

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

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

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**Augusta, Maine**  
**2014**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** human trafficking is occurring in Maine; and

**Whereas,** victims of human trafficking need assistance as soon as possible; 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. 5 MRSA §3360, sub-§3, ¶G,** as amended by PL 2009, c. 336, §1, is further amended to read:

G. Leaving the scene of a motor vehicle accident involving personal injury or death, in violation of Title 29-A, section 2252; or

**Sec. 2. 5 MRSA §3360, sub-§3, ¶H,** as amended by PL 2009, c. 336, §2, is further amended to read:

H. Sexual exploitation of a minor as described in Title 17-A, chapter 12; or

**Sec. 3. 5 MRSA §3360, sub-§3, ¶J** is enacted to read:

J. Aggravated sex trafficking or sex trafficking as described in Title 17-A, sections 852 and 853, respectively.

**Sec. 4. 5 MRSA §3360-I, first ¶,** as amended by PL 2013, c. 368, Pt. EE, §1 and affected by §2 and c. 424, Pt. H, §§1 and 2, is further amended to read:

As part of the sentence or fine imposed, the court shall impose an assessment of \$35 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and \$20 on any person convicted of a Class D crime or a Class E crime, except that the court shall impose an assessment of \$1,000 on any person convicted of aggravated sex trafficking as described in Title 17-A, section 852, an assessment of \$500 on any person convicted of sex trafficking as described in Title 17-A, section 853, an assessment of \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging in prostitution as described in Title 17-A, section 853-A and an assessment of \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person as described in Title 17-A, section 855. Notwithstanding any other law, the

court may not waive the imposition of the assessment required by this section. For purposes of collection and collection procedures, this assessment is considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments accrue to the Victims' Compensation Fund.

**Sec. 5. 17-A MRSA §853-A, sub-§4** is enacted to read:

4. It is an affirmative defense to prosecution under this section that the person engaged in prostitution because the person was compelled to do so as described in section 852, subsection 2.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**ATTORNEY GENERAL, DEPARTMENT OF THE**

**Victims' Compensation Board 0711**

Initiative: Allocates funds generated by placing an assessment on individuals convicted of certain sex trafficking and prostitution crimes as part of the sentence imposed by the court.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$0	\$8,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$8,500

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

Effective April 10, 2014.

**CHAPTER 538  
S.P. 662 - L.D. 1667**

**An Act To Amend Certain Provisions of Inland Fisheries 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,** this legislation makes significant changes to simplify and clarify the hunting laws and contains provisions regarding the supervision of junior

hunters and reciprocity with other states that are members the interstate wildlife violator compact; and

**Whereas**, the Department of Inland Fisheries and Wildlife requires sufficient time to update the hunting and fishing law guides and other literature containing information that is relevant to enforcement and to inform interested parties of the changes being made to the inland fisheries and wildlife laws; 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 §10502, sub-§2, ¶B**, as amended by PL 2009, c. 340, §10, is further amended to read:

B. A firearm or archery equipment, including crossbows, seized in connection with a violation of:

- (1) Section 11206;
- (2) Section 10902, subsection 6; ~~or~~
- (3) Section 10752, subsection 6, paragraph B and section 10902, subsection 4, paragraphs A and B; or
- (4) Section 10906;

**Sec. 2. 12 MRSA §10801, sub-§6, ¶B**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 3. 12 MRSA §10902, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**3. Failure to pay fine.** If a license or registration is suspended pursuant to this section or Title 14, section 3142, the suspension remains in effect until the person pays the fine. On condition of payment of a \$25 reinstatement fee to the department, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the department, which, upon receipt of the \$25 reinstatement fee, shall delete any record of the suspension from that person's record. For the purposes of this subsection, "fine" has the same meaning as in Title 14, section 3141, subsection 1.

**Sec. 4. 12 MRSA §10902, sub-§4, ¶B**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. Any license issued by the department in effect at the time a person is convicted of a violation of section 12256, disturbing traps, is revoked upon

conviction and must be immediately surrendered to the commissioner and the person is ineligible to obtain any license issued by the department as specified in section 10752, subsection 6, paragraph A.

