

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

Federal Expenditures Fund	2001-02	2002-03
All Other	\$0	(\$40,000)
Federal Expenditures Fund Total	\$0	(\$40,000)

See title page for effective date.

CHAPTER 690

H.P. 1432 - L.D. 1929

An Act to Stabilize the Funding of the Department of Inland Fisheries and Wildlife

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

PART A

Sec. A-1. 12 MRSA §7017, sub-§§9 and 10 are enacted to read:

9. Fiscal Stability Program. The Fiscal Stability Program is established to ensure that the general public and hunters and anglers share the cost of the fish and wildlife conservation programs of the Department of Inland Fisheries and Wildlife. To achieve this goal, beginning with the 2004-2005 biennial budget and for each biennial budget thereafter, the biennial budget submitted by the executive branch must include a General Fund appropriation of 18% of the department's requested biennial budget. General Fund appropriations to the Fiscal Stability Program may not be considered to be amounts appropriated to the department under the Constitution of Maine, Article IX, Section 22.

10. WE CARE support program. The Wildlife Enthusiast's Conservation Appreciation, Recreation and Enjoyment, or "WE CARE," support program is established to encourage voluntary support for the programs and services provided by the Department of Inland Fisheries and Wildlife. The fee for participating in this program is \$19. All money generated pursuant to this subsection must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 7757.

Sec. A-2. 12 MRSA §7073, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

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

Sec. A-3. 12 MRSA §7076, sub-§10, as amended by PL 1993, c. 419, §4, is further amended to read:

10. Boys and girls camps. Upon application, the commissioner shall issue to a ~~boys' boys or girls' girls~~ camp a camp fishing license ~~which that~~ will permit any of the boys or girls, under 16 years of age, to fish in the lake or pond adjacent to the main camp. The fee for this permit is \$75.

A. The fees for this license are as follows:

	1993	1994	1995	1996 and after
Camps with an enrollment of fewer than 50 campers	\$44	\$46	\$47	\$48
Camps with an enrollment of 50 to 75 campers	\$69	\$71	\$72	\$73
Camps with an enrollment of more than 75 campers	\$100	\$102	\$103	\$104

B. Persons who fish under a camp fishing license, as provided in this subsection, ~~shall be~~ are subject to chapters 701 to 721.

Sec. A-4. 12 MRSA §7109, sub-§2, as enacted by PL 1983, c. 807, Pt. L, §2, is amended to read:

2. Fee. The fee for a migratory waterfowl hunting permit ~~shall be \$2.50~~ is \$5.50, 25¢ of which ~~shall~~ must be retained by the agent.

Sec. A-5. 12 MRSA §7110, sub-§3, as amended by PL 1993, c. 419, §11, is repealed and the following enacted in its place:

3. Issuance; fee. The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit to eligible persons. Beginning in 2003, the annual fee for each permit issued is \$25 for residents and \$65 for nonresidents.

Sec. A-6. 12 MRSA §7154, sub-§3, as repealed and replaced by PL 1995, c. 455, §12, is repealed and the following enacted in its place:

3. Fee. The fee for a bass tournament permit is:

C. For weigh-in tournaments, \$50 per day; and

D. For catch-and-release tournaments, \$10 per day.

Sec. A-7. 12 MRSA §7311, sub-§3, as amended by PL 1993, c. 419, §21, is further amended to read:

3. Fee. The fee for a 3-year guide license is \$75 for 1993, \$77 for 1994, \$78 for 1995 and \$79 for 1996 and every year thereafter.

Sec. A-8. 12 MRSA §7457, sub-§1, ¶H, as amended by PL 1999, c. 323, §1 and affected by §3, is further amended to read:

H. The commissioner may regulate the taking of antlerless deer within any area of the State, as necessary, to maintain deer populations in balance with available habitat if the following conditions are met.

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

(2) The determination must be made and published prior to August 1st of each year.

~~(3) The application fee for a permit to take an antlerless deer may not exceed \$1. The application must include a detachable portion on which the applicant shall write the applicant's name and address and to which the applicant shall affix a stamp of adequate postage. The department shall return this portion of the application to the applicant in acknowledgement of the department's receipt of the application.~~

(4) The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this subsection, except that there may not be an antlerless deer permit system unless otherwise specified in this paragraph. Any rules adopted by the commissioner that provide for permits to be issued to nonresident or alien hunters must provide that:

(a) The percentage of antlerless deer permits issued to nonresident and alien hunters may not exceed the average percentage of applicants for antlerless deer permits over the previous 3 years who were nonresidents or aliens; and

(b) No more than 15% of the antlerless deer permits issued in any one

district or in any one zone may be issued to nonresident and alien hunters.

(5) An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public. Any 2 or more areas of land owned by the same person that are open for hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purposes of determining landowner eligibility for special consideration under this subparagraph.

