

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION
October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION
October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

other appropriate municipal officials of violations of the natural resource protection laws, the Maine Revised Statutes, Title 38, chapter 3, subchapter I, article 5-A in that municipality. The Commissioner of Environmental Protection and municipalities that intend to enforce violations of the natural resources protection laws pursuant to the Maine Revised Statutes, Title 38, section 480-R, subsection 2, are encouraged to discuss options for resolving violations in a manner that ensures compliance with laws of the State while promoting cooperation between state and municipal government.

Sec. 4. Application. This Act may not be construed in any way to limit the Department of Environmental Protection's responsibility or authority to enforce the environmental laws of the State, and it may not be construed to require any municipality to enforce any provision of the natural resource protection laws.

See title page for effective date.

CHAPTER 24

H.P. 93 - L.D. 123

An Act to Amend the Archery Hunting Requirements

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

Sec. 1. 12 MRSA §7076, sub-§1, as amended by PL 1991, c. 17, §1 and affected by §2, is further amended to read:

1. Residents over 70 years of age. A complimentary license to hunt, trap or fish, including an archery license under section ~~7102~~ 7102-A, and a muzzle-loading hunting license under section 7107-A, must be issued to any resident of Maine who is 70 years of age or older upon application to the commissioner. These complimentary licenses, upon issuance, remain valid for the remainder of the life of the license holder, provided the license holder continues to satisfy the residency requirements set out in section 7001, subsection 32 and provided the license is not revoked or suspended. Residents who apply for these complimentary licenses at any time during the calendar year of their 70th birthday must be issued a license upon application, regardless of the actual date during that calendar year in which they attain age 70. A guide license may be renewed without charge for any resident of Maine who is 70 years of age or older upon application to the commissioner. The application must be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. When the holder of a license issued under this subsection no longer satisfies the residency requirements set out in section 7001, subsection 32, the license is no longer valid and further use of the license

for purposes of hunting, fishing or trapping constitutes a license violation under section 7371, subsection 3.

Sec. 2. 12 MRSA §7102, as amended by PL 1991, c. 443, §§8 to 10, is repealed.

Sec. 3. 12 MRSA §7102-A is enacted to read:

§7102-A. Archery hunting license

1. Eligibility. A person is eligible to obtain an archery hunting license as provided in this subsection.

A. A resident or nonresident 16 years of age or older who has satisfied the provisions of subsection 5 may obtain an archery hunting license to hunt with bow and arrow from the commissioner or the commissioner's authorized agent.

B. A resident or nonresident 10 years of age or older and under 16 years of age may hunt with bow and arrow, if that person holds a valid junior hunting license.

C. A person under 10 years of age may not hunt with bow and arrow at any time.

2. Fees. Clerks or other agents appointed by the commissioner to issue archery hunting licenses shall charge a fee of \$1 for each archery hunting license issued. The commissioner shall charge a fee of \$1 for each archery hunting license issued by department employees.

3. Application and issuance. Licenses must be obtained from clerks or agents as provided in this subsection.

A. An applicant may obtain a resident archery hunting license only from the clerk or an agent in the town in which the applicant resides.

B. An applicant domiciled in an unorganized township may obtain a resident archery hunting license from the clerk or an agent in the nearest town.

4. Schedule of fees. The schedule of fees for archery hunting licenses is as follows:

A. Resident archery hunting license, \$15;

B. Resident combination archery hunting and fishing license, \$28;

C. Nonresident archery hunting license, \$47; and

D. Alien archery hunting license, \$62.

5. Archery hunter education requirements. A person who applies for an archery hunting license, other

than a junior hunting license, must submit proof of having successfully completed an archery hunter education course as described in subsection 7, an equivalent archery hunter education course or satisfactory evidence of having previously held an adult archery hunting license issued specifically for the purpose of hunting with bow and arrow in this State or any other state, province or country in any year after 1979.

When proof or evidence can not be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult archery hunting license or has successfully completed the required archery hunter education course.

6. Open seasons for hunting with bow and arrow. Permitted seasons for hunting with bow and arrow are as follows.

A. It is legal, except as otherwise provided in chapters 701 to 721, to hunt any wild bird or wild animal with a hand-held bow and arrow during any open season on that bird or animal.

B. Except as provided in section 7377, subsection 1, an archery hunting license is required for persons 16 years of age or older to hunt wild animals or wild birds with bow and arrow during the special open season on deer established under paragraph C.

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

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

(a) Bows must be of adequate strength to shoot an arrow at least 150 yards; and

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

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

(3) If a person takes a deer with bow and arrow during the special archery season on

deer, that person is precluded from further hunting for deer during that year.

