

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

5. Application to other state agencies. This section does not apply to services provided by another agency of this State.

Sec. B-10. Effective date. That section of this Part that enacts the Maine Revised Statutes, Title 36, section 194-C takes effect March 1, 2016.

See title page for effective date, unless otherwise indicated.

CHAPTER 301

S.P. 423 - L.D. 1196

An Act To Correct and Clarify Maine's Fish and Wildlife Laws

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

Sec. 1. 7 MRSA §3911-A, as amended by PL 2011, c. 100, §5, is further amended to read:

§3911-A. Abandonment of wolf hybrid

A person who abandons a wolf hybrid licensed under section 3922 commits a civil violation for which a fine not to exceed \$1,000 may be adjudged. A person who abandons a wolf hybrid not licensed under section 3922 commits a civil violation for which a fine of \$1,000 must be adjudged ~~and may also be subject to a penalty under Title 12, section 12153.~~ For the purposes of this section "abandon" means to desert. For enforcement purposes a wolf hybrid is abandoned if the animal is found a distance of more than 5 miles from the premises of the owner and is not under the control of any person.

Sec. 2. 12 MRSA §10108, sub-§12 is enacted to read:

12. Camp North Woods program. The Camp North Woods program, referred to in this subsection as "the program," is established to provide youth opportunities to learn outdoors skills about conservation of the State's natural resources. Department staff shall mentor in the program, which may include, but is not limited to, instruction and training in recreational vehicle operation, paddle sports, hunting, fishing, trapping, outdoor survival, navigation, firearm and archery training and wildlife and fish identification. The program is funded solely from the Camp North Woods fund, established under section 10266.

Sec. 3. 12 MRSA §10152, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §32 and affected by §422, is repealed.

Sec. 4. 12 MRSA §10266 is enacted to read:

§10266. Camp North Woods fund

The Camp North Woods fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund the Camp North Woods program established under section 10108, subsection 12. All funds collected by the department from the operation of the Camp North Woods program and any donations, grants or other funds presented to the department for the benefit of the Camp North Woods program must be deposited into the fund. All money deposited in the fund and the earnings on the money remain in the fund to be used for the operation of the Camp North Woods program. Unexpended balances in the fund at the end of the fiscal year are nonlapsing and must be carried forward to the next fiscal year to be used for the same purposes.

Sec. 5. 12 MRSA §10658 is enacted to read:

§10658. Unlawful possession of wild animals or wild birds

1. Prohibition. A person may not possess a wild animal or wild bird or any parts of a wild animal or wild bird that the person does not possess by any lawful means in the State or any other jurisdiction.

2. Penalty. A person who violates subsection 1 commits a Class E crime for which a minimum fine of \$500 must be imposed.

Sec. 6. 12 MRSA §10853, sub-§11, as amended by PL 2013, c. 408, §8, 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.

Each applicant's disability and needs must be reviewed ~~in consultation with the disabled hunter, trapper and angler advisory committee established in section 10152 by the department~~ 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 with a disability~~ 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. 7. 12 MRSA §10952, sub-§1, as amended by PL 2013, c. 236, §1, is further amended to read:

1. Hunting with a bow and arrow or a crossbow. A person may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a hand-held bow and arrow ~~or a crossbow~~ during any open season on that bird or animal if the person holds a valid archery hunting license and may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a crossbow during any open season on that bird or animal if the person holds a valid archery license or hunting license and a valid crossbow hunting license.

Sec. 8. 12 MRSA §10953, sub-§2, as enacted by PL 2005, c. 419, §2 and affected by §12, is repealed.

Sec. 9. 12 MRSA §10953, sub-§3 is enacted to read:

3. Crossbow requirements. A person may not hunt with a crossbow unless the crossbow meets the following requirements.

A. The crossbow must have a shoulder-type stock. A hand-held pistol-type crossbow may not be used.

B. The draw weight of the crossbow may not be less than 100 pounds.

C. The arrowhead, including a mechanical broadhead when open, must be at least 7/8 inch in width.

D. A crossbow arrow that has an explosive or poisonous tip may not be used.

E. The crossbow must be equipped with a mechanical trigger safety device in working condition.

F. The crossbow may be equipped with a scope or sight.

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

Sec. 10. 12 MRSA §11106, sub-§1, ¶A, as amended by PL 2013, c. 139, §2, is further amended to read:

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 in accordance with section 10952 from the commissioner or the commissioner's authorized agent.