**Sec. 5. 12 MRSA §10902, sub-§6, ¶F**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

F. Buying or selling deer, exceeding the bag limit on deer or hunting deer after having killed one, in violation of section 11217 or 11501 or unlawfully hunting or possessing an antlerless deer in a wildlife management district for which no antlerless deer permits have been issued in violation of section 11152, subsection 1-A;

**Sec. 6. 12 MRSA §10902, sub-§6, ¶H**, as amended by PL 2013, c. 280, §4, is further amended to read:

H. Buying or selling wild turkeys, unlawfully hunting wild turkeys, unlawfully possessing wild turkeys or using unlawful methods to hunt wild turkeys, in violation of section 11217, subsection 1; section 11751-A; section 11801; or section 12306, subsection 1; ~~or~~

**Sec. 7. 12 MRSA §10902, sub-§6, ¶I**, as enacted by PL 2013, c. 280, §5, is amended to read:

I. Hunting bear over another person's bait without written permission of that person in violation of section 11301, subsection 1-A; or

**Sec. 8. 12 MRSA §10902, sub-§6, ¶J** is enacted to read:

J. Hunting or any violation of section 10906 while that person's license is revoked.

**Sec. 9. 12 MRSA §10902, sub-§8, ¶D**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §103 and affected by §422, is further amended to read:

D. Buying or selling freshwater sport fish, in violation of section 12609-A; ~~or~~

**Sec. 10. 12 MRSA §10902, sub-§8, ¶E**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

E. Taking fish by explosive, poisonous or stupefying substances, in violation of section 12653; or

**Sec. 11. 12 MRSA §10902, sub-§8, ¶F** is enacted to read:

F. Fishing or any violation of section 10906 while that person's license is revoked.

**Sec. 12. 12 MRSA §10903**, as amended by PL 2011, c. 576, §6, is further amended to read:

**§10903. Effective date for suspensions**

**1. For mandatory suspension.** For a violation having a minimum statutory suspension period, a suspension is effective upon conviction or adjudication and the license holder must surrender the license immediately to the commissioner. That person is not entitled to a hearing under section 10905 if the suspension period does not exceed the minimum period of suspension required by law. In addition to any suspension period ordered by the commissioner, a person whose license is suspended for a violation having a mandatory suspension must successfully complete an outdoor ethics course ~~conducted or endorsed by the department prior as provided in section 10903-A in order to being be~~ eligible to have that license reinstated. A person is not required to complete the outdoor ethics course under section 10903-A if that person's license is revoked under the interstate wildlife violator compact authorized in accordance with section 10103 as a result of a conviction occurring outside of the State and that person has met the eligibility requirements for reinstatement of the license in the state in which the conviction occurred.

**2. For all other suspensions.** For a violation that does not have a minimum statutory suspension period, a suspension is effective upon written notification of suspension by the commissioner. That person must surrender that license to the commissioner upon receipt of a notice of suspension and is entitled to a hearing under section 10905. The commissioner shall adopt rules specifying the conditions under which a person whose license is suspended for a violation that does not carry a mandatory suspension is required to complete an outdoor ethics course as provided in section 10903-A. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

~~Outdoor ethics courses must be scheduled by the Bureau of Warden Service and must be given whenever there are 10 or more persons needing or wanting to take the course. The fee for an outdoor ethics course is \$100, payable 10 working days prior to the start of the course. All fees collected under this section are allocated to the landowner relations program established in section 10108, subsection 4-A.~~

**Sec. 13. 12 MRSA §10903-A** is enacted to read:

**§10903-A. Outdoor ethics course**

An outdoor ethics course must be scheduled by the Bureau of Warden Service and must be given whenever there are 10 or more persons needing or wanting to take the course. The fee for an outdoor ethics course is \$100, payable 10 working days prior to the start of the course. All fees collected under this section are allocated to the landowner relations program established in section 10108, subsection 4-A.