A junior hunter or a person 65 years of age or older may take an antlerless deer, if ~~an adult a~~ person who holds a valid antlerless deer permit transfers the permit to the junior hunter or person 65 years of age or older by identifying the name, age and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. The commissioner shall record the transfer and return the permit to the junior hunter or person 65 years of age or older. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer. ~~If the adult the~~ person transfers the permit to the junior hunter or person 65 years of age or older, that ~~adult~~ person is prohibited from taking an antlerless deer.

Sec. A-9. 12 MRSA §7457, sub-§1, ¶I, as amended by PL 1999, c. 636, §4, is further amended to read:

I. The commissioner, by rule, may create special hunting seasons for the taking of deer in any part of the State to maintain deer populations in balance with available habitat, subject to the following.

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

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

(3) The commissioner may implement a permit system ~~and establish fees~~ to regulate hunter participation in a special season and the number, sex and age of deer harvested. If permits are issued, the fee for a deer permit other than an antlerless deer permit

is \$30 and the fee for an antlerless deer permit is \$10.

(5) The commissioner may establish limits on the number of deer taken or possessed by persons during any special season. Limits established by the commissioner under this subparagraph are exceptions to the limits imposed under section 7458, subsections 1 and 2.

(6) The commissioner may specify types of weapons to be used during a special season.

Sec. A-10. 12 MRSA §7463-A, sub-§4, as amended by PL 2001, c. 387, §24, is further amended to read:

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

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

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

The fee for a moose hunting permit is ~~\$29~~ \$50 for residents and ~~\$300~~ \$475 for nonresidents and aliens. While hunting moose, each resident, nonresident or alien hunter, both permittee and subpermittee, must be in possession of a valid Maine resident, nonresident or alien big game hunting license, whichever is applicable.

Sec. A-11. 12 MRSA §7463-A, sub-§6, ¶B, as enacted by PL 1997, c. 24, Pt. I, §3, is amended to read:

B. For nonresidents:

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

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

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

(4) Fifty dollars for a 10-chance application.

Sec. A-12. 12 MRSA §7468, sub-§4, as amended by PL 2001, c. 6, §1, is further amended to read:

4. Hunting permits. The commissioner may establish the number of wild turkey permits for each wild turkey hunting zone and may issue those permits annually. The percentage of total wild turkey permits issued to nonresident and alien hunters may not exceed the average percentage of applicants for wild turkey permits over the previous 3 years who were nonresidents and aliens and may not be more than 10% of the total wild turkey permits issued statewide. ~~A person whose application is selected may obtain a wild turkey hunting permit upon presentation of proof that the person possesses:~~ While hunting turkey, a resident, nonresident or alien hunter must be in possession of a valid resident, nonresident or alien big game hunting license, as applicable.

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

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

~~An adult~~ A person who holds a valid wild turkey permit may transfer the permit to a junior hunter or person 65 years of age or older by identifying the name, age and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then return the permit to the department prior to the start of the turkey season. The commissioner shall record the transfer and return the permit to the junior hunter or person 65 years of age or older. A valid permit must be in the possession of the transferee in order for the transferee to hunt turkey. If the ~~adult~~ person transfers the permit to the junior hunter or person 65 years of age or older, that ~~adult~~ person is prohibited from hunting turkey.

Sec. A-13. 12 MRSA §7854, sub-§3, as amended by PL 1985, c. 762, §8, is further amended to read:

3. Fee. The annual registration fee for an ATV is ~~\$42~~ \$17 for a resident and \$35 for a nonresident.

Sec. A-14. 12 MRSA §7854, sub-§4, ¶A, as amended by PL 1997, c. 643, Pt. H, §3, is further amended to read:

A. Revenues ~~After administrative costs, revenues~~ received under this subchapter are credited as undedicated revenue to the General Fund except that ~~49%~~ 50% of those revenues is credited to the ATV Recreational Management Fund of the Department of Conservation. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting

revenue under this subsection. Those administrative costs must be verified by the Department of Conservation and the Department of Administrative and Financial Services.

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

Sec. A-15. 12 MRSA §7854, sub-§7, ¶C, as amended by PL 1989, c. 493, §64, is further amended to read:

C. Whenever there is a change of ownership of an all-terrain vehicle for which a registration has previously been issued, the new owner shall apply for a new registration and shall pay the regular ~~\$12~~ \$17 fee for residents and \$35 for nonresidents.

Sec. A-16. 12 MRSA §7854, sub-§7, ¶D, as enacted by PL 2001, c. 294, §12, is amended to read:

D. After March 31st, a person may pay \$15 \$21.25 for residents and \$43.75 for nonresidents and receive a registration covering the remainder of the registration period plus one additional year.

