identification of the person's watercraft to any person
injured and to the owner of any property damaged.

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

22 **2. Failure to report watercraft accident.** A person may not
fail to report a watercraft accident in accordance with this
24 subsection.

26 A. An operator or owner of a watercraft involved in a
28 collision, accident or other casualty while using the
watercraft that results in the death of a person, a person
losing consciousness or receiving medical treatment, a
30 person becoming disabled for more than 24 hours or a person
disappearing from a watercraft under circumstances
32 indicating death or injury shall file accident reports as
follows:

34 (1) A written report on forms provided by the
36 commissioner containing the information as required
within 24 hours of the occurrence if a person dies,
38 disappears, loses consciousness, receives medical
treatment, or is disabled for more than 24 hours; and

40 (2) A report of the occurrence, by the quickest means
42 of communication, to an available law enforcement
officer nearest to the place where the accident
44 occurred.

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

2 C. The following penalties apply to violations of this
3 subsection.

4 (1) A person who violates this subsection commits a
5 civil violation for which a fine of not less than \$100
6 nor more than \$500 may be adjudged.

8 (2) A person who violates this subsection after having
9 been adjudicated as having committed 3 or more civil
10 violations under this Part within the previous 5-year
11 period commits a Class E crime.

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 **Sec. 384. 12 MRSA §13070**, as enacted by PL 2003, c. 414, Pt.
16 A, §2 and affected by Pt. D, §7, is amended to read:

17 **§13070. Operating airmobile**

18 **1. No permission given.** This chapter ~~may~~ does not be
19 ~~construed as giving~~ give license or permission to cross or go on
20 the property of another.

21 **2. Stop and identify requirement.** Persons operating an
22 airmobile upon the land of another shall stop and identify
23 themselves upon the request of the landowner or the landowner's
24 duly authorized representative. ~~Any A person in violation of who~~
25 violates this subsection ~~is accountable to the landowner under~~
26 ~~applicable law~~ commits a Class E crime.

27 **3. Restrictions.** If restrictions on operation are posted on
28 the land of another, a person operating an airmobile shall
29 observe those restrictions.

30 **4. Operating airmobile upon public way.** Except as provided
31 in this subsection, a person may not operate an airmobile upon a
32 public way.

33 A. Properly registered airmobiles may cross public ways,
34 including bridges, overpasses and underpasses. For crossing
35 public ways, sidewalks and culverts, persons operating
36 airmobiles may travel only the distance necessary, but in no
37 case exceeding 300 yards, for the sole purpose of crossing
38 as directly as possible. For crossing bridges, overpasses
39 and underpasses, persons operating airmobiles may travel
40 only the distance necessary, but in no case exceeding 500
41 yards, for the sole purpose of crossing as directly as

possible. All crossings are subject to the following conditions:

(1) The operator of the airmobile may cross public ways only if the crossing can be made safely and does not interfere with vehicular traffic approaching from either direction;

(2) The operator of the airmobile shall dismount and lead the machine along the extreme right of the traveled way; and

(3) The operator of the airmobile shall yield the right-of-way to all vehicular traffic.

B. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

~~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.~~

5. Failing to stop airmobile before entering public way. A person ~~may not fail to~~ shall bring an airmobile to a complete stop before entering a public way.

~~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.~~

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

6. Failing to yield right-of-way while operating airmobile. A person ~~may not fail to~~ shall yield the right-of-way

2 to all vehicular traffic while operating an airmobile on a public way.

4 ~~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.~~

8 A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

12 B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

16 **7. Operating airmobile that exceeds noise limit.**
18 Airmobiles are subject to the following noise level limits.

20 A. Except as provided in this paragraph, a person may not operate an airmobile that exceeds 78 decibels of sound pressure at 50 feet on the "A" scale, as measured by the Society of Automotive Engineers standards J-192. Airmobiles that are operating in a race approved by the commissioner under section 13061 may exceed this maximum noise level.

26 B. A person may not operate an airmobile in such a manner as to exceed:

30 (1) A noise level of 90 decibels when subjected to a stationary sound level test with and without cutouts engaged and as prescribed by the commissioner; or

34 (2) A noise level of 75 decibels when subjected to an operational test measured with and without cutouts engaged and as prescribed by the commissioner.

38 C. The following penalties apply to violations of this subsection.

40 (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$300 nor more than \$500 may be adjudged.

44 (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

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 **8. Operating airmobile on railroad tracks.** A person may
7 not operate an airmobile along or adjacent and parallel to the
8 tracks of any railroad within the limits of the railroad
9 right-of-way without written permission from the railroad.

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 A. A person who violates this subsection commits a civil
15 violation for which a fine of not less than \$100 nor more
16 than \$500 may be adjudged.

18 B. A person who violates this subsection after having been
19 adjudicated as having committed 3 or more civil violations
20 under this Part within the previous 5-year period commits a
21 Class E crime.

22 ~~9. Operating airmobile too close to certain buildings.~~
23 ~~Except as provided in this subsection, a person may not operate~~
24 ~~an airmobile within 200 feet of a dwelling, hospital, nursing~~
25 ~~home, convalescent home or church.~~

28 ~~This subsection does not apply to a person operating an airmobile:~~

30 ~~A. On public ways in accordance with subsections 4, 5, 6~~
31 ~~and 7;~~

32 ~~B. On the frozen surface of any body of water; and~~

34 ~~C. On land that 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.~~

40 **10. Operating airmobile too close to certain buildings.**
41 Except as provided in this subsection, a person may not operate
42 an airmobile within 200 feet of a dwelling, hospital, nursing
43 home, convalescent home or church.

44 A. This subsection does not apply to a person operating an
45 airmobile:

46 (1) On public ways in accordance with subsections 4,
47 5, 6 and 7;

2 (2) On the frozen surface of any body of water; and

4 (3) On land that the operator owns or is permitted to
6 use.

8 B. The following penalties apply to violations of this
10 subsection.

12 (1) A person who violates this subsection commits a
14 civil violation for which a fine of not less than \$100
16 nor more than \$500 may be adjudged.

18 (2) A person who violates this subsection after having
20 be adjudicated as having committed 3 or more civil
22 violations under this Part within the previous 5-year
24 period commits a Class E crime.

26 Sec. 385. 12 MRSA §13071, as enacted by PL 2003, c. 414, Pt.
28 A, §2 and affected by Pt. D, §7, is repealed.

30 Sec. 386. 12 MRSA §13071-A is enacted to read:

32 **§13071-A. Operating personal watercraft**

34 **1. Operating personal watercraft while underage.** A person
36 under 16 years of age may not operate a personal watercraft.

38 A. A person who violates this subsection commits a civil
40 violation for which a fine of not less than \$100 nor more
42 than \$500 may be adjudged.

44 B. A person who violates this subsection after having been
46 adjudicated as having committed 3 or more civil violations
48 under this Part within the previous 5-year period commits a
50 Class E crime.

2. Additional safety requirements while operating personal
 watercraft. The following provisions apply to operating or being
 a passenger on a personal watercraft.

A. A person may not:

(1) Operate or be a passenger on a personal watercraft
 unless the person is wearing Coast Guard approved Type
 I, Type II or Type III personal flotation devices; or

(2) Operate a personal watercraft during the hours
 between sunset and sunrise.

2 B. The following penalties apply to violations of this
3 subsection.

4 (1) A person who violates this subsection commits a
5 civil violation for which a fine of not less than \$100
6 nor more than \$500 may be adjudged.

8 (2) A person who violates this subsection after having
9 been adjudicated as having committed 3 or more civil
10 violations under this Part within the previous 5-year
11 period commits a Class E crime.

12 3. Operating rented or leased personal watercraft without
13 identification decal. A person may not operate a rented or leased
14 personal watercraft on Brandy Pond in the Town of Naples or on
15 Long Lake in the Town of Naples, the Town of Bridgton and the
16 Town of Harrison that does not have a clearly visible decal
17 affixed to the personal watercraft that identifies the rental
18 agent.

19 A. A person who violates this subsection commits a civil
20 violation for which a fine of not less than \$100 nor more
21 than \$500 may be adjudged.

22 B. A person who violates this subsection after having been
23 adjudicated as having committed 3 or more civil violations
24 under this Part within the previous 5-year period commits a
25 Class E crime.

26 4. Operating personal watercraft in prohibited area. The
27 following provisions apply to operating a watercraft in
28 prohibited areas.

