

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.

Augusta, Maine
2019

one other than the contributor signed the contributor's name to the form, except that a qualifying contribution is valid if it is signed by the contributor's immediate family member or live-in caregiver when the contributor is unable to sign due to a physical impairment or disability.

Sec. 32. 21-A MRSA §1125, sub-§6-C, ¶¶A and B, as enacted by PL 2009, c. 302, §14, are amended to read:

A. The candidate may not use fund revenues to pay or compensate the candidate or the candidate's spouse or domestic partner, a sole proprietorship of the candidate or the candidate's spouse or domestic partner, a business entity in which the candidate or the candidate's spouse or domestic partner holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer for campaign-related goods or services.

B. A candidate may ~~not~~ make expenditures using fund revenues to pay a member of the candidate's immediate family or household; other than the candidate's spouse or domestic partner; a business entity in which ~~the candidate or~~ a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner holds a significant proprietary or financial interest; or a nonprofit entity in which ~~the candidate or~~ a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer, unless as long as the expenditure is made:

- (1) For a legitimate campaign-related purpose;
- (2) To an individual or business that provides the goods or services being purchased in the normal course of the individual's occupation or the business; and
- (3) In an amount that is reasonable taking into consideration current market value and other factors the commission may choose to consider.

For the purpose of this paragraph, "business entity" means a corporation, limited liability company, limited partnership, limited liability partnership and general partnership.

If a candidate uses fund revenues for an expenditure covered by this paragraph, the candidate shall submit evidence demonstrating that the expenditure complies with the requirements of this paragraph if requested by the commission.

Sec. 33. 21-A MRSA §1125, sub-§8-E, as enacted by IB 2015, c. 1, §25, is amended to read:

8-E. Collection and submission of additional qualifying contributions. Participating or certified candidates may collect and submit additional qualifying contributions in accordance with subsection 3-A to the commission as follows:

A. For gubernatorial candidates, no earlier than October 15th of the year before the year of the election and no later than 3 weeks before election day; and

B. For legislative candidates, no earlier than January 1st of the election year and no later than 3 weeks before election day.

Additional qualifying contributions may be submitted to the commission at any time in any amounts in accordance with the schedules in this subsection. The commission shall make supplemental distributions to candidates in the amounts and in accordance with the increments specified in subsections 8-B to 8-D. If a candidate submits additional qualifying contributions prior to a primary election in excess of the number of qualifying contributions for which a candidate may receive a distribution, the excess qualifying contributions must be counted as general election additional qualifying contributions if the candidate has a contested general election, but supplemental distributions based on these excess qualifying contributions may not be distributed until after the primary election.

Sec. 34. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 21-A, chapter 13, subchapter 4, in the subchapter headnote, the words "reports by political action committees" are amended to read "reports by political action committees and ballot question committees" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 324

H.P. 1238 - L.D. 1740

An Act To Clarify Inland Fisheries and Wildlife Laws Regarding Boating and Hunting Licensing

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

Sec. 1. 12 MRSA §11108-B, as amended by PL 2015, c. 136, §7 and affected by §12 and amended by c. 301, §12, is further amended to read:

§11108-B. Apprentice hunter license restrictions

1. Youth hunter supervisor required. A holder of an apprentice hunter license may not hunt other than in the presence of ~~an adult~~ a youth hunter 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 adult hunting license under this subchapter.~~

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.

C. "Youth hunter supervisor" means a person who is 18 years of age or older and holds a valid adult hunting license under this subchapter.

2. Youth hunter supervisor responsibility. ~~An adult~~ A youth hunter supervisor must have held a valid hunting license for the prior 3 consecutive years to be qualified to supervise a holder of an apprentice hunter license. ~~An adult~~ A youth hunter supervisor shall ensure that the holder of an apprentice hunter license follows safe and ethical hunting protocol and adheres to the laws under this Part. ~~An adult~~ A youth hunter supervisor may not intentionally permit a person hunting under an apprentice hunter license with that ~~adult~~ youth hunter 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 resident or nonresident 16 years of age or older who has never held a valid adult hunting license in this State, or any other state, province or

country, is eligible to obtain an apprentice hunter license. Notwithstanding section 11105, a person 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 5 times. A person selected to receive a moose permit may not then purchase an apprentice hunter license to meet the licensing requirements for that permit.

