

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

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Augusta, Maine
2015

evidence. The notice must specify those matters concerning which the defendant requests testimony. The certificate is not prima facie evidence in those matters.

See title page for effective date.

**CHAPTER 281
H.P. 958 - L.D. 1409**

**An Act To Clarify and Simplify
the Licensing and Registration
Provisions of the Inland
Fisheries and Wildlife Laws**

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

PART A

Sec. A-1. 12 MRSA §10756, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7 and c. 614, §9, is amended by adding before the last paragraph a new paragraph to read:

A license or permit under this section may be on paper or in electronic format.

Sec. A-2. 12 MRSA §10757, as amended by PL 2011, c. 253, §10, is further amended to read:

§10757. Fraudulently obtaining or possessing license or permit

A person may not obtain or possess a paper or electronic license or permit authorized in this Part through fraud, misstatement or misrepresentation. A person who violates this section commits a Class E crime.

Sec. A-3. 12 MRSA §10758, first ¶, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A person may not possess a paper or electronic license or permit issued under this Part that has been altered, tampered with or mutilated in any manner.

Sec. A-4. 12 MRSA §11109, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. License required. Except as otherwise authorized pursuant to this Part, a person may not engage in an activity for which a license may be issued under this section unless that person has a valid license issued under this section. An electronic license or permit fulfills the requirement under this subsection that a person must have a physical paper license or permit if the electronic license or permit can be displayed upon request to a game warden or other law enforcement officer, an employee of the department, a registered Maine guide or the owner of the land on which the licensed activity is taking place. Each day a person

violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

PART B

Sec. B-1. 12 MRSA §13155, sub-§9, as amended by PL 2009, c. 340, §23, is further amended to read:

9. Display of registration numbers. Each new ATV sold in the State must have a space 6 inches in width by 3 1/2 inch by 6 inch spaces inches in height provided on the front and rear of the machine, as high above the tires as possible, for the vertical display of the registration numbers. A person may not operate an ATV that is required to be registered under this section unless registration numbers in the form of stickers are displayed in these spaces or as otherwise required by the department. A person may operate an ATV registered online without displaying a registration number until that person receives the registration certificate from the department or for 30 days after registering the ATV online, whichever occurs first.

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.

B. 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.

PART C

Sec. C-1. 12 MRSA §10851, sub-§1, ¶D, as amended by PL 2011, c. 253, §12, is further amended to read:

D. For a resident 70 years of age or older. For a person who holds a valid senior lifetime license under this section at any time during the calendar year that person turns 70 years of age, that lifetime license includes all hunting permits and licenses authorized in this Part and may renew at no cost a guide license under section 12853. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must be issued one antlerless deer permit and one either-sex permit. A person who is 70 years of age or older may purchase a senior lifetime license that entitles the holder to all the privileges described in this paragraph for a one-time \$8 fee.

Sec. C-2. 12 MRSA §10853, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Residents over 70 years of age. A complimentary license to hunt, trap or fish, including an

archery license under section 11109, subsection 7, a pheasant hunting permit under section 11156, a muzzle-loading ~~hunting license permit~~ under section 11109, subsection 4, a migratory waterfowl permit under section 11157 and a bear hunting permit under section 11151 must be issued to a resident who is 70 years of age or older upon application to the commissioner.

A. A resident who applies for a complimentary license under this section at any time during the calendar year of that resident's 70th birthday must be issued a license upon application, regardless of the actual date during that calendar year in which that resident attains 70 years of age. A guide license may be renewed without charge for a resident who is 70 years of age or older upon application to the commissioner. The application must be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency.

B. Beginning January 1, 2006, the department may not issue a complimentary license to a resident over 70 years of age. A complimentary license issued to a resident over 70 years of age prior to January 1, 2006 is valid as long as the license holder satisfies the residency requirements set out in section 10001, subsection 53.

C. A complimentary license issued under this subsection remains valid for the remainder of the life of the license holder, as long as the license holder continues to satisfy the residency requirements set out in section 10001, subsection 53 and the license is not revoked or suspended.