29 A. A person may not operate a personal watercraft on:

30 (1) Mud Pond, Oversett Pond, South Pond, Round Pond,
31 Twitchell Pond, Hicks Pond, Indian Pond or Furlong Pond
32 in the Town of Greenwood in Oxford County;

33 (2) North Pond or Bryant Pond, also known as
34 Christopher Lake, in the Town of Greenwood and the Town
35 of Woodstock in Oxford County;

36 (3) Concord Pond, Little Concord Pond or Shagg Pond in
37 the Town of Woodstock in Oxford County;

38 (4) Hamilton Pond in Bar Harbor in Hancock County;

39 (5) Bog Lake or Horseshoe Lake in the Town of
40 Northfield in Washington County;

- 2 (6) Megunticook Lake in the Town of Camden and the
4 Town of Hope in Knox County and the Town of
 Lincolnvile in Waldo County;
- 6 (7) Hobbs Pond, Fish Pond or Alford Lake in the Town
8 of Hope in Knox County;
- 10 (8) Norton Pond or Coleman Pond in the Town of
 Lincolnvile in Waldo County;
- 12 (9) Pitcher Pond in the Town of Lincolnvile and the
14 Town of Northport in Waldo County;
- 16 (10) Torsey Lake in the Town of Mount Vernon and the
 Town of Readfield in Kennebec County;
- 18 (11) Trickey Pond in the Town of Naples in Cumberland
20 County;
- 22 (12) Brandy Pond in the Town of Naples in Cumberland
 County between sunset and 9:00 a.m.;
- 24 (13) Fulton Lake in the Town of Northfield in
26 Washington County;
- 28 (14) Knight Pond in the Town of Northport in Waldo
 County;
- 30 (15) Moose Pond or Saturday Pond in the Town of
32 Otisfield in Oxford County;
- 34 (16) Tripp Pond, Upper Range Pond or Middle Range Pond
 in the Town of Poland in Androscoggin County;
- 36 (17) Keewaydin Lake, Virginia Lake, Trout Pond,
38 Weymouth Pond or Whitney Pond in the Town of Stoneham
 in Oxford County;
- 40 (18) Lermond Pond in the Town of Union and the Town of
42 Hope in Knox County;
- 44 (19) Pocasset Lake or Pickerel Pond in the Town of
 Wayne in Kennebec County;
- 46 (20) Androscoggin Lake in the Town of Wayne in
48 Kennebec County and the Town of Leeds in Androscoggin
 County;

- 2 (21) Little Cobbosseecontee Lake in the Town of
Winthrop in Kennebec County;
- 4 (22) Somes Pond in the Town of Mount Desert;
- 6 (23) Long Pond in the Town of Mount Desert and the
Town of Southwest Harbor;
- 8 (24) Little Long Pond in the Town of Mount Desert;
- 10 (25) Meetinghouse Pond, Big Pond, Wat Tuh Lake, Center
Pond and Silver Lake, also known as Silver Pond, in the
Town of Phippsburg in Sagadahoc County;
- 14 (26) South Branch Lake in the Plantation of Seboeis
and the Township of T2 R8 NWP in Penobscot County;
- 16 (27) Spring Lake in Spring Lake Township in Somerset
County;
- 18 (28) Kennebago Lake and Kennebago River in Davis
Township and Stetsontown Township in Franklin County;
- 20 (29) Nicatous Lake in the Townships of T40 MD, T41 MD
and T3 ND in Hancock County;
- 22 (30) Crystal Lake in the Town of Washington in Knox
County;
- 24 (31) Middle Branch Pond in the Town of Waterboro in
York County;
- 26 (32) Highland Lake or Woods Pond in the Town of
Bridgton in Cumberland County if the personal
watercraft is rented and does not display a decal
identifying the rental agency that owns the personal
watercraft; or
- 28 (33) Lake St. George in the Town of Liberty.

40 B. The following penalties apply to violations of this
42 subsection.

- 44 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
nor more than \$500 may be adjudged.
- 46 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil

2 violations under this Part within the previous 5-year
3 period commits a Class E crime.

4 **Sec. 387. 12 MRSA §13103**, as enacted by PL 2003, c. 414, Pt.
5 A, §2 and affected by Pt. D, §7, is repealed and the following
6 enacted in its place:

8 **§13103. Rule violations; snowmobiles and snowmobile races**

10 The following penalties apply to violations of rules
11 regulating snowmobiles or the protection and safety of spectators
12 at snowmobile races.

14 1. Civil. Notwithstanding section 10650, a person who
15 violates a rule regulating snowmobiles or the protection and
16 safety of spectators at snowmobile races commits a civil
17 violation for which a fine of not less than \$100 nor more than
18 \$500 may be adjudged.

20 2. Criminal. A person who violates a rule regulating
21 snowmobiles or the protection and safety of spectators at
22 snowmobile races after having been adjudicated as having
23 committed 3 or more civil violations under this Part within the
24 previous 5-year period commits a Class E crime.

26 **Sec. 388. 12 MRSA §13104, sub-§1**, as enacted by PL 2003, c.
27 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

28 **1. Operating unregistered snowmobile.** Except as provided
29 in this subsection and section 13112, a person may not operate a
30 snowmobile that is not registered in accordance with this section.

32 A. No A registration is not required for a snowmobile
33 operated over the snow on land on which the owner lives or
34 on lands on which the owner is domiciled, provided the
35 snowmobile is not operated elsewhere within the jurisdiction
36 of this State.

38 B. No A registration is not required for a snowmobile
39 operated by a commercial ski area for the purpose of packing
40 snow or for rescue operation thereon, unless the snowmobile
41 is required to cross a public way during that operation.

44 C. Snowmobiles owned and operated in this State by the
45 Federal Government, the State or political subdivision of
46 the State are exempt from registration fees, but must be
47 registered and required to display numbers.

48 D. Registration is not required to field test repairs to a
49 snowmobile if valid snowmobile repair shop number plates
50

2 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.

4
6 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
8 open and the snowmobile is not owned by the snowmobile
repair shop or any repair shop employee.

10
12 F. The following penalties apply to violations of this
subsection.

14 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
16 nor more than \$500 may be adjudged.

18 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil
20 violations under this Part within the previous 5-year
period commits a Class E crime.

22
24 ~~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.~~

26
28 **Sec. 389. 12 MRSA §13104, sub-§7**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

30 **7. Snowmobiles of nonresidents.** Except as specifically
provided in this subsection, and notwithstanding any other
32 provision of law, a snowmobile belonging to a nonresident may be
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
nonresident owner of the snowmobile.

36
38 A snowmobile owned by a nonresident may not be issued is
ineligible to obtain a resident registration for a snowmobile
40 owned by that nonresident. Nothing in this subsection authorizes
the operation of any a snowmobile in any a manner contrary to
42 this chapter. ~~This subsection does not apply to snowmobiles~~
Snowmobiles and grooming equipment registered to a federal or
44 state entity, snowmobile clubs, municipalities or counties from
bordering states or provinces and engaged in trail grooming may
be operated without being registered under this subsection.
46 Snowmobiles registered in either New Hampshire or Canada may be
operated on any lake or pond that is both partly in the State and
48 New Hampshire or Canada without being registered in the State.

2 **Sec. 390. 12 MRSA §13104, sub-§12**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

4 **Sec. 391. 12 MRSA §13104, sub-§12-A** is enacted to read:

6 **12-A. Registration certificate; inspection and display.**
7 The following provisions apply to registration certificates and
8 numbers.

10 A. A person shall:

12 (1) Provide a registration certificate for inspection
13 by any law enforcement officer on demand; and

14 (2) Display a registration number assigned to a
15 snowmobile in such form and manner as the commissioner
16 may determine, except that an antique snowmobile is not
17 required to display registration numbers.

18 B. The following penalties apply to violations of this
19 subsection.

20 (1) A person who violates this subsection commits a
21 civil violation for which a fine of not less than \$100
22 nor more than \$500 may be adjudged.

23 (2) A person who violates this subsection after having
24 been adjudicated as having committed 3 or more civil
25 violations under this Part within the previous 5-year
26 period commits a Class E crime.

27 **Sec. 392. 12 MRSA §13104, sub-§13**, as enacted by PL 2003, c.
28 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

29 **13. Fraudulent acquisition of snowmobile registration.** A
30 person may not obtain a snowmobile registration through fraud,
31 misstatement or misrepresentation. A person who violates this
32 subsection commits a Class E crime.

33 **Sec. 393. 12 MRSA §13104, sub-§14** is enacted to read:

34 **14. Report of destroyed, abandoned or permanently removed**
35 **snowmobile.** A registrant shall notify the commissioner if a
36 snowmobile is destroyed, abandoned or permanently removed from
37 the State.

38 **Sec. 394. 12 MRSA §13105**, as enacted by PL 2003, c. 414, Pt.
39 A, §2 and affected by Pt. D, §7, is amended to read:

40 **§13105. Snowmobile registration agents**

2 **1. Appointment of snowmobile registration agents; report;**
3 **fees.** Appointment of snowmobile registration agents and
4 applicable fees are governed by the following.

6 A. The commissioner may appoint municipal clerks or other
7 persons who a municipality may designate as municipal agents
8 to issue snowmobile registrations. The commissioner may
9 designate other agents as necessary to issue snowmobile
10 registrations. The commissioner shall determine by rule the
11 period when ~~the~~ agents shall act.

12 B. Agents may charge a service fee of not more than \$1 for
13 each snowmobile renewal registration issued and \$2 for each
14 registration covered by sections 13002 to 13005. This
15 service fee is retained by the agent.

16 C. An agent is delinquent if that agent fails to forward to
17 the commissioner funds collected by that agent by the date
18 established in rules adopted under this subsection. Failure
19 to remit the funds as provided in this subsection results in
20 the following sanctions, in addition to any other provided
21 by law.

22 (1) The commissioner shall charge interest on the
23 amount owed at the rate of 18% a year for each day the
24 agent is delinquent.

25 (2) If the agent has not paid the amount owed by the
26 60th day after the agent becomes delinquent, the
27 commissioner shall assess a surcharge of 5% of the
28 principal amount owed.

29 (3) If an agent is delinquent for more than 150 days
30 or is delinquent 3 or more times in one year, the
31 commissioner shall:

32 (a) Terminate the agency for the balance of the
33 year; and

34 (b) Order that the agency not be renewed for the
35 next year.

