

# 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.**

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**Augusta, Maine**  
**2023**

(3) Determine whether a Medicare rate is available for the service and whether the Medicare rate represents the most appropriate benchmark and payment model;

(4) In the absence of a Medicare rate, determine whether a rate from a non-Medicare payer source, including, but not limited to, commercial health care rates in the State or other states' Medicaid rates, is available for the service and whether this alternate payer rate represents the most appropriate benchmark and payment model. The department shall determine an appropriate percentage of the benchmark rate for the service, taking into consideration the findings of the benchmarking report conducted in accordance with paragraph B;

(5) Conduct a rate study for every service for which a benchmark rate or payment model in accordance with subparagraph (3) or (4) either is unavailable or is inconsistent with the goals of efficiency, economy and quality of care to support member access. Each rate study must include the following:

(a) A review of data, which must include:

(i) An assessment as to whether the delivery of service and associated requirements have changed since the previous rate study, if available, to determine if the rate methodology needs to be revised;

(ii) The collection of data on provider costs and cost-related aspects of the delivery of service and associated requirements through existing cost reports, provider surveys and other available data sources; and

(iii) Research on any available national models or best practices regarding cost-related aspects of the delivery of service and associated requirements; and

(b) Developing or updating rates by considering the following:

(i) The appropriateness of adoption of a change in payment model consistent with the purposes of this section;

(ii) The current rate assumptions and their appropriateness given current provider costs, best practices or changes in the delivery of service and associated requirements;

(iii) The findings for related services of any comprehensive benchmarking report under paragraph B; and

(iv) The degree to which services are dependent on MaineCare reimbursement, including, but not limited to, cost factors, such as average wage, that may be reflective of restraints of MaineCare reimbursement versus costs of the broader marketplace; and

(6) Upon completion of the rate determination process, present the department's rationale and recommendations for rate methodology, resulting base rate amount and payment model for public comment prior to the rule-making process; convene a meeting of interested providers and other interested members of the public to discuss the recommendations and hear comments; and respond in writing to comments with an explanation of whether and how feedback was incorporated into the final rate determination; and

See title page for effective date.

**CHAPTER 239**

**H.P. 1204 - L.D. 1879**

**An Act to Align Laws  
Governing Crossbow Hunting  
with Those Governing Archery  
Hunting**

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

**Sec. 1. 12 MRSA §1801, sub-§1-A** is enacted to read:

**1-A. Archery equipment.** "Archery equipment" has the same meaning as in section 10001, subsection 3-B.

**Sec. 2. 12 MRSA §1806, sub-§4, ¶F,** as enacted by PL 2001, c. 604, §6, is amended to read:

F. Discharges any firearm, ~~bow and arrow~~ archery equipment, weapon powered by carbon dioxide cartridges or other weapon within 300 feet of any picnic area, designated camping area, parking area, building, shelter or boat launching site or in violation of park rules or in areas closed to hunting by rule, law or ordinance;

**Sec. 3. 12 MRSA §10001, sub-§3-B** is enacted to read:

**3-B. Archery equipment.** "Archery equipment" means a bow or crossbow.

**Sec. 4. 12 MRSA §10001, sub-§28-A**, as enacted by PL 2019, c. 325, §1, is amended to read:

**28-A. Hand-held bow or bow.** "Hand-held bow" or "bow" means a device for propelling an arrow by means of vertical 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. 5. 12 MRSA §10001, sub-§33, ¶B**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. Archery equipment that is permitted under the hunting laws governing archery, ~~including, but not limited to, recurved bows and compound bows.~~

**Sec. 6. 12 MRSA §10108, sub-§6**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**6. Archery hunting education program.** The commissioner shall establish a program for training individuals in safe and responsible archery hunting skills and behavior. This program includes instruction ~~in~~ on all types of archery equipment, fisheries and wildlife laws, rights of landowners and hunters and appropriate principles of wildlife management. The commissioner may charge an enrollment fee of up to \$10 per person to help defray the costs of this program. The commissioner may cooperate with any public or private association dedicated to responsible and safe archery hunting to establish this program.

