

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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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
2021

§1-A. Training

The following provisions govern the training of harbor masters and deputy harbor masters appointed pursuant to section 1 or 2.

1. Basic training course. A person appointed or reappointed a harbor master or a deputy harbor master after August 31, 2006 must complete a basic harbor master training course offered by a statewide harbor masters association that represents Maine harbor masters within one year after being appointed or reappointed unless that person has previously completed such a course. ~~The person appointed or reappointed a harbor master or deputy harbor master shall pay the cost of the training required under this subsection.~~ If a person has not held the position of harbor master or deputy harbor master within the last 5 years prior to being appointed or reappointed, that person upon appointment or reappointment must complete the basic harbor master training course.

1-A. Continuing education. A person appointed or reappointed a harbor master or deputy harbor master who has completed the basic training course under subsection 1 shall complete, at a minimum, 8 hours of training every 3 years to maintain certification as a harbor master or deputy harbor master. The training requirement of this subsection may be met by completing continuing education training offered or approved by a statewide harbor masters association that represents Maine harbor masters.

2. Reimbursement Payment; reimbursement. Nothing in this section may be construed to prohibit a municipality, at its sole discretion, from paying for or reimbursing a harbor master or deputy harbor master for the cost of training under this section.

3. Additional training. Nothing in this section may be construed to prohibit a municipality from requiring a harbor master or deputy harbor master to obtain training beyond that required by this section.

4. Training format. During any 3-year period, the training courses offered by the statewide harbor masters association must include, at a minimum, in-person, remote and online options.

See title page for effective date.

CHAPTER 54

S.P. 88 - L.D. 199

An Act To Amend Certain Fish and Wildlife Laws and Related Provisions

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

Sec. 1. 12 MRSA §10001, sub-§67-B is enacted to read:

67-B. Upland game species. "Upland game species" includes bobwhite quail, gray squirrel, porcupine, ring-necked pheasant, ruffed grouse, snowshoe hare, spruce grouse and woodchuck.

Sec. 2. 12 MRSA §10652, as amended by PL 2017, c. 50, §1, is further amended to read:

§10652. Abuse of another person's property while fishing, hunting or trapping

1. Prohibitions. Prohibitions on the abuse of another person's property ~~while fishing, hunting or trapping~~ are as follows.

A. A person may not ~~while fishing~~:

(1) Tear down or destroy any fence or wall on another person's land;

(2) Leave open any gate or bars on another person's land; ~~or~~

(3) Trample or destroy any crop on another person's land;

(4) ~~Damage or destroy a tree on another person's land by inserting into that tree any metallic or ceramic object to be used as, or as part of, a ladder or observation stand unless the person has the permission of the landowner;~~

(5) Erect or use either a portable or permanent ladder or observation stand on the land of another person unless:

(a) That person has obtained oral or written authorization to erect and use a ladder or observation stand from the landowner or the landowner's representative; and

(b) The ladder or observation stand is plainly labeled with a 2-inch by 4-inch tag identifying the name and address of the person or persons authorized by the landowner to use the ladder or observation stand.

This subparagraph does not apply to a portable ladder or observation stand that is located on land within the jurisdiction of the Maine Land Use Planning Commission and attended by the person who owns the ladder or observation stand. For purposes of this subparagraph, "observation stand" does not include a portable blind utilized at ground level that remains in the physical possession of the hunter; or

(6) Destroy, tear down, deface or otherwise damage a property posting sign under Title 17-A, section 402, subsection 4.

B. A person may not ~~while hunting any wild animal or wild bird~~:

~~(1) Damage or destroy a tree on another person's land by inserting into that tree any metallic or ceramic object to be used as, or as part of, a ladder or observation stand unless the person has the permission of the landowner;~~

~~(2) Except as provided in this paragraph, erect or use either a portable or permanent ladder or observation stand on the land of another person unless:~~

~~(a) That person has obtained oral or written authorization to erect and use a ladder or observation stand from the landowner or the landowner's representative; and~~

~~(b) The ladder or observation stand is plainly labeled with a 2 inch by 4 inch tag identifying the name and address of the person or persons authorized by the landowner to use the stand or observation ladder.~~

~~This subparagraph does not apply to a portable ladder or observation stand that is located on land within the jurisdiction of the Maine Land Use Planning Commission and attended by the person who owns the ladder or observation stand. For purposes of this subparagraph, "observation stand" does not include a portable blind utilized at ground level that remains in the physical possession of the hunter;~~

~~(3) Tear down or destroy any fence or wall on another person's land;~~

~~(4) Leave open any gate or bars on another person's land;~~

~~(5) Trample or destroy any crop on another person's land; or~~

~~(6) Destroy, tear down, deface or otherwise damage a property posting sign under Title 17-A, section 402, subsection 4.~~

~~C. A person may not while trapping a wild animal:~~

~~(1) Tear down or destroy any fence or wall on another person's land;~~

~~(2) Leave open any gate or bars on another person's land; or~~

~~(3) Trample or destroy any crop on another person's land.~~

Except as otherwise provided, a person may not possess any wild animal or wild bird taken by hunting or trapping in violation of this subsection.