36 Rules adopted pursuant to this subsection are routine technical
37 rules as defined in Title 5, chapter 375, subchapter 2-A.

38 **2. Unlawful issuance of snowmobile registration.** An agent
39 may not issue a resident snowmobile registration to a nonresident
40 or a nonresident snowmobile registration to a resident.

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 A. A person who violates this subsection commits a civil
6 violation for which a fine of not less than \$100 nor more
7 than \$500 may be adjudged.

8 B. A person who violates this subsection after having been
9 adjudicated as having committed 3 or more civil violations
10 under this Part within the previous 5-year period commits a
11 Class E crime.

12
13 **Sec. 395. 12 MRSA §13106**, as enacted by PL 2003, c. 414, Pt.
14 A, §2 and affected by Pt. D, §7, is repealed.

15 **Sec. 396. 12 MRSA §13106-A** is enacted to read:

16
17 **§13106-A. Operation of snowmobile**

18
19 **1. No permission given.** This chapter does not give license
20 or permission to cross or go on the property of another.

21
22 **2. Stop and identify requirement.** Persons operating a
23 snowmobile upon the land of another shall stop and identify
24 themselves upon the request of the landowner or the landowner's
25 duly authorized representative.

26
27 A person who violates this subsection commits a Class E crime.

28
29 **3. Operating snowmobile upon controlled access highway.**
30 Except as provided in paragraph A, a person may not operate a
31 snowmobile upon a controlled access highway or within the
32 right-of-way limits of a controlled access highway.

33
34 **A. A person may operate a snowmobile upon a controlled**
35 **access highway or within the right-of-way limits of a**
36 **controlled access highway in accordance with this paragraph.**

37
38 **(1) A person on a properly registered snowmobile may**
39 **cross controlled access highways by use of bridges over**
40 **or roads under those highways, or by use of roads**
41 **crossing controlled access highways at grade.**

42
43 **(2) The Commissioner of Transportation may issue**
44 **special permits for designated crossings of controlled**
45 **access highways.**

46
47 **B. The following penalties apply to violations of this**
48 **subsection.**

2 (1) A person who violates this subsection commits a
3 civil violation for which a fine of not less than \$100
4 nor more than \$500 may be adjudged.

6 (2) A person who violates this subsection after having
7 been adjudicated as having committed 3 or more civil
8 violations under this Part within the previous 5-year
9 period commits a Class E crime.

10 **4. Unlawfully operating snowmobile on plowed road.** A
11 person may not operate a snowmobile upon any plowed private road,
12 or public road plowed privately without public compensation,
13 after having been forbidden to do so by the owner thereof, the
14 owner's agent or a municipal official, either personally or by
15 appropriate notices posted conspicuously on that road.

18 A. A person who violates this subsection commits a civil
19 violation for which a fine of not less than \$100 nor more
20 than \$500 may be adjudged.

22 B. A person who violates this subsection after having been
23 adjudicated as having committed 3 or more civil violations
24 under this Part within the previous 5-year period commits a
25 Class E crime.

26 **5. Operating snowmobile on public way.** Except as provided
27 in subsection 4 and this subsection, a person may not operate a
28 snowmobile upon the main traveled portion, the sidewalks or the
29 plowed snowbanks of a public way.

32 A. A properly registered snowmobile may be operated on a
33 public way only the distance necessary, but in no case to
34 exceed 300 yards, on the extreme right of the traveled way
35 for the purpose of crossing, as directly as possible, a
36 public way, sidewalk or culvert.

38 B. A properly registered snowmobile may be operated on a
39 public way only the distance necessary, but in no case to
40 exceed 500 yards, on the extreme right of the traveled way
41 for the sole purpose of crossing, as directly as possible, a
42 bridge, overpass or underpass, provided that that operation
43 can be made in safety and that it does not interfere with
44 vehicular traffic approaching from either direction on the
45 public way.

46 C. A snowmobile may be operated on any portion of a public
47 way when the public way has been closed in accordance with
48 Title 23, section 2953.

50

2 D. If the main traveled portion of a public way is publicly
4 plowed and utilized by conventional motor vehicles, a
6 snowmobile may be operated only on that portion of the way
8 not maintained or utilized for the operation of conventional
10 motor vehicles, except that operation on the left side of
12 the way is prohibited during the hours from sunset to
14 sunrise on the portion of the way not maintained or utilized
16 for the operation of conventional motor vehicles. This
18 paragraph does not apply to a snowmobile operated by a
20 public utility regulated by the Public Utilities Commission
22 while being operated in the course of the utility's
24 corporate function, so that public utilities may effectively
26 and speedily carry out their obligations to the public.

28 E. A snowmobile may be operated on streets and public ways
30 during a period of emergency when the emergency has been so
32 declared by a police agency having jurisdiction and when
34 travel by conventional motor vehicles is not practicable.
36 This paragraph does not apply to a snowmobile operated by a
38 public utility regulated by the Public Utilities Commission
40 while being operated in the course of the utility's
42 corporate function, so that public utilities may effectively
44 and speedily carry out their obligations to the public.

46 F. A snowmobile may be operated on streets and public ways
48 in special snowmobile events of limited duration conducted
50 according to a prearranged schedule and under a permit from
the governmental unit having jurisdiction.

2 G. Notwithstanding paragraphs A to F, a snowmobile may be
4 operated on the extreme right of a public way within the
6 built-up portion of a municipality or unorganized or
8 unincorporated township if the appropriate governmental unit
10 has designated the public way as a snowmobile-access route
12 for the purpose of allowing snowmobiles access to places of
14 business. A public way designated by an appropriate
16 governmental unit as a snowmobile-access route must be
18 posted conspicuously at regular intervals by that
20 governmental unit with highly visible signs designating the
22 snowmobile-access route. Before designating a public way as
24 a snowmobile-access route, the appropriate governmental unit
26 shall make appropriate determinations that snowmobile travel
28 on the extreme right of the public way may be conducted
30 safely and will not interfere with vehicular traffic on the
32 public way. For purposes of this paragraph, "appropriate
34 governmental unit" means the Department of Transportation,
36 county commissioners or municipal officers within their
38 respective jurisdictions. The jurisdiction of each
40 appropriate governmental unit over public ways pursuant to
42 this paragraph is the same as its jurisdiction over the

2 passage of vehicles on public ways pursuant to Title 29-A,
4 section 2395. Municipal or county law enforcement officials
having jurisdiction have primary enforcement authority over
any route established under this paragraph.

6 H. The following penalties apply to violations of this
8 subsection.

10 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
nor more than \$500 may be adjudged.

12 (2) A person who violates this subsection after having
14 been adjudicated as having committed 3 or more civil
16 violations under this Part within the previous 5-year
period commits a Class E crime.

18 **6. Failing to stop snowmobile before entering public way.**
20 A person shall bring a snowmobile to a complete stop before
entering a public way or a private way maintained for travel.

22 A. A person who violates this subsection commits a civil
24 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

26 B. A person who violates this subsection after having been
28 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
30 Class E crime.

32 **7. Failing to yield right-of-way while operating**
snowmobile. A person shall yield the right-of-way to all
34 vehicular traffic while operating a snowmobile on a public way or
a private way maintained for travel.

36 A. A person who violates this subsection commits a civil
38 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

40 B. A person who violates this subsection after having been
42 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
44 Class E crime.

46 **8. Crossing closed bridge, culvert, overpass or underpass**
with snowmobile. This subsection applies to the crossing with a
48 snowmobile of a bridge, culvert, overpass or underpass closed to
snowmobiles by the Commissioner of Transportation.

2 A. A person may not cross with a snowmobile a bridge,
4 culvert, overpass or underpass closed to snowmobiles by the
6 Commissioner of Transportation.

8 (1) The Commissioner of Transportation may, following
10 a public hearing, prohibit the crossing of an
12 individual bridge, culvert, overpass or underpass if
14 the commissioner determines that that crossing or use
16 of the public way is hazardous.

18 (2) Any bridge, culvert, overpass or underpass closed
20 by the Commissioner of Transportation must be posted by
22 appropriate notices.

24 B. The following penalties apply to violations of this
26 subsection.

28 (1) A person who violates this subsection commits a
30 civil violation for which a fine of not less than \$100
32 nor more than \$500 may be adjudged.

34 (2) A person who violates this subsection after having
36 been adjudicated as having committed 3 or more civil
38 violations under this Part within the previous 5-year
40 period commits a Class E crime.

42 9. Reckless operation of snowmobile. A person may not
44 operate a snowmobile in such a way as to recklessly create a
46 substantial risk of serious bodily injury to another person.
48 Violation of this subsection is a Class D crime.

50 10. Operating snowmobile to endanger. A person may not
operate a snowmobile so as to endanger any person or property by:

A. Operating the snowmobile except at a reasonable and
prudent speed for the existing conditions, including when
approaching and crossing an intersection or railway grade
crossing, when approaching and taking a curve, when
approaching a hill crest, when traveling upon any narrow or
winding trail and when a special hazard exists with respect
to pedestrians, skiers or other traffic by reason of weather
or trail conditions; or

B. Operating the snowmobile in a manner that fails to
control its speed at all times as necessary to avoid
colliding with any person, vehicle, snowmobile or other
object on or adjacent to the snowmobile trail.

