

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

form a regional school unit with the same or other school administrative units and may seek assistance from the Department of Education to prepare another reorganization plan.

A. Subsequent reorganization plans must meet the same requirements as for reorganization plans filed prior to the January 2008 referendum, except that the timelines are adjusted to reflect a July 1, 2009 reorganization date.

~~B. The penalties set forth in Title 20-A, section 15696 apply to any school administrative unit that fails to approve a reorganization plan on or before January 30, 2009 and to implement that plan by July 1, 2009, including those school administrative districts that are reformulated under subsection 12. These penalties do not apply to any school administrative unit that implements a reorganization plan by July 1, 2011 in accordance with subsection 11-A.~~

Sec. 10. PL 2007, c. 240, Pt. XXXX, §36, sub-§11-A, as amended by PL 2009, c. 571, Pt. VVV, §2, is further amended to read:

11-A. Result for school administrative unit that approves plan at referendum on or before January 30, 2010 but is unable to implement plan.

A school administrative unit that approves a proposed reorganization plan at the January 15, 2008 referendum or at a subsequent referendum on or before January 30, 2010 but is unable to implement the plan because the plan was rejected at referendum by one or more of its proposed partner school administrative units under the plan may restart the process to form a regional school unit with the same or other school administrative units and may seek assistance from the Department of Education to prepare another reorganization plan.

A. Subsequent reorganization plans must meet the same requirements as for reorganization plans filed prior to the January 2008 referendum, except that the timelines are adjusted to reflect a July 1, 2011 reorganization date.

~~B. The penalties set forth in Title 20-A, section 15696 apply, as of July 1, 2011, to any school administrative unit that fails to approve a reorganization plan on or before January 30, 2011 and to implement that plan by July 1, 2011.~~

Sec. 11. PL 2007, c. 240, Pt. XXXX, §44 is repealed.

Sec. 12. Effective date. This Act takes effect July 1, 2012.

Effective July 1, 2012.

CHAPTER 252
H.P. 630 - L.D. 833

An Act To Restrict Permits Available to the Holder of a Super Pack License

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

Sec. 1. 12 MRSA §11109-A, sub-§2, as amended by PL 2009, c. 132, §1, is further amended to read:

2. Antlerless deer permit. A super pack license includes:

A. ~~The~~ Except as provided in paragraph B, the opportunity to enter an antlerless deer permit lottery pursuant to section 11152 as afforded by a license contained within the super pack license subject to the conditions and restrictions placed on that license; and

B. 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 3,500 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. If a super pack licensee obtains an antlerless deer permit under this paragraph, that person is not eligible to obtain an antlerless deer permit under paragraph A.

Sec. 2. Effective date. This Act takes effect January 1, 2012.

Effective January 1, 2012.

CHAPTER 253
S.P. 317 - L.D. 1084

An Act To Amend Certain Provisions of Maine Fish and Wildlife Laws

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 Department of Inland Fisheries and Wildlife has recently conducted a moose survey that indicates the State's moose population has been increasing and could sustain additional hunting opportunities; and

Whereas, the lottery drawing for the 2011 moose permits takes place in June and the authoriza-

tion to issue more moose permits needs to take effect before the drawing; 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,

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

Sec. 1. 12 MRSA §10052, as amended by PL 2009, c. 340, §2, is further amended to read:

§10052. Division of Licensing and Registration

The Division of Licensing, ~~and Registration and Engineering~~ is established within the Department of Inland Fisheries and Wildlife. The division is equal in organizational level and status with other major organizational units within the department or its successors. The division is administered by a director who is immediately responsible to the deputy commissioner. The director possesses full authority and responsibility for administering all the powers and duties of the division, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the division include, but are not limited to:

3. Licensing and registration. The administration and issuance of department licenses, stamps and permits and the registration of snowmobiles, watercraft and all-terrain vehicles; ~~and~~

~~**4. Engineering.** The design, maintenance and repair of department owned facilities, including the preparation of a capital improvement plan to be printed in the budget document.~~

Sec. 2. 12 MRSA §10052-A is enacted to read:

§10052-A. Division of Engineering

The Division of Engineering is established within the Department of Inland Fisheries and Wildlife. The division is equal in organizational level and status with other major organizational units within the department or its successors. The division is administered by a director who is immediately responsible to the deputy commissioner. The director possesses full authority and responsibility for administering all the powers and duties of the division, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the division include the design, maintenance and repair of department-owned facilities, including the preparation of a capital improvement plan to be printed in the budget document.

