

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

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

Augusta, Maine
2017

L. Who is assigned to provide services to the Department of Administrative and Financial Services, Bureau of Revenue Services pursuant to a contract or subcontract for services to the bureau and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-C; ~~or~~

Sec. 4. 25 MRSA §1542-A, sub-§1, ¶M is enacted to read:

M. Who has applied for a guide license under Title 12, section 12853.

Sec. 5. 25 MRSA §1542-A, sub-§3, ¶L is enacted to read:

L. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph M at the request of that person and upon payment of the expenses by that person as required by Title 12, section 12853, subsection 4-A, paragraph B.

See title page for effective date.

CHAPTER 205

H.P. 1087 - L.D. 1580

An Act To Clarify and Enhance Maine's Wildlife Laws

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

Sec. 1. 7 MRSA §1809, sub-§1, as amended by PL 2007, c. 128, §1, is further amended to read:

1. Permit required. The commissioner may require a person who imports animals or avian hatching eggs into the State to obtain a permit before the time of entry. When a permit is required, the permit or permit number must accompany the shipment. The commissioner may refuse to grant a permit or may issue one subject to quarantine at destination if the animals or avian hatching eggs do not meet importation requirements or do not comply with the inland fisheries and wildlife laws and rules adopted by the Commissioner of Inland Fisheries and Wildlife under Title 12, chapter 915, subchapter 15 or Title 12, section 12102 ~~or 12704~~. The commissioner may require the owner to have those animals or avian hatching eggs tested or examined by a veterinarian at the owner's expense. The commissioner may release those animals or avian hatching eggs from quarantine only after the commissioner is satisfied that they are not a disease threat to other animals or humans.

When an animal or avian hatching egg is brought into the State without a required permit, the commissioner or the Commissioner of Inland Fisheries and Wildlife

may condemn the animal and order it euthanized without indemnity or condemn the avian hatching egg and order it destroyed without indemnity. For purposes of this section, "avian hatching egg" means an egg of a bird species that is fertile and handled, transported and stored in a manner that maintains its viability. "Avian hatching egg" does not include fertile eggs marketed for human consumption.

Sec. 2. 12 MRSA §10053, sub-§9, as amended by PL 2009, c. 340, §4, is further amended to read:

9. Rules. The development of rules governing the effective management of the inland fisheries and wildlife resources of the State; ~~and~~

Sec. 3. 12 MRSA §10053, sub-§10, as enacted by PL 2009, c. 340, §5, is amended to read:

10. Land acquisition. The acquisition and development of land for the protection, preservation and enhancement of inland fisheries and wildlife resources; ~~and~~

Sec. 4. 12 MRSA §10053, sub-§11 is enacted to read:

11. Resource planning. The coordination with other resource management staff to develop both short-term and long-term plans for the preservation, protection, enhancement and use of inland fisheries and wildlife resources. The bureau shall undertake activities as directed by the commissioner.

Sec. 5. 12 MRSA §10055, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7 and c. 614, §9, is repealed.

Sec. 6. 12 MRSA §11109-A, sub-§4, ¶F, as enacted by PL 2007, c. 163, §1 and affected by §3, is amended to read:

F. A license under chapter 927; ~~or~~

Sec. 7. 12 MRSA §11109-A, sub-§4, ¶G, as enacted by PL 2007, c. 163, §1 and affected by §3, is repealed.

Sec. 8. 12 MRSA §11152, sub-§1-A, as amended by PL 2011, c. 253, §18, is further amended to read:

1-A. Antlerless deer in wildlife management districts with no permits issued. Except as otherwise provided in this Part, a person may not hunt or possess an antlerless deer in a wildlife management district or a portion of a wildlife management district that does not have permits issued. A person may possess in one of those districts an antlerless deer that has been lawfully registered in another district where permits have been issued.

A person that violates this subsection commits a Class D crime for which a minimum fine of \$1,000 must be imposed, and the court shall impose a sentencing al-

ternative involving a term of imprisonment of at least 3 days, none of which may be suspended.

Sec. 9. 12 MRSA §11152, sub-§2-A is enacted to read:

2-A. Authority to regulate taking of antlerless deer in certain areas within wildlife management districts where no permits are issued. The commissioner may by rule issue permits in a designated geographical area within a wildlife management district where no antlerless deer permits are issued to maintain balanced deer populations. A designated geographical area under this subsection may consist of an entire town or other area but must have a demarcation of the area that follows recognizable physical boundaries such as rivers, roads and railroad rights-of-way.

Sec. 10. 12 MRSA §12055, sub-§2, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A. The licensee may hold, at the time and place stated in the license, a field trial for sporting dogs for the purpose of demonstrating the skill of the dogs in finding, tracking, flushing, pointing or retrieving dead or wounded wild birds.

