

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

CHAPTER 202
H.P. 354 - L.D. 455

**An Act To Protect the All-
terrain Vehicle Trail System**

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

Sec. 1. 12 MRSA §13157-A, sub-§5-A is enacted to read:

5-A. Operating a truck, pickup truck or passenger vehicle on an ATV trail. A person may not operate a truck, pickup truck or passenger vehicle on a designated ATV trail that is not on a gravel road system unless that use has been authorized by the landowner or the landowner's agent or it is necessitated by an emergency involving the safety of a person or property. For purposes of this subsection, "pickup truck" and "truck" have the same meanings as in Title 29-A, section 101, subsections 55 and 88, respectively, and "passenger vehicle" means a self-propelled 4-wheel motor vehicle designed primarily to carry passengers on public roads.

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.

See title page for effective date.

CHAPTER 203
H.P. 370 - L.D. 486

**An Act To Establish an
Apprenticeship Hunter License
Program**

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

Sec. 1. 12 MRSA §11106, sub-§1, ¶A, as amended by PL 2005, c. 397, Pt. E, §4, is further amended to read:

A. A resident or nonresident 16 years of age or older who has satisfied the requirements of subsection 2 or holds an apprenticeship hunter license may obtain an archery hunting license to hunt with bow and arrow from the commissioner or the commissioner's authorized agent.

Sec. 2. 12 MRSA §11106, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Archery hunter education requirements. A person who applies for an archery hunting license, other than a junior hunting license, or an apprenticeship hunter license must submit proof of having successfully completed an archery hunter education course as described in section 10108 or 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.

Sec. 3. 12 MRSA §11106-A, sub-§1, as enacted by PL 2005, c. 419, §3 and affected by §12, is amended to read:

1. Big game license. A resident or nonresident 16 years of age or older who has satisfied the requirements of subsection 3 and holds a valid big game license or an apprenticeship hunter license may obtain a crossbow license to hunt with a crossbow from the commissioner or the commissioner's authorized agent.

Sec. 4. 12 MRSA §11106-A, sub-§3, as enacted by PL 2005, c. 419, §3 and affected by §12, is amended to read:

3. Crossbow hunter education requirements. A person who applies for a crossbow hunting license, other than a junior hunting license, or an apprenticeship hunter license must submit proof of having successfully completed an archery hunting education course and a crossbow hunting course as described in section 10108 or equivalent crossbow and archery hunting education courses or satisfactory evidence of having previously held adult archery and crossbow hunting licenses issued specifically for the purpose of hunting with a crossbow or bow and arrow in this State or any other state, province or country in any year after 1979.

When proof or evidence cannot be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult crossbow and archery hunting license or has successfully completed the required crossbow and archery hunting education courses.

Sec. 5. 12 MRSA §11107, sub-§3 is enacted to read:

3. Apprenticeship hunter license. A holder of an apprenticeship hunter license may obtain a muzzle-loading permit from the commissioner or the commissioner's authorized agent.

Sec. 6. 12 MRSA §11108-B is enacted to read:

§11108-B. Apprenticeship hunter license restrictions

1. Supervisor required. A holder of an apprenticeship hunter license may not hunt other than in the presence of a person at least 18 years of age who holds a valid Maine hunting license.

A. 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 \$500 and not more than \$1,000 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.

2. Supervisor eligibility and responsibility. A supervisor must have held a valid hunting license for the prior 5 consecutive years to be qualified to supervise a holder of an apprenticeship license. A supervisor is responsible for ensuring that the holder of an apprenticeship hunter license follows safe hunting protocol and the laws under this Part. A supervisor may not intentionally permit a person hunting under an apprenticeship hunter license with that supervisor to violate subsection 1.

A. 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 \$500 must 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.

3. Eligibility. A person who is 16 years of age or older and not a holder of a valid hunting license or junior hunting license may hold an apprenticeship hunter license. A person may not be issued an apprenticeship hunter license after having held an apprenticeship hunter license under section 11109.

4. Expiration of apprenticeship hunter license. An apprenticeship hunter license is valid for up to 12 calendar months and expires on December 31st.

5. Definition. For purposes of this section, "in the presence of " means in visual and voice contact without the use of visual or audio enhancement devices, including binoculars and citizen band radios. For purposes of this section, "supervisor" means a person or persons who are 18 years of age or older, hold a valid Maine hunting license and are hunting with a person holding an apprenticeship hunter license.

Sec. 7. 12 MRSA §11109, sub-§3, ¶E-1 is enacted to read:

E-1. A resident apprenticeship hunter license, which includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155 respectively, is \$21.

Sec. 8. 12 MRSA §11109, sub-§3, ¶O is enacted to read:

O. A nonresident small game apprenticeship hunter license, which permits the hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat, is \$67.

Sec. 9. 12 MRSA §11109, sub-§3, ¶P is enacted to read:

P. A nonresident big game apprenticeship hunter license, which permits the hunting of all legal species and includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155 respectively, is \$102.

See title page for effective date.

CHAPTER 204

H.P. 392 - L.D. 509

An Act To Amend Laws Pertaining to Entry into the Lobster Fishery

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

Sec. 1. 12 MRSA §6421, sub-§5, as amended by PL 2005, c. 354, §1, is further amended to read:

5. Eligibility. A noncommercial or student lobster and crab fishing license may only be issued to an individual who is a resident. A Class I, Class II or Class III license may be issued to a person 17 years of age or older only if the person:

A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year;

C. Meets the requirements of the apprentice program under section 6422 or section 6475; or

D. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year.

Notwithstanding the age requirements of this subsection, a person who holds a Class I, Class II or Class III license on December 31, 2007 may continue to be issued a Class I, Class II or Class III license provided