Sec. 3. 12 MRSA §10155, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Membership. Members of the board must be residents of the State. The board consists of the following ~~5~~ 4 members:

A. Two employees of the department, appointed by the commissioner one of whom may be a retired employee who has experience in taxidermy;

B. ~~Two~~ One licensed ~~taxidermists~~ taxidermist with expertise in the art of taxidermy, appointed by the Governor; and

C. One member of the general public with no affiliation to the art of taxidermy, appointed by the Governor.

Sec. 4. 12 MRSA §10502, sub-§1, as amended by PL 2003, c. 592, §1 and affected by §5; c. 614, §9; and c. 655, Pt. C, §§5 and 6, is further amended to read:

1. Seizure; filing libel. All fish or wildlife hunted, trapped, fished, bought, sold, carried, transported or found in possession of any person in violation of this Part, and all currency used in violation of this Part and equipment, including but not limited to firearms, possessed or used in violation of this Part are contraband and subject to seizure by any officer authorized to enforce this Part. Except for property exempted from libel under subsection 2, an officer making such a seizure shall file, within a reasonable time, with the court a libel against that property. The libel must describe the property seized and the date and place of that seizure, cite the provision of law that is alleged to have been violated and request a decree of forfeiture. The libel proceedings and disposal of property are governed by section 10503.

Sec. 5. 12 MRSA §10503, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Notice and hearing of libel. The judge shall fix a time for the hearing of the libel and issue a notice of the libel to all persons interested, citing them to appear at the time and place appointed and show cause why the fish, wildlife, currency or equipment possessed should not be declared forfeited. A true and attested copy of the libel and notice must be posted in 2 conspicuous places in the town or place where the fish, wildlife, currency or equipment possessed was seized, or in such place or places as is ordered by the court, at least 10 days before the day on which the libel is returnable. Copies must be served on common carriers;

Sec. 6. 12 MRSA §10503, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

5. Return of articles or proceeds to claimant. If the court is, upon the hearing, satisfied that the fish, wildlife, currency or equipment possessed was not possessed in violation of this Part and that the claimant

is entitled to the custody of any part of the articles, the court shall give the claimant an order in writing, directed to the officer having the articles in custody, commanding delivery to the claimant of the articles or proceeds derived from the sale of the articles, to which the claimant is found to be entitled, within 48 hours after demand;

Sec. 7. 12 MRSA §10652, sub-§1, ¶B, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 655, Pt. B, §68 and affected by §422, is amended to read:

B. A person may not while hunting any wild animal or wild bird:

(1) Damage or destroy a tree on another person's land by inserting into that tree any metallic or ceramic object to be used as, or as part of, a ladder or observation stand unless the person has the permission of the landowner;

(2) Except as provided in this paragraph, erect or use either a portable or permanent ~~tree~~ ladder or observation stand ~~attached to a tree~~ on the land of another person unless:

(a) That person has obtained oral or written authorization to erect and use a ~~tree~~ ladder or observation stand from the landowner or the landowner's representative; and

(b) The ~~tree~~ ladder or observation stand is plainly labeled with a 2-inch by 4-inch tag identifying the name and address of the person or persons authorized by the landowner to use the ~~tree~~ stand or observation ladder.

This subparagraph does not apply to a portable ~~tree~~ ladder or observation stand that is located on land within the jurisdiction of the Maine Land Use Regulation Commission and attended by the person who owns the ladder or observation stand. For purposes of this subparagraph, "observation stand" does not include a portable blind utilized at ground level that remains in the physical possession of the hunter;

(3) Tear down or destroy any fence or wall on another person's land;

(4) Leave open any gate or bars on another person's land; or

(5) Trample or destroy any crop on another person's land.

Sec. 8. 12 MRSA §10703, sub-§11, as amended by PL 2009, c. 447, §15, is further amended to read:

11. Fatalities. Notwithstanding any other provision of this section, any person hunting wild animals or wild birds who is involved in a hunting accident or any operator of a watercraft, snowmobile or ATV who is involved in a watercraft, snowmobile or ATV accident that ~~results~~ has resulted in a serious injury or in the death of any person must submit to and complete chemical tests to determine that person's alcohol level or other chemical use by analysis of blood, breath or urine. A law enforcement officer may determine which types of tests will be administered. The results of tests taken pursuant to this subsection are not admissible at trial unless the court is satisfied that probable cause exists, independent of the test results, to believe that the hunter or operator was under the influence of intoxicating liquor or drugs or had an excessive alcohol level.

