

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

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

Augusta, Maine
2013

2. Unlawful possession of wild birds. A person may not possess, alive or dead, a wild bird, other than the English or European house sparrow, the rock dove and the European starling, except as provided in this Part.

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

Sec. 9. 12 MRSA §11852, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

§11852. Reopening season

Whenever a section of the State is closed to hunting by proclamation of the Governor during the open season on birds, the commissioner, after the proclamation has been annulled, with the consent of the Governor, may extend the open season for bird hunting in that section of the State for a period not to exceed the number of days lost as permitted by regulations of the federal Migratory Bird Treaty Act, 16 United States Code, Sections 703 to 712.

Sec. 10. 12 MRSA §11854, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

§11854. Nest or eggs of wild birds

A person may not take, possess or needlessly destroy the nest or eggs of a wild bird, except the English or European house sparrow, the rock dove and the European starling. A person who violates this section commits a Class E crime.

Sec. 11. 12 MRSA §11857 is enacted to read:

§11857. Unlawful possession of ruffed grouse

1. Daily bag limit. A person may not take more than the daily bag limit of ruffed grouse during any open season on ruffed grouse as established by the commissioner.

2. Possession limit. A person may not possess more than the possession limit of ruffed grouse taken during any open season on ruffed grouse as established by the commissioner.

3. Duty to label ruffed grouse. A person shall label any ruffed grouse that the person has taken, before the next calendar day begins, with the name of the person who harvested the ruffed grouse and the date it was taken if that person is within or travelling through the unorganized territory.

4. Penalty. A person who violates this section commits a Class E crime for which a fine of not less than \$100 plus \$25 for each ruffed grouse taken in violation may be adjudged.

Sec. 12. 12 MRSA §12051, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 13. Wildlife Importation and Possession Task Force established. The Commissioner of Inland Fisheries and Wildlife shall establish a task force to consider the effect of the importation and possession of wildlife and the issues of possession and exhibition of wildlife in the State. The task force must include a representative of the Department of Agriculture, Conservation and Forestry, a representative of the Department of Inland Fisheries and Wildlife, Bureau of Warden Service and 3 members of the public invited by the commissioner. The duties of the task force include developing recommendations for a list of restricted, unrestricted and banned species; amendments to current permit structures and fees; and the establishment of appropriate penalties for noncompliance with requirements. The commissioner shall submit a report by January 14, 2014 that includes the findings and recommendations of the task force, including suggested legislation, for presentation to the Second Regular Session of the 126th Legislature. The Joint Standing Committee on Inland Fisheries and Wildlife is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 126th Legislature upon receipt of the report.

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

Effective June 18, 2013.

CHAPTER 281

H.P. 316 - L.D. 466

An Act To Amend the Laws Governing Awarding a High School Diploma to Veterans

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

Sec. 1. 20-A MRSA §4722, sub-§6, ¶C, as amended by PL 2011, c. 25, §1, is further amended to read:

C. The person must have left secondary school ~~either:~~

- (1) Before or during World War II to serve in the Armed Forces during World War II;
- (2) Before or during the Korean Conflict to serve in the Armed Forces in the Korean Conflict; ~~or~~
- (3) Before or during the Vietnam War to serve in the Armed Forces during the Vietnam War era. For purposes of this subparagraph, "Vietnam War era" means the period beginning February 28, 1961 and ending May 7, 1975; ~~or~~

(4) To serve in the Armed Forces during the period of wartime or peacetime after a period of wartime described in subparagraph (1), (2) or (3).

Sec. 2. 20-A MRSA §4722-A, sub-§3, ¶E, as enacted by PL 2011, c. 669, §7, is amended to read:

E. A person may be awarded a high school diploma, including a posthumous award, if the person or a family member of the person applies to a secondary school and:

- (1) The person:
 - (a) Attended a secondary school in the geographic area now served by the secondary school from which a diploma is requested; or
 - (b) Resides at the time of application for a diploma in the geographic area served by the secondary school from which a diploma is requested;
- (2) The person did not graduate or receive a diploma from a secondary school because the person left secondary school to serve in the Armed Forces and served during the following periods:
 - (a) World War II, from December 7, 1941 to August 16, 1945;
 - (b) The Korean Conflict; ~~or~~
 - (c) The Vietnam War era, from February 28, 1961 to May 7, 1975; ~~and or~~
 - (d) The period of wartime or peacetime after a period of wartime described in division (a), (b) or (c); and
- (3) The person received an honorable discharge or a certificate of honorable service from the Armed Forces.

For the purposes of this paragraph, "Armed Forces" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard and the Merchant Marines.

See title page for effective date.

CHAPTER 282

H.P. 332 - L.D. 482

An Act To Improve the Quality of the Data Used in the Management of Maine's Fisheries

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

Sec. 1. 12 MRSA §6301, sub-§6 is enacted to read:

6. Ownership identified. If a license issued under chapter 625 is issued to a firm, corporation or partnership, the individual who owns the highest percentage of that firm, corporation or partnership must be identified on the license application. When 2 or more individuals own in equal proportion the highest percentages of a firm, corporation or partnership, each of those owners must be identified.

Sec. 2. 12 MRSA §6412 is enacted to read:

§6412. Suspension of license or certificate for failure to comply with reporting requirements

1. Authority to suspend. The commissioner, in accordance with this section, may suspend a license or certificate issued under this Part if the holder of the license or certificate fails to comply with reporting requirements established by rule pursuant to section 6173. A license or certificate suspended under this section remains suspended until the suspension is rescinded by the commissioner. The commissioner shall rescind a suspension when:

- A. The commissioner determines and provides notice to the holder of the suspended license or certificate that the holder has come into compliance with the reporting requirements established by rule pursuant to section 6173; and
- B. The holder pays to the department a \$25 administrative fee.

When a suspension is rescinded, the license or certificate is reinstated. Until the suspension is rescinded, the holder of the suspended license or certificate is not eligible to hold, apply for or obtain that license or certificate.

2. Process for suspension for failing to comply with weekly reporting. If the commissioner determines that a person who holds a license or certificate under this Part has failed to comply with a weekly reporting requirement established by rule pursuant to section 6173, the commissioner shall notify the person at the telephone number provided on the application for the license or certificate and by e-mail if an e-mail address is provided on the application. If the license or certificate holder has not complied with the reporting requirements within 2 days after the commissioner has provided the notice, the commissioner shall mail a notice of suspension to the license or certificate holder by certified mail or the notice must be served in hand. The notice must:

- A. Describe the information that the license or certificate holder is required to provide pursuant to this Part that the department has not received; and