Sec. 11. 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, and subject to all other applicable laws and rules, 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 and a muzzle-loading license, 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. 12. 12 MRSA §11108-B, sub-§1-A, ~~¶A~~, as enacted by PL 2013, c. 538, §19, is amended to read:

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

Sec. 13. 12 MRSA §11109, sub-§3, ¶F, as amended by PL 2015, c. 136, §10 and affected by §12, is further amended to read:

F. A nonresident junior hunting license, for a person 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. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

Sec. 14. 12 MRSA §11110, as amended by PL 2005, c. 74, §1, is repealed and the following enacted in its place:

§11110. Transfer of hunting areas or zones

1. Transfer permitted. A person who has been assigned a designated hunting area, zone or season by the department for purposes of hunting a game animal may exchange that designated zone, area or season with another person assigned a different hunting zone, area or season for the same game animal for purposes of hunting that same game animal. The commissioner may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Transfer of moose permit for consideration prohibited. Notwithstanding subsection 1, the holder of a moose permit who has been assigned a designated hunting area, zone or season by the department may not exchange that designated zone, area or season with another person assigned a different hunting zone, area or season for any consideration other than the other person's different hunting zone, area or season. A person who violates this subsection commits a Class D crime.

Sec. 15. 12 MRSA §11214, sub-§1, ¶G, as amended by PL 2013, c. 538, §27, is further amended to read:

G. 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;~~

Sec. 16. 12 MRSA §11214, sub-§1, ¶¶N and O, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, are amended to read:

N. Hunt a wild animal or wild bird by any method other than by the usual method of shooting with a firearm not larger than number 10-gauge ~~or~~, shooting with a hand-held bow and ar-

row ~~or~~ shooting with a crossbow or by falconry; ~~or~~

O. Possess a wild animal or wild bird taken in violation of this section, except as otherwise provided in this Part; ~~or~~

Sec. 17. 12 MRSA §11214, sub-§1, ¶P is enacted to read:

P. Use a bow and arrow to hunt deer, bear or moose unless:

(1) For hunting deer and bear, the minimum draw weight of the bow is 35 pounds;

(2) For hunting moose, the minimum draw weight of the bow is 45 pounds; and

(3) The arrowhead, including mechanical broadheads when open, is at least 7/8 inch in width.

Sec. 18. 12 MRSA §11227, sub-§1-A is enacted to read:

1-A. Prohibited bait. Notwithstanding any authorization to use or place bait or bear bait under this Part, a person may not place a medicinal, poisonous or stupefying substance to entice an animal to that place. A person who violates this subsection commits a Class E crime.

Sec. 19. 12 MRSA §11305 is enacted to read:
§11305. Unlawful firearms for hunting bear

1. Prohibition. A person may not use a .17 or .22 caliber rimfire firearm or a shotgun using shot loads to hunt bear.

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

Sec. 20. 12 MRSA §11403, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 21. 12 MRSA §11403, sub-§2, ¶A, as amended by PL 2007, c. 163, §2 and affected by §3, is further amended to read:

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 in accordance with section 11214, subsection 1, paragraph P.~~

(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.~~

Sec. 22. 12 MRSA §11605, sub-§1, as enacted by PL 2011, c. 253, §20, is amended to read:

1. Prohibitions. ~~A From September 1st to December 15th a person may not, during open hunting season on moose:~~

A. Place salt or any other bait or food in a place to entice moose to that place; or

B. Hunt from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to moose. This prohibition does not apply to hunting ~~from an observation stand or blind overlooking over:~~

(1) Standing crops; or

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence; ~~or,~~

~~(3) Bear bait that is placed at a bear hunting stand or blind in accordance with section 11301, subsection 1.~~

Sec. 23. 12 MRSA §11801, sub-§2, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. Engage in an organized drive of any manner while hunting wild turkeys; or

Sec. 24. 12 MRSA §11801, sub-§2, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 25. 12 MRSA §11802 is enacted to read:

§11802. Baiting wild turkeys

1. Prohibitions. From September 1st to December 15th and during the spring wild turkey hunting season established pursuant to section 11701, subsection 1, a person may not:

A. Place any bait or food in a place to entice a wild turkey to that place; or

B. Hunt from an observation stand or blind overlooking bait or food known to be attractive to wild turkey. This prohibition does not apply to hunting from an observation stand or blind overlooking:

(1) Standing crops; or

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence.

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

Sec. 26. 12 MRSA §11851, as amended by PL 2013, c. 280, §8, is further amended to read:

§11851. Hunting or trapping wild birds

1. Unlawfully hunting or trapping wild birds. A person may not hunt or trap a wild bird, other than the English or European house sparrow, the rock dove

pigeon and the European starling, except as provided in this Part.