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

Sec. 2. 12 MRSA §11152, sub-§5-A, as enacted by PL 2015, c. 219, §1, is amended to read:

5-A. Permit transfer to junior hunter. Notwithstanding subsection 5, a junior hunter may take an antlerless deer if another person who ~~is 18 years of age or older and~~ holds a valid antlerless deer permit transfers that permit to that junior hunter by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department at least 48 hours prior to the junior hunter's hunting antlerless deer. Upon transfer of the antlerless deer permit to a junior hunter, the transferor may not hunt an antlerless deer pursuant to the transferred permit but remains eligible, unless otherwise prohibited, to take a deer other than an antlerless deer in accordance with this Part.

The commissioner shall record a transfer under this subsection and return the permit to the transferee. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer.

Sec. 3. 12 MRSA §13063, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §373 and affected by §422, is further amended to read:

§13063. Requirements for operators who carry passengers for hire with motorboat

1. Prohibition. A person may not operate a motorboat carrying passengers for hire without ~~an operator's license to carry passengers for hire as required in this section~~ having successfully completed a boater safety education course approved by a national association of state boating law administrators and approved by the commissioner. A person operating a motorboat carrying passengers for hire shall provide proof of having successfully completed a course under this subsection when requested by the commissioner or the commissioner's agent. For purposes of this section, "carrying passengers for hire" means receiving remuneration to carry passengers in a motorboat from one predetermined point to another predetermined point on inland waters.

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.

2. Requirement. Every operator of a motorboat, other than a licensed Maine guide certified in watercraft safety, carrying passengers for hire, except those operators who have been issued and have or are required to have in their possession a current valid federal operator's license, shall ~~obtain an operator's license to carry passengers for hire from the commissioner as provided in this section before operating a motorboat carrying passengers for hire.~~ show proof of having successfully completed an approved boater safety education course in accordance with subsection 1 upon request of the commissioner or the commissioner's agent.

~~A. The operator shall make written application for the license to carry passengers for hire on forms provided by the commissioner.~~

~~B. The commissioner shall cause operators applying for a license to carry passengers for hire for the first time to be examined as to their qualifications.~~

3. Issuance. The commissioner shall issue the license to carry passengers for hire to applicants who have satisfactorily passed the examination.

4. Fee. The fee for an operator's license to carry passengers for hire is \$1.

5. Renewal. The commissioner may grant a renewal of license to carry passengers for hire upon written application and payment of the \$1 fee without examination.

6. Expiration. Every license to carry passengers for hire expires on December 31st of the year for which issued.

See title page for effective date.

CHAPTER 325

H.P. 1228 - L.D. 1717

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

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

Sec. 1. 12 MRSA §10001, sub-§§11-A and 28-A are enacted to read:

11-A. Crossbow. "Crossbow" means a device for propelling an arrow or bolt by means of traverse limbs and a string, mounted on a stock and having a working mechanical trigger safety device and a minimum draw weight of 100 pounds.

28-A. Hand-held bow or bow. "Hand-held bow" or "bow" means a device for propelling an arrow by means of limbs and a string that is hand held, hand drawn and held in a drawn position by hand or a hand-held mechanical release. "Hand-held bow" or "bow" includes a compound bow, a recurve bow and a long bow.

Sec. 2. 12 MRSA §10851, sub-§1, ¶D, as amended by PL 2017, c. 164, §2, 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 and section 11162 must have included in that person's license 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. 3. 12 MRSA §10953, sub-§1-C, as repealed and replaced by PL 2017, c. 475, Pt. A, §20, is amended to read:

1-C. Hunting with a crossbow; 65 years of age or older. A person 65 years of age or older who meets the eligibility requirements of sections 11106 and 11162 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.

Sec. 4. 12 MRSA §11212-A, as enacted by PL 2017, c. 176, §2, is amended to read:

§11212-A. Having a loaded firearm or crossbow in a motor vehicle or hunting or shooting from a motor vehicle or motorboat

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

A. "Loaded firearm or crossbow" means a firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed ignition device or mechanism or a cocked and armed crossbow.