

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

Sec. O-11. Retroactive application. Those sections of this Part that repeal the Maine Revised Statutes, Title 5, section 1532, subsection 7; amend Title 36, section 208-A, subsections 1, 2 and 5; and repeal and replace Title 36, section 208-A, subsections 3 and 4 apply retroactively to property tax years beginning on or after April 1, 2013.

Sec. 2. PL 2013, c. 368, Pt. O, §12 is enacted to read:

Sec. O-12. Application. Those sections of this Part that enact the Maine Revised Statutes, Title 36, section 693, subsection 4 and amend Title 36, section 693, subsection 1; section 694, subsection 1; and section 694, subsection 2, paragraph B apply to property tax years beginning on or after April 1, 2014.

Sec. 3. Retroactivity. This Act applies retroactively to June 26, 2013.

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

Effective July 1, 2013.

CHAPTER 386
S.P. 61 - L.D. 172

**An Act To Make Permanent
the Reciprocal Agreement
between Maine and Other
States Regarding a
Snowmobile Weekend**

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

Sec. 1. 12 MRSA §13104, sub-§15, as enacted by PL 2011, c. 437, §1, is amended to read:

15. Reciprocity. The commissioner may allow a nonresident to operate in this State a snowmobile that is not registered in this State during one 3-consecutive-day period, 2 days of which are weekend days, annually if:

- A. The nonresident's snowmobile has a valid registration from another state; and
- B. The nonresident's state of residency allows a snowmobile registered in Maine to be operated in that state for a period of time of at least 3 consecutive days without being registered in that state.

This subsection may not be construed to authorize the operation of a snowmobile in a manner contrary to this chapter except as provided in this subsection.

~~This subsection is repealed October 1, 2013.~~

See title page for effective date.

CHAPTER 387
H.P. 161 - L.D. 200

**An Act To Expand Wild
Turkey Hunting Opportunities**

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

Sec. 1. 12 MRSA §11155, sub-§1-B, as repealed and replaced by PL 2009, c. 213, Pt. OO, §8, is amended to read:

1-B. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a combined fall and spring wild turkey hunting permit that allows an eligible person to take one male wild turkey in the spring and one wild turkey in the fall. The fee for a combined fall and spring wild turkey hunting permit is \$20 for residents and \$54 for non-residents and aliens. The holder of a combined fall and spring wild turkey hunting permit is eligible to purchase a 2nd spring wild turkey permit that allows the taking of one additional male wild turkey at a cost of \$20 for residents, nonresidents and aliens. This subsection is repealed January 1, 2014.

Sec. 2. 12 MRSA §11155, sub-§1-C is enacted to read:

1-C. Issuance; permit fee. Beginning January 1, 2014, the commissioner, through the commissioner's authorized agent, shall issue in wildlife management districts that are open by rule for wild turkey hunting a combined fall and spring wild turkey hunting permit that allows an eligible person to take wild turkeys in the spring and fall seasons in accordance with section 11701. The fee for a combined fall and spring wild turkey hunting permit is \$20 for residents and nonresidents.

Sec. 3. 12 MRSA §11701, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §179 and affected by §422 and Pt. C, §§2 and 6, is further amended to read:

§11701. Authority of commissioner; wild turkey hunting

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other

rules that the commissioner considers necessary for the protection of the wild turkey resource.

1. Spring season. The commissioner shall establish by rule a spring open season for hunting wild turkeys. Unless the commissioner determines that sound management principles require otherwise, the rule must allow during the spring open season for hunting wild turkeys:

A. A person to take up to 2 wild turkeys without any additional fee for the taking of the 2nd wild turkey;

B. A person to hunt from 30 minutes before sunrise to 30 minutes after sunset. This paragraph is repealed August 1, 2016; and

C. A person to hunt wild turkeys using a cross-bow, in addition to any other weapons allowed by the rule.

2. Fall season. Beginning with the 2014 fall open season, the commissioner shall establish by rule a fall open season for hunting wild turkeys. Unless the commissioner determines that sound management principles require otherwise, the rule must establish a fall open season that includes the month of October and allow a person to take up to 2 wild turkeys regardless of sex without any additional fee for the taking of a 2nd wild turkey.

3. Youth day. The commissioner shall establish by rule a spring youth hunting day for hunting wild turkeys from 30 minutes before sunrise to 30 minutes after sunset. The day must be the Saturday prior to the opening of the spring open season for hunting wild turkeys under subsection 1.

A person who violates this section commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. The court also shall impose a fine of \$500 for each turkey unlawfully possessed, none of which may be suspended.

Sec. 4. 12 MRSA §12301-A, sub-§3, ¶B, as enacted by PL 2003, c. 655, Pt. B, §226 and affected by §422, is amended to read:

B. Attach a seal to each bear, deer, moose or wild turkey in the manner directed and with the materials furnished by the commissioner; ~~and~~

Sec. 5. 12 MRSA §12301-A, sub-§3, ¶C, as amended by PL 2011, c. 660, §1, is further amended to read:

C. Collect \$5 and retain \$2 for each seal from the person registering a bear, deer, ~~or moose or wild turkey.~~ The remaining \$3 must be returned to the department by the agent pursuant to section 10801, subsection 3-; ~~and~~

Sec. 6. 12 MRSA §12301-A, sub-§3, ¶D is enacted to read:

D. Collect and retain \$2 for each wild turkey registered.

Sec. 7. Lapsed balances; Department of Inland Fisheries and Wildlife carrying account. On or before June 30, 2014 and on or before June 30, 2015 the State Controller shall lapse \$86,757 and \$98,895, respectively, from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the General Fund unappropriated surplus to offset the loss in revenue from changes made to wild turkey hunting permit fees.

See title page for effective date.

CHAPTER 388

S.P. 376 - L.D. 1094

An Act To Clarify Certification of Navigators and the Availability of Regional Health Plans

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

PART A

Sec. A-1. 24-A MRSA §2188, as enacted by PL 2011, c. 631, §1, is amended to read:

§2188. Permitted activities of insurance producers; navigators; requirements

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Exchange" means a health benefit exchange established or operated in this State, including a health benefit exchange established or operated by the Secretary of the United States Department of Health and Human Services, pursuant to Section 1311 of the federal Affordable Care Act.

B. "Navigator" means a person selected to perform the activities and duties identified in Section 1311(i) of the federal Affordable Care Act. For the purposes of this section, if an organization or business entity serves as a navigator, an individual performing navigator duties for that organization or business entity is considered to be acting in the capacity of a navigator within the meaning of subsection 4.

2. Prohibited activities. Only a person Certification as a navigator under this section does not authorize a person who is not licensed as an insurance producer or consultant in this State in accordance with chapter 16 to act as an insurance producer or consult-