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

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

Sec. 27. 12 MRSA §12152, sub-§3, as amended by PL 2005, c. 117, §2, is further amended to read:

3. Issuance. The commissioner may issue a permit to a person permitting the possession and use of wildlife with the following exceptions.

A. A propagation, rearing and sale permit does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section ~~11601~~ 12401, 12402 or ~~11602~~ 12404.

B. A commercial exhibition permit does not authorize the permittee to import any species of wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross or the eggs of these species.

C. A general possession permit does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section ~~11601~~ 12401, 12402 or ~~11602~~ 12404.

D. A rehabilitation permit does not authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section ~~11601~~ 12401, 12402 or ~~11602~~ 12404.

Sec. 28. 12 MRSA §12153, as repealed and replaced by c. 655, Pt. B, §202 and affected by §422, is repealed.

Sec. 29. 12 MRSA §12202, first ¶, as amended by PL 2013, c. 408, §18, is further amended to read:

A Notwithstanding section 12201, subsection 1 and subject to all other applicable laws and rules, 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 without a trapping license issued under section 12201 on land:

Sec. 30. 12 MRSA §12204, sub-§1, ¶B, as amended by PL 2013, c. 538, §34, is further amended to read:

B. "Adult supervisor" means a person who is 18 years of age or older and ~~holds or has held a valid adult trapping license under this subchapter for the prior 3 consecutive years or has successfully completed a trapper education course of the type described in section 10108, subsection 7.~~

Sec. 31. 12 MRSA §12252, sub-§2, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

C. Deposit any medicinal, poisonous or stupefying substance for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild bird, except that a landowner or member of the landowner's immediate family may use gas cartridges on the landowner's own land for woodchuck control; or

Sec. 32. 12 MRSA §12255, sub-§1, ¶A, as amended by PL 2003, c. 655, Pt. B, §217 and affected by §422, is further amended to read:

A. While trapping in an organized or incorporated place:

(1) Check each trap, except killer-type traps or drowning sets, at least once in every calendar day; and

(2) Check each killer-type trap or drowning set at least once in every 3 calendar days, except that a drowning set placed within 1/2 mile of a city, town or village center must be checked at least once in every calendar day; and

Sec. 33. 12 MRSA §12456, sub-§1-A, ¶A, as enacted by PL 2009, c. 214, §5, is amended to read:

A. The open-water fishing season on boundary waters between Maine and New Brunswick is from April ~~15th~~ 1st to September 30th, inclusive.

Sec. 34. 12 MRSA §12502, as amended by PL 2009, c. 211, Pt. B, §7, is repealed.

Sec. 35. 12 MRSA §12503, sub-§2, as amended by PL 2003, c. 655, Pt. B, §249 and affected by §422, is further amended to read:

2. Land used for agricultural purposes; domicile. ~~Any~~ Notwithstanding section 12503, subsection 1 and subject to all other applicable laws and rules, ~~any~~ resident and any member of the resident's immediate family, as long as the angler's license to fish is not under suspension or revocation, may fish without a license in open inland waters from land:

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

Sec. 36. 12 MRSA §12551-A, sub-§7, ¶A, as amended by PL 2009, c. 340, §16, is further amended to read:

A. The holder of a smelt wholesale dealer's license may:

(1) Take live smelts for resale from inland waters or private ponds. The taking of live smelts from inland waters must be in accordance with general rules adopted by the commissioner in regard to the taking of smelts. Except as provided in paragraph B, the holder of a smelt wholesaler's license shall comply with the same daily bag limit and the same tackle restrictions that apply to all other anglers and is subject to the same penalties for violations of those limits and restrictions. This subparagraph does not apply to a holder of a fish cultivator license as provided under section 12507;

(2) ~~Use~~ Beginning on the date the body of water on which the smelts are taken is open to ice fishing and ending March 31st annually, ~~use~~ a drop net, a lift net or hook and line to take up to 8 quarts of smelts through man-made openings in the ice while fishing on the ice from specific inland waters designated by the commissioner. A dip net may be used in conjunction with the above methods to assist with the handling and transporting of smelts. A licensee may keep the daily bag limit alive. The daily bag limit established under this subparagraph is for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day;

(2-A) In waters naturally free of ice, take smelts from noon to 2:00 a.m. by the use of a dip net in the usual and ordinary way. The commissioner may establish the daily bag limit by rule and a licensee may keep the daily bag limit of smelts alive. The daily bag limit established under this subparagraph is for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may shorten the noon to 2:00 a.m. smelt fishing ~~time frame~~ time frame by rule for enforcement or conservation purposes;

(3) Use artificial light for the purpose of luring smelts to a drop net or a lift net;

(4) Transport or possess at the holder's business facility more than the daily bag limit of smelts provided that the smelts were taken by the license holder in accordance with this section or acquired from a person licensed under this section to deal in live smelts;

(5) Designate others to assist in selling live smelts at the holder's business facility; and

(6) Transport or designate others to transport on the license holder's behalf live smelts in accordance with this subsection.