A person who violates this subsection commits a Class E crime.

2 11. Operating snowmobile at greater than reasonable and
3 prudent speed. A person may not operate a snowmobile except at a
4 reasonable and prudent speed for the existing conditions.

6 A person who violates this subsection commits a Class E crime.

8 12. Operating snowmobile while underage. A person under 14
9 years of age may not operate a snowmobile across any public way
10 maintained for travel.

12 A. A person who violates this subsection commits a civil
13 violation for which a fine of not less than \$100 nor more
14 than \$500 may be adjudged.

16 B. A person who violates this subsection after having been
17 adjudicated as having committed 3 or more civil violations
18 under this Part within the previous 5-year period commits a
19 Class E crime.

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. A person who violates this subsection commits a civil
29 violation for which a fine of not less than \$100 nor more
30 than \$500 may be adjudged.

32 B. A person who violates this subsection after having been
33 adjudicated as having committed 3 or more civil violations
34 under this Part within the previous 5-year period commits a
35 Class E crime.

36 14. Snowmobile noise level limits. This subsection governs
37 noise levels for snowmobiles.

38 A. Except as provided in section 13112, a person may not:

40 (1) Operate a snowmobile that exceeds the noise limits
41 for that snowmobile established in paragraph B; or

42 (2) Modify a snowmobile in a manner that amplifies or
43 otherwise increases total noise emission above that of
44 the snowmobile as originally constructed, regardless of
45 the date of manufacture.

46 B. The following noise levels are established:
47
48
49
50

2 (1) Every snowmobile manufactured after February 1,
3 1975 and offered for sale or sold in this State must be
4 constructed to limit total vehicle noise to not more
5 than 78 decibels of sound pressure level at 50 feet on
6 the "A" scale, as measured by the SAE standards J-192;

7 (2) Snowmobiles manufactured after October 1, 1973,
8 but on or before February 1, 1975, and offered for sale
9 or sold in this State must be constructed to limit the
10 total vehicle noise to not more than 82 decibels of
11 sound pressure level at 50 feet on the "A" scale, as
12 measured by the SAE standards J-192; and

13 (3) Snowmobiles manufactured on or before October 1,
14 1973 are not subject to a specific noise level, except
15 that they may not be modified in violation of this
16 subsection.

17 C. The following penalties apply to violations of this
18 subsection.

19 (1) A person who violates this subsection commits a
20 civil violation for which a fine of not less than \$100
21 nor more than \$500 may be adjudged.

22 (2) A person who violates this subsection after having
23 been adjudicated as having committed 3 or more civil
24 violations under this Part within the previous 5-year
25 period commits a Class E crime.

26 **15. Snowmobile headlight and taillight equipment**
27 **requirements.** Except as provided in section 13112, a person may
28 not operate a snowmobile that is not equipped as provided in this
29 subsection.

30 A. A person may not operate a snowmobile unless the
31 snowmobile has mounted:

32 (1) On the front at least one headlight capable of
33 casting a white beam for a distance of at least 100
34 feet directly ahead of the snowmobile; and

35 (2) On the rear at least one lamp capable of
36 displaying a red light visible at a distance of at
37 least 100 feet behind the snowmobile.

38 B. The following penalties apply to violations of this
39 subsection.

40

2 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
4 nor more than \$500 may be adjudged.

6 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil
8 violations under this Part within the previous 5-year
period commits a Class E crime.

10 16. Required use of snowmobile lights. Except as provided
in section 13112, a person shall use lights as specified in this
12 subsection.

14 A. A person shall use snowmobile lights:

16 (1) During the period from 1/2 hour after sunset to
1/2 hour before sunrise; and

18 (2) At any time when, due to insufficient light or
20 unfavorable atmospheric conditions caused by fog or
otherwise, other persons, vehicles and other objects
22 are not clearly discernible for a distance of 500 feet
ahead.

24 B. The following penalties apply to violations of this
26 subsection.

28 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
30 nor more than \$500 may be adjudged.

32 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil
34 violations under this Part within the previous 5-year
period commits a Class E crime.

36 17. Unlawfully operating snowmobile on railroad tracks.
38 The following provisions govern the operation of a snowmobile on
railroad tracks or railroad rights-of-way.

40 A. A person may not operate a snowmobile along or adjacent
42 and parallel to the tracks of a railroad within the limits
of a railroad right-of-way without written permission from
44 the railroad owning the right-of-way.

46 (1) A person who violates this paragraph commits a
civil violation for which a fine of not less than \$100
48 nor more than \$500 may be adjudged.

2 (2) A person who violates this paragraph after having
3 been adjudicated as having committed 3 or more civil
4 violations under this Part within the previous 5-year
5 period commits a Class E crime.

6 B. A person may not operate a snowmobile across the tracks
7 of a railroad after having been forbidden to do so by the
8 railroad owning the railroad right-of-way, or by an agent of
9 that railroad, either personally or by appropriate notices
10 posted conspicuously along the railroad right-of-way.

11 (1) A person who violates this paragraph commits a
12 civil violation for which a fine of not less than \$100
13 nor more than \$500 may be adjudged.

14 (2) A person who violates this paragraph after having
15 been adjudicated as having committed 3 or more civil
16 violations under this Part within the previous 5-year
17 period commits a Class E crime.

18 C. Notwithstanding this subsection, a person may operate a
19 snowmobile on railroad tracks if the person is operating
20 within the right-of-way of a portion of railroad line that
21 has been officially abandoned under the authority of the
22 Interstate Commerce Commission.

23 **18. Operating snowmobile in cemetery.** A person may not
24 operate a snowmobile in any cemetery, burial place or burying
25 ground.

26 A. A person who violates this subsection commits a civil
27 violation for which a fine of not less than \$100 nor more
28 than \$500 may be adjudged.

29 B. A person who violates this subsection after having been
30 adjudicated as having committed 3 or more civil violations
31 under this Part within the previous 5-year period commits a
32 Class E crime.

33 **19. Operating too close to certain buildings.** A person may
34 not operate a snowmobile within 200 feet of a dwelling, hospital,
35 nursing home, convalescent home or church.

36 A. This subsection does not apply when a person is
37 operating a snowmobile:

38 (1) On public ways in accordance with subsections 5,
39 6, 7 and 8 or on controlled access highways in
40 accordance with subsection 3, paragraph A;

41

- 2 (2) On the frozen surface of any body of water; and
- 4 (3) On land the operator owns or is permitted to use.

6 B. The following penalties apply to violations of this subsection.

8 (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

12 (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

16 **20. Abuse of another person's property.** A person may not

18 while operating a snowmobile:

20 A. Tear down or destroy a fence or wall on another person's land;

22 B. Leave open a gate or bar on another person's land; or

24 C. Trample or destroy crops on another person's land.

26 A person who violates this subsection commits a Class E crime.

28 **21. Snowmobile owner; operation by another.** A person is in violation of this subsection if that person is the owner of a snowmobile that is operated in violation of this chapter.

30 A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

32 B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

34 **22. Parent or guardian; operation by minor.** A person is in violation of this subsection if that person is the parent or guardian responsible for the care of a minor under 18 years of age who is operating a snowmobile in violation of this chapter.

36 A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

50

2 B. A person who violates this subsection after having been
4 adjudicated as having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
Class E crime.

6 23. Failure to report accident. A person shall give notice
8 of a snowmobile accident in accordance with this subsection.

10 A. A person shall give notice by the quickest means of
12 communication to a law enforcement officer available nearest
to the place where the accident occurred if that person is:

14 (1) The operator of a snowmobile involved in an
16 accident resulting in injuries requiring the services
of a physician or in the death of a person;

18 (2) A person acting for the operator of a snowmobile
described in subparagraph (1); or

20 (3) The owner of a snowmobile described in
22 subparagraph (1) having knowledge of the accident if
the operator of the snowmobile is unknown.

24 B. A person shall give notice within 72 hours to the
26 department on forms provided by the department if the person
is:

28 (1) The operator of a snowmobile involved in an
30 accident that does not result in injuries requiring the
services of a physician or in the death of a person but
32 that does involve property damage estimated to cost
\$1,000 or more;

34 (2) A person acting for the operator of a snowmobile
described in subparagraph (1); or

36 (3) The owner of a snowmobile described in
38 subparagraph (1) having knowledge of the accident if
the operator of the snowmobile is unknown.

40 C. The following penalties apply to violations of this
42 subsection.

44 (1) A person who violates this subsection commits a
46 civil violation for which a fine of not less than \$100
nor more than \$500 may be adjudged.

48 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil

2 violations under this Part within the previous 5-year
3 period commits a Class E crime.

4 24. Operating snowmobile on open water. A person may not
5 operate or attempt to operate a snowmobile on open water. For
6 purposes of this subsection, "open water" means any area of an
7 inland water body that is free of ice and snow. This subsection
8 does not apply to private ponds.

10 Notwithstanding Title 17, section 2267-A, subsection 3, the owner
11 or operator of a snowmobile that has been submerged or partially
12 submerged as a result of a violation of this subsection shall
13 remove the snowmobile within 24 hours of its submersion. The
14 owner or operator of a snowmobile submerged or partially
15 submerged as a result of a violation of this subsection shall pay
16 any damages resulting from the submersion or removal. If the
17 owner or operator of a snowmobile submerged or partially
18 submerged as the result of a violation of this subsection fails
19 to remove the snowmobile within 24 hours of its submersion, the
20 commissioner may remove the snowmobile at the expense of the
21 owner or operator or request in writing that the court direct the
22 owner or operator to remove the snowmobile immediately.