**Sec. 14. 12 MRSA §10953, sub-§1**, as repealed and replaced by PL 2013, c. 236, §3, is amended to read:

**1. Species and seasons.** ~~Except as provided in this Part, a~~ A person may:

A. Hunt bear with a crossbow during the open season on bear as provided in section 11251;

B. Hunt wild turkey with a crossbow during the spring open season on wild turkey in areas open to wild turkey hunting as established by rule in section 11701;

C. Hunt moose with a crossbow in areas of the State open to moose hunting during the open season on moose established by rule in section 11552, subsections 1 and 2 and according to the rules pertaining to moose hunting permits adopted by the commissioner for the protection of the moose resource under section 11551 and in accordance with the provisions of section 11601; and

D. Hunt deer with a crossbow during the open firearm season on deer as provided in section 11401. ~~This paragraph does not authorize a person to hunt deer with a crossbow during an expanded archery season established under section 11403 or in an expanded archery zone or during the muzzle loading only deer hunting season established under section 11404, except as provided in subsection 1-A.~~

**Sec. 15. 12 MRSA §10953, sub-§1-A**, as enacted by PL 2011, c. 61, §3, is repealed.

**Sec. 16. 12 MRSA §10953, sub-§1-B** is enacted to read:

**1-B. Hunting with a crossbow; 70 years of age or older.** A person 70 years of age or older may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal, subject to this Part. A person 70 years of age or older may hunt deer with a crossbow during a regular archery-only season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404.

This subsection is repealed January 1, 2015.

**Sec. 17. 12 MRSA §11105, sub-§1**, as amended by PL 2013, c. 408, §9, 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~~ junior license or an apprentice hunter license issued under section 11108-B 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 previ-

ously held 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. 18. 12 MRSA §11108-A**, as amended by PL 2009, c. 69, §1, is repealed.

**Sec. 19. 12 MRSA §11108-B**, as amended by PL 2009, c. 340, §13, is further amended to read:

**§11108-B. Apprentice hunter license restrictions**

**1. Adult supervisor required.** A holder of an ~~apprenticeship apprentice~~ apprentice hunter license may not hunt other than in the presence of ~~a person at least 18 years of age who holds a valid Maine hunting license an~~ an adult supervisor.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

(2) 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.

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

A. "Adult supervisor" means a person who is 18 years of age or older and holds a valid Maine hunting license.

B. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.

**2. Adult supervisor responsibility.** ~~A An adult supervisor must have held a valid hunting license for the prior 5 3 consecutive years to be qualified to supervise a holder of an apprenticeship apprentice hunter license. A An adult supervisor is responsible for ensuring shall ensure that the holder of an apprenticeship apprentice hunter license follows safe and ethical hunting protocol and adheres to the laws under this Part. A An adult supervisor may not intentionally permit a person hunting under an apprenticeship apprentice hunter license with that adult supervisor to violate subsection 1.~~

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$500 must be adjudged.

(2) 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.

**3. Eligibility.** ~~A person who is resident or non-resident 16 years of age or older who has never held a valid adult hunting license or junior hunting license may hold an apprenticeship hunter license in this State, or any other state, province or country, is eligible to obtain an apprentice hunter license. A Notwithstanding section 11105, a person may not be issued an apprenticeship hunter license after having held an apprenticeship hunter license under section 11109 is eligible to obtain an apprentice hunter license without having successfully completed a hunter safety course. A person may not obtain an apprentice hunter license more than twice. A person selected to receive a moose permit may not then purchase an apprenticeship apprentice hunter license to meet the licensing requirements for that permit.~~

**4. Expiration of apprentice hunter license.** An ~~apprenticeship apprentice~~ apprentice hunter license is valid for up to 12 calendar months and expires on December 31st.

~~**5. Definition.** For purposes of this section, "in the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including binoculars and citizen band radios. For purposes of this section, "supervisor" means a person or persons who are 18 years of age or older, hold a valid Maine hunting license and are hunting with a person holding an apprenticeship hunter license.~~

**Sec. 20. 12 MRSA §11108-C** is enacted to read:

**§11108-C. Eligibility and restrictions for a junior hunting license**

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

A. "Adult supervisor" means:

(1) The parent or guardian of the junior hunter; or

(2) A person 18 years of age or older who:

(a) Is approved by the parent or guardian of the junior hunter; and

(b) Holds or has held a valid Maine hunting license or meets the requirements of section 11105.

B. "In the presence of" means in visual and voice contact without the use of visual or audio en-

hancement devices, including but not limited to binoculars and citizen band radios.

**2. Eligibility.** A resident or nonresident who is at least 10 years of age and under 16 years of age may obtain a junior hunting license, which allows that person to hunt subject to the conditions set out in this section.

**3. Supervision of junior hunters.** A hunter who is at least 10 years of age and under 16 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of an adult supervisor.

