

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

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

Augusta, Maine
2013

- (2) Cause damage to property, other than property of the actor;
- (3) Engage in other conduct constituting a Class A, B or C crime, ~~kidnapping~~ or criminal restraint;
- (4) Accuse some person of a crime or cause criminal charges or deportation proceedings to be instituted against some person;
- (5) Expose a secret or publicize an asserted fact, regardless of veracity, tending to subject some person, except the actor, to hatred, contempt or ridicule;
- (6) Testify or provide information or withhold testimony or information regarding another person's legal claim or defense;
- (7) Use a position as a public servant to perform some act related to that person's official duties or fail or refuse to perform an official duty in a manner that adversely affects some other person; or
- (8) Perform any other act that would not in itself materially benefit the actor but that is calculated to harm the person being compelled with respect to that person's health, safety or immigration status.

3. Aggravated ~~promotion of prostitution~~ sex trafficking is a Class B crime.

Sec. 3. 17-A MRSA §853, as enacted by PL 1975, c. 499, §1, is amended to read:

§853. Sex Trafficking

1. A person is guilty of ~~promotion of prostitution~~ sex trafficking if ~~he knowingly promotes prostitution.~~

A. The person knowingly promotes prostitution. Violation of this paragraph is a Class D crime; or

B. The person violates paragraph A and has 2 or more prior convictions in this State for any combination of the Maine offenses listed in this paragraph or for engaging in substantially similar conduct to that of the Maine offenses listed in this paragraph in another jurisdiction. The Maine offenses are any violation of this section or section 853-A, 853-B or 855 or attempts to commit any of these crimes. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime.

~~2. Promoting prostitution is a Class D crime.~~

Sec. 4. 17-A MRSA §853-B, sub-§1, ¶A, as enacted by PL 2001, c. 383, §102 and affected by §156, is amended to read:

A. The person engages a prostitute within the meaning of section 851, subsection 1-A. Viola-

tion of this paragraph is a Class E crime, ~~except that the sentencing alternative may include only the penalties provided in section 1301; or~~

Sec. 5. 17-A MRSA §855, as repealed and replaced by PL 2005, c. 444, §1, is amended to read:

§855. Patronizing prostitution of minor or person with mental disability

1. A person is guilty of patronizing prostitution of a minor if:

A. The person, in return for another's prostitution, gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person whose prostitution is sought has not in fact attained 18 years of age. Violation of this paragraph is a Class D crime; or

B. The person violates paragraph A and that person knows that the person whose prostitution is sought has not yet attained 18 years of age. Violation of this paragraph is a Class C crime.

3. A person is guilty of patronizing prostitution of a mentally disabled person if:

A. The person, in return for another's prostitution, gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person whose prostitution is sought suffers from a mental disability that is reasonably apparent or known to the actor and that in fact renders the other person substantially incapable of appraising the nature of the conduct or conduct involved. Violation of this paragraph is a Class C crime.

Sec. 6. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 17-A, chapter 35, in the chapter headnote, the words "prostitution and public indecency" are amended to read "sex trafficking, prostitution and public indecency" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 408

H.P. 1024 - L.D. 1435

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

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

Sec. 1. 12 MRSA §10001, sub-§14, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 2. 12 MRSA §10105, sub-§2, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §20 and affected by §422, is repealed.

Sec. 3. 12 MRSA §10105, sub-§§15 and 16 are enacted to read:

15. Commissioner's authority to terminate hunting, fishing or trapping season. The commissioner, after consultation with the Governor and the advisory council and by proclamation of the Governor, may terminate an open season for hunting, fishing or trapping at any time in any area if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or unlawful hunting, fishing or trapping activity. If a section of the State is closed to hunting, fishing or trapping pursuant to this subsection, the commissioner, following the annulment of the proclamation of the Governor, with the consent of the Governor may extend the open season in that section of the State for a period of days not to exceed the number of days lost due to the termination proclamation.

16. Hunting and fishing adventure permits for children. In addition to the permits issued by the commissioner pursuant to section 11154, subsection 13, in extenuating circumstances the commissioner may issue up to 2 additional permits or licenses for other hunting or fishing adventures to a nonprofit organization dedicated to providing hunting and fishing adventures to children under 21 years of age with life-threatening, critical or terminal illnesses.

Sec. 4. 12 MRSA §10108, sub-§§2 and 5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, are amended to read:

2. Promotion of hunting, fishing and camping. The commissioner may implement a program designed to promote fisheries and wildlife resources and attract hunters and anglers to the State. As part of this program, the commissioner may reduce the price of certain types of licenses for specified periods of time to promote license sales for hunting and fishing in the State. The commissioner may offer complimentary licenses as part of a department program or for promotional purposes. Any loss of revenue due to the issuance of complimentary licenses under this subsection may be offset by revenues from other department programs and funds dedicated to the Division of Public Information and Education. The commissioner may implement a program that expends funds for the purpose of recognizing individuals who contribute, either through volunteer efforts or some other form of contribution, to the mission of the department. This program ~~These programs~~ may include coordination of activities between the public and private sectors and utilization of promotional missions, exhibits, brochures, technical assistance and expertise as necessary to develop and promote hunting, fishing and camping activities within the State. The commissioner shall

coordinate ~~this program~~ these programs with the activities of the Department of Economic and Community Development. Any purchases made as a result of that coordination must be by competitive bid.