Sec. C-3. 12 MRSA §10853, sub-§4, as amended by PL 2013, c. 145, §1 and c. 404, §1, is further amended to read:

4. Disabled veteran. A resident disabled veteran or a nonresident disabled veteran who is a resident of New Hampshire or Vermont may obtain upon application, at no cost, all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish, and, upon meeting the qualifications as established in section 12853, subsection 4, a guide license. A license holder under this subsection who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must be issued one antlerless deer permit and one either-sex permit. The commissioner shall issue all fishing, trapping and hunting licenses and permits requested under this subsection if the commissioner determines the applicant is a disabled veteran and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "disabled veteran" means a person who:

A. Is a resident as defined in section 10001, subsection 53 or is a resident of New Hampshire or Vermont;

B. Is a veteran as defined in Title 37-B, section 505, subsection 2, paragraph A, subparagraph (3); and

C. Has a service-connected disability evaluated at 50% or more.

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. An applicant for a license or permit under this section is subject to the provisions of this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to satisfy the residency requirement in section 10001, subsection 53 and the permit or license is not revoked or suspended. For a resident of New Hampshire or Vermont to be eligible under this subsection, that resident's state must have a reciprocal agreement with this State.

Sec. C-4. 12 MRSA §10853, sub-§8, as amended by PL 2015, c. 136, §1 and affected by §12, 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 all permits, stamps and other permission needed to hunt, trap and fish, to 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 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. A license holder under this subsection who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must be issued one antlerless deer permit and one either-sex permit.

Sec. C-5. 12 MRSA §11153, sub-§1, as amended by PL 2005, c. 12, Pt. III, §8, is further amended to read:

1. Special season deer hunting permits; authority to issue for special season. The commissioner may implement a permit system to regulate hunter participation in a special season established by the commissioner pursuant to section 11402, subsection 4, paragraph B and the number, sex and age of deer harvested. A person may hunt or possess a deer of either sex during a special season on deer if that person has a valid permit issued by the commissioner. If permits are issued, the fee for ~~a deer permit other than an antlerless deer an either-sex~~ permit is \$32 and the fee for an antlerless deer permit is \$12.

PART D

Sec. D-1. 12 MRSA §11106, sub-§1, as amended by PL 2015, c. 136, §3 and affected by §12, is further amended to read:

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 under 16 years of age may hunt with bow and arrow if that person holds a valid junior hunting license.

Beginning January 1, 2016, for those persons who obtain a junior hunting license and turn 16 years of age during the same calendar year, the archery hunting license is included even after the person has turned 16 years of age as long as that person is hunting on that person's valid junior hunting license and not longer than the remainder of the calendar year for which the license is issued.

Sec. D-2. 12 MRSA §11108-C, sub-§5, as enacted by PL 2013, c. 538, §20, is amended to read:

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. Beginning January 1, 2016, for those persons who obtain a junior hunting license and turn 16 years of age during the same calendar year, a pheasant hunting permit, an archery hunting license and a migratory waterfowl permit are included even after the person has turned 16 years of age as long as that person is hunting on that person's valid junior hunting license and not longer than the remainder of 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.

Sec. D-3. 12 MRSA §11156, sub-§3, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

3. Issuance. The commissioner or the commissioner's authorized agent may issue a pheasant hunting permit to an applicant 16 years of age or older permitting the applicant to hunt or possess pheasants in Cumberland County and York County. A person under 16 years of age may hunt or possess pheasants in accordance with this Part, except that a person under 16 years of age is not required to purchase or carry a pheasant hunting permit in order to hunt or possess pheasants.

Beginning January 1, 2016, for those persons who obtain a junior hunting license and turn 16 years of age during the same calendar year, the pheasant hunting permit is included even after the person has turned 16 years of age as long as that person is hunting on that person's valid junior hunting license and not longer than the remainder of the calendar year for which the license is issued.

Sec. D-4. 12 MRSA §11157, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Issuance of permit. The commissioner or the commissioner's authorized agent shall issue a migratory waterfowl hunting permit to an applicant 16 years of age or older permitting the applicant to hunt or possess migratory waterfowl. A person under 16 years of age may, without a permit, hunt or possess migratory waterfowl in accordance with this Part.

Beginning January 1, 2016, for those persons who obtain a junior hunting license and turn 16 years of age during the same calendar year, the migratory waterfowl hunting permit is included even after the person has turned 16 years of age as long as that person is hunting on that person's valid junior hunting license and not longer than the remainder of the calendar year for which the license is issued.

PART E

Sec. E-1. 12 MRSA §11106-A, as amended by PL 2015, c. 136, §4 and affected by §12, is repealed.

Sec. E-2. 12 MRSA §11107, sub-§1, as amended by PL 2013, c. 588, Pt. A, §14, is further amended to read:

1. Hunting license. A person 16 years of age or older at the beginning of the special season established under section 11404, subsection 1-A may obtain a muzzle-loading permit from the commissioner or the commissioner's authorized agent if the person possesses a valid license to hunt ~~big game~~ with firearms.