**4. Supervision of junior hunters 16 years of age.** A hunter 16 years of age who obtained a junior hunter license before that person reached 16 years of age may not hunt with that license unless the person is in the presence of or under the effective control of an adult supervisor or the person has successfully completed a hunter safety course acceptable under section 11105. The following penalties apply to a violation of this subsection:

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; and

B. A person who violates paragraph A 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.

**5. Expiration of junior hunting license issued to person 15 years of age.** A junior hunting license issued to a person who is 15 years of age is valid through the calendar year for which the license is issued. In addition to the requirements of subsection 4, all other permit requirements applicable to a person who is 16 years of age or older apply to a person who continues to hunt with a junior hunting license under this subsection after reaching that person's 16th birthday.

**6. Penalties for supervisors of junior hunters.** A person who is the adult supervisor of a holder of a valid junior hunting license when that junior hunter violates any provision of this Part pertaining to hunting:

A. Commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and

B. 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. 21. 12 MRSA §11109, sub-§3, ¶A,** as amended by PL 2013, c. 213, §1, is further amended to read:

A. A resident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$7. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A resident junior hunting license does not include an antlerless deer permit exempt the holder of the license from lottery-related application requirements under this Part.

**Sec. 22. 12 MRSA §11109, sub-§3, ¶F,** as amended by PL 2013, c. 213, §2 and c. 408, §12, is repealed and the following enacted in its place:

F. A nonresident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$34. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

**Sec. 23. 12 MRSA §11152, sub-§7,** as amended by PL 2013, c. 408, §13, is further amended to read:

**7. Special antlerless deer permit.** The commissioner shall issue a special antlerless deer permit to an eligible person who has lost all or part of one or more lower limbs, not including a partial foot amputation, or is suffering from the permanent loss of use of both lower limbs. 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 condition. 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. 24. 12 MRSA §11154, sub-§14** is enacted to read:

**14. Permits for hunting lodges.** In any year in which the total number of moose permits available as determined by the commissioner under subsection 2 for the public chance drawing under subsection 9 exceeds 3,140, 10% of the permits exceeding 3,140 must be allocated through a chance drawing separate from the chance drawing under subsection 9 to hunting outfitters in accordance with this subsection. The fee for a moose hunting permit under this subsection is \$1,500.

A. For the purposes of this subsection, "hunting outfitter" means a person who operates a sporting camp as defined under Title 22, section 2491, subsection 11 that is licensed under Title 22, chapter 562 and who provides package deals that include food, lodging and the services of a guide licensed under chapter 927 for the purpose of hunting.

B. A hunting outfitter may sell or transfer a permit allocated under this subsection only once, only to a hunter who is eligible under paragraph F and only under the following conditions:

(1) The sale or transfer must be part of a package deal that includes the food and lodging to be provided by the hunting outfitter to the person receiving the permit;

(2) The person receiving the permit from the hunting outfitter must be accompanied during the hunt by a guide licensed under chapter 927;

(3) The hunting outfitter must notify the department of the identity of the person receiving the permit; and

(4) The hunting permit may not be sold or transferred by the hunter.

C. A hunting outfitter may be allocated more than one permit.

D. A permit allocated under this subsection may be used only for the year, season, sex and wildlife management district for which the permit is issued.

E. Permits allocated under this subsection may not exceed 10% of the total permits issued per year for each season, sex and wildlife management district permit type.

F. An individual may hunt with a permit sold or transferred under this subsection only if that individual is otherwise eligible to obtain and hunt with a permit under subsection 5.

G. If proceeds in any year from the auction authorized under subsection 11 are less than \$107,000, proceeds from the chance drawing conducted pursuant to this subsection must be used to fund youth conservation education programs as provided under subsection 11 up to \$107,000. The remainder must be deposited in the Moose Research and Management Fund under section 10263.

**Sec. 25. 12 MRSA §11208**, as amended by PL 2005, c. 477, §7, is further amended to read:

**§11208. Unlawful shooting or discharge of firearm, bow and arrow or crossbow**

**1. Shooting or discharge of firearm, bow and arrow or crossbow over or near public paved way.** A person may not:

A. Shoot at any wild animal or wild bird from any public paved way or within 10 feet of the edge of the pavement of the public paved way or from within the right-of-way of any controlled access highway;

B. Discharge any firearm, bow and arrow or crossbow over a public paved way; or

C. Possess any wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part.

This subsection does not prohibit a person who has a valid permit to carry a concealed weapon from possessing that weapon on or near a public paved way as long as it is not used for shooting at wild animals or wild birds or discharged in violation of this subsection.