Sec. 37. 12 MRSA §12553, sub-§1-A, as enacted by PL 2003, c. 655, Pt. B, §263 and affected by §422, is amended to read:

1-A. Unlawfully selling, using or possessing baitfish. Except as provided in this subsection and for baitfish as defined in section 10001, subsection 6, a person may not:

A. Sell or offer for sale fish as bait for the purpose of fishing; or

B. Use or possess fish as bait for the purpose of fishing.

Nothing in this Title prohibits the use of commercially prepared eggs from species that do not naturally occur in the State for bait. A person may take baitfish from all inland waters of the State during the period that those waters are open to fishing ~~and the commissioner may grant permits in accordance with section 12513 to take baitfish from certain waters at any time.~~

A person who violates this subsection commits a Class E crime. The court shall, in addition, impose a fine of \$20, none of which may be suspended, for each fish illegally possessed.

Sec. 38. 12 MRSA §12611, as enacted by PL 2003, c. 655, Pt. B, §273 and affected by Pt. B, §422, is amended to read:

§12611. Illegal possession of live fish

Except as otherwise provided in this Part, a person who ~~legally~~ takes a fish, other than baitfish or smelt, from inland waters pursuant to this Part shall immediately release that fish alive into the waters from which it was taken or immediately kill that fish. Any fish killed pursuant to this section becomes part of the daily bag limit. A person who possesses a fish in violation of this section commits a Class E crime.

Sec. 39. 12 MRSA §12661, sub-§1, ¶A, as amended by PL 2009, c. 214, §11, is further amended to read:

A. ~~May not leave or allow~~ Must remove or cause to be removed the shack or structure ~~to remain~~ on the ice of any inland waters ~~after April 1st prior to the earlier of the date of ice out or 3 days after the close of the ice fishing season established pursuant to section 12454; or~~

Sec. 40. 12 MRSA §12804, sub-§5 is enacted to read:

5. Confidential information. Specific information concerning the location of a threatened or endan-

gered species is confidential and not a public record under Title 1, chapter 13 if, in the judgment of the commissioner, disclosure of that information would threaten the continued existence of the threatened or endangered species. If the commissioner determines that information is confidential under this subsection, the commissioner may not disclose the information except to the landowner whose property is the location of the threatened or endangered species.

Sec. 41. 12 MRSA §12952, sub-§2-A, ¶A, as enacted by PL 2003, c. 655, Pt. B, §343 and affected by §422, is amended to read:

A. The holder of a taxidermist license shall:

(1) Keep a true and complete record, in such form as required by the commissioner, of all activities conducted by virtue of the taxidermist license; ~~and~~

(2) File a copy of the record with the commissioner no later than 10 days after the end of the year during which the license is valid; ~~and~~

(3) Retain a record of taxidermy work completed for a period of 4 years after the date of completion of the work.

Sec. 42. 12 MRSA §12952, sub-§3, as repealed and replaced by PL 2003, c. 655, Pt. B, §344 and affected by §422, is amended to read:

3. Records inspection. Records retained under subsection 2-A must be open for inspection by any agent of the commissioner during normal business hours for the period the person holds a taxidermist license and 30 days after the effective date of a revocation or the expiration of that license.

Sec. 43. 12 MRSA §13051, sub-§2, ¶C, as amended by PL 2011, c. 533, §7, is further amended to read:

C. An agent is delinquent if that agent fails to forward to the commissioner funds collected by that agent by the date established in rules adopted under this subsection. Failure to remit the funds as provided in this subsection results in the following sanctions, in addition to any other provided by law.

~~(2) If the agent has not paid the amount owed by the 60th day after the agent becomes delinquent, the commissioner shall assess a surcharge of 5% of the principal amount owed.~~

(3) If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one year, the commissioner shall:

(a) Terminate the agency for the balance of the year; and

(b) Order that the agency not be renewed for the next year;

Sec. 44. 12 MRSA §13069-B, sub-§1, as enacted by PL 2005, c. 436, §4, is amended to read:

1. Provide information. The operator of a watercraft involved in a collision or accident that results in property damage ~~estimated to be in an amount of \$1,000 or more~~ shall provide the owner or operator of that property:

- A. The operator's name and address; and
- B. The registration number of the operator's watercraft.