5. "Hooked on Fishing Not on Drugs" program. The "Hooked on Fishing Not on Drugs" program is established in the department to encourage youth fishing activities in the State. The commissioner may accept money, goods or services donated to the department for the "Hooked on Fishing Not on Drugs" program. Money, goods and services accepted by the commissioner under this subsection may be used only for ~~these~~ program activities, including providing gifts to program participants, and to promote and market the program. Gifts may include but are not limited to complimentary fishing licenses, fishing tackle and fishing equipment.

Sec. 5. 12 MRSA §10108, sub-§10, as enacted by PL 2003, c. 655, Pt. B, §30 and affected by §422, is amended to read:

10. Becoming an Outdoors Woman. The Becoming an Outdoors Woman program is established in the department to encourage women to participate in hunting, fishing and other outdoor activities within the State. The commissioner may sponsor Becoming an Outdoors Woman events, establish appropriate fees for participation and accept money, goods and services donated to the department for the Becoming an Outdoors Woman program. Money, goods and services accepted by the commissioner under this subsection may be used only for program activities, including activities designed to enhance the program such as giving gifts to program participants, or to assist in promoting and marketing the program.

Sec. 6. 12 MRSA §10151, sub-§§7 to 9 are enacted to read:

7. Quorum. A quorum is a majority of the current members of the advisory council.

8. Advisory council actions. An affirmative vote of a majority of the members of the advisory council present at a meeting or polled is required for any action.

9. Attendance at meetings. If a member of the advisory council is not present for 3 consecutive meetings, that member may be replaced.

Sec. 7. 12 MRSA §10853, sub-§6, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

6. 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 State may be issued ~~a combination~~ fishing and hunting license and trapping licenses for an amount equal to the administrative costs associated with issuing ~~the~~ a license as determined by the de-

partment. Administrative costs do not include agent fees. To qualify, the member of the Armed Forces of the United States must show proof that that member's home of record, as recorded in that person's service records, is Maine. That person may purchase all other licenses or permits at resident fees. The license is valid during the year of issue. That person's spouse and children may purchase hunting and fishing licenses at reduced rates. The reduced fees are as follows:

- A. Twenty dollars, plus the issuing fee for a combination fishing and hunting license;
- B. Ten dollars, plus the issuing fee for a hunting license; ~~and~~
- C. Ten dollars, plus the issuing fee for a fishing license; ~~and~~
- D. Ten dollars, plus the issuing fee for a trapping license.

Sec. 8. 12 MRSA §10853, sub-§11, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §93 and affected by §422, is further amended to read:

11. Permits to accommodate permanent physical disabilities. The commissioner may issue a special permit to a person with a permanent physical disability that includes special authorization that allows that person to hunt, trap or fish at times or in a manner otherwise prohibited by this Part in order to enhance access to hunting, trapping and fishing opportunities. No laws or rules may be waived except as are necessary to effect this subsection. A permit may be issued under this subsection only if:

- A. The applicant provides the commissioner with a letter signed by a licensed physician clearly stating the nature of that person's disability, the permanence of the disability and the extent to which the disability affects that person's ambulatory ability or endurance; use of one or both hands, arms or legs; or sight or hearing;
- B. The commissioner determines that the permanent physical disability prevents that person from safely accessing hunting, trapping or fishing opportunities at the times or in the manner allowed by this Part or by rules adopted pursuant to this Part; and
- C. The person meets all other requirements for issuance of that permit and related licensing requirements and is not otherwise ineligible for that permit.

~~Prior to making a determination of eligibility under this subsection, the commissioner or the commissioner's agent shall meet with the applicant in person at a location chosen by the commissioner to discuss the applicant's needs.~~ Each applicant's disability and

needs must be reviewed in consultation with the disabled hunter, trapper and angler advisory committee established in section 10152 and a determination made regarding the special authorization that may be made to enhance the applicant's access to fishing, hunting and trapping opportunities. A permit issued under this subsection must be signed by the commissioner and include a clear and specific description of the activities authorized by that permit. The disabled person shall carry the permit whenever that person is hunting, trapping or fishing, and the permit must be presented to a game warden or other law enforcement officer upon request. No laws or rules may be waived except as are necessary to effect this subsection.

The commissioner may authorize only the minimum special exceptions necessary to overcome the applicant's disability and allow that applicant to safely hunt, trap or fish. This does not authorize the commissioner to issue special exceptions that endanger public safety. A permit issued under this subsection does not authorize a person to exceed the allowable bag or size limits for any fish or wildlife species; to fish for or take a fish or wildlife species for which a license is not otherwise issued; to fish for, trap or hunt a fish or wildlife species more than 7 days before the opening or more than 7 days after the closing of the regular open season for that species; or to fish, trap or hunt in any area permanently closed to those activities by state law or rule.