Sec. 11. 12 MRSA §12101, sub-§1-C is enacted to read:

1-C. Prohibition; remote-control hunting. An owner or operator of a commercial shooting area may not use a website, or a service or business via any other means, that permits a person to hunt or attempt to hunt a wild animal or wild bird that is located in this State through the use of a computer-controlled gun, shooting apparatus or any other remote-control device when the person using the website, service or business is physically removed from the immediate vicinity of the wild animal or wild bird. A person who violates this subsection commits a Class E crime.

Sec. 12. 12 MRSA §12103, as enacted by PL 2005, c. 81, §3, is repealed.

Sec. 13. 12 MRSA §12151, sub-§1, as amended by PL 2015, c. 374, §2, is further amended to read:

1. Prohibition. A person may not keep wildlife in captivity except as provided under section 10105, subsection 10, sections 12102, 12152, and 12157; ~~12158 and 12704~~ and Title 7, section 1809 or except if the wild animal was purchased from a dealer or pet shop licensed under Title 7, section 3933.

Sec. 14. 12 MRSA §12152, sub-§1-A, as enacted by PL 2015, c. 374, §5, is amended to read:

1-A. Permit required. Except as otherwise provided in this Part, a person may not import wildlife into or possess wildlife in the State or receive or possess wildlife imported into the State. The department shall maintain a list of unregulated fish and wildlife

species for which a permit under this section is not required that is available to the public. 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 permit fee must be imposed. The commissioner may grant a permit to introduce, import, transport, receive or possess fish or gametes in accordance with the provisions of section 12509.

Sec. 15. 12 MRSA §12152, sub-§1-B is enacted to read:

1-B. Exemption. Notwithstanding subsection 1-A, a reptile, amphibian or invertebrate that is native to the State and not listed by the department as threatened, endangered or of special concern may be captured from the wild in the State and possessed without a permit. Possession limits for each species are as follows:

A. Amphibians, up to 5 specimens of each species;

B. Reptiles, up to 2 specimens of each species; and

C. Invertebrates, no specimen limits.

Animals captured under this subsection must be kept in a manner that does not permit contact between those animals and any other animal that is not naturally present in the wild in this State. If an animal captured under this subsection is released back into the wild, the animal must be released in or near the same location where the animal was captured. Importation into the State of a reptile, amphibian or invertebrate exempted under this subsection is prohibited without a permit. Exhibition, propagation or export or sale for commercial purposes is prohibited without a permit. A person may not export, sell or otherwise use for commercial purposes any animal captured under this subsection unless the person holds an applicable permit for that use.

Sec. 16. 12 MRSA §12152, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Affected species. Except as otherwise provided in this Part, this section applies to the possession of any wildlife regulated by the State that is held in captivity and to the importation of wildlife from an area outside the State, including:

A. All species listed under state law as threatened or endangered;

B. All species other than those listed in paragraph A not included on a list of unregulated, nonnative species that is maintained by the commissioner to facilitate the issuance of importation permits; and

C. Species identified in rules adopted by the commissioner.

The commissioner may adopt rules that classify wildlife into categories as described in subsection 3-D for purposes of determining applicable fees under this section. The rules must, at a minimum, include the list of unrestricted, nonnative species as provided in paragraph B, a category of wildlife that is endangered or threatened or presents a risk to humans, a category of wildlife that requires special housing or care and a category of prohibited species for which a permit is not issued under any circumstances.

Sec. 17. 12 MRSA §12152, sub-§3-B, as enacted by PL 2015, c. 374, §7, is repealed.

Sec. 18. 12 MRSA §12152, sub-§3-D is enacted to read:

3-D. Permit types; application fees; permit fees. An applicant for a permit under this section shall submit a written application on a form specified by the commissioner. The application must be accompanied by the applicable nonrefundable application fee. The following permits may be issued by the commissioner:

A. A category 1 restricted species importation permit, which allows the holder to import wildlife that is endangered or threatened or presents a risk to humans into the State. The following fees apply to a permit under this paragraph:

(1) Application fee, \$250; and

(2) Permit fee, \$27;

B. A category 1 restricted species exhibition permit, which allows the holder to exhibit wildlife for commercial purposes that is endangered or threatened or presents a risk to humans or that requires special housing or care. A category 1 restricted species exhibition permit does not allow the holder to exhibit wolf hybrids, as defined in Title 7, section 3907, subsection 30. A category 1 restricted species exhibition permit expires 2 years from the date of issuance. The following fees apply to a permit under this paragraph:

(1) Application fee, \$250; and

(2) Permit fee, \$150;

C. A category 2 restricted species importation permit, which allows the holder to import wildlife that requires special housing or care. The following fees apply to a permit under this paragraph:

(1) Application fee, \$100; and

(2) Permit fee, \$27;

D. A category 2 restricted species possession permit, which allows the holder to possess wildlife that requires special housing or care. A category 2 restricted species possession permit expires 2 years from the date of issuance. The following fees apply to a permit under this paragraph:

(1) Application fee, \$27; and

(2) Permit fee, \$27;

