

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

POSITIONS -	0.000	1.000
LEGISLATIVE COUNT		
Personal Services	\$0	\$51,844
All Other	\$0	\$7,119
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HIGHWAY FUND TOTAL	\$0	\$58,963

**Sec. 10. Effective date.** This Act takes effect September 1, 2008.

Effective September 1, 2008.

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**CHAPTER 532**

**H.P. 1475 - L.D. 2089**

**An Act To Allow Certain Assistance to Guides and Hunters**

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

**Sec. 1. 12 MRSA §12861** is enacted to read:

**§12861. Transportation of guide's clients by unlicensed person**

Notwithstanding section 10001, subsection 28 and Title 29-A, section 552, a person licensed to guide hunters under this chapter may employ the services of a person not licensed as a guide to transport hunters along a public or private road in a motor vehicle for the sole purpose of delivering those hunters to a predetermined destination prior to or at the conclusion of the time those hunters are engaged in hunting. For purposes of this section, "motor vehicle" does not include a snowmobile or an all-terrain vehicle.

**1. Prohibition.** A person, while transporting hunters pursuant to this section, may not:

- A. Engage in hunting;
- B. Transport hunting equipment for that person's own use unless that hunting equipment is fastened in a case;
- C. Accompany hunters into the fields or forests; or
- D. Assist in hunting activities, including, but not limited to, accompanying hunters to a hunting stand or bait site, searching for wounded animals or locating, retrieving or field dressing harvested animals.

**2. Penalty and vicarious liability.** This subsection applies to violations of subsection 1.

- A. A person who violates subsection 1 commits a Class E crime. When a person is convicted of violating subsection 1, the guide employing that

person must be issued a warning by a law enforcement officer, as defined in Title 25, section 2801-A, subsection 5.

B. A person licensed as a guide who receives 3 or more warnings pursuant to paragraph A within a 5-year period commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged. The commissioner may suspend the guide license of a person adjudicated of a violation of this paragraph for a period of up to one year.

C. A person licensed as a guide who violates paragraph B after having been adjudicated as having committed 3 or more civil violations under this Part within a 5-year period commits a Class E crime.

**3. Repeal.** This section is repealed July 31, 2010.

See title page for effective date.

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**CHAPTER 533**

**H.P. 1390 - L.D. 1952**

**An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the determination of whether or not a vernal pool habitat is significant for the purposes of the Natural Resources Protection Act is necessary to ensure proper protection of the resource; and

**Whereas,** the timeframe for making a determination of whether a vernal pool habitat is not significant and therefore not protected under the Natural Resources Protection Act needs to be expanded prior to the commencement of the next field determination season; and

**Whereas,** in order to reduce confusion, clarification of the specific types of rare species that must be evaluated in determining whether a vernal pool habitat is significant is needed prior to the commencement of the next field determination season; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,