Sec. 45. 12 MRSA §13069-C, sub-§2, as enacted by PL 2005, c. 436, §4, is amended to read:

2. Damage to watercraft. Accidents involving only damage to watercraft or other property to the estimated amount of ~~\$1,000~~ \$2,000 or more must be reported within 72 hours on forms provided by the commissioner.

Sec. 46. 12 MRSA §13105, sub-§1, ¶C, as amended by PL 2011, c. 533, §10, is further amended to read:

C. An agent is delinquent if that agent fails to forward to the commissioner funds collected by that agent by the date established in rules adopted under this subsection. Failure to remit the funds as provided in this subsection results in the following sanctions, in addition to any other provided by law.

~~(2) If the agent has not paid the amount owed by the 60th day after the agent becomes delinquent, the commissioner shall assess a surcharge of 5% of the principal amount owed.~~

(3) If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one year, the commissioner shall:

- (a) Terminate the agency for the balance of the year; and
- (b) Order that the agency not be renewed for the next year.

Sec. 47. 12 MRSA §13156, sub-§2, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 48. 12 MRSA §13157-A, sub-§5, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is repealed.

Sec. 49. 12 MRSA §13157-A, sub-§15, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is repealed.

Sec. 50. 12 MRSA §13157-A, sub-§25, ¶A, as amended by PL 2009, c. 340, §24, is further amended to read:

A. Except as provided in section 13159, a person may not:

(1) Operate an ATV that is not equipped at all times with an effective and suitable muffling device on its engine to effectively deaden or muffle the noise of the exhaust;

(2) Operate or modify an ATV with an exhaust system that has been modified in any manner that will increase the noise emitted above the following emission standard:

(a) Each ATV must meet noise emission standards of the United States Environmental Protection Agency and in no case exceed 96 decibels of sound pressure when measured from a distance of 20 inches using test procedures established by the commissioner; or

(3) Operate an ATV without a working spark arrester.

Sec. 51. 12 MRSA §13159, as repealed and replaced by PL 2005, c. 397, Pt. E, §27, is amended to read:

§13159. Racing meets

Notwithstanding section 13155 and section 13157-A, ~~subsection 15~~, subsection 16, paragraph A, subsection 17 and subsection 25, ATVs used exclusively for scheduled racing meets and operated solely on predefined race courses are exempt from the provisions of this chapter concerning registration, mufflers, snorkel kits and lights during the time of operation at these meets and at all prerace practices at the location of the meets.

Sec. 52. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Camp North Woods Fund N216

Initiative: Provides allocations to establish the Camp North Woods Fund.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

CHAPTER 302

H.P. 404 - L.D. 580

An Act To Extend the Funding Period for Landfill Closure Costs

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

Sec. 1. 38 MRSA §1310-F, sub-§1-B, ¶E, as enacted by PL 2011, c. 435, §1, is amended to read:

E. Notwithstanding paragraphs B, C and D, the state cost share is 75% of closure costs, including landfill cover costs, incurred on or after July 1, 1994 and before December 31, ~~2015~~ 2025, if:

- (1) The commissioner originally issued a license on or before September 1, 1989 for operation of the landfill and found that the landfill met the design requirements and environmental protection standards at the time of licensing; and
- (2) The commissioner has since determined that the landfill or portion of the landfill must be closed based on the finding that the landfill is contaminating groundwater and that corrective actions have not been successful.

See title page for effective date.

CHAPTER 303

H.P. 202 - L.D. 284

An Act To Amend the Law Concerning Overwidth Farm Tractors on Public Ways

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

Sec. 1. 29-A MRSA §2381, sub-§2, ¶B, as amended by PL 2005, c. 314, §14, is further amended to read:

B. Overwidth mowing machines, ~~light~~ farm tractors or ~~other lightweight~~ farming vehicles and

equipment not customarily operated over public ways, if equipped with lights pursuant to section 1906, subsection 1, or reflectors at least 12 inches by 12 inches, to the front and rear adequately warning, during nighttime, other highway users of the extreme width; or

See title page for effective date.

CHAPTER 304

S.P. 475 - L.D. 1307

An Act To Fund the Maine Diversion Alert Program

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

Whereas, the Maine Diversion Alert Program requires additional funding in fiscal year 2015-16 and beyond to maintain the program statewide; and

Whereas, this legislation provides funds for the Maine Diversion Alert Program during fiscal year 2015-16; and

Whereas, in order for the funds to be available in fiscal year 2015-16 this legislation needs to take effect before adjournment; 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. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Provides one-time funds for the Maine Diversion Alert Program.

GENERAL FUND	2015-16	2016-17
All Other	\$95,000	\$0
GENERAL FUND TOTAL	\$95,000	\$0