Sec. 9. 12 MRSA §10751, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 10. 12 MRSA §10757, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

§10757. Fraudulently obtaining or possessing license or permit

A person may not obtain or possess a license or permit authorized in this Part through fraud, misstatement or misrepresentation. A person who violates this section commits a Class E crime.

Sec. 11. 12 MRSA §10801, sub-§6, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

C. If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one ~~calendar~~ year, the commissioner shall:

(1) Terminate the agency for the balance of the year; and

(2) Order that the agency not be renewed for the next year.

Sec. 12. 12 MRSA §10851, sub-§1, ¶D, as amended by PL 2007, c. 651, §9, is further amended to read:

D. For a resident 70 years of age or older. A For a person who holds a valid senior lifetime license under this section upon turning at any time during the calendar year that person turns 70 years of age may obtain at no cost, that lifetime license includes all hunting permits and licenses authorized in this Part and may renew at no cost a guide license under section 12853. 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. 13. 12 MRSA §10902, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

5. Hunting license revocation or suspension for endangerment or harm to another. The commissioner may bring a complaint in the District Court seeking to revoke or suspend the current hunting license or the privilege to obtain a hunting license of any person whom the commissioner reasonably believes to have killed, wounded or recklessly endangered the safety of another human being while hunting in this State or another jurisdiction. The District Court shall revoke or suspend the person's license or privilege for a period of at least 5 years if the court finds that the person, while hunting, has killed, wounded or recklessly endangered the safety of another human being and the public safety will be endangered by the person's retention of that license or privilege. For the purpose of this subsection, "recklessly" has the same meaning as that set out in Title 17-A, section 35, subsection 3.

A. A person whose hunting license has been revoked or suspended or whose right to hunt or the right to obtain a hunting license has been denied under this subsection, may, after the expiration of one year from the date of the revocation or suspension, petition the commissioner for restoration of the person's privilege to procure such a license.

B. The commissioner, after hearing, may restore the petitioner's privilege if the commissioner determines that the public safety will not be endangered by restoring that privilege.

C. If the commissioner disallows the petition and thereby refuses to grant the restoration of the privilege, the petitioner may appeal to the commissioner's advisory council, which, after hearing on the petition, may allow it and restore the privilege.

Sec. 14. 12 MRSA §10902, sub-§6, ¶C, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §99 and affected by §422, is further amended to read:

C. Night hunting, in violation of section ~~11206-A~~ 11206;

Sec. 15. 12 MRSA §10902, sub-§6, ¶E, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

E. Buying or selling bear, hunting or trapping bear after having killed one or exceeding the bag limit on bear, in violation of section 11217 ~~or~~, 11351 or 12260;

Sec. 16. 12 MRSA §10902, sub-§6, ¶G, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §99 and affected by §422, is further amended to read:

G. Buying or selling moose, unlawfully hunting moose or unlawfully possessing moose, in violation of section 11154, 11217, 11601, 11651-A, 11652, 12302-A, 12304-A, 12305 or 12403; or

Sec. 17. 12 MRSA §10902, sub-§10, ¶E, as enacted by PL 2005, c. 626, §2, is amended to read:

E. Failure or refusal to stop an ATV or attempting to elude an officer, as prohibited under section 10651, subsection 1, paragraphs ~~C and D~~ D and E.

Sec. 18. 12 MRSA §11152, sub-§1-A, as enacted by PL 2007, c. 463, §4, is amended to read:

1-A. Antlerless deer in wildlife management districts with no permits issued. Except as otherwise provided in this Part, a person may not hunt or possess an antlerless deer in ~~Washington County a wildlife management district that does not have permits issued~~. A person may possess in one of those districts an antlerless deer ~~in Washington County~~ that has been lawfully registered in another county district where permits have been issued.

A person that violates this subsection commits a Class D crime for which a minimum fine of \$1,000 must be imposed, and the court shall impose a sentencing alternative involving a term of imprisonment of at least 3 days, none of which may be suspended.

