

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**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**  
**2019**

proceedings, seizure, storage, maintenance of custody, advertising and notice, to a municipality, county or state agency that has made a substantial contribution to the investigation or prosecution of a related criminal case or, upon request of the investigating agency or the prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons ~~with substance use disorders affected by crimes that are subject to forfeiture of property under this chapter.~~

See title page for effective date.

**CHAPTER 98**

**H.P. 28 - L.D. 27**

**An Act To Allow the Use of a Crossbow for a Limited Duration during the Archery Season on Deer and the Fall Season on Wild Turkey**

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

**Sec. 1. 12 MRSA §10953, sub-§1**, as amended by PL 2017, c. 85, §1, is further amended to read:

**1. Species and seasons.** 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 ~~in areas open to wild turkey hunting as established by rule in~~ during the spring open season on hunting wild turkey established by the commissioner in accordance with rules adopted pursuant to section 11701, ~~except that a person may not hunt wild turkey with a crossbow from October 1st until the first day of the open season established by the commissioner in the following year;~~

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-;

E. Notwithstanding the restriction in section 11403 to hunting with bow and arrow only, hunt deer with a crossbow during the 2020, 2021 and 2022 open archery season on deer established by the commissioner in accordance with rules adopt-

ed pursuant to section 11403. A person may not take an antlerless deer with a crossbow under this paragraph during an open archery season on deer unless that person possesses an antlerless deer permit in accordance with section 11152.

This paragraph is repealed January 1, 2023; and

F. Notwithstanding the prohibition on hunting wild turkey with a crossbow during the fall open season on hunting wild turkey in section 11701 and also notwithstanding paragraph B, hunt wild turkey with a crossbow during the 2020, 2021 and 2022 fall open season on hunting wild turkey established by the commissioner in accordance with rules adopted pursuant to section 11701.

This paragraph is repealed January 1, 2023.

**Sec. 2. 12 MRSA §11701, first ¶**, as amended by PL 2017, c. 85, §3, is further amended to read:

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource. The rules must permit the use of a crossbow during an open season for hunting wild turkey, except that a person may not hunt wild turkey with a crossbow ~~from October 1st until the first day of the open season established by the commissioner in the following year during the fall open season on hunting wild turkey established by the commissioner.~~

**Sec. 3. Report.** By January 15, 2022, the Commissioner of Inland Fisheries and Wildlife shall submit a report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters detailing the impact on the deer population from the use of a crossbow in accordance with the Maine Revised Statutes, Title 12, section 10953, subsection 1, paragraph E and the impact on the turkey population from the use of a crossbow in accordance with Title 12, section 10953, subsection 1, paragraph F. The report must include whether the commissioner allowed the use of a crossbow in any area where a special archery hunting season on deer was established by the commissioner pursuant to Title 12, section 11402, subsection 4 during the 2020, 2021 or 2022 season. The report must detail any issues or conflicts that arose from the use of a crossbow during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey. Lastly, the report must specify if the use of a crossbow should continue to be permitted

during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey. The committee may report out a bill to the Second Regular Session of the 130th Legislature based on the report.

See title page for effective date.

## CHAPTER 99

### H.P. 61 - L.D. 64

#### An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense

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

**Sec. 1. 17 MRSA §1031, sub-§3-B, ¶B**, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is repealed.

**Sec. 2. 17 MRSA §1031, sub-§3-B, ¶C**, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is amended to read:

C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.

**Sec. 3. 17 MRSA §1031, sub-§3-B, ¶¶D, E and F** are enacted to read:

D. The court, as part of the sentence for a violation of this section:

(1) May prohibit a defendant convicted of a Class D crime under this section from owning, possessing or having on the defendant's premises an animal for a period of time that the court determines to be reasonable, up to and including permanent relinquishment;

(2) Shall prohibit a defendant convicted of a Class C crime under this section from owning, possessing or having on the defendant's premises an animal for a period of at least 5 years, up to and including permanent relinquishment;

(3) May impose any other reasonable restrictions on a defendant's future ownership or custody of an animal as determined by the court to be necessary for the protection of animals, including but not limited to reasonable restrictions on future ownership, possession or custody and prohibiting the person from employment that involves the care of animals or any other contact with animals; and

(4) May order as a condition of probation that probationer be evaluated to determine the

need for psychiatric or psychological counseling and, if it is determined to be appropriate by the court, receive psychiatric or psychological counseling at the defendant's expense.

Upon motion by the defendant and upon completion of conditions specified in an order entered under this paragraph, the court may reduce or modify restrictions or conditions imposed under this paragraph.

E. Intentional or knowing violation of a court order issued under paragraph D is a Class D crime. An animal owned or possessed by the defendant or on the defendant's premises in violation of a court order under paragraph D is subject to immediate forfeiture as ordered by the court.

F. A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having on the probationer's premises an animal is subject to revocation of probation and removal of the animal at the probationer's expense if this condition is intentionally or knowingly violated.

See title page for effective date.

## CHAPTER 100

### H.P. 261 - L.D. 336

#### An Act To Require That Notice of Lead Abatement Orders Be Filed with the Registry of Deeds

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

**Sec. 1. 22 MRSA §1321, sub-§1**, as amended by PL 2005, c. 530, §4, is further amended to read:

**1. Notice posted.** The department shall post in or upon the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school, in a conspicuous place or places, notice of the existence of environmental lead hazard. Notice may not be removed until the department states that the ~~environmental lead hazard no longer exists~~ property owner has complied with the order issued pursuant to subsection 3 that the lead-based substances be removed, replaced or securely and permanently covered;

**Sec. 2. 22 MRSA §1321, sub-§3**, as amended by PL 1999, c. 790, Pt. A, §23, is further amended to read:

**3. Notice to owner; removal.** The department shall give notice of the existence of the environmental lead hazard to the owner and order that the lead-based substances be removed, replaced or securely and per-