

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2023

CHAPTER 226
S.P. 538 - L.D. 1319

An Act to Exempt Certain Boat Operators from Having to Become Maine Guides

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the economy of the State is reliant on many seasonal businesses that are open only a limited number of months during the calendar year; and

Whereas, if the business of a seasonal business is disrupted, even for a brief period of time, it can be financially disastrous for the business due to the condensed period of time for the business to garner revenue; and

Whereas, the business season for a summer seasonal business will be over before the expiration of the 90-day period; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §12853, sub-§7, ¶D is enacted to read:

D. A person who has satisfactorily completed a boater safety education course under section 13063 and is certified in first aid under subsection 4, paragraph C may, without a guide license, operate a watercraft in the course of employment with a seasonal business engaged in recreational tow-sport activities if that seasonal business was engaged in recreational tow-sport activities during the 2022 season. This paragraph is repealed January 15, 2024.

Sec. 2. Review. The Department of Inland Fisheries and Wildlife shall establish a stakeholder group to examine the guide requirements for recreational sports.

Sec. 3. Stakeholder group. The Department of Inland Fisheries and Wildlife shall ensure that the stakeholder group established under section 2 is as broadly representative of interested parties and groups as possible and shall invite participation from at least the following: the Maine Professional Guides Association, the Maine Marine Trades Association and governmental and nongovernmental organizations related to recreational tow sports in this State.

Sec. 4. Report. The Department of Inland Fisheries and Wildlife shall report the findings and recommendations of the stakeholder group established under section 2 to the Joint Standing Committee on Inland Fisheries and Wildlife no later than January 15, 2024. The committee may report out a bill related to recreational guide requirements to the Second Regular Session of the 131st Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 20, 2023.

CHAPTER 227
S.P. 54 - L.D. 115

An Act to Protect Minors from Exploitation by Adults for Violation of Privacy

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

Sec. 1. 17-A MRSA §511, sub-§1, ¶C, as amended by PL 2021, c. 373, §1, is further amended to read:

C. Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein any device for observing, photographing, hearing, recording, amplifying or broadcasting images or sounds originating in that place that would not ordinarily be visible, audible or comprehensible outside that place; or

Sec. 2. 17-A MRSA §511, sub-§1, ¶D, as enacted by PL 1997, c. 467, §1, is amended to read:

D. Engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, or record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance;

Sec. 3. 17-A MRSA §511, sub-§1, ¶E is enacted to read:

E. Violates paragraph A, B, C or D and the other person subject to a violation of privacy has not in fact attained 16 years of age; or

Sec. 4. 17-A MRSA §511, sub-§1, ¶F is enacted to read:

F. Violates paragraph A, B, C or D for the purpose of arousing or gratifying the sexual desire of that person or another person, and the person subject to

a violation of privacy has not in fact attained 16 years of age.

Sec. 5. 34-A MRSA §11273, sub-§14, ¶C-1 is enacted to read:

C-1. Title 17-A, section 511, subsection 1, paragraph F:

See title page for effective date.

**CHAPTER 228
S.P. 70 - L.D. 131**

**An Act to Clarify and Correct
Inland Fisheries and Wildlife
Laws**

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

Sec. 1. 12 MRSA §10107-A, as enacted by PL 2011, c. 381, §3, is repealed.

Sec. 2. 12 MRSA §10206, sub-§11, as enacted by PL 2015, c. 245, §1, is amended to read:

11. Species Fish and Wildlife Management Education Fund. The department shall deposit \$1 of every hunting license and trapping license fee collected pursuant to sections 11109, 11109-A and 12201 in a separate account within the department, to be known as the ~~Species Fish and Wildlife Management Education~~ Fund. The fund is nonlapsing. The department shall use money in the fund on an annual basis to educate the public on the management of game species of fish and wildlife and to communicate with the public about department programs. The department may contract with a private entity to provide this education. Education provided pursuant to this section ~~must~~ may include information about how hunting and fishing ~~helps~~ help to manage specific species. The department may continue its activities pursuant to this subsection during ballot initiative campaigns concerning fish and wildlife issues.

Sec. 3. 12 MRSA §10260, as corrected by RR 2015, c. 1, §6, is amended to read:

§10260. Black Bear Research and Management Fund

The Black Bear Research and Management Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding ~~studies related to research on and~~ the management of black bears. Revenue from the nonresident late season bear hunting permit under section 11151-A and the bear trapping permit under section 12260-A must be deposited in the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held

separate and apart from all other money, funds and accounts.

Sec. 4. 12 MRSA §10703, sub-§7, ¶D, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

D. The failure of a person to comply with the duty to submit to and complete a chemical test under section 10702, subsection 1 is admissible in evidence on the issue of whether that person was under the influence of intoxicating liquor or drugs. If the law enforcement officer having probable cause to believe that the person hunted wild animals or wild birds or operated or attempted to operate a watercraft, snowmobile or ATV while under the influence of intoxicating liquor or drugs fails to give either of the warnings required under subsection 2, the failure of the person to comply with the duty to submit to a chemical test is not admissible, ~~except when a test was required pursuant to subsection 11.~~ If a failure to submit to and complete a chemical test is not admitted into evidence, the court may inform the jury of the fact that a test result is not available.

Sec. 5. 12 MRSA §10703, sub-§11, as amended by PL 2011, c. 253, §8, is repealed.

Sec. 6. 12 MRSA §10853, sub-§8, as amended by PL 2017, c. 164, §5, is further amended to read:

8. Members of federally recognized Indian nation, band or tribe. The commissioner shall issue a hunting, trapping and fishing license, including an archery hunting license under this chapter, and including all permits, stamps and other permission needed to hunt, trap and fish, to a person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs that is valid for the life of that person without any charge or fee pursuant to section 11109, if the person presents certification from the respective appropriate reservation chief or governor or the Aroostook Micmac Council stating that the person described is an enrolled member of a federally recognized Indian nation, band or tribe listed in this subsection. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. Members of a federally recognized Indian nation, band or tribe listed in this subsection are exempt from the trapper ~~evaluation~~ education program required for a license under section 12201, the bear trapping education course required by section 12260-A, subsection 4 and the archery hunter education course under section 11106. A license holder under this subsection who qualifies to hunt during the special season on deer under section 11153 and 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.