Sec. 19. 12 MRSA §11301, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §§156 and 157 and affected by §422, is further amended to read:

§11301. Placing of bear bait

1. Bear baiting. A person may not ~~use~~ place bait to entice hunt or trap black bear, unless:

A. The bait is placed at least 50 yards from a travel way that is accessible by a conventional 2-wheel-drive or 4-wheel-drive vehicle;

B. The stand, blind or bait area is plainly labeled with a 2-inch-by-4-inch tag with the name and address of the baiter;

C. The bait is placed more than 500 yards from a site permitted or licensed for the disposal of solid waste or a campground;

D. The bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or lessee;

E. The bait is placed not more than 30 days before the opening day of the season and not after October 31st;

F. The bait areas will be cleaned up by November 10th, as defined by the state litter laws; and

G. The person hunting from a stand or blind of another person has permission of the owner of that stand or blind.

2. Penalty. A person who violates this section commits a Class E crime.

Sec. 20. 12 MRSA §11605 is enacted to read:

§11605. Baiting moose

1. Prohibitions. A person may not, during open hunting season on moose:

A. Place salt or any other bait or food in a place to entice moose to that place; or

B. Hunt from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to moose. This prohibition does not apply to hunting from an observation stand or blind overlooking:

(1) Standing crops;

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence; or

(3) Bear bait that is placed at a bear hunting stand or blind in accordance with section 11301, subsection 1.

2. Penalty. A person who violates subsection 1 commits a Class E crime.

Sec. 21. 12 MRSA §12051, sub-§1, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A. A person may train dogs on foxes, ~~rabbits~~ snowshoe hare and raccoons from July 1st through the following March 31st, including Sundays.

Sec. 22. 12 MRSA §12051, sub-§3, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 655, Pt. B, §191 and affected by §422, is amended to read:

3. Possessing firearm while training dogs. A person may not possess a firearm while training a dog outside of the open training season on foxes, ~~rabbits~~ snowshoe hare and raccoons as set out in subsection 1.

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.

Sec. 23. 12 MRSA §12159, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §§207 and 208 and affected by §422, is further amended to read:

§12159. Taking reptiles and amphibians from the wild

1. Prohibition; penalties. Except as provided in this section, a person may not take and possess ~~snakes or turtles~~ reptiles or amphibians from the wild for export, sale or commercial purposes.

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.

2. Commercial amphibian permit. Persons harvesting ~~snapping turtles~~ amphibians for purposes of ~~resale sale~~ are required to obtain a permit from the commissioner.

3. Rules. The commissioner shall adopt rules pertaining to harvest methods, confinement and disposal of ~~snapping turtles~~ amphibians. The commissioner may by rule:

A. Require reporting of ~~commercial~~ harvest activities;

B. Establish a season, including daily and season possession limits;

C. Establish ~~size limits~~ requirements for humane harvest, confinement and disposal methods; and

D. Establish a fee schedule to implement a permit system under this section.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 24. 12 MRSA §12161 is enacted to read:

§12161. Taking of certain nonmarine invertebrates from the wild for commercial purposes

1. Prohibition; penalties. Except as provided in this section, a person may not take and possess certain nonmarine invertebrates, specifically freshwater mussels, butterflies, moths, dragonflies or beetles, from the wild for export, sale or commercial purposes.

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.

2. Commercial nonmarine invertebrate permit. Persons harvesting freshwater mussels, butterflies, moths, dragonflies or beetles for export, sale or

commercial purposes are required to obtain a permit from the commissioner.

3. Rules. The commissioner may by rule:

A. Require reporting of commercial harvest activities, including at a minimum dates, locations and numbers collected by species;

B. Establish daily and season possession limits;

C. Establish a fee schedule to implement a permit system under this section; and

D. Require humane harvest, confinement and disposal methods.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 25. 12 MRSA §12259, sub-§3, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §221 and affected by §422, is further amended to read:

3. Nonresident trapping beaver. A nonresident may not trap beaver in this State unless that nonresident's state or province of residency allows Maine residents to trap beaver in that state or province.

A person who violates this subsection commits a Class E crime.