24 A. A person who violates this subsection commits a civil
25 violation for which a fine of not less than \$100 nor more
26 than \$500 may be adjudged.

28 B. A person who violates this subsection after having been
29 adjudicated as having committed 3 or more civil violations
30 under this Part within the previous 5-year period commits a
31 Class E crime.

32 25. Headgear required. This subsection applies to
33 snowmobile trails funded by the Snowmobile Trail Fund of the
34 Department of Conservation, Bureau of Public Lands.

36 A. A person operating a snowmobile on a snowmobile trail
37 identified by the Department of Conservation, Bureau of
38 Parks and Lands as having been funded by the Snowmobile
39 Trail Fund pursuant to section 1893, subsection 3:

42 (1) If the person is under 18 years of age, shall wear
43 protective headgear that conforms to the standards
44 established under Title 29-A, section 2083, subsection
45 3; and

46 (2) May not carry a passenger under 18 years of age on
47 the snowmobile unless the passenger is wearing
48 protective headgear that conforms to the standards

2 established under Title 29-A, section 2083, subsection
3 3.

4 B. The Department of Conservation, Bureau of Parks and
5 Lands shall develop an administratively simple means of
6 identifying trails that have been funded by the Snowmobile
7 Trail Fund so that snowmobile riders can readily determine
8 to which trails this subsection applies.

10 C. The following penalties apply to violations of this
11 subsection.

12 (1) A person who violates paragraph A commits a civil
13 violation for which a fine of not less than \$100 nor
14 more than \$500 may be adjudged.

15 (2) A person who violates paragraph A after having
16 been adjudicated as having committed 3 or more civil
17 violations under this Part within the previous 5-year
18 period commits a Class E crime.

22 **Sec. 397. 12 MRSA §13107**, as enacted by PL 2003, c. 414, Pt.
23 A, §2 and affected by Pt. D, §7, is amended to read:

24 **§13107. Unlawfully operating vehicle on snowmobile trail**

25 A person may not operate any 4-wheel-drive vehicle, dune
26 buggy, all-terrain vehicle, motorcycle or any other motor
27 vehicle, other than a snowmobile and appurtenant equipment, on
28 snowmobile trails that are financed in whole or in part with
29 funds from the Snowmobile Trail Fund, unless that use has been
30 authorized by the landowner or the landowner's agent, or unless
31 the use is necessitated by an emergency involving safety of
32 persons or property.

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.~~

36 1. Violation. A person who violates this section commits a
37 civil violation for which a fine of not less than \$100 nor more
38 than \$500 may be adjudged.

39 2. Repeat violations. A person who violates this section
40 after having been adjudicated as having committed 3 or more civil
41 violations under this Part within the previous 5-year period
42 commits a Class E crime.

43 **Sec. 398. 12 MRSA §13109, sub-§5**, as enacted by PL 2003, c.
44 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

2 **5. Display of dealer's number.** Dealers A dealer shall
4 display ~~their~~ that dealer's number on each snowmobile being used
until the sale of the snowmobile, whereupon it becomes the
owner's responsibility to register the snowmobile.

6 A. A dealer who violates this subsection commits a civil
8 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

10 B. A dealer who violates this subsection after having been
12 adjudicated as having committed 3 or more civil violations
14 under this Part within the previous 5-year period commits a
Class E crime.

16 C. Each day a dealer violates this subsection is a separate
18 offense.

20 **Sec. 399. 12 MRSA §13109, sub-§6,** as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

22 **Sec. 400. 12 MRSA §13111, sub-§1,** as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

24 **1. Registration and issuance.** Except as provided in this
26 section, a person or business may not rent or lease a snowmobile
unless that person or business:

28 A. Registers with the department as a snowmobile rental
30 agent and is issued a snowmobile rental agent certificate
from the commissioner;

32 B. Obtains a Maine certificate of number for each
34 snowmobile being offered for rent or lease in the name of
the person or business holding that certificate; and

36 C. Instructs each person who rents or leases a snowmobile
38 how to operate the snowmobile, including how to use the
brake, throttle and kill switch, and provides to that person
40 a pamphlet describing proper hand signals.

42 ~~A person who violates this subsection commits a civil violation~~
44 ~~for which a forfeiture of not less than \$100 nor more than \$500~~
~~may be adjudged.~~

46 **Sec. 401. 12 MRSA §13111, sub-§4** is enacted to read:

48 **4. Prohibition; penalty.** A person may not rent or lease a
50 snowmobile in violation of this section.

2 A. A person who violates this section commits a civil
3 violation for which a fine of not less than \$100 nor more
4 than \$500 may be adjudged.

5 B. A person who violates this section after having been
6 adjudicated as having committed 3 or more civil violations
7 under this Part within the previous 5-year period commits a
8 Class E crime.

10 **Sec. 402. 12 MRSA §13112**, as enacted by PL 2003, c. 414, Pt.
11 A, §2 and affected by Pt. D, §7, is amended to read:

12 **§13112. Racing meets**

13 Notwithstanding section ~~10602~~ 10650 and section ~~13106~~
14 13106-A, subsections 14, 15 and 16, snowmobiles operated at a
15 prearranged racing meet whose sponsor has obtained a permit to
16 hold such a meet from the commissioner are exempt from the
17 provisions of this chapter concerning registration, noise,
18 horsepower and lights during the time of operation at such meets
19 and at all prerace practices at the location of the meet.

20 **Sec. 403. 12 MRSA §13152, sub-§2**, as enacted by PL 2003, c.
21 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
22 following enacted in its place:

23 2. Training. A person over 9 years of age and under 16
24 years of age must successfully complete a training program
25 approved by the department prior to operating an ATV except on:

26 A. Land on which that person is domiciled;

27 B. Land owned or leased by that person's parent or
28 guardian; or

29 C. Land where permission for the use has been granted to the
30 person's parent or guardian.

31 The training program must include instruction on the safe
32 operation of ATVs, the laws pertaining to ATVs, the effect of
33 ATVs on the environment and ways to minimize that effect,
34 courtesy to landowners and other recreationists and other
35 materials as determined by the department.

36 **Sec. 404. 12 MRSA §13153**, as enacted by PL 2003, c. 414, Pt.
37 A, §2 and affected by Pt. D, §7, is repealed and the following
38 enacted in its place:

39 **§13153. Rule violations; ATVs**

40

2 The following penalties apply to violations of rules
3 regulating ATVs.

4 1. Civil. Notwithstanding section 10650, a person who
5 violates a rule regulating ATVs commits a civil violation for
6 which a fine of not less than \$100 nor more than \$500 may be
7 adjudged.

8
9 2. Criminal. A person who violates a rule regulating ATVs
10 after having been adjudicated as having committed 3 or more civil
11 violations under this Part within the previous 5-year period
12 commits a Class E crime.

13 **Sec. 405. 12 MRSA §13154**, as enacted by PL 2003, c. 414, Pt.
14 A, §2 and affected by Pt. D, §7, is repealed.

15 **Sec. 406. 12 MRSA §13154-A** is enacted to read:

16
17 **§13154-A. Age restrictions**

18
19 1. Minimum age. Except as provided in subsection 5, a
20 person under 10 years of age may not operate an ATV.

21
22 A. A person who violates this subsection commits a civil
23 violation for which a fine of not less than \$100 nor more
24 than \$500 may be adjudged.

25 B. A person who violates this subsection after having been
26 adjudicated as having committed 3 or more civil violations
27 under this Part within the previous 5-year period commits a
28 Class E crime.

29 2. Permitting child under 10 years to operate ATV. Except
30 as provided in subsection 6, a person may not permit a child
31 under 10 years of age to operate an ATV.

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

35 B. A person who violates this subsection after having been
36 adjudicated as having committed 3 or more civil violations
37 under this Part within the previous 5-year period commits a
38 Class E crime.

39 3. Unlawfully operating ATV by person 10 to under 16 years
40 of age. Except as provided in subsection 6, a person 10 years of
41 age or older but under 16 years of age may not operate an ATV
42 unless that person has successfully completed a training course
43 unless that person has successfully completed a training course
44 unless that person has successfully completed a training course
45 unless that person has successfully completed a training course
46 unless that person has successfully completed a training course
47 unless that person has successfully completed a training course
48 unless that person has successfully completed a training course

2 approved by the department pursuant to section 13152 and is
3 accompanied by an adult.

4 A. A person who violates this subsection commits a civil
5 violation for which a fine of not less than \$100 nor more
6 than \$500 may be adjudged.

7 B. A person who violates this subsection after having been
8 adjudicated as having committed 3 or more civil violations
9 under this Part within the previous 5-year period commits a
10 Class E crime.

11 4. Person under 16 years of age crossing public way. A
12 person under 16 years of age may not cross a public way
13 maintained for travel unless the crossing is in accordance with
14 section 13157-A, subsection 6, paragraph A and the person
15 satisfies the requirements of subsection 3.

16 A. A person who violates this subsection commits a civil
17 violation for which a fine of not less than \$100 nor more
18 than \$500 may be adjudged.

