

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

B. A person who applies for a moose hunting permit under this subsection is subject to the eligibility provisions of subsection 5, except that a successful applicant is not required to wait 2 years in order to obtain another permit.

C. An eligible person wishing to apply for a permit under this subsection must submit a written application in such form as the commissioner may require. The application must be accompanied by a bidding fee of \$25, which, except as otherwise provided in paragraph D, is nonrefundable. The commissioner may waive the requirements of this paragraph when, as provided in paragraph G, the commissioner enters into a contract with a conservation organization to auction the permits.

D. An eligible person may apply for a moose hunting permit both through the public chance drawing and in accordance with this subsection. If a person is selected to receive a moose hunting permit as a result of the public chance drawing, that person is no longer eligible to obtain a permit under this subsection and the bidding fee submitted by that person must be refunded.

E. A moose hunting permit issued under this subsection is valid in the district designated by the permittee. This designation must be made within 30 days after the permit is awarded.

F. A person who is awarded a moose hunting permit under this subsection may select a subpermittee to participate in the moose hunt as provided in subsection 7.

G. The commissioner may enter into a contract with a conservation organization whose goals and objectives are not inconsistent with those of the department to advertise this process of issuing permits, auction the permits and collect revenues.

H. Except as otherwise provided, the provisions of this Part relating to moose are applicable to the hunting of moose with a permit awarded under this subsection.

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

J. Notwithstanding this subsection, the total number of moose hunting permits issued each year must be in accordance with section 11552, subsection 2.

K. The commissioner may decline to issue any permit or any number of permits issuable pursuant to this subsection if, in the commissioner's opinion, the auction bids received do not reflect the public value anticipated to meet the goals of this

subsection. Any permit or permits not issued under this subsection must be drawn in the public chance drawing pursuant to subsection 9.

Sec. 2. Application. The Commissioner of Inland Fisheries and Wildlife shall carry out the purposes of this Act for the 2007 moose hunting permit auction.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Public Information and Education, Division of 0729

Initiative: Allocates additional funds for youth conservation education purposes.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$25,000	\$25,000
OTHER SPECIAL	\$25,000	\$25,000
REVENUE FUNDS TOTAL		

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 23, 2007.

CHAPTER 162

H.P. 893 - L.D. 1265

An Act To Keep Private Road Maintenance Costs Affordable

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

Sec. 1. 23 MRSA §3101, as amended by PL 1999, c. 552, §1, is further amended to read:

§3101. Call of meetings; repairs

Except as provided in this section, when 4 or more parcels of land are benefited by a private way or bridge as an appurtenant easement or by fee ownership of the way or bridge, the owners of any 3 or more of the parcels, as long as at least 3 of the parcels are owned by different persons, may make written application to a notary public to call a meeting, who may issue a warrant setting forth the time, place and purpose of the meeting, copies of which must be posted at some public place in the town and mailed to the owners of all the parcels benefited by the way at the addresses set forth in the municipal tax records, at least 30 days before such time. When so assembled, they

may choose a commissioner, to be sworn, and they may determine what repairs are necessary and the materials to be furnished or amount of money to be paid by each owner for the repairs and the manner of calling future meetings. This section does not apply to ways constructed or primarily used for commercial or forest management purposes. As used in this section, "repairs" does not include paving, except to repair existing pavement or in locations where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem or to repair pavement existing as of July 1, 2007.

See title page for effective date.

CHAPTER 163

S.P. 197 - L.D. 605

An Act To Improve the Super Pack License

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

Sec. 1. 12 MRSA §11109-A, as repealed and replaced by PL 2005, c. 477, §4, is amended to read:

§11109-A. Super pack license

~~A. Except as otherwise provided in this section, a super pack license includes all licenses and permits a person issued under this Part to hunt and fish all legal game and fish species, subject to the restrictions placed on the equivalent individual license licenses or permit issued under this Part permits for that those species. An individual license or permit contained in the super pack license is not valid unless the holder of the super pack license has met the eligibility requirements for that specific license or permit and is not otherwise prohibited from holding that license or permit. A person may be issued a super pack license without meeting the specific requirements of an individual license or permit contained in the super pack license, but that license or permit is invalid until the license holder meets the eligibility requirements for that particular license or permit. All restrictions and conditions on hunting and fishing apply to a super pack licensee, including issuance and eligibility requirements for the equivalent license or permit.~~

1. Moose lottery chances. A super pack license includes, upon application, 6 chances in the moose lottery under section 11154, subsection 6.

2. Antlerless deer permit. A super pack license includes an antlerless deer permit as provided under section 11152, except that it is valid only for antlerless deer in wildlife management districts in which at least 5,000 antlerless deer permits are issued. No more than 2.5% of those antlerless deer permits may be in the form of a super pack license. The commissioner shall

implement a system for issuing antlerless deer permits under this subsection.

3. Harvest of 5 deer. Notwithstanding section 11501, a super pack license authorizes the holder to take ~~one deer during either the regular open firearm season or the special archery season or the special muzzle loading season in accordance with sections 11401, 11403 and 11404, respectively, and one antlerless deer pursuant to subsection 2.~~

A. One deer during either the regular open firearm season or the regular archery-only season or the special muzzle-loading season in accordance with sections 11401, 11403 and 11404, respectively;

B. One deer in accordance with subsection 2; and

C. Three deer during the special archery season in accordance with section 11402, subsection 4.

4. Licenses not included. A super pack license does not include ~~a moose permit or trapping privileges.~~

A. A license or permit under chapter 915, subchapters 13 and 15;

B. A license or permit under chapter 917;

C. A permit or certificate under chapter 921;

D. A license or permit under chapter 923, subchapter 2, except it does include licenses issued to fish pursuant to section 12501;

E. A license or permit under chapter 923, subchapter 3;

F. A license under chapter 927;

G. A permit under section 12704; or

H. A moose permit under section 11154.

5. Fee. The fee for a super pack license is \$200 for residents and \$175 for a person holding 2 or more lifetime licenses.

Sec. 2. 12 MRSA §11403, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §170 and affected by §422, is further amended to read:

§11403. Regular archery-only deer hunting season

1. License required. Except as provided in section 11108, subsection 1 or otherwise authorized by this Part, a person 16 years of age or older may not hunt deer with a bow and arrow during the special open season on deer as provided under this section unless that person has a valid archery hunting license.

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.