Sec. 26. 12 MRSA §12260, sub-§3, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. A person may not set a bear trap other than a cable trap, ~~unless it conforms to the following specifications or a cage-type trap as authorized by the commissioner.~~

~~(1) The trap must be enclosed by at least 2 strands of wire, one strand 2 feet from the ground and one strand 4 feet from the ground.~~

~~(2) The wire must be securely held in position.~~

~~(3) The wire must be not less than 5 yards nor more than 10 yards at any point from the enclosed trap.~~

~~(4) The trap enclosure must be marked by substantial signs with the words "BEAR TRAP" in letters not less than 3 inches in height.~~

~~(5) The signs must be spaced around each enclosure at intervals of not more than 20 feet.~~

~~(6) Each sign must be securely fastened to the top strand of wire.~~

Sec. 27. 12 MRSA §12457, sub-§1, as amended by PL 2009, c. 550, §8, is further amended to read:

1. Closed waters. Except as the commissioner may by rule provide and as provided in subsection 2, the following waters are closed to fishing:

A. The area within 150 feet of any operational fishway, except:

(1) At the following places, the fishway and the area within 75 feet of any part of the fishway are closed to fishing at all times:

(a) Grand Falls Powerhouse Dam on the St. Croix River in Baileyville; and

(b) Woodland Dam on the St. Croix River in Baileyville;

(2) At the following places, the area within the fishway and within 75 feet of the downstream mouth of the fishway is closed to fishing at all times:

(a) East Grand Lake Dam in Forest City Township, T9 R4 NBPP, except that fishing upstream from the dam at the top of the fishway is lawful;

(2-A) At the following places, the area within 75 feet of the mouth of the fishway is closed to fishing at all times:

(a) Spednic Lake Dam in Vanceboro;

(3) At the so-called ice control dam on the Narraguagus River in the Town of Cherryfield, the area within 100 feet of the dam must be closed to fishing at all times;

(4) At East Outlet Dam in Sapling Township, T1R7, in Somerset County and in Big Moose Township, T2R6, in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of the fishway must be closed to fishing at all times; and

(5) There is no fishing in or from the fishway at the Sheepscot Lake Dam in the Town of Palermo in Waldo County, Chain of Ponds Dam in Chain of Ponds Township in Franklin County, Long Pond Dam in Seven Ponds Township in Franklin County, Beaver Pond Dam in Seven Ponds Township in Franklin County and Little Island Pond Dam in Seven Ponds Township in Franklin County;

B. All waters within 200 feet of any fish hatchery or rearing station; and

C. The property owned by the Unity Utilities District located on Route 139 and Prairie Road in the municipality of Unity in Waldo County.

For purposes of this subsection, "operational" means a fishway capable of fish passage whether or not it is allowing the passage of fish at any given time.

Sec. 28. 12 MRSA §12501, sub-§4, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. A nonresident who possesses a 15-day nonresident fishing license may exchange it for an annual nonresident license upon the ~~additional~~ payment of \$12, the difference between the fee for the 15-day license and the fee for the annual license; and \$2 to the clerk or issuing agent.

Sec. 29. 12 MRSA §12506, sub-§5-A, ¶A, as amended by PL 2007, c. 463, §6 and affected by §9, is further amended to read:

A. A person may fish for alewives by use of a dip net or single hook and line for consumption by that person or members of that person's family, ~~provided that~~ as long as the person takes or possesses no more than ~~one bushel~~ 25 fish in any day and ~~provided also that~~ as long as the alewives are taken downstream from any location where a municipality or other person has been granted exclusive rights under section 6131; and

Sec. 30. 12 MRSA §12551-A, sub-§9-A is enacted to read:

9-A. Record inspection. Records retained as required in this section must be open for inspection by the commissioner or the commissioner's agent.

Sec. 31. 12 MRSA §12661, sub-§2, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 655, Pt. B, §284 and affected by §422, is repealed.

Sec. 32. 12 MRSA §12661, sub-§3, as amended by PL 2005, c. 397, Pt. A, §9, is further amended to read:

3. Removal of abandoned ice fishing shacks. A person may not leave a structure on another person's land without permission from the landowner. Notwithstanding the provisions of Title 33, chapter 41, a landowner on whose property an ice fishing shack is left in violation of this section and Title 17, section 2263-A may remove or destroy the shack. The landowner may recover any costs of removing or destroying the shack from the owner of the shack in a civil action.

Sec. 33. 12 MRSA §12661, sub-§4 is enacted to read:

4. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section 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 section 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.