Sec. A-17. Resolve 2001, c. 1, §1 is amended to read:

Sec. 1. Department shall create system. Resolved: That the Department of Inland Fisheries and Wildlife shall review the existing license categories and fee structures for recreational licenses issued by that department pursuant to the Maine Revised Statutes, Title 12. The department shall design a system that consolidates and simplifies license categories and fees and shall submit its proposal, along with any necessary implementing legislation, for introduction in the ~~Second~~ First Regular Session of the ~~120th~~ 121st Legislature no later than ~~December 1, 2001~~ January 2, 2003.

Sec. A-18. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 12, section 7076, subsection 10; section 7109, subsection 2; section 7311, subsection 3; section 7457, subsection 1, paragraphs H and I; section 7463-A, subsection 4 and subsection 6, paragraph B; and section 7854, subsection 7, paragraphs C and D; and that repeal and replace section 7110, subsection 3 and section 7154, subsection 3 take effect January 1, 2003. Those sections of this Act that amend Title 12, section 7854, subsection 3 and subsection 4, paragraph A take effect July 1, 2003.

Sec. A-19. Appropriations and allocations. The following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

Savings Fund Program

Initiative: Appropriates fees to be used only to avoid future fee increases.

General Fund	2001-02	2002-03
All Other	\$0	\$107,000

Endangered Nongame Operations

Initiative: Allocates funds to reflect increased support from the new WE CARE support program.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$5,000

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

DEPARTMENT TOTALS	2001-02	2002-03
GENERAL FUND	\$0	\$107,000
OTHER SPECIAL REVENUE FUNDS	0	5,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$112,000

CONSERVATION, DEPARTMENT OF

Boating Facility Program

Initiative: Appropriates funds for repairs to Verona boat launch.

General Fund	2001-02	2002-03
All Other	\$0	\$30,000

**CONSERVATION, DEPARTMENT OF
DEPARTMENT TOTALS**

GENERAL FUND	\$0	\$30,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$30,000
SECTION TOTALS	2001-02	2002-03
GENERAL FUND	\$0	\$137,000
OTHER SPECIAL REVENUE FUNDS	0	5,000
SECTION TOTAL - ALL FUNDS	\$0	\$142,000

PART B

Sec. B-1. 12 MRSA §7076, sub-§1, as amended by PL 2001, c. 351, §1, 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-A ~~or 7102-B~~, a pheasant hunting permit under section 7106-B, a

muzzle-loading hunting license under section 7107-A, a migratory waterfowl permit under section 7109 and a bear hunting permit under section 7110 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.

Beginning January 1, 2006, the department may not issue a complimentary license to a resident over 70 years of age. A complimentary license issued to a resident over 70 years of age prior to January 1, 2006 is valid as long as the holder of the license satisfies the residency requirements set out in section 7001, subsection 32.

Sec. B-2. 12 MRSA §7076, sub-§4-B, as amended by PL 2001, c. 307, §4, is further amended to read:

4-B. Resident disabled veteran. A resident disabled veteran may apply to the commissioner for one or more of the following complimentary permits and licenses: a license to hunt with a firearm, a license to trap, a license to fish, archery hunting licenses as provided in ~~sections section~~ section 7102-A and ~~7102-B~~, a pheasant hunting permit as provided in section 7106-B and a muzzle-loading hunting license as provided in section 7107-A. The commissioner shall issue the permit, license or licenses requested under this subsection if the commissioner determines the applicant is a resident disabled veteran and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "resident disabled veteran" means a person who:

A. Is a resident as defined in section 7001, subsection 32;

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

C. Has a service-connected disability evaluated at:

(1) One hundred percent; or

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

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to satisfy the residency requirement in section 7001, subsection 32 and the permit or license is not revoked or suspended.

Sec. B-3. 12 MRSA §7102-B, as amended by PL 1999, c. 16, Pt. G, §§1 to 4 and c. 403, §7, is repealed.

Sec. B-4. 12 MRSA §7161, sub-§1, ¶E, as enacted by PL 2001, c. 351, §3, is amended to read:

E. For a resident 70 years of age or older. A person who holds a valid senior lifetime license under this section upon turning 70 years of age may obtain at no cost a hunting license, fishing license, trapping license, archery license under section 7102-A ~~or 7102-B~~, a pheasant hunting permit under section 7106-B, a muzzle-loading hunting license under section 7107-A, a migratory waterfowl permit under section 7109, a bear hunting permit under section 7110 and renew a guide license under section 7311. A person who is 70 years of age or older may purchase a senior lifetime license that entitles the holder to all the privileges described in this paragraph for a one-time \$8 fee.

Sec. B-5. Effective date. This Part takes effect January 1, 2003.

See title page for effective date, unless otherwise indicated.