19 B. A person who violates this subsection after having been
20 adjudicated as having committed 3 or more civil violations
21 under this Part within the previous 5-year period commits a
22 Class E crime.

23 5. Permitting an unaccompanied person under 16 years of age
24 to operate an ATV. Except as provided in subsection 6, a person
25 may not permit an unaccompanied person 10 years of age or older
26 but under 16 years of age to operate an ATV.

27 A. A person who violates this subsection commits a civil
28 violation for which a fine of not less than \$100 nor more
29 than \$500 may be adjudged.

30 B. A person who violates this subsection after having been
31 adjudicated as having committed 3 or more civil violations
32 under this Part within the previous 5-year period commits a
33 Class E crime.

34 6. Exceptions for certain property. This section does not
35 apply to the operation of an ATV on:

36 A. The land on which the operator is domiciled; or

37 B. Land owned or leased by the operator's parent or
38 guardian; or

2 C. Land where permission for use has been granted to the
operator's parent or guardian.

4 **Sec. 407. 12 MRSA §13155, sub-§1**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

6 **Sec. 408. 12 MRSA §13155, sub-§1-A** is enacted to read:

8 **1-A. Operating unregistered ATV.** Except as provided in
10 paragraph A, a person may not operate an ATV that is not
registered in accordance with subsection 3.

12 A. The following exceptions apply.

14 (1) Registration is not required for an ATV operated
16 on land on which the owner lives or on land on which
18 the owner is domiciled, as long as the ATV is not
operated elsewhere within the jurisdiction of the State.

20 (2) Registration is not required for an ATV operated
22 by a commercial ski area for the purpose of packing
24 snow or for rescue operations on the commercial ski
area, unless the ATV is required to cross a public way
during that operation.

26 (3) An ATV owned and operated in the State by the
28 Federal Government, the State or a political
subdivision of the State is exempt from registration
30 fees but must be registered and is required to display
registration numbers.

32 (4) An ATV registration for the farm use specified in
34 Title 29-A, section 501, subsection 8, paragraph E is
not required for a vehicle registered with the
36 Secretary of State under Title 29-A, section 501,
subsection 8.

38 B. The following penalties apply to violations of this
subsection.

40 (1) A person who violates this subsection commits a
42 civil violation for which a fine of not less than \$100
nor more than \$500 may be adjudged.

44 (2) A person who violates this subsection after having
46 been adjudicated as having committed 3 or more civil
violations under this Part within the previous 5-year
48 period commits a Class E crime.

2 **Sec. 409. 12 MRSA §13155, sub-§2**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

4 **Sec. 410. 12 MRSA §13155, sub-§5-A** is enacted to read:

6 **5-A. Temporary fee.** Notwithstanding any other provision of
7 this section, and in addition to any other special assessments
8 that may be imposed, an additional, temporary \$3 fee is imposed
9 on all ATV registrations for the registration periods beginning
10 July 1, 2003 and July 1, 2004. The temporary fee must be
11 collected at the time a registration is issued and credited in
12 full to the ATV Recreational Management Fund of the Department of
13 Conservation, established under section 7854, subsection 4.

14 This subsection is repealed June 30, 2005.

16 **Sec. 411. 12 MRSA §13155, sub-§8**, as enacted by PL 2003, c.
18 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

20 **Sec. 412. 12 MRSA §13155, sub-§§8-A and 8-B** are enacted to
22 read:

24 **8-A. Registration inspection.** An owner or operator of an
25 ATV shall present a registration certificate for inspection by
26 any law enforcement officer on demand.

28 A. A person who violates this subsection commits a civil
29 violation for which a fine of not less than \$100 nor more
30 than \$500 may be adjudged.

32 B. A person who violates this subsection after having been
33 adjudicated as having committed 3 or more civil violations
34 under this Part within the previous 5-year period commits a
35 Class E crime.

36 **8-B. Notification of destroyed, abandoned, stolen or
37 permanently removed ATV.** The registrant shall notify the
38 commissioner if an ATV is destroyed, abandoned, stolen or
39 permanently removed from the State.

42 **Sec. 413. 12 MRSA §13155, sub-§9**, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

44 **9. Display of registration numbers.** Each new ATV sold in
45 the State must have 3 1/2 inch by 6 inch spaces provided on the
46 front and rear of the machine, as high above the tires as
47 possible, for the vertical display of the registration numbers.
48 A person may not operate an ATV that is required to be registered
49 under this section unless registration numbers are displayed in
50 these spaces or as otherwise required by the department.

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 A. A person who violates this subsection commits a civil
7 violation for which a fine of not less than \$100 nor more
8 than \$500 may be adjudged.

10 B. A person who violates this subsection after having been
11 adjudicated as having committed 3 or more civil violations
12 under this Part within the previous 5-year period commits a
13 Class E crime.

14 **Sec. 414. 12 MRSA §13156**, as enacted by PL 2003, c. 414, Pt.
15 A, §2 and affected by Pt. D, §7, is amended to read:

18 **§13156. ATV registration agents**

20 **1. Appointment of ATV registration agents.** The
21 commissioner may appoint municipal clerks or other persons whom a
22 municipality may designate as municipal agents to issue ATV
23 registrations. The commissioner may designate other agents as
24 necessary to issue ATV registrations. The commissioner shall
25 determine by rule the period when the agents must act. Rules
26 adopted pursuant to this subsection are routine technical rules
27 as defined in Title 5, chapter 375, subchapter 2-A.

28 **2. Failure to remit funds.** An agent is delinquent if that
29 agent fails to forward to the commissioner funds collected by
30 that agent by the date established in rules adopted under this
31 section subsection 1. Failure to remit the funds as provided in
32 this subsection results in the following sanctions, in addition
33 to any other provided by law.

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

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

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

48 (1) Terminate the agency for the balance of the year;
49 and

50

2 (2) Order that the agency not be renewed for the next
year.

4 **3. Service fees.** An agent may charge a service fee of \$1
for each ATV renewal registration issued and \$2 for each
6 registration covered by sections 13002 to 13005. This service
fee is retained by the agent.

8 Rules adopted pursuant to this section are routine technical
10 rules as defined in Title 5, chapter 375, subchapter 2-A.

12 **Sec. 415. 12 MRSA §13157,** as enacted by PL 2003, c. 414, Pt.
A, §2 and affected by Pt. D, §7, is repealed.

14 **Sec. 416. 12 MRSA §13157-A** is enacted to read:

16 **§13157-A. Operation of ATVs**

18 **1. No permission given.** This chapter does not give license
20 or permission to cross or go on the property of another.

22 **2. Stop and identify requirement.** Persons operating ATVs
upon the land of another shall stop and identify themselves upon
24 the request of the landowner or the landowner's duly authorized
representative. A person who violates this subsection commits a
26 Class E crime.

28 **3. Operating ATV upon controlled access highway.** The
following provisions govern the operation of ATVs on controlled
30 access highways.

32 **A. A person may not operate an ATV upon a controlled access**
highway or within the right-of-way limits of a controlled
34 **access highway, except that:**

36 **(1) A properly registered ATV may cross controlled**
access highways by use of bridges over or roads under
38 **those highways or by use of roads crossing controlled**
access highways at grade; and

40 **(2) The Commissioner of Transportation may issue**
42 **special permits for designated crossings of controlled**
access highways.

44 **B. The following penalties apply to violations of this**
46 **subsection.**

48 **(1) A person who violates this subsection commits a**
civil violation for which a fine of not less than \$100
50 **nor more than \$500 may be adjudged.**

2 (2) A person who violates this subsection after having
3 been adjudicated as having committed 3 or more civil
4 violations under this Part within the previous 5-year
5 period commits a Class E crime.

6
7 4. Unlawfully operating ATV on snowmobile trail. Operating
8 an ATV on a snowmobile trail financed in whole or in part with
9 funds from the Snowmobile Trail Fund is governed by section 13107.

10
11 5. Unlawfully operating ATV on private road. A person may
12 not operate an ATV upon a private road after having been
13 forbidden to do so by the owner's agent or a municipal official,
14 either personally or by appropriate notices posted conspicuously
15 on that road.

16
17 A. A person who violates this subsection commits a civil
18 violation for which a fine of not less than \$100 nor more
19 than \$500 may be adjudged.

20
21 B. A person who violates this subsection after having been
22 adjudicated as having committed 3 or more civil violations
23 under this Part within the previous 5-year period commits a
24 Class E crime.

25
26 6. Operating ATV on public way. Except as provided in this
27 subsection, a person may not operate an ATV, other than an ATV
28 registered with the Secretary of State under Title 29-A, on any
29 portion of a public way maintained or used for the operation of
30 conventional motor vehicles or on the sidewalks of any public way.

31
32 A. A properly registered ATV may be operated on a public
33 way only the distance necessary, but in no case to exceed
34 300 yards, on the extreme right of the traveled way for the
35 purpose of crossing, as directly as possible, a public way,
36 sidewalk or culvert.

37
38 B. A properly registered ATV may be operated on a public
39 way only the distance necessary, but in no case to exceed
40 500 yards, on the extreme right of the traveled way for the
41 sole purpose of crossing, as directly as possible, a bridge,
42 overpass or underpass, as long as that operation can be made
43 in safety and that it does not interfere with traffic
44 approaching from either direction on the public way.

45
46 C. An ATV may be operated on any portion of a public way
47 when the public way has been closed in accordance with Title
48 23, section 2953.

