

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine
2020**

who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit. The commissioner shall issue all fishing, trapping and hunting licenses and permits applied for under this subsection if the commissioner determines the applicant meets the requirements of this subsection and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "paraplegic" means a person who has lost, or who has permanently lost the use of, both lower extremities.

A license issued to a resident paraplegic under this subsection remains valid for the life of the license holder if the license holder continues to be a resident as that term is defined under section 10001, subsection 53 and the license is not revoked or suspended. A nonresident paraplegic may apply for and be qualified to be issued the complimentary licenses and permits referred to in this subsection as long as the state where the person resides provides a reciprocal privilege for resident paraplegics of this State.

Sec. 2. 12 MRSA §11154, sub-§17 is enacted to read:

17. Moose permit deferment; significant medical illness. The commissioner may authorize a person who holds a valid moose permit to defer the permit until the next moose hunting season in circumstances in which the permit holder or an immediate family member, as defined in subsection 15, of the permit holder has a significant medical illness that would prevent the permit holder from participating in the moose hunt.

Sec. 3. 12 MRSA §13058, sub-§4 is enacted to read:

4. Exemption. A motorboat, personal watercraft or seaplane operating on interstate waters shared with the State of New Hampshire is exempt from subsection 3 if it is displaying a lake and river protection sticker issued by the State of New Hampshire that is equivalent to the lake and river protection sticker issued by the State as long as the State of New Hampshire enacts legislation with substantially the same lake and river protection sticker requirements under this section giving a reciprocal exemption to a motorboat, personal watercraft or seaplane displaying the State's lake and river protection sticker.

See title page for effective date.

**CHAPTER 639
H.P. 1369 - L.D. 1921**

**An Act To Clarify and
Enhance Maine's Fish and
Wildlife Laws**

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

Sec. 1. 12 MRSA §10151, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

5. Meetings. All regular and special meetings of the advisory council must be public meetings and must be held in a public meeting place convenient for the public. Public comment must be accepted at regular and special meetings of the advisory council. Comments may be restricted to subjects before the advisory council at the meeting and consistent with any applicable requirements and limitations of the Maine Administrative Procedure Act. Public notice of all regular and special advisory council meetings must be published in a daily newspaper of general circulation in the geographic area where the meeting is scheduled at least 7 days and not more than 21 days prior to the meeting except in circumstances when emergency rulemaking is necessary. That notice must include an agenda or statement of purpose of the meeting. That notice may be combined with any other notice of the meeting required by law.

Sec. 2. 12 MRSA §11108-B, sub-§1, as amended by PL 2019, c. 324, §1, is further amended to read:

1. ~~Youth hunter~~ Apprentice supervisor required. A holder of an apprentice hunter license may not hunt other than in the presence of a youth hunter an apprentice 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.

Sec. 3. 12 MRSA §11108-B, sub-§1-A, ¶A-1 is enacted to read:

A-1. "Apprentice supervisor" means a person who is 18 years of age or older and holds a valid adult hunting license under this subchapter.

Sec. 4. 12 MRSA §11108-B, sub-§1-A, ¶C, as enacted by PL 2019, c. 324, §1, is repealed.

Sec. 5. 12 MRSA §11108-B, sub-§2, as amended by PL 2019, c. 324, §1, is further amended to read:

2. Youth hunter Apprentice supervisor responsibility. ~~A youth hunter~~ An apprentice 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. ~~A youth hunter~~ An apprentice 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. ~~A youth hunter~~ An apprentice supervisor may not intentionally permit a person hunting under an apprentice hunter license with that ~~youth hunter~~ apprentice 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.

Sec. 6. 12 MRSA §11108-C, as amended by PL 2015, c. 281, Pt. D, §2, is further amended to read:

§11108-C. Eligibility and restrictions for a junior hunting license

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

A. "~~Adult~~ Junior hunter supervisor" means:

(1) The parent or guardian of the junior hunter who holds or has held a valid Maine hunting license or successfully completed a hunter safety course that meets the requirements of section 11105; or

(2) A person 18 years of age or older who:
 (a) Is approved by the parent or guardian of the junior hunter; and
 (b) Holds or has held a valid Maine hunting license or successfully completed a hunter safety course that meets the requirements of section 11105.

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.

2. Eligibility Junior hunter eligibility. A resident or nonresident who is under 16 years of age may obtain a junior hunting license, which allows that person to hunt subject to the conditions set out in this section.

3. Supervision of junior hunters Junior hunter supervisor required. A hunter who is at least 10 years of age and under 16 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of ~~an adult~~ a junior hunter supervisor. A hunter who is under 10 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of ~~an adult~~ a junior hunter supervisor who remains at all times within 20 feet of that hunter.

4. Supervision of junior hunters 16 years of age. A hunter 16 years of age who obtained a junior hunting license before that person reached 16 years of age may not hunt with that license unless the person is in the presence of and under the effective control of ~~an adult~~ a junior hunter supervisor or the person has successfully completed a hunter safety course ~~acceptable under section 11105~~ established under section 10108 specific to the method of hunting authorized by the license. The following penalties apply to a violation of this subsection:

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; and

B. A person who violates paragraph A 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.

5. Expiration of junior hunting license issued to person 15 years of age. A junior hunting license issued to a person who is 15 years of age is valid through the calendar year for which the license is issued. Beginning January 1, 2016, for those persons who obtain a junior hunting license and turn 16 years of age during the same calendar year, a pheasant hunting permit, an archery hunting license and a migratory waterfowl permit are included even after the person has turned 16 years of age as long as that person is hunting on that person's valid junior hunting license and not longer than the remainder of the calendar year for which the license is issued. In addition to the requirements of subsection 4, all other permit requirements applicable to a person who is 16 years of age or older apply to a person who continues to hunt with a junior hunting license under this subsection after reaching that person's 16th birthday.

6. Penalties for supervisors of junior hunters. A person who is the ~~adult~~ junior hunter supervisor of a holder of a valid junior hunting license when that junior

hunter violates any provision of this Part pertaining to hunting:

- A. Commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and
- B. 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.

Sec. 7. 12 MRSA §12152, sub-§3-A, ¶A, as enacted by PL 2015, c. 374, §7, is amended to read:

- A. 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, 11602, 12401, 12402 or 12404~~; or

Sec. 8. 12 MRSA §12201, sub-§1-B, ¶A, as enacted by PL 2013, c. 538, §30, is amended to read:

- A. "~~Adult Junior trapper~~ supervisor" means:
 - (1) The parent or guardian of the junior trapper; or
 - (2) A person 18 years of age or older who:
 - (a) Is approved by the parent or guardian of the junior trapper; and
 - (b) Holds or has held a valid Maine trapping license or meets the requirements of subsection 3.

Sec. 9. 12 MRSA §12201, sub-§5-A is enacted to read:

5-A. Junior trapping license requirements. A trapper 16 years of age who obtained a junior trapping license before that person reached 16 years of age may not trap with that license unless the person is in the presence of and under the effective control of a junior trapper supervisor at all times while trapping or the person has successfully completed a trapper education course established under section 10108, subsection 7. The following penalties apply to a violation of this subsection:

- 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; and
- B. A person who violates paragraph A 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.

Sec. 10. 12 MRSA §12201, sub-§7, as amended by PL 2013, c. 538, §32, is further amended to read:

7. Supervision of junior trappers. The following provisions must be observed.

A. A person under 10 years of age may not trap unless that person is accompanied at all times while trapping by ~~an adult~~ a junior trapper supervisor. A person under 10 years of age may not trap bear.

B. A person over 10 years of age and under 16 years of age may not trap unless that person:

- (1) Holds a junior trapping license; and
- (2) Is in the presence of and under the effective control of ~~an adult~~ a junior trapper supervisor at all times while trapping, unless the holder of the junior trapping license submits proof of having successfully completed a trapper education course of the type described in section 10108, subsection 7.

Sec. 11. 12 MRSA §12201, sub-§9, as repealed and replaced by PL 2013, c. 538, §33, is amended to read:

9. Penalties for supervisors of junior trappers.

A person who is the ~~adult~~ junior trapper supervisor of a holder of a valid junior trapping license when that junior trapper violates any provision of this Part pertaining to trapping:

- A. Commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and
- B. 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.