2. Penalty. A person who violates this section commits a Class E crime and may be ordered to pay restitution to the landowner for damages.

Sec. 3. 12 MRSA §10902, sub-§6, ¶G, as amended by PL 2013, c. 280, §3, is further amended to read:

G. Buying or selling moose, unlawfully hunting moose or unlawfully possessing moose, in violation of section 11154, 11217, 11601, 11651-A, 11652, 12302-A, ~~12304-A~~ 12304-B, 12305 or 12403;

Sec. 4. 12 MRSA §10902, sub-§7-A, as enacted by PL 2003, c. 592, §2 and affected by §5 and c. 655, Pt. C, §§5 and 6, is amended to read:

7-A. Hunting with night vision equipment or thermal imaging device. A hunting license of a person convicted of night hunting in violation of section 11206, subsection 1 and found to have been in possession of night vision equipment or a thermal imaging device at the time of the offense must be revoked, and that person is ineligible to obtain a hunting license for a period of 5 years from the date of conviction.

Sec. 5. 12 MRSA §10902, sub-§7-B, as enacted by PL 2017, c. 50, §2, is amended to read:

7-B. Destroying or defacing property posting signs. ~~The hunting and fishing licenses of A license, permit or registration issued by the department in effect at the time~~ a person is convicted of destroying, tearing down, defacing or otherwise damaging a property posting sign in violation of section 10652, subsection 1, paragraph ~~B~~ A must be revoked, and that person is ineligible to obtain ~~a hunting or fishing any license, permit or registration issued by the department~~ for a period of one year from the date of conviction.

Sec. 6. 12 MRSA §11103, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §112 and affected by §422, is further amended to read:

§11103. Convicted felon Prohibition for convicted felons, domestic violence offenders and certain nonviolent juvenile offenders

A person who is prohibited from possessing a firearm under Title 15, section 393, subsection 1, ~~1-A or 1-B~~ is ineligible to obtain or possess any license or permit issued by the department that authorizes a person to hunt with a firearm unless that person possesses a valid permit in accordance with Title 15, section 393, subsection 2.

Sec. 7. 12 MRSA §11217, sub-§2, as repealed and replaced by PL 2013, c. 333, §4, is amended to read:

2. Exception. This subsection provides for exceptions to the prohibitions against the purchase, sale, offer for sale or barter of wild animals and wild birds under this section.

A. A person who has lawfully killed or trapped and registered a bear may sell, without a hide dealer's

license, only the hide, head, teeth, claws not attached to the paws, fat not attached to the meat and gall bladder ~~gallbladder~~ of that animal.

B. A person who has lawfully killed and registered a deer may sell, without a hide dealer's license, only the hide, head, antlers and feet of that animal.

C. A person may sell the head, hide, feet and antlers of a domesticated deer and the meat of a domesticated deer for use as food only in accordance with Title 7, chapter 202.

D. A person who has lawfully killed and registered a moose may sell, without a hide dealer's license, only the hide, head, bones, antlers and feet of that animal.

E. A person may buy or sell, without a hide dealer's license, naturally shed antlers from deer or moose.

F. A person may buy or sell, without a taxidermy license or a hide dealer's license, legally obtained finished wildlife products, excluding federally protected wild animals and wild birds except in accordance with federal law.

G. A person may buy, without a hide dealer's license, for that person's personal use and not for resale, only the teeth, claws not attached to paws, fat not attached to the meat, skull or head and hide of a bear; only the bones, feet and hide of a moose; the skull or head of a deer or moose, excluding antlers; and all other parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3.

H. A person who possesses a valid hide dealer's license may lawfully buy, sell, barter and trade for profit the parts of wild animals under paragraphs A, B and D, lawfully obtained raw, untanned animal hides and any parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3.

Parts permitted to be bought or sold under this subsection may not be attached to any other parts of the wild animals or wild birds that are prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3. Bear ~~gall bladders~~ ~~gallbladders~~ and raw, unfinished deer and moose antlers must be tagged or accompanied with documentation containing the name and address of the person who lawfully killed the animal.

As used in this subsection, "hide dealer's license" means a license issued pursuant to section 12954.

Sec. 8. 12 MRSA §11857, as amended by PL 2013, c. 538, §29, is repealed.

Sec. 9. 12 MRSA c. 915, sub-c. 9-A is enacted to read:

SUBCHAPTER 9-A

UPLAND GAME SPECIES HUNTING

§11871. Unlawful possession of upland game species

1. Daily bag limit. On any given day, a person may not take more than the daily bag limit of an upland game species as established by the commissioner.

2. Possession limit. A person may not possess more than the possession limit of an upland game species as established by the commissioner.

3. Penalty. A person who violates this section commits a Class E crime for which a fine of not less than \$200 plus \$50 for each upland game species taken in violation may be adjudged.

Sec. 10. 12 MRSA §12159, sub-§1, as amended by PL 2011, c. 253, §23, is further amended to read:

1. Prohibition; penalties. Except as provided in this section, a person may not take ~~and~~ or possess reptiles or amphibians from the wild for export, sale or commercial purposes.

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.

Sec. 11. 12 MRSA §12303-A, sub-§1, as enacted by PL 2003, c. 655, Pt. B, §230 and affected by §422, is amended to read:

1. Time limits. Except as provided in subsection 1-A, a person may not keep any of the following unregistered wild animals ~~at home or any place of storage~~ for more than 18 hours after the animal was harvested:

- A. Bear;
- B. Deer;
- C. Moose; or
- D. Wild turkey.

Sec. 12. 12 MRSA §12304-A, as enacted by PL 2003, c. 655, Pt. B, §232 and affected by §422, is repealed.

Sec. 13. 12 MRSA §12304-B is enacted to read:

§12304-B. Condition of animal presented for registration

1. Wild turkey. A person must present a wild turkey in its entirety for registration, except that the viscera may be removed in a manner that permits determination of the sex of the animal.

2. Bear, deer and moose. A person must present a bear, deer or moose for registration as follows.

A. A person shall present a bear, deer or moose in its entirety, including, but not limited to, all edible meat and the head for registration, except that the viscera, hide, lower legs and rib cage, including the ribs, spine and pelvis, are not required to be presented for registration.

B. A bear, deer or moose may be dismembered for ease of transportation.

C. A person shall present evidence of the sex of a bear, deer or moose for registration.

3. Biological samples. The commissioner may require hunters to submit biological samples from wild turkey, bear, deer or moose at the time of registration. The commissioner shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

4. Disposal of parts not presented for registration. A person may not dispose of the parts of a bear, deer or moose not presented for registration where they are visible to a person traveling on a public or private way.

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

Sec. 14. 12 MRSA §12954, sub-§2, ¶A, as repealed and replaced by PL 2013, c. 333, §6, is amended to read:

A. Buy, sell, barter or trade any lawfully obtained bear ~~gall bladders~~ gallbladders, raw unfinished moose antlers or raw unfinished deer antlers;

Sec. 15. 12 MRSA §12954, sub-§4-A, ¶A, as amended by PL 2017, c. 288, Pt. A, §15, is further amended by amending subparagraph (1) to read:

(1) Keep a true and complete record, in such form as is required by the commissioner, to include the names and addresses of persons buying or selling heads, hides, bear fat and bear ~~gall bladders~~ gallbladders; and

Sec. 16. 12 MRSA §12954, sub-§6-A, ¶C, as enacted by PL 2013, c. 333, §9, is amended to read:

C. A person who has lawfully killed or trapped and registered a bear may sell, without a hide dealer's license, only the hide, head, teeth, claws not attached to the paws, fat not attached to the meat and gallbladder of that animal.

Sec. 17. 12 MRSA §12954, sub-§6-A, ¶G, as enacted by PL 2013, c. 333, §9, is amended to read:

G. A person may buy, without a hide dealer's license, for that person's own personal use and not for resale, only the teeth, claws not attached to

paws, fat not attached to the meat, skull or head and hide of a bear; only the bones, feet and hide of a moose; the skull or head of a deer or moose, excluding antlers; and all other parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under section 11217, subsections 1 and 3.

Sec. 18. 12 MRSA §12955, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Issuance. The commissioner may issue a special hide dealer's license to any person who maintains a place of business for the butchering of wild animals within this State. The special hide dealer's license permits a holder ~~commercially~~ to commercially sell or barter the heads or untanned hides of deer or moose or bear that are butchered in the license holder's place of business.

Sec. 19. 12 MRSA §12955, sub-§3, as amended by PL 2005, c. 477, §24, is further amended to read:

3. Expiration. All licenses issued under this section are valid for a period of one year commencing ~~August~~ January 1st and ending December 31st ~~of the year in which the license is issued.~~

Sec. 20. 12 MRSA §13001, sub-§21, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

21. Owner. "Owner" means:

A. For the purpose of registration of a snowmobile, a person holding title to a snowmobile or having ~~exclusive right to the use of a snowmobile for a period greater than 30 days~~ equitable interest in a snowmobile that entitles the person to possession of the snowmobile;

~~B. With respect to~~ For the purpose of registration of a watercraft, a person who claims lawful possession of the holding title to a watercraft by virtue of legal title or having equitable interest therein in a watercraft that entitles the person to possession of the watercraft; or

C. For the purposes of registration of an ATV, a person holding title to an ATV or having equitable interest in an ATV that entitles the person to possession of the ATV.

See title page for effective date.