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

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

In establishing the program, the commissioner shall:

A. Prescribe the qualifications of instructors;

B. Provide liability insurance for each instructor authorized by the commissioner to conduct these programs protecting that person from liability for damages during the time when instruction is being given. The cost of this insurance must be borne by the State and charged against funds credited to the department;

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

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

Sec. 4. 12 MRSA §7402, as enacted by PL 1979, c. 420, §1, is amended to read:

§7402. Archery hunting

Archery hunting is governed by the license provisions of section 7402 7102-A.

Sec. 5. 12 MRSA §7406, sub-§17, ¶G, as enacted by PL 1979, c. 420, §1, is amended to read:

G. Hunts any wild animal or wild bird with a crossbow or set bow;

Sec. 6. 12 MRSA §7406, sub-§17, ¶G-1 is enacted to read:

G-1. Uses for hunting or possesses for hunting any arrow having either an explosive or poisonous tip;

Sec. 7. Effective date. This Act takes effect January 1, 1995.

Effective January 1, 1995.

CHAPTER 25

H.P. 34 - L.D. 37

An Act to Amend the Laws Safeguarding Production of Ground Water

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

Sec. 1. 32 MRSA §3501, sub-§6 is enacted to read:

6. Installation of well pumps. A person licensed under this subchapter who performs the initial installation of a pump in a well, as defined in section 4700-E, subsection 8, shall install that pump in compliance with the code of performance adopted by the Maine Water Well Drilling Commission pursuant to section 4700-H, subsection 5. Any person licensed under this subchapter who performs the initial installation of a water well pump in violation of that code of performance commits a civil violation punishable by a fine of not more than \$1,000.

Sec. 2. 32 MRSA §4700-E, sub-§1, as enacted by PL 1991, c. 455, Pt. B, §1, is amended to read:

1. Apprentice well driller. "Apprentice well driller" means a person who is engaged in learning and assisting in the drilling of wells or the installing of pumps to work at and learn the trade of well drilling under the direct supervision of a master or journeyman well driller.

Sec. 3. 32 MRSA §4700-E, sub-§3-A is enacted to read:

3-A. Geotechnical driller. "Geotechnical driller" means a person doing the work of drilling, driving or boring ground water monitoring wells.

Sec. 4. 32 MRSA §4700-E, sub-§§4, 5 and 7 to 9, as enacted by PL 1991, c. 455, Pt. B, §1, are amended to read:

4. Journeyman well driller. "Journeyman well driller" means a person who can work alone under the direction of a master driller doing the work of drilling, driving or boring wells who is in the employment of a master well driller.

5. Master well driller. "Master well driller" means an individual qualified under this chapter to supervise the actual drilling operations; maintain order at the drilling site; construct wells in a professional manner and

accept responsibilities for that supervision a person, firm or corporation engaged in the business of drilling, driving or boring wells. The registration of a master well driller under this chapter must specify the name of the person registered. In the case of a firm, the person registered as a master well driller must be a member or employee of the firm. In the case of a corporation, the person registered as a master well driller must be an employee of the corporation or an officer of the corporation.

7. Pump installer. "Pump installer" means a person who is qualified to engage in the installation, removal or repair of a pump, firm or corporation that performs the initial installation of a pump in a well. The registration of a pump installer under this chapter must specify the name of the person registered. In the case of a firm, the person registered as a pump installer must be a member or employee of the firm. In the case of a corporation, the person registered as a pump installer must be an employee of the corporation or an officer of the corporation. The term "pump installer" does not include a person, firm or corporation that removes, replaces or repairs a pump in an existing well. A person who is licensed under chapter 49 as a master plumber is not required to register with the commission as a pump installer.

8. Well or water well. "Well" or "water well" means an artificial excavation drilled by any method for the purpose of extracting water from underground; means any hole drilled, driven or bored into the earth used to extract drinking water. The terms "well" and "water well" do not include:

A. Dug wells;

B. Monitoring wells;

C. Wells constructed exclusively for the relief of artesian pressure at hydroelectric projects;

D. Wells constructed for temporary dewatering purposes;

E. Wells constructed for the purposes of extracting oil, gas or brine; and

F. Wells on private property for private use that are constructed by the property owner or lessee of the property.

9. Well driller. "Well driller" means an individual who, for compensation, participates in the physical construction of a well an apprentice well driller, journeyman well driller or master well driller.

Sec. 5. 32 MRSA §4700-E, sub-§10, as enacted by PL 1991, c. 455, Pt. B, §1, is repealed.