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

**Sec. 26. 12 MRSA §11209**, as corrected by RR 2013, c. 1, §26, is amended to read:

**§11209. Discharge of firearm or crossbow near dwelling or building**

**1. Prohibition.** A person may not:

A. Unless a relevant municipal ordinance provides otherwise and except as provided in sections 12401 and 12402, discharge a firearm, including a muzzle-loading ~~firearms~~ firearm, or crossbow ~~or bow and arrow~~ or cause a projectile to pass as a result of that discharge within 100 yards of a building or residential dwelling without the permission of the owner or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner; or

B. Possess a wild animal or wild bird taken in violation of this subsection, except as otherwise provided in this Part.

This subsection may not be construed to prohibit a person from killing or taking a wild animal in accordance with sections 12401 and 12402.

For purposes of this subsection, "building" means any residential, commercial, retail, educational, religious or farm structure that is designed to be occupied by people or domesticated animals or is being used to shelter machines or harvested crops.

For purposes of this subsection, "projectile" means a bullet, pellet, shot, shell, ball, bolt or other object propelled or launched from a firearm, or crossbow ~~or bow and arrow~~.

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

**Sec. 27. 12 MRSA §11214, sub-§1, ¶G**, as amended by PL 2005, c. 419, §6 and affected by §12, is further amended to read:

G. ~~Except~~ Hunt a wild animal or wild bird with a set bow or, except as provided in section 10953, hunt a wild animal or wild bird with a crossbow or set bow;



**Sec. 28. 12 MRSA §11403, sub-§2**, as amended by PL 2011, c. 61, §4 and c. 298, §1, is further amended to read:

**2. Open archery season on deer.** The commissioner shall by rule establish a regular archery-only season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 11401, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the regular archery-only season on deer, except as provided in section 10952, subsection 2 and section 10953, subsection 4-A ~~1-B~~, the following restrictions apply.

A. A person may not take a deer during a regular archery-only season unless that person uses a hand-held bow and broadhead arrow with the following specifications.

- (1) Bows must have a minimum draw weight of 35 pounds.
- (2) Arrowheads, including mechanical broadheads when open, must be at least 7/8 inch in width.

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, except that a person who holds a license that allows hunting with firearms may carry a handgun. This paragraph may not be construed to prohibit a person who holds a valid permit to carry a concealed handgun pursuant to Title 25, section 2003 from carrying a handgun.

C. Except as provided in section 11109-A, subsection 3, if a person takes a deer with bow and arrow during the regular archery-only season on deer, that person is precluded from further hunting for deer during that year.

D. Except as provided in this subsection, the provisions of this Part concerning deer are applicable to the taking of deer with bow and arrow, including the transportation, registration and possession of deer taken by this method.

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

**Sec. 29. 12 MRSA §11857, sub-§3**, as enacted by PL 2013, c. 280, §11, is repealed.

**Sec. 30. 12 MRSA §12201, sub-§1-B** is enacted to read:

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

A. "Adult supervisor" means:

- (1) The parent or guardian of the junior trapper; or

(2) A person 18 years of age or older who:

- (a) Is approved by the parent or guardian of the junior trapper; and
- (b) Holds or has held a valid Maine trapping license or meets the requirements of subsection 3.

B. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.

**Sec. 31. 12 MRSA §12201, sub-§3**, as amended by PL 2013, c. 185, §3, is further amended to read:

**3. Successful completion of trapper evaluation program required for license.** Except as provided in paragraph A, a person who applies for a state license to trap, other than a junior trapping license pursuant to subsection 2, paragraph B or an apprentice trapper license issued under section 12204, must submit proof of having successfully completed ~~an~~ a trapper education course of the type described in section 10108, subsection 7 or satisfactory evidence of having previously held an adult license to trap in this State or any other state, province or country in any year beginning with 1978.

When proof or evidence can not otherwise be provided, the person may substitute a signed affidavit that that person has previously held the required adult trapping license or that that person has successfully completed the required trapper education course.

A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs who presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this paragraph is exempt from the requirements of this subsection.

**Sec. 32. 12 MRSA §12201, sub-§7**, as amended by PL 2009, c. 69, §3, is further amended to read:

**7. Supervision of junior trappers.** The following provisions must be observed.

A. A person under 10 years of age may not trap unless that person is accompanied at all times while trapping by ~~a parent or guardian or by an adult at least 18 years of age approved by a parent or guardian~~ supervisor. A person under 10 years of age may not trap bear.

B. A person over 10 years of age and under 16 years of age may not trap unless that person:

- (1) Holds a junior trapping license; and
- (2) Is ~~accompanied by~~ in the presence of and under the effective control of an adult supervisor at all times while trapping, unless the holder of the junior trapping license submits proof of having successfully completed ~~an~~ a trapper education course of the type described in section 10108, subsection 7.

**Sec. 33. 12 MRSA §12201, sub-§9**, as enacted by PL 2009, c. 69, §4, is repealed and the following enacted in its place:

**9. Penalties for supervisors of junior trappers.** A person who is the adult supervisor of a holder of a valid junior trapping license when that junior trapper violates any provision of this Part pertaining to trapping:

- A. Commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and
- B. 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 §12204, sub-§§1 to 4**, as enacted by PL 2011, c. 51, §1, are amended to read:

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

- A. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.
- B. "~~Supervisor~~" "Adult supervisor" means a person who is 18 years of age or older, and holds or has held a valid trapping license under this subchapter for 3 consecutive years and is trapping with a person holding an apprentice trapper license or has successfully completed a trapper education course of the type described in section 10108, subsection 7.

**2. Adult supervisor required.** A holder of an apprentice trapper license may not trap other than in the presence of ~~a~~ an adult supervisor.

**3. Adult supervisor responsibility.** ~~A~~ An adult supervisor shall ensure that the holder of an apprentice trapper license follows safe and ethical trapping protocol and adheres to the laws under this Part. ~~A~~ An adult supervisor may not intentionally permit a person trapping under an apprentice trapper license with that adult supervisor to violate subsection 2.

**4. Eligibility.** A resident or nonresident 16 years of age or older who has never held a valid adult trapping license ~~or junior trapping license~~ in this State, or

any other state, province or country, is eligible to obtain an apprentice trapper license, ~~except that a person may not be issued an apprentice trapper license after having previously held an apprentice trapper license under this section.~~ A Notwithstanding section 12201, subsection 3, a person is eligible to obtain an apprentice trapper license without having successfully completed a trapper education course as described in section 10108, subsection 7. A person may not obtain an apprentice trapper license more than twice.

**Sec. 35. 12 MRSA §12461, sub-§1**, as amended by PL 2007, c. 21, §2, is repealed and the following enacted in its place:

**1. Adoption of state heritage fish waters.** The commissioner shall adopt by rule a list of state heritage fish waters composed of lakes and ponds that contain state heritage fish, as defined in Title 1, section 212-A. This list must include waters identified as eastern brook trout waters and arctic charr waters that have never been stocked according to any reliable records authorized for adoption by Resolve 2005, chapter 172, as amended, and waters identified as eastern brook trout waters and arctic charr waters that according to reliable records have not been stocked for at least 25 years. The list of state heritage fish waters may be amended by rule in accordance with the provisions of subsections 2 and 3 based on criteria established by the commissioner and in accordance with the provisions of Title 5, chapter 375. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 36. 12 MRSA §12461, sub-§§2 and 3**, as amended by PL 2007, c. 21, §2, are further amended to read:

**2. Addition of waters to list.** The commissioner may adopt rules to amend ~~a~~ the list established under subsection 1 to add a lake or pond if that lake or pond meets criteria established by the commissioner for classifying a lake or pond as a state heritage fish water. Rules adopted to add a lake or pond to ~~a~~ the list established under subsection 1 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A public hearing on the rules must be held prior to adoption of the rules and conducted in accordance with the provisions of Title 5, chapter 375.

**3. Removal of waters from list.** The commissioner may by rule remove a lake or pond from ~~a~~ the list established under subsection 1. Rules adopted pursuant to this subsection are ~~major substantive~~ major substantive routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A public hearing on the rules must be held prior to adoption of the rules and conducted in accordance with the provisions of Title 5, chapter 375.