2 D. An ATV may be operated on a public way that is not
4 maintained or used for the operation of conventional motor
vehicles, except that operation on the left side of the way
is prohibited during the hours from sunset to sunrise.

6 E. An ATV may be operated on streets and public ways during
8 a period of emergency when the emergency has been so
declared by a police agency having jurisdiction and when
travel by conventional motor vehicles is not practicable.

10 F. An ATV may be operated on streets and public ways in
12 special events of limited duration conducted according to a
14 prearranged schedule under a permit from the governmental
unit having jurisdiction.

16 G. An ATV may be operated on a public way on the extreme
18 right of the traveled way by a law enforcement officer for
the sole purpose of traveling between the place where the
20 ATV is usually stored and an area to be patrolled by the law
enforcement officer.

22 H. Notwithstanding paragraphs A to G, an ATV may be
24 operated on the extreme right of a public way of a
municipality or an unorganized or unincorporated township if
26 the appropriate governmental unit has designated the public
way as an ATV-access route. A public way designated by an
28 appropriate governmental unit as an ATV-access route must be
posted conspicuously at regular intervals by that
30 governmental unit with highly visible signs designating the
ATV-access route. Before designating a public way as an
32 ATV-access route, the appropriate governmental unit shall
make appropriate determinations that ATV travel on the
34 extreme right of the public way may be conducted safely and
will not interfere with vehicular traffic on the public
36 way. For purposes of this paragraph, "appropriate
governmental unit" means the Department of Transportation,
38 county commissioners or municipal officers within their
respective jurisdictions. The jurisdiction of each
40 appropriate governmental unit over public ways pursuant to
this paragraph is the same as its jurisdiction over the
42 passage of vehicles on public ways pursuant to Title 29-A,
section 2395. Municipal or county law enforcement officials
44 having jurisdiction have primary enforcement authority over
any route established under this paragraph.

46 I. The following penalties apply to violations of this
48 subsection.

2 (1) A person who violates this subsection commits a
3 civil violation for which a fine of not less than \$100
4 nor more than \$500 may be adjudged.

5 (2) A person who violates this subsection after having
6 been adjudicated as having committed 3 or more civil
7 violations under this Part within the previous 5-year
8 period commits a Class E crime.

9 **7. Failing to stop ATV before entering public way.** A
10 person shall bring an ATV to a complete stop before entering a
11 public way.

12 A. A person who violates this subsection commits a civil
13 violation for which a fine of not less than \$100 nor more
14 than \$500 may be adjudged.

15 B. A person who violates this subsection after having been
16 adjudicated as having committed 3 or more civil violations
17 under this Part within the previous 5-year period commits a
18 Class E crime.

19 **8. Failing to yield right-of-way while operating ATV.** A
20 person shall yield the right-of-way to all other types of
21 vehicular traffic while operating an ATV on a public way.

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

25 B. A person who violates this subsection after having been
26 adjudicated as having committed 3 or more civil violations
27 under this Part within the previous 5-year period commits a
28 Class E crime.

29 **9. Crossing closed bridge, culvert, overpass or underpass**
30 **with ATV.** A person may not cross with an ATV a bridge, culvert,
31 overpass or underpass closed to ATVs by the Commissioner of
32 Transportation pursuant to this subsection. The Commissioner of
33 Transportation may, following a public hearing, prohibit the
34 crossing by an ATV of an individual bridge, culvert, overpass or
35 underpass if the commissioner determines that that crossing or
36 use of a public way is hazardous. Any bridge, culvert, overpass
37 or underpass closed by the commissioner must be posted by
38 appropriate notices.

39 A. A person who violates this subsection commits a civil
40 violation for which a fine of not less than \$100 nor more
41 than \$500 may be adjudged.

42

2 B. A person who violates this subsection after having been
3 adjudicated as having committed 3 or more civil violations
4 under this Part within the previous 5-year period commits a
5 Class E crime.

6 **10. Reckless operating on ATV.** A person may not operate an
7 ATV in such a way as to recklessly create a substantial risk of
8 serious bodily injury to another person.

10 A person who violates this subsection commits a Class D crime.

12 **11. Operating ATV to endanger.** A person may not operate an
13 ATV so as to endanger any person or property.

14 A person who violates this subsection commits a Class E crime.

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 A person who violates this subsection commits a Class E crime.

22 **13. Operating ATV without protective headgear.**
23 Notwithstanding Title 29-A, section 2083, a person under 18 years
24 of age may not operate an ATV without protective headgear.

26 A. A person who violates this subsection commits a civil
27 violation for which a fine of not less than \$100 nor more
28 than \$500 may be adjudged.

30 B. A person who violates this subsection after having been
31 adjudicated as having committed 3 or more civil violations
32 under this Part within the previous 5-year period commits a
33 Class E crime.

36 **14. Carrying passenger on ATV without headgear.**
37 Notwithstanding Title 29-A, section 2083, a person may not carry
38 a passenger under 18 years of age on an ATV unless the passenger
39 is wearing protective headgear.

40 A. A person who violates this subsection commits a civil
41 violation for which a fine of not less than \$100 nor more
42 than \$500 may be adjudged.

44 B. A person who violates this subsection after having been
45 adjudicated as having committed 3 or more civil violations
46 under this Part within the previous 5-year period commits a
47 Class E crime.

2 15. ATV noise and fire control devices. The following
provisions pertain to ATV muffling and fire control devices and
noise level limits.

4
6 A. Except as provided in section 13159, a person may not:

8 (1) Operate an ATV that is not equipped at all times
with an effective and suitable muffling device on its
engine to effectively deaden or muffle the noise of the
10 exhaust;

12 (2) Modify the exhaust system of an ATV in any manner
that will increase the noise emitted above the
14 following emission standard:

16 (a) Each ATV must meet noise emission standards
of the United States Environmental Protection
18 Agency and in no case exceed 82 decibels of sound
pressure level at 50 feet on the "A" scale, as
20 measured by the SAE standards J-192; or

22 (3) Operate an ATV without a working spark arrester.

24 B. The following penalties apply to violations of this
subsection.

26 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
28 nor more than \$500 may be adjudged.

30 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil
32 violations under this Part within the previous 5-year
34 period commits a Class E crime.

36 (3) In addition to any penalties imposed under this
subsection, the court may, subject to section 9321 and
38 Title 17-A, chapter 54, order restitution for fire
suppression costs incurred by state or municipal
40 government entities in suppressing a fire caused by an
ATV operating without a working spark arrester.

42
44 16. ATV headlight and taillight requirements. This
subsection establishes light equipment requirements for the
46 operation of an ATV.

48 A. Except as provided in this subsection and section 13159,
a person may not operate an ATV in the State, regardless of
49 where purchased, unless equipped with front and rear lights
50 as follows.

2 (1) The ATV must have mounted on the front at least
4 one headlight capable of casting a white beam for a
 distance of at least 100 feet directly ahead of the ATV.

6 (2) The ATV must have mounted on the rear at least one
8 taillight capable of displaying a light that must be
 visible at a distance of at least 100 feet behind the
10 ATV.

12 B. The following are exceptions to the requirements of
 paragraph A.

14 (1) An ATV manufactured prior to January 1, 1991
16 without a headlight or taillight is exempt from the
 provisions of this subsection while being operated
18 between sunrise and sunset.

20 (2) A person may operate an ATV without a headlight
 and taillight between sunrise and sunset if:

22 (a) The ATV has an engine size of 90 cubic
24 centimeters or less; and

26 (b) The ATV has 4 or more wheels.

28 C. The following penalties apply to violations of this
 subsection.

30 (1) A person who violates this subsection commits a
32 civil violation for which a fine of not less than \$100
 nor more than \$500 may be adjudged.

34 (2) A person who violates this subsection after having
36 been adjudicated as having committed 3 or more civil
 violations under this Part within the previous 5-year
38 period commits a Class E crime.

40 17. Required use of ATV lights. Except as provided in
 section 13159, the following provisions govern the use of ATV
42 lights.

44 A. A person shall use the lights required under subsection
 16 as follows:

46 (1) During the period from 1/2 hour after sunset to
48 1/2 hour before sunrise; and

50 (2) At any time when, due to insufficient light or
 unfavorable atmospheric conditions caused by fog or

2 otherwise, other persons, vehicles and other objects
3 are not clearly discernible for a distance of 500 feet
4 ahead.

5 B. The following penalties apply to violations of this
6 subsection.

7 (1) A person who violates this subsection commits a
8 civil violation for which a fine of not less than \$100
9 nor more than \$500 may be adjudged.

10 (2) A person who violates this subsection after having
11 been adjudicated as having committed 3 or more civil
12 violations under this Part within the previous 5-year
13 period commits a Class E crime.

14 18. Unlawfully operating ATV on railroad tracks. This
15 subsection governs operation of an ATV on railroad tracks.

16 A. A person may not:

17 (1) Operate an ATV along or adjacent and parallel to
18 the tracks of a railroad within the limits of the
19 railroad right-of-way without written permission from
20 the railroad owning the right-of-way; or

21 (2) Operate an ATV across the tracks of a railroad
22 after having been forbidden to do so by the railroad
23 owning the railroad right-of-way or by an agent of that
24 railroad, either personally or by appropriate notices
25 posted conspicuously along the railroad right-of-way.

26 B. Notwithstanding paragraph A, a person may operate within
27 the right-of-way of a portion of railroad line that has been
28 officially abandoned under the authority of the Interstate
29 Commerce Commission.

30 C. The following penalties apply to violations of this
31 subsection.

32 (1) A person who violates this subsection commits a
33 civil violation for which a fine of not less than \$100
34 nor more than \$500 may be adjudged.

35 (2) A person who violates this subsection after having
36 been adjudicated as having committed 3 or more civil
37 violations under this Part within the previous 5-year
38 period commits a Class E crime.

2 19. Operating too close to certain buildings. A person
3 may not operate an ATV within 200 feet of a dwelling, hospital,
4 nursing home, convalescent home or church.

5 A. This subsection does not apply when a person is
6 operating an ATV on:

7 (1) Public ways in accordance with subsections 3, 6,
8 7, 8 and 9;

9 (2) The frozen surface of any body of water; or

10 (3) Land that the operator owns or is permitted to use.

11 B. The following penalties apply to violations of this
12 subsection.

13 (1) A person who violates this subsection commits a
14 civil violation for which a fine of not less than \$100
15 nor more than \$500 may be adjudged.

16 (2) A person who violates this subsection after having
17 been adjudicated as having committed 3 or more civil
18 violations under this Part within the previous 5-year
19 period commits a Class E crime.

20 20. Failure to report accident. A person shall give notice
21 of an ATV accident in accordance with this subsection.

22 A. A person shall give notice by the quickest means of
23 communication to a law enforcement officer available nearest
24 to the place where the accident occurred if that person is:

25 (1) The operator of an ATV involved in an accident
26 resulting in injuries requiring the services of a
27 physician or in the death of a person;

28 (2) A person acting for such an operator; or

29 (3) The owner of the involved ATV having knowledge of
30 the accident if the operator of the ATV is unknown.

31 B. A person shall give notice within 72 hours to the
32 department on forms provided by the department if the person
33 is:

34 (1) The operator of an ATV involved in an accident
35 that does not result in injuries requiring the services
36 of a physician or in the death of a person but that

2 does involve property damage estimated to cost \$1,000
or more;

4 (2) A person acting for such an operator; or

6 (3) The owner of the involved ATV having knowledge of
the accident if the operator of the ATV is unknown.

8
10 C. The following penalties apply to violations of this
subsection.

12 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
14 nor more than \$500 may be adjudged.

16 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil
18 violations under this Part within the previous 5-year
period commits a Class E crime.

20
22 21. Operating ATV in prohibited area. The following
provisions establish areas where the operation of an ATV is
prohibited.

24
26 A. A person may not operate an ATV:

28 (1) On a salt marsh, intertidal zone, marine sand
beach, sand dune or any cemetery, burial place or
burying ground; or

30
32 (2) On alpine tundra or on a freshwater marsh or bog,
other than on a trail designated for ATV use by the
Department of Conservation, when the ground is not
34 frozen and sufficiently covered with snow to prevent
direct damage to the vegetation.

36
38 B. The following penalties apply to violations of this
subsection.

40 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
42 nor more than \$500 may be adjudged.

44 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil
46 violations under this Part within the previous 5-year
period commits a Class E crime.

48
50 22. Abuse of another person's property. A person may not
while operating an ATV:

- 2 A. Tear down or destroy a fence or wall on another person's
3 land;
- 4 B. Leave open a gate or bars on another person's land; or
- 5 C. Trample or destroy crops on another person's land.

6 A person who violates this subsection commits a Class E crime.

7 23. Operating ATV on cropland or pastureland. A person may
8 not operate an ATV on any cropland or pastureland without the
9 permission of the owner or lessee. As used in this subsection,
10 "cropland" means acreage in tillage rotation, land being cropped
11 and land in bush fruits, and "pastureland" means acreage devoted
12 to the production of forage plants used for animal production.

13 A. A person who violates this subsection commits a civil
14 violation for which a fine of not less than \$100 nor more
15 than \$500 may be adjudged.

16 B. A person who violates this subsection after having been
17 adjudicated as having committed 3 or more civil violations
18 under this Part within the previous 5-year period commits a
19 Class E crime.

20 Sec. 417. 12 MRSA §13158, as enacted by PL 2003, c. 414, Pt.
21 A, §2 and affected by Pt. D, §7, is repealed.

22 Sec. 418. 12 MRSA §13158-A is enacted to read:

23 §13158-A. Unlawfully permitting operation; liability
24 for damage by other persons

25 1. ATV owner; operation by another. A person is in
26 violation of this subsection if that person is the owner of an
27 ATV that is operated in violation of this chapter.

28 A. A person who violates this subsection commits a civil
29 violation for which a fine of not less than \$100 nor more
30 than \$500 may be adjudged.

31 B. A person who violates this subsection after having been
32 adjudicated as having committed 3 or more civil violations
33 under this Part within the previous 5-year period commits a
34 Class E crime.

35 2. Parent or guardian; operation by minor. A person is in
36 violation of this subsection if that person is a parent or

2 guardian responsible for the care of a minor under 18 years of
3 age who is operating an ATV in violation of this chapter.

4 A. A person who violates this subsection commits a civil
5 violation for which a fine of not less than \$100 nor more
6 than \$500 may be adjudged.

7 B. A person who violates this subsection after having been
8 adjudicated as having committed 3 or more civil violations
9 under this Part within the previous 5-year period commits a
10 Class E crime.

11 3. Furnishing ATV. An owner of an ATV, a person who gives
12 or furnishes an ATV to a person and a parent or guardian
13 responsible for the care of a minor under 18 years of age are
14 jointly and severally liable with the operator for damages caused
15 in the operation of the vehicle or by the minor in operating any
16 ATV.

17 **Sec. 419. 12 MRSA §13159**, as enacted by PL 2003, c. 414, Pt.
18 A, §2 and affected by Pt. D, §7, is amended to read:

19 **§13159. Racing meets**

20 Notwithstanding section 13155 and section ~~13159~~ 13157-A,
21 subsection 15, subsection 16, paragraph A and subsection 17, ATVs
22 used exclusively for scheduled racing meets and operated solely
23 on predefined race courses are exempt from the provisions of this
24 chapter concerning registration, mufflers and lights during the
25 time of operation at these meets and at all prerace practices at
26 the location of the meets.

27 **Sec. 420. 12 MRSA §13160, sub-§5**, as enacted by PL 2003, c.
28 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
29 following enacted in its place:

30 5. Display of dealer's number plate. A dealer shall
31 display the dealer's number on each ATV being used until the sale
32 of the ATV, whereupon it becomes the owner's responsibility to
33 register the ATV.

34 A. A person who violates this subsection commits a civil
35 violation for which a fine of not less than \$100 nor more
36 than \$500 may be adjudged.

37 B. A person who violates this subsection after having been
38 adjudicated as having committed 3 or more civil violations
39 under this Part within the previous 5-year period commits a
40 Class E crime.

2 C. Each day a person violates this subsection is a separate offense.

4 **Sec. 421. 12 MRSA §13160, sub-§7**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

6 **Sec. 422. 12 MRSA §13161**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

10 **§13161. Sale of ATV; light equipment**

12 **1. Headlight and taillight required.** A person may not sell or offer to sell a new ATV unless:

14 A. That ATV is equipped with a functioning headlight and taillight; or

18 B. The ATV:

20 (1) Is a 2-wheel off-road motorcycle; or

22 (2) Has an engine size of 90 cubic centimeters or less and has 4 or more wheels.

24 **2. Penalty.** ~~A person who violates~~ The following penalties apply to violations of this section ~~commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.~~

30 A. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

34 B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

38 **Sec. 423. 12 MRSA §13201, first ¶**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

42 A municipality or political subdivision of the State may not enact any ordinance, law or rule regulating the hunting, trapping or fishing for any species of fish or wildlife; the operation, registration or numbering of all-terrain vehicles, watercraft or snowmobiles or any other subject matter relating to all-terrain vehicles, watercraft or snowmobiles regulated under chapter 935 or 937 or under any other provisions of this Part, except that a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by

that municipality. For purposes of this section, except as
2 provided in subsection 3, the regulation of fishing includes the
regulation of ice fishing shacks. This section ~~may~~ does not be
4 ~~construed to~~ prohibit:



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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1920

H.P. 1421

House of Representatives, March 9, 2004

**An Act To Revise the Fish and Wildlife Laws To Complement the
Recodification of Those Laws**

Reported by Representative DUNLAP of Old Town for the Joint Standing Committee of Inland Fisheries and Wildlife pursuant to Public Law 2003, chapter 414, Part D, section 5 and Resolve 2003, chapter 101, section 3.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

SUMMARY

This bill complements the Recodification of the laws relating to fisheries and wildlife accomplished in the First Regular Session of the 121st Legislature. The bill makes various changes to ensure consistency in those laws, removes substantive ambiguities, brings penalty provisions into compliance with current drafting standards and otherwise increases the clarity of those laws.

Please file this sheet in place of the full 236-page bill. If you have the complete text, please file this sheet as the last page.

Because of the size and the expense of printing this bill, only a limited number of copies have been printed. There are a few copies available in the Document Room, First Floor, State House, Augusta, Maine 04333-0002 - Ph: 207-287-1408, and the text of the bill is available on the Legislature's web site <http://www.mainelegislature.org/legis/bills>.