Sec. 9. 12 MRSA §11105, sub-§1, as amended by PL 2013, c. 139, §1, is further amended to read:

1. Hunter safety course requirements. 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 a~~ valid 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.

Sec. 10. 12 MRSA §11106, sub-§2, as amended by PL 2013, c. 139, §2, is further amended to read:

2. Archery hunter education requirements. 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~~ a valid 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.

Sec. 11. 12 MRSA §11106-A, sub-§3, as amended by PL 2007, c. 203, §4, is further amended to read:

3. Crossbow hunter education requirements.

A person who applies for a crossbow hunting license other than a junior hunting license or an apprenticeship hunter license must submit proof of having successfully completed an archery hunting education course and a crossbow hunting course as described in section 10108 or equivalent crossbow and archery hunting education courses or satisfactory evidence of having previously held valid adult archery and valid crossbow hunting licenses issued specifically for the purpose of hunting with a crossbow or bow and arrow in this State or any other state, province or country in any year after 1979.

When proof or evidence cannot be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult crossbow and archery hunting license or has successfully completed the required crossbow and archery hunting education courses.

Sec. 12. 12 MRSA §11109, sub-§3, ¶F, as amended by PL 2009, c. 213, Pt. OO, §2, is further amended to read:

F. A nonresident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$34. Notwithstanding the permit fees established in subchapter 3, a nonresident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost.

Sec. 13. 12 MRSA §11152, sub-§7, as amended by PL 2011, c. 533, §4, is further amended to read:

7. Special antlerless deer permit. The commissioner shall issue a special antlerless deer permit to an eligible person who ~~is suffering from the loss of or the permanent loss of use of both lower extremities~~ has lost all or part of one or more lower limbs, not including a partial foot amputation. The commissioner shall issue a permit upon application and after the applicant verifies that person's ambulatory disability with a letter signed by a physician confirming the person's condi-

tion. A person who is issued a special antlerless deer permit under this subsection may take an antlerless deer in any part of the State open to the taking of antlerless deer pursuant to subsection 3.

Sec. 14. 12 MRSA §11251, sub-§1, ¶¶C and D, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, are repealed.

Sec. 15. 12 MRSA §11401, sub-§1, ¶¶C and D, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, are repealed.

Sec. 16. 12 MRSA §11453, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Unlawfully driving deer. A person may not participate in a hunt for deer during which an organized or planned effort is made to drive deer ~~except that a group of 3 or fewer persons may hunt together as long as they do not use noisemaking devices.~~ For purposes of this subsection, 4 or more persons working together to move deer constitutes an organized or planned effort to drive deer.

Sec. 17. 12 MRSA §11852, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 18. 12 MRSA §12202, first ¶, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A resident and a member of the resident's immediate family, as long as the trapper's license to trap is not under suspension or revocation, may trap for wild animals, ~~except beaver,~~ without a trapping license issued under section 12201 on land:

Sec. 19. 12 MRSA §12501, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 20. 12 MRSA §12501, sub-§6, ¶D, as amended by PL 2009, c. 213, Pt. OO, §11, is repealed.

Sec. 21. 12 MRSA §12708, sub-§1, ¶B, as amended by PL 2011, c. 253, §34, 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 Major Gregory Sanborn 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;
- (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. 22. 12 MRSA §12952, sub-§2, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A. Possess, at the licensee's place of business, lawfully acquired fish or wildlife specimens for

the sole purpose of preparing and mounting them, including skull mounts;

Sec. 23. 12 MRSA §13056, sub-§2, ¶F, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

F. A motorboat from a country other than the United States, as long as the motorboat has not been within this State for a period in excess of 60 consecutive days; ~~and~~

Sec. 24. 12 MRSA §13056, sub-§2, ¶G, as corrected by RR 2003, c. 1, §9 and affected by PL 2003, c. 614, §9 and PL 2005, c. 397, Pt. A, §§55 and 56, is amended to read:

G. A motorboat used exclusively for racing purposes that displays on its hull in a prominent manner a valid boat number issued by a recognized racing association; and

Sec. 25. 12 MRSA §13056, sub-§2, ¶H is enacted to read:

H. A motorboat participating in an event as permitted by section 13061.

Sec. 26. 12 MRSA §13109, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4. Temporary registrations and numbers. The commissioner may issue temporary numbers and registrations for snowmobiles to bona fide dealers, who may, upon the sale or exchange of a snowmobile, issue them to new owners in order to allow them to operate snowmobiles for a period of 20 consecutive days after the day date of sale in lieu of a permanent number as required by this chapter. The fee for each temporary registration certificate is \$1.

See title page for effective date.

CHAPTER 409

S.P. 157 - L.D. 415

An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device

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

Sec. 1. 16 MRSA c. 3, sub-c. 10 is enacted to read: