

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

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.

B. "Vehicle" means a motor vehicle or a trailer or other type of vehicle being hauled by a motor vehicle.

**2. Prohibition; vehicles.** A person may not shoot while in or on a vehicle, have a loaded firearm or crossbow while in or on a vehicle or rest a loaded firearm or crossbow on a vehicle except as provided in subsection 3.

**3. Exceptions.** The following exceptions apply to subsection 2.

A. While hunting, a person who is not in or on a vehicle may rest a loaded firearm or crossbow that is under the person's control on the vehicle to shoot only when the vehicle is not in motion and the engine of the vehicle is not running.

B. While hunting, a person who is on but not within an enclosed area or passenger compartment of an all-terrain vehicle or snowmobile may shoot a firearm or crossbow or rest a loaded firearm or crossbow that is under the person's control on the all-terrain vehicle or snowmobile to shoot only when the all-terrain vehicle or snowmobile is not in motion and the engine of the all-terrain vehicle or snowmobile is not running.

C. While target shooting and not hunting, a person who is on but not within an enclosed area or passenger compartment of a vehicle may shoot a firearm or crossbow or rest a loaded firearm or crossbow that is under the person's control on the vehicle to shoot only when the vehicle is not in motion and the engine of the vehicle is not running.

D. Notwithstanding paragraph A, a paraplegic or single or double amputee of the legs may shoot from a vehicle that is not in motion.

E. A person who is 21 years of age or older and is not otherwise prohibited from possessing a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm may have in or on a vehicle a loaded pistol or revolver.

**4. Prohibition; motorboats.** A person may not shoot while in or on a motorboat, except that:

A. A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations; and

B. A person may shoot from a motorboat if that boat is not being propelled by its motor.

**5. Possession of wild animals or wild birds.** A person may not possess a wild animal or wild bird

taken in violation of ~~subsections~~ subsection 2 or 3, except as otherwise provided in this Part.

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

**Sec. 5. 12 MRSA §11403, sub-§2, ¶B,** as amended by PL 2017, c. 357, §2, is further amended to read:

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, ~~except that a person who holds a license that allows hunting with firearms may carry a handgun.~~ This paragraph may not be construed to prohibit a person from carrying a concealed weapon in accordance with Title 25, section 2001-A.

**Sec. 6. 12 MRSA §12201, sub-§2, ¶E,** as amended by PL 2017, c. 427, §17 and affected by §19, is further amended to read:

E. ~~A~~ If a nonresident who is not a citizen of the United States is eligible to, the nonresident may purchase only a nonresident trapping license for but may not trap any species other than beaver pursuant to section 12259, subsection 3.

**Sec. 7. 12 MRSA §12602, last ¶,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A person who violates this section commits a Class E crime. The court shall also impose a fine of \$20 for each fish unlawfully possessed, none of which may be suspended, except that, in the case of smelt limits, the court shall impose a fine of \$20 for each quart over the limit, none of which may be suspended.

**Sec. 8. 12 MRSA §12661, sub-§1, ¶A,** as amended by PL 2015, c. 301, §39, is further amended to read:

A. Must remove or cause to be removed the shack or structure on the ice of any inland waters ~~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:~~

(1) In any area of the State in which there is a closed ice fishing season, by ice out or 3 days after the close of the ice fishing season established by the commissioner by rule pursuant to section 12454, whichever is earlier; and

(2) In any area of the State in which there is no close of the ice fishing season pursuant to section 12454, by ice out or March 31st, whichever is earlier; or

**Sec. 9. 12 MRSA §12661, sub-§3**, as amended by PL 2017, c. 164, §22, is further amended to read:

**3. Removal of abandoned ice-fishing shacks.** A person may not leave a structure on another person's land without permission from the landowner. Notwithstanding the provisions of Title 33, chapter 41 and Title 17, section 2263-A, a landowner on whose property an ice fishing abandoned ice-fishing shack as defined in Title 17, section 2263 is left in violation of this section may remove or destroy the shack. The landowner may recover any costs of removing or destroying the shack from the owner of the shack in a civil action.

**Sec. 10. 17 MRSA §2263, sub-§1-D**, as enacted by PL 1993, c. 144, §3, is amended to read:

**1-D. Abandoned ice-fishing shack.** "Abandoned ice-fishing shack" means a temporary structure used for ice fishing and left on property not owned by the person owning the structure without permission of the landowner ~~for more than 15 days after the inland waters on which the shack or structure was located are closed to ice fishing.~~

See title page for effective date.

---



---

## CHAPTER 326

H.P. 1212 - L.D. 1697

### An Act Regarding the Timeliness of Payments to the State

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

**Sec. 1. 5 MRSA §131**, as amended by PL 1989, c. 501, Pt. P, §7; PL 1995, c. 502, Pt. E, §30; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is repealed and the following enacted in its place:

**§131. Departmental collections**

**1. Departmental collections; immediate payment to State Treasury.** A department or agency of the State collecting or receiving public money, or money from any source whatsoever, belonging to or for the use of the State, or for the use of any state department or agency, shall pay the money immediately into the State Treasury, without any deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or demands of any description whatsoever. The Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands may refund daily use and camping fees based on the bureau's standard refund policies. A department or agency may deposit such money to the credit of the State upon communicating with the Treasurer of State and receiv-

ing from the Treasurer of State instructions as to what state depository may be used for that purpose, and in every such case the depositor shall send to the Treasurer of State a statement of the deposits certified by the bank receiving it. This section does not apply to county or town officers.

**2. Certain payments not immediate.** Notwithstanding subsection 1, payments from a department or agency of the State made to the State Treasury through the use of automated procedures, electronic processes and computer-driven technology must be deposited in the State Treasury in accordance with the requirements established in rules adopted by the Treasurer of State and the State Controller. The Treasurer of State and the State Controller shall adopt rules to implement this subsection, including rules outlining procedures for the use of automated procedures, electronic processes and computer-driven technology for the collection of these payments pursuant to this subsection. Rules adopted pursuant to this subsection may not waive prohibitions against deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or demands of any description whatsoever. Rules adopted pursuant to this subsection are major substantive rules as defined by section 8071.

See title page for effective date.

---



---

## CHAPTER 327

S.P. 490 - L.D. 1555

### An Act To Improve Highway Maintenance Safety

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

**Sec. 1. 29-A MRSA §2054, sub-§2, ¶C**, as amended by PL 2015, c. 31, §1 and c. 32, §2, is further amended to read:

C. The use of amber, white and green lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by emergency management and public safety agencies and a public service vehicle may be equipped with auxiliary lights that emit an amber light.

(1-A) A Department of Labor motor vehicle operated by a workplace safety inspector may be equipped with auxiliary lights that emit an amber light.

(1-B) A municipal public works vehicle or a vehicle operating under direction of the Department of Transportation or the Maine Turnpike Authority may be equipped with