Sec. E-3. 12 MRSA §11108, sub-§1, as amended by PL 2015, c. 136, §6 and affected by §12, is further amended to read:

1. On certain land. Notwithstanding section 11109, subsection 1 as it applies to this subchapter, a resident and a member of the resident's immediate family, as long as the hunter's license to hunt is not under suspension or revocation, may hunt without a license, including, but not limited to, an archery hunting license, a crossbow ~~hunting license permit~~ and a muzzle-loading ~~license permit~~, on a single plot of land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled;
- C. That is used exclusively for agricultural purposes; and
- D. That is in excess of 10 acres.

Sec. E-4. 12 MRSA §11109, sub-§3, as amended by PL 2015, c. 90, §1; c. 127, §§1 and 2 and affected by §6; and amended by c. 136, §§9 and 10 and affected by §12, is further amended to read:

3. Hunting licenses; combination licenses; fees. Hunting licenses, combination licenses and fees are as follows.

- A. A resident junior hunting license, for a person under 16 years of age, is \$7 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. 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 license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must be issued one antlerless deer permit and one either-sex permit. A resident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.
- B. A resident hunting license, for a person 16 years of age or older, is \$25 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.
- C. A resident small game hunting license, for a person 16 years of age or older, which permits hunting for all legal species except deer, bear, moose, raccoon and bobcat, is \$14.
- D. A resident combination hunting and fishing license is \$42 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

E. A resident combination archery hunting and fishing license is \$42 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

E-1. A resident apprenticeship hunter license, which includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155, respectively, is \$25 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

F. A nonresident junior hunting license, for a person under 16 years of age, is \$34 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. 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. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must be issued one antlerless deer permit and one either-sex permit. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

G. A nonresident small game hunting license, which permits hunting of all legal species except deer, bear, moose, raccoon and bobcat, is \$74.

H. A nonresident 3-day small game hunting license, valid for 3 consecutive hunting days, which permits hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat for the 72-hour period specified on the license, is \$49.

I. A nonresident ~~big game~~ hunting license, which permits hunting of all legal species subject to the permit requirements in subchapter 3, is \$114.

J. A nonresident combination hunting and fishing license is \$149.

K. An alien small game hunting license, which permits hunting of all species except deer, bear, moose, raccoon and bobcat, is \$79.

L. An alien ~~big game~~ hunting license, which permits hunting of all legal species subject to the permit requirements in subchapter 3, is \$139.

M. An alien combination hunting and fishing license is \$190.

O. A nonresident small game apprenticeship hunter license, which permits the hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat, is \$74.

P. A nonresident ~~big game~~ apprenticeship hunter license, which permits the hunting of all legal species and includes a bear hunting permit and a

wild turkey hunting permit under sections 11151 and 11155, respectively, is \$114.

Sec. E-5. 12 MRSA §11109, sub-§8, as enacted by PL 2005, c. 419, §5 and affected by §12, is amended to read:

8. Issuance of crossbow permit; agent's fee. Clerks or other agents appointed by the commissioner to issue crossbow ~~hunting licenses~~ permits must charge a fee of \$1 for each crossbow ~~hunting license~~ permit issued. The commissioner shall charge a fee of \$1 for each crossbow ~~hunting license~~ permit issued by department employees.

Sec. E-6. 12 MRSA §11109, sub-§9, as amended by PL 2009, c. 213, Pt. OO, §5, is further amended to read:

9. Crossbow permits and fees. Crossbow ~~hunting licenses~~ permits and fees are as follows:

- A. A resident crossbow ~~hunting license~~ permit is \$25;
- B. A nonresident crossbow ~~hunting license~~ permit is \$55; and
- C. An alien crossbow ~~hunting license~~ permit is \$79.

Sec. E-7. 12 MRSA §11151, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Eligibility; hunting or archery license required. A person who possesses a valid hunting or archery hunting license ~~to hunt big game~~ may obtain a permit to hunt for bear from the commissioner or an authorized agent.

Sec. E-8. 12 MRSA §11151-A, sub-§2, as enacted by PL 2007, c. 168, §4 and affected by §8, is amended to read:

2. Eligibility; nonresident late season bear hunting permit. A person who possesses a valid nonresident hunting or archery hunting license ~~to hunt big game~~ may obtain a permit to hunt for bear from the commissioner or the commissioner's authorized agent.

