

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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Augusta, Maine
2013

made in the same manner as other civil actions, except that if at least 3 good faith efforts on 3 different days have been made to serve the defendant, service may be accomplished by both mailing the summons and complaint by first-class mail to the defendant's last known address and leaving the summons and complaint at the defendant's last and usual place of abode. If service has been made by mailing and posting the summons and complaint, the plaintiff shall file with the court an affidavit demonstrating that compliance with the requirement of service has occurred. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable. This paragraph is repealed September 1, 2016.

Beginning September 1, 2016, the process of forcible entry and detainer must be commenced and service made in the same manner as other civil actions. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable.

See title page for effective date.

**CHAPTER 136
H.P. 419 - L.D. 600**

**An Act To Include Archery
Hunting Licenses among the
Complimentary Licenses
Issued to a Member of a
Federally Recognized Indian
Tribe, Nation or Band**

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

Sec. 1. 12 MRSA §10853, sub-§8, as amended by PL 2011, c. 327, §1, is further amended to read:

8. Members of federally recognized nation, band or tribe. The commissioner shall issue a hunting, trapping and fishing license, including an archery hunting license under this chapter, and including permits, stamps and other permission needed to hunt, trap and fish, to a person, 10 years of age or older, who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs that is valid for the life of that person without any charge or fee pursuant to section 11109, if the person presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person described is an enrolled member of a federally recognized nation, band or tribe listed in this subsection. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. Members of

a federally recognized nation, band or tribe listed in this subsection are exempt from the trapper evaluation program required for a license under section 12201 and the archery hunter education course under section 11106.

See title page for effective date.

**CHAPTER 137
H.P. 122 - L.D. 147**

An Act Regarding Adoption

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

Sec. 1. 18-A MRSA §9-308, sub-§(a), as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

(a). The court shall grant a final decree of adoption if the petitioner who filed the petition has been heard or has waived hearing and the court is satisfied from the hearing or record that:

- (1). All necessary consents, relinquishments or terminations of parental rights have been duly executed and filed with the court;
- (2). An adoption study, when required by section 9-304, has been filed with the court;
- (3). A list of all disbursements as required by section 9-306 has been filed with the court;
- (4). The petitioner is a suitable adopting parent and desires to establish a parent and child relationship with the adoptee;
- (5). The best interests of the adoptee are served by the adoption; and
- (6). All other requirements of this article have been met.

See title page for effective date.

**CHAPTER 138
S.P. 62 - L.D. 173**

**An Act To Remove the
Rangeley Plantation Sanctuary
from the List of Wildlife
Sanctuaries**

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

Sec. 1. 12 MRSA §12706, sub-§1, ¶Z, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 2. 12 MRSA §12707, sub-§2, ¶E, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

See title page for effective date.

CHAPTER 139

H.P. 216 - L.D. 307

An Act To Exempt Persons Who Serve in the Armed Forces from the Requirement To Take a Hunter Safety Course To Obtain a Hunting License

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

Sec. 1. 12 MRSA §11105, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7 and c. 614, §9, is amended to read:

§11105. Safety course

1. Hunter safety course requirements. A Except as provided in subsection 2, a person who applies for a Maine license to hunt with firearms other than a juvenile license must submit proof of having successfully completed a hunter safety course as provided in section 10108 or an equivalent hunter safety course or satisfactory evidence of having previously held an adult license to hunt with firearms in this State or any other state, province or country in any year beginning with 1976.

When proof of competency can not otherwise be provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult hunting license or that the applicant has successfully completed the required hunter safety course.

2. Hunter safety course exemption for certain members of armed forces domiciled in State. A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from hunter safety course requirements under subsection 1 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the conditions for an exemption under this subsection must satisfy the requirements of subsection 1.

Sec. 2. 12 MRSA §11106, as amended by PL 2007, c. 203, §§1 and 2, is further amended to read:

§11106. Eligibility for archery hunting license

1. Age requirement. A person is eligible to obtain an archery hunting license as provided in this section.

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, or who is exempt under subsection 3, may obtain an archery hunting license to hunt with bow and arrow from the commissioner or the commissioner's authorized agent.

B. A resident or nonresident 10 years of age or older and under 16 years of age may hunt with bow and arrow if that person holds a valid junior hunting license.

2. Archery hunter education requirements. A Except as provided in subsection 3, 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.

3. Archery hunter education course exemption for members of armed forces domiciled in State. A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from archery hunter education course requirements under subsection 2 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the conditions for an exemption under this subsection must satisfy the requirements of subsection 2.

Sec. 3. 12 MRSA §11106-A, sub-§1, as amended by PL 2007, c. 203, §3, is further 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 or who is exempt under subsection 4 and who 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.