E. A wildlife rehabilitation permit, which allows the holder to possess debilitated or orphaned wildlife and rehabilitate that wildlife and release it into the wild as soon as the wildlife is rehabilitated or euthanize that wildlife in accordance with humane euthanization procedures if rehabilitation and release are not possible. A wildlife rehabilitation permit is available at no cost and expires 2 years from the date of issuance;

F. A research permit, which allows the holder to import and possess wildlife that is endangered or threatened or presents a risk to humans or that requires special housing or care to conduct scientific research or to use for educational purposes. A research permit is available at no cost and expires 2 years from the date of issuance; and

G. An educational and scientific collection permit, which allows the holder to hunt, trap, possess, band and transport wildlife from within the State for educational or scientific purposes. An educational and scientific permit is not required to hunt, trap, possess, band or transport an invertebrate that is not listed by the department as endangered, threatened or of special concern. An educational and scientific collection permit is available at no cost and expires one year from the date of issuance.

Sec. 19. 12 MRSA §12152, sub-§4, as amended by PL 2015, c. 374, §8, is repealed.

Sec. 20. 12 MRSA §12156, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7 and c. 614, §9, is amended to read:

§12156. Release of wildlife into wild

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not release into the wild captive, raised or imported ~~wild birds or wild animals~~ wildlife unless that person has a valid permit issued under this section. 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.

2. Issuance. The commissioner may issue a written permit to any person permitting that person to release into the wild captive, raised or imported ~~wild birds and wild animals~~ wildlife.

3. Wild turkey restrictions. Only the commissioner or agents of the commissioner may sell, give away or release into the wild any live wild turkey, hybrid wild turkey, wild turkey-domestic turkey cross or fertile egg of these species.

Sec. 21. 12 MRSA §12158, as amended by PL 2003, c. 655, Pt. B, §206 and affected by §422 and amended by PL 2011, c. 657, Pt. W, §5, is repealed.

Sec. 22. 12 MRSA §12159, sub-§2, as amended by PL 2011, c. 253, §23, is further amended to read:

2. Commercial amphibian permit. Persons harvesting amphibians for purposes of sale are required to obtain a permit from the commissioner. The fee for a permit issued under this subsection is \$27. The permit expires one year from the date of issuance.

Sec. 23. 12 MRSA §12159, sub-§3, as amended by PL 2011, c. 253, §23, is further amended to read:

3. Rules. The commissioner shall adopt rules pertaining to harvest methods, confinement and disposal of amphibians. The commissioner may by rule:

- A. Require reporting of harvest activities;
- B. Establish a season, including daily and season possession limits; and
- C. Establish requirements for humane harvest, confinement and disposal methods; ~~and~~
- ~~D. Establish a fee schedule to implement a permit system under this section.~~

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 24. 12 MRSA §12161, sub-§2, as enacted by PL 2011, c. 253, §24, is amended to read:

2. Commercial nonmarine invertebrate permit. Persons harvesting freshwater mussels, butterflies, moths, dragonflies or beetles for export, sale or commercial purposes are required to obtain a permit from the commissioner. The fee for a permit issued under this subsection is \$27. The permit expires one year from the date of issuance.

Sec. 25. 12 MRSA §12161, sub-§3, ¶B, as enacted by PL 2011, c. 253, §24, is amended to read:

- B. Establish daily and season possession limits; and

Sec. 26. 12 MRSA §12161, sub-§3, ¶C, as enacted by PL 2011, c. 253, §24, is repealed.

Sec. 27. 12 MRSA §12704, as amended by PL 2015, c. 374, §12, is repealed.

Sec. 28. 12 MRSA §12705, sub-§1, as amended by PL 2015, c. 374, §13, is further amended to read:

1. Civil violation. Notwithstanding ~~section sections~~ 10650 and 12152, a person who violates a rule regulating educational or scientific collection permits

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

See title page for effective date.

CHAPTER 206

S.P. 559 - L.D. 1585

An Act To Transfer the Authority To Issue Nonconcealed Firearm Permits in Certain Cases from the Department of Public Safety to the Office of the Governor

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

Sec. 1. 15 MRSA §393, sub-§2, as amended by PL 2013, c. 424, Pt. A, §5, is further amended to read:

2. Application after 5 years. A person subject to the provisions of subsection 1, paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the ~~commissioner~~ Office of the Governor for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed handgun pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the ~~commissioner~~ Governor. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(3).

Sec. 2. 15 MRSA §393, sub-§3, as amended by PL 2007, c. 194, §4, is further amended to read:

3. Contents. An application under subsection 2 must be on a form prepared by the ~~Commissioner of Public Safety~~ Office of the Governor. The application must include the following: the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or parole officer; date of discharge or release from prison or jail or termination of probation, supervised release for sex offenders, parole or administrative release; the reason for the request; and any other information determined by the ~~commissioner~~ Governor to be of assistance. The application must be accompanied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge that are the subject of the conviction.