In establishing the program, the commissioner shall:

- A. Prescribe the qualifications of instructors;
- B. Provide liability insurance for each instructor authorized by the commissioner to conduct training under the program protecting that person from liability for damages during the time when instruction is being given. The cost of this insurance must be borne by the State and charged against funds credited to the department;
- C. Prescribe the type and length of instruction and the time and place of examinations; and
- D. Issue a certificate of competency to individuals who successfully complete the examination.

**Sec. 7. 12 MRSA §10108, sub-§6-A**, as enacted by PL 2005, c. 419, §1 and affected by §12, is repealed.

**Sec. 8. 12 MRSA §10501, sub-§9, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

C. The hunting equipment is carried in at least 2 separate pieces in such a manner that it ~~can not~~ cannot be fired, unless the separate pieces are joined together. For the purpose of this subsection, a clip,

magazine or cylinder of a firearm may not be considered a piece of the hunting equipment. ~~Bows and arrows~~ Archery equipment must be kept in a case or cover if broadheads or field points are kept attached to the arrows or bolts.

**Sec. 9. 12 MRSA §10502, sub-§2, ¶B**, as amended by PL 2013, c. 538, §1, is further amended to read:

B. A firearm or archery equipment, ~~including crossbows~~, seized in connection with a violation of:

- (1) Section 11206;
- (2) Section 10902, subsection 6;
- (3) Section 10752, subsection 6, paragraph B and section 10902, subsection 4, paragraphs A and B; or
- (4) Section 10906;

**Sec. 10. 12 MRSA §10657, sub-§3**, as enacted by PL 2007, c. 334, §1, is amended to read:

**3. Definition.** For the purposes of this section, "projectile" means a bullet, pellet, shot, shell, ball, arrow, bolt or other object propelled or launched from a firearm ~~or a bow, crossbow~~ archery equipment or similar tensile device.

**Sec. 11. 12 MRSA §10851, sub-§1, ¶D**, as amended by PL 2019, c. 325, §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. 12. 12 MRSA §10952**, as amended by PL 2019, c. 637, §1, is further amended to read:

**§10952. Open seasons for hunting with ~~bow and arrow and crossbow~~ archery equipment**

**1. Hunting with a ~~bow and arrow or a crossbow~~ archery equipment.** ~~A person may, except~~ Except as otherwise provided in this Part, section 11404, a person may hunt any wild bird or wild animal with a ~~hand-held bow and arrow~~ archery equipment during any open season on that bird or animal if the person holds a valid

archery hunting license and may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a crossbow during any open season on that bird or animal if the person holds a valid archery license or any hunting license that is not a junior hunting license or an apprenticeship hunter license and a valid crossbow permit.

**Sec. 13. 12 MRSA §10953**, as amended by PL 2021, c. 599, §§3 to 7, is repealed.

**Sec. 14. 12 MRSA §11106, sub-§1**, as amended by PL 2015, c. 281, Pt. D, §1 and c. 301, §10, is further amended to read:

**1. Age requirement.** A person is eligible to obtain an archery hunting license as provided in this section.

A. A resident or nonresident 16 years of age or older who has satisfied the requirements of subsection 2 or holds an apprenticeship hunter license, or who is exempt under subsection 3, may obtain an archery hunting license to hunt with ~~bow and arrow~~ archery equipment in accordance with section 10952 from the commissioner or the commissioner's authorized agent.

B. A resident or nonresident under 16 years of age may hunt with ~~bow and arrow~~ archery equipment if that person holds a valid junior hunting license.

Beginning January 1, 2016, for those persons who obtain a junior hunting license and turn 16 years of age during the same calendar year, the archery hunting license is 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.