**Sec. 37. 12 MRSA §12461, sub-§6, ¶B**, as enacted by PL 2013, c. 358, §3, is amended to read:

B. Stock Big Wadleigh Pond in T.8, R.15, W.E.L.S. with native fish species. If sufficient brook trout from Big Wadleigh Pond are not available, brook trout from Wadleigh Stream in T.8, R.15, W.E.L.S. and T.7, R.15, W.E.L.S. or Poland Pond in T.7, R.15 W.E.L.S. may be used for restocking. If arctic charr from Big Wadleigh Pond are not available, arctic charr from an endemic arctic charr water in the State may be used for restocking. ~~If northern redbelly dace need to be restocked in Big Wadleigh Pond, northern redbelly dace from the nearest source may be used for restocking.~~

**Sec. 38. 12 MRSA §12461, sub-§§7 and 8** are enacted to read:

**7. Use of live fish as bait exceptions.** Notwithstanding the fishing restrictions set forth in subsection 5, a person may fish using live fish for bait in the following waters:

A. Millimagassett Lake, in T.7, R.8 W.E.L.S.:

B. Millinocket Lake and Little Millinocket Lake, in T.7, R.9 W.E.L.S., T.8, R.9 W.E.L.S. and T.7, R.10 W.E.L.S.; and

C. Webster Lake, in T.6, R.10 W.E.L.S. and T.6, R.11 W.E.L.S.

**8. Report required.** The commissioner shall report by January 15th annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding any rule-making actions taken to add or to remove waters from the list of state heritage fish waters.

**Sec. 39. 12 MRSA §12462**, as enacted by PL 2013, c. 358, §4, is repealed.

**Sec. 40. 12 MRSA §12501, sub-§5**, as repealed by PL 2013, c. 380, §2 and affected by §5 and repealed by c. 408, §19, is repealed and the following enacted in its place:

**5. Nonresident junior fishing license expiration.** A nonresident junior fishing license issued to a nonresident who has passed that nonresident's 15th birthday is valid through the calendar year for which the license was issued.

**Sec. 41. 12 MRSA §12501, sub-§6, ¶D**, as repealed by PL 2013, c. 380, §3 and affected by §5 and repealed by c. 408, §20, is repealed and the following enacted in its place:

D. A nonresident junior fishing license, for persons 12 years of age or older and under 16 years of age, is \$16. This paragraph is repealed January 1, 2015.

**Sec. 42. PL 2013, c. 368, Pt. YY, §1** is amended to read:

**Sec. YY-1. Transfer of funds from Carrying Balances - Inland Fisheries and Wildlife, General Fund account.** Notwithstanding any other provision of law, the State Controller shall transfer \$150,000 on or before August 1, 2013 from the Carrying Balances - Inland Fisheries and Wildlife, General Fund account to the Administrative Services - Inland Fisheries and Wildlife, General Fund account to fund ~~security improvements and renovations at the Gray headquarters facility~~ the construction of a new headquarters facility in Gray.

**Sec. 43. PL 2013, c. 437, §1** is repealed.

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

Effective April 10, 2014.

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## CHAPTER 539

H.P. 1291 - L.D. 1799

### An Act To Amend the Laws Governing Charitable Solicitations

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

**Sec. 1. 9 MRSA §5002**, as amended by PL 2013, c. 313, §1, is further amended to read:

**§5002. Intent**

It is the intent of the Legislature to require the licensure and financial reporting of charitable organizations; and professional solicitors ~~and professional fund-raising counsel~~ and the bonding of professional solicitors.

**Sec. 2. 9 MRSA §5003, sub-§1**, as amended by PL 2003, c. 541, §1, is further amended to read:

**1. Charitable organization.** "Charitable organization" means any person or entity, including any person or entity organized in a foreign state, that is or holds itself out to be organized or operated for any charitable purpose ~~or~~ and that solicits, accepts or obtains contributions from the public for any charitable purpose and by any means, including, but not limited to, personal contact, telephone, mail, newspaper advertisement, television or radio. Status as a tax-exempt entity does not necessarily qualify that entity as a charitable organization. ~~A chapter, branch, area office or similar affiliate or any person soliciting contributions for any charitable purpose within the State for a charitable organization that has its principal place of business outside the State is considered a charitable organization for the purposes of this Act.~~ For purposes of this chapter, an organization established for