Sec. 12. 12 MRSA §12204, sub-§1, ¶B, as amended by PL 2015, c. 301, §30, is further amended to read:

B. "~~Adult Apprentice trapper~~ supervisor" means a person who is 18 years of age or older and has held a valid adult trapping license under this subchapter for the prior 3 consecutive years.

Sec. 13. 12 MRSA §12204, sub-§2, as amended by PL 2013, c. 538, §34, is further amended to read:

2. ~~Adult Apprentice trapper~~ supervisor required. A holder of an apprentice trapper license may not trap other than in the presence of an ~~adult~~ apprentice trapper supervisor.

Sec. 14. 12 MRSA §12204, sub-§3, as amended by PL 2013, c. 538, §34, is further amended to read:

3. ~~Adult Apprentice trapper~~ supervisor responsibility. An ~~adult~~ apprentice trapper supervisor shall ensure that the holder of an apprentice trapper license follows safe and ethical trapping protocol and adheres to the laws under this Part. An ~~adult~~ apprentice trapper

supervisor may not intentionally permit a person trapping under an apprentice trapper license with that ~~adult~~ apprentice trapper supervisor to violate subsection 2.

See title page for effective date.

CHAPTER 640

H.P. 1370 - L.D. 1922

An Act To Create a Menhaden Fishing License

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

Sec. 1. 12 MRSA §6041, sub-§2, as amended by PL 2019, c. 332, §1 and affected by §3, is further amended to read:

2. Sources of revenue. The fund is capitalized by surcharges assessed under section 6502-A, subsection 7 and section 6502-C, subsection 5 and fees collected pursuant to section 6502-B, subsection 4. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

Sec. 2. 12 MRSA §6302-A, sub-§1, as amended by PL 2013, c. 254, §1, is further amended to read:

1. Tribal exemption; commercial harvesting licenses. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6502-A, 6502-C, 6505-A, 6505-C, 6535, 6601, 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803, 6804 or 6808 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe, nation or band or the agent of the band to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe, nation or band:

A. May utilize lobster traps tagged with trap tags issued by the tribe, nation or band or the agent of the band in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe, nation or band is not required to pay trap tag fees under section 6431-B if the tribe, nation or band or the agent of the band issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe, nation or band or the agent of the band in a manner consistent with tags issued pursuant to section 6505-B. A member of the tribe, nation or band is not required to pay elver fishing gear fees under section 6505-B if the tribe, nation or band or the agent of the band issues that member elver fishing gear tags; and

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.

Sec. 3. 12 MRSA §6502-A, sub-§1, as amended by PL 2011, c. 598, §22, is further amended to read:

1. Definition. As used in this section, "pelagic or anadromous fish" means Atlantic herring, ~~Atlantic menhaden~~, whiting, spiny dogfish, river herring, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad.

Sec. 4. 12 MRSA §6502-C is enacted to read:

§6502-C. Menhaden fishing license

1. License required. A person may not engage in the activities authorized under this section without a current:

- A. Resident commercial menhaden fishing license;
- B. Nonresident commercial menhaden fishing license; or
- C. Noncommercial menhaden fishing license.

2. Licensed activity; commercial license. The holder of a commercial menhaden fishing license may fish for, take, possess, ship, transport or sell menhaden that the holder has taken. A commercial menhaden fishing license also authorizes the crew members aboard the vessel named on the license to fish for, take, possess, ship or transport menhaden when the license holder is aboard the vessel.

3. Licensed activity; noncommercial license. The holder of a noncommercial menhaden fishing license may fish for, take or possess menhaden that the holder has taken. A noncommercial menhaden fishing license authorizes the crew members aboard the vessel named on the license to fish for, take or possess menhaden when the license holder is aboard the vessel.

4. Eligibility. A noncommercial menhaden fishing license may be issued only to an individual who is a resident. An individual is eligible to hold only one license described in subsection 1 per calendar year.

5. Fees and surcharges. Fees and surcharges for menhaden fishing licenses are as follows:

- A. For a resident commercial menhaden fishing license, \$128, plus a \$200 surcharge;