Sec. E-9. 12 MRSA §11154, sub-§4, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §126 and affected by §422, is further amended to read:

4. Hunting license required. While hunting moose, the permittee and the subpermittee shall each have in that person's possession a valid Maine resident, nonresident or alien ~~big game~~ hunting or archery hunting license, whichever is applicable.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

Sec. E-10. 12 MRSA §11155, sub-§1-A, as amended by PL 2015, c. 127, §3 and affected by §6, is further amended to read:

1-A. Eligibility; hunting or archery license required. A person who possesses a valid hunting or archery hunting license to hunt ~~big game or small game~~ may obtain a permit to hunt for wild turkey from the commissioner or an authorized agent.

Sec. E-11. 12 MRSA §11161 is enacted to read:

§11161. Eligibility for crossbow hunting permit

1. Hunting or archery 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 hunting or archery hunting license or an apprenticeship hunter license or archery hunting license may obtain a crossbow permit to hunt with a crossbow from the commissioner or the commissioner's authorized agent.

2. Junior license. A resident or nonresident and under 16 years of age may hunt with a crossbow if that person holds a valid junior hunting license.

3. Crossbow hunter education requirements. Except as provided in paragraph A, a person who applies for a crossbow permit 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 a valid adult archery hunting license and a valid crossbow permit 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.

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.

4. Crossbow 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 crossbow hunter education course requirements under subsection 3 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 requirements of this subsection must satisfy the conditions for exemption under subsection 3.

PART F

Sec. F-1. 12 MRSA §12953, sub-§3, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

C. The application must be accompanied by a nonrefundable fee of ~~\$40~~ \$50.

Sec. F-2. 12 MRSA §12953, sub-§§4 and 5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, are amended to read:

4. Examination. An applicant for a license shall appear at a time and place designated by the commissioner to be examined by means of written, practical and oral tests as the commissioner determines. The commissioner shall determine the form and content of examinations. The examination fee is \$50 and is non-refundable. An applicant may retake the examination once without paying an additional examination fee.

5. Reexamination. The commissioner may require a taxidermist to be reexamined if the commissioner receives a written complaint and, upon investigation, finds that the taxidermist no longer meets the qualifications to be licensed as a taxidermist. Beginning January 1, 2016, an examination is also required for any person who has not held a valid taxidermist license within the previous 3 years.

Sec. F-3. 12 MRSA §12953, sub-§6, as amended by PL 2005, c. 12, Pt. III, §34, is further amended to read:

6. License and fee. License applicants who successfully meet the qualifications set forth in this section must be issued a license upon payment of a ~~\$67~~ \$77 fee for a 3-year license. This fee is in addition to the ~~\$42~~ \$50 examination fee.

Sec. F-4. 12 MRSA §12953, sub-§7, as amended by PL 2005, c. 12, Pt. III, §35, is further amended to read:

7. Renewal of license; fees. Licenses issued pursuant to this section run for a period of 3 years, from the current year of issuance until the 30th 31st day of June following the date of the December in the 3rd year after issuance, on which date the license terminates unless it is revoked sooner. Subject to any revocation or suspension, A taxidermist whose license is not suspended or revoked may renew the license or permit may be renewed annually every 3 years upon

application by the licensee accompanied by a \$77 license fee.

Sec. F-5. Transition. Notwithstanding the Maine Revised Statutes, Title 12, section 12953, subsection 7, a license issued under Title 12, section 12953 after June 30, 2015 and before December 31, 2015 is valid until December 31, 2016.

See title page for effective date.

CHAPTER 282

H.P. 960 - L.D. 1413

An Act To Allow an Attorney To Speak or Provide a Written Statement for a Victim at Sentencing

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

Sec. 1. 17-A MRSA §1174, sub-§1, as enacted by PL 1995, c. 680, §5, is amended to read:

1. The victim must be provided the opportunity to participate at sentencing by:

- A. Making an oral statement in open court; or
- B. Submitting a written statement to the court either directly or through the attorney for the State. A written statement must be made part of the record.

An attorney for the victim may submit a written statement or make an oral statement on the victim's behalf.

See title page for effective date.

CHAPTER 283

H.P. 977 - L.D. 1432

An Act To Consolidate the Investigation of Out-of-home Child Abuse and Neglect

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

Sec. 1. 22 MRSA §4021, sub-§3, ¶C, as amended by PL 2007, c. 132, §1, is further amended to read:

C. Upon the request of a department employee, school officials shall permit the department to meet with and interview the child when the child is present at the school.

- (1) School officials may require that the department employee requesting to interview the child provide a written certification that in