Sec. 34. 12 MRSA §12708, sub-§1, ¶B, as amended by PL 2007, c. 463, §7, is further amended to read:

B. The following areas are classified as state-owned wildlife management areas, or "WMAs":

- (1) Blanchard/AuClair WMA (Roach River Corridor) - T1 R14 WELS - Piscataquis County;
- (2) Brownfield WMA - Brownfield, Denmark, Fryeburg - Oxford County;
- (3) George Bucknam WMA (Belgrade Stream) - Mt. Vernon - Kennebec County;
- (4) Caesar Pond WMA - Bowdoin - Sagadahoc County;
- (5) Chesterville WMA - Chesterville - Franklin County;
- (6) Coast of Maine WMA - all state-owned coastal islands that are owned or managed by the Department of Inland Fisheries and Wildlife;
- (7) Dickwood Lake WMA - Eagle Lake - Aroostook County;
- (8) Francis D. Dunn WMA (Sawtelle Deadwater) - T6 R7 WELS - Penobscot County;
- (9) Fahi Pond WMA - Embden - Somerset County;
- (10) Lyle Frost WMA (formerly Scammon) - Eastbrook, Franklin - Hancock County;
- (11) Alonzo H. Garcelon WMA (Mud Mill Flowage) - Augusta, Windsor, Vassalboro, China - Kennebec County;
- (12) Great Works WMA - Edmunds Township - Washington County;
- (13) Jamies Pond WMA - Manchester, Farmingdale, Hallowell - Kennebec County;
- (14) Jonesboro WMA - Jonesboro - Washington County;
- (15) Earle R. Kelley WMA (Dresden Bog) - Alna, Dresden - Lincoln County;
- (16) Kennebunk Plains WMA - Kennebunk - York County;
- (17) Bud Leavitt WMA (Bull Hill) - Atkinson, Charleston, Dover-Foxcroft, Garland - Penobscot County and Piscataquis County;

- (18) Gene Letourneau WMA (Frye Mountain) - Montville, Knox, Morrill - Waldo County;
- (19) Long Lake WMA - St. Agatha - Aroostook County (all of Long Lake within the Town of St. Agatha);
- (20) Madawaska WMA - Palmyra - Somerset County;
- (20-A) Maine Youth Conservation WMA - T32MD - Hancock County;
- (21) Mainstream WMA - Cambridge, Ripley - Somerset County;
- (22) Lt. Gordon Manuel WMA - Hodgdon, Cary Plantation, Linneus - Aroostook County;
- (23) Maynard F. Marsh WMA (Killick Pond) - Hollis, Limington - York County;
- (24) Mercer Bog WMA - Mercer - Somerset County;
- (25) Merrymeeting Bay WMA - Dresden, Bowdoinham, Woolwich, Bath, Topsham - Lincoln County and Sagadahoc County;
- (26) Morgan Meadow WMA - Raymond - Cumberland County;
- (27) Mt. Agamenticus WMA - York, South Berwick - York County;
- (28) Muddy River WMA - Topsham - Sagadahoc County;
- (29) Narraguagus Junction WMA - Cherryfield - Washington County;
- (30) Old Pond Farm WMA - Maxfield, Howland - Penobscot County;
- (31) Orange River WMA - Whiting - Washington County;
- (32) Peaks Island WMA - Portland - Cumberland County;
- (33) Pennamaquam WMA - Pembroke, Charlotte - Washington County;
- (34) Steve Powell WMA - Perkins Township - Sagadahoc County (being the islands in the Kennebec River near Richmond known as Swan Island and Little Swan Island, formerly known as Alexander Islands);
- (35) David Priest WMA (Dwinal Pond) - Lee, Winn - Penobscot County;
- (36) James Dorso Ruffingham Meadow WMA - Montville, Searsmont - Waldo County;
- (37) St. Albans WMA - St. Albans - Somerset County;
- (38) Sandy Point WMA - Stockton Springs - Waldo County;
- (39) Scarborough WMA - Scarborough, Old Orchard Beach, Saco - Cumberland County and York County;
- (40) Steep Falls WMA - Standish, Baldwin - Cumberland County;
- (41) Tyler Pond WMA - Manchester, Augusta - Kennebec County;
- (42) Vernon S. Walker WMA - Newfield, Shapleigh - York County;
- (43) R. Waldo Tyler Weskeag Marsh WMA - South Thomaston, Thomaston, Rockland, Owl's Head, Friendship - Knox County;
- (43-A) Kennebec River Estuary WMA - Arrowsic, Bath, Georgetown, Phippsburg, West Bath, Woolwich - Sagadahoc County;
- (43-B) Tolla Wolla WMA - Livermore - Androscoggin County;
- (43-C) Green Point WMA - Dresden - Lincoln County;
- (43-D) Hurds Pond WMA - Swanville - Waldo County;
- (43-E) Sherman Lake WMA - Newcastle, Damariscotta - Lincoln County;
- (43-F) Ducktrap River WMA - Belmont, Lincolnville - Waldo County; ~~and~~
- ~~(44) Such other areas as the commissioner designates, by rules adopted in accordance with section 12701, as state owned wildlife management areas.~~
- (45) Stump Pond WMA - New Vineyard - Franklin County;
- (46) Bog Brook WMA - Beddington, Deblois - Washington County;
- (47) Cobscook Bay WMA - Lubec, Pembroke, Perry, Trescott Township - Washington County;
- (48) Mattawamkeag River System WMA - Drew Plantation, Kingman Township, Prentiss Township, Webster Township - Penobscot County;
- (49) Booming Ground WMA - Forest City - Washington County;
- (50) Butler Island WMA - Ashland - Aroostook County;

(51) Pollard Flat WMA - Masardis - Aroostook County;

(52) Caribou Bog WMA - Old Town, Orono - Penobscot County;

(53) Delano WMA - Monson - Piscataquis County;

(54) Egypt Bay WMA - Hancock - Hancock County;

(55) Spring Brook WMA - Hancock - Hancock County;

(56) Strong WMA - Strong - Franklin County;

(57) Plymouth Bog WMA - Plymouth - Penobscot County; and

(58) Such other areas as the commissioner designates, by rules adopted in accordance with section 12701, as state-owned wildlife management areas.

Sec. 35. 12 MRSA §12904, as amended by PL 2009, c. 211, Pt. B, §13, is further amended to read:

§12904. Exceptions

This chapter does not apply to the operation of canoes or kayaks. This chapter does not apply to guides or youth camp trip leaders licensed under chapter 927 or motorboat operators licensed under chapter 935, unless those persons are in the business of conducting commercial ~~white-collar~~ whitewater trips.

Sec. 36. 12 MRSA §13154-A, sub-§3, as enacted by PL 2003, c. 655, Pt. B, §404 and affected by §422 and enacted by c. 695, Pt. B, §12 and affected by Pt. C, §1, is further amended to read:

3. Unlawfully operating ATV by person 10 to under 16 years of age. Except as provided in subsection 6, a person 10 years of age or older but under 16 years of age may not operate an ATV unless that person has successfully completed a training course approved by the department pursuant to section 13152 and is accompanied by an adult. Proof of having completed a training course must be presented for inspection upon request of a law enforcement officer.

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.

Sec. 37. 36 MRSA §191, sub-§2, ¶GG, as amended by PL 2009, c. 340, §27, is further amended to read:

GG. The disclosure to the Department of Inland Fisheries and Wildlife, Division of Licensing, ~~and Registration and Engineering~~ of whether the person seeking registration of a snowmobile, all-terrain vehicle or watercraft has paid the tax imposed by Part 3 with respect to that snowmobile, all-terrain vehicle or watercraft;

Sec. 38. Issuance of additional moose permits for the 2011 moose hunting season. The Commissioner of Inland Fisheries and Wildlife is authorized to increase the number of moose hunting permits available for the 2011 moose hunting season as long as that increase is based on the most recent moose population data and will not jeopardize the viability of the moose population in this State.

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

Effective June 8, 2011.

CHAPTER 254

H.P. 365 - L.D. 472

An Act To Enhance the Security of Hospital Patients, Visitors and Employees

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

Sec. 1. 22 MRSA §1832 is enacted to read:

§1832. Safety and security in hospitals

A hospital licensed under this chapter shall, on an annual basis, adopt a safety and security plan to protect the patients, visitors and employees of the hospital from aggressive and violent behavior. The safety and security plan must include a process for hospitals to receive and record incidents and threats of violent behavior occurring at or arising out of employment at the hospital. The safety and security plan must prohibit a representative or employee of the hospital from interfering with a person making a report as provided in the plan.

Sec. 2. Application. The provisions of this Act apply to critical access hospitals as defined in the Maine Revised Statutes, Title 22, section 7932, subsection 10 beginning on July 1, 2012 and to all other hospitals beginning on January 1, 2012.

See title page for effective date.