**Sec. 15. 12 MRSA §11106, sub-§2**, as repealed and replaced by PL 2013, c. 588, Pt. A, §12, is amended to read:

**2. Archery hunter education requirements.** Except as provided in paragraph A and subsection 3, a person who applies for an archery hunting license other than a junior hunting license or an apprenticeship hunter license must submit proof of having successfully completed an archery hunter education course as described in section 10108 or an equivalent archery hunter education course or satisfactory evidence of having previously held a valid adult archery hunting license issued specifically for the purpose of hunting with bow and arrow in this State or any other state, province or country in any year after 1979 or satisfactory evidence of previously holding a crossbow permit issued in this State as of December 31, 2023.

When proof or evidence cannot be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult archery hunting license or has successfully completed the required archery hunter education course.

A. 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 Miamaes~~ Mi'kmaq Nation who presents certification from the respective reservation governor or the ~~Aroostook Miamae~~ Mi'kmaq Nation Tribal Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this paragraph is exempt from the requirements of this subsection.

**Sec. 16. 12 MRSA §11108, sub-§1**, as repealed and replaced by PL 2015, c. 494, Pt. A, §6, is amended to read:

**1. On certain land.** Notwithstanding section 11109, subsection 1 as it applies to this subchapter, and subject to all other applicable laws and rules, a resident and a member of the resident's immediate family, as long as the hunter's license to hunt is not under suspension or revocation, may hunt without a license, including, but not limited to, an archery hunting license, ~~a crossbow permit~~ and a muzzle-loading permit, on a single plot of land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled;
- C. That is used exclusively for agricultural purposes; and
- D. That is in excess of 10 acres.

**Sec. 17. 12 MRSA §11109, sub-§8**, as amended by PL 2015, c. 281, Pt. E, §5, is repealed.

**Sec. 18. 12 MRSA §11109, sub-§9**, as amended by PL 2017, c. 427, §9 and affected by §19, is repealed.

**Sec. 19. 12 MRSA §11162**, as amended by PL 2019, c. 637, §4 to 8, is repealed.

**Sec. 20. 12 MRSA §11208**, as amended by PL 2013, c. 538, §25, is further amended to read:

**§11208. Unlawful shooting or discharge of firearm, ~~bow and arrow or crossbow~~ or archery equipment**

**1. Shooting or discharge of firearm, ~~bow and arrow or crossbow~~ or archery equipment over or near public paved way.** A person may not:

- A. Shoot at any wild animal or wild bird from any public paved way or within 10 feet of the edge of the pavement of the public paved way or from within the right-of-way of any controlled access highway;
- B. Discharge any firearm, ~~bow and arrow or crossbow~~ archery equipment over a public paved way; or

C. Possess any wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part.

This subsection does not prohibit a person who has a valid permit to carry a concealed weapon from possessing that weapon on or near a public paved way as long as it is not used for shooting at wild animals or wild birds or discharged in violation of this subsection.

**2. Penalty.** A person who violates subsection 1 commits a Class E crime.

**Sec. 21. 12 MRSA §11209**, as amended by PL 2021, c. 74, §§1 and 2, is further amended to read:

**§11209. Discharge of firearm, ~~crossbow or bow and arrow~~ archery equipment near dwelling or building**

**1. Prohibition.** A person may not:

A. Unless a relevant municipal ordinance provides otherwise and except as provided in ~~subsections 3 and subsection 4~~ and sections 12401 and 12402, discharge a firearm, including a muzzle-loading firearm, ~~or crossbow~~ or cause a projectile to pass as a result of that discharge within 100 yards of a building or residential dwelling without the permission of the owner or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner;

A-1. Except as provided in sections 12401 and 12402:

(1) Discharge an arrow ~~from a bow and arrow~~ or a bolt from archery equipment when on land of another person and within 100 yards of a building or residential dwelling on that land without the permission of the owner of that building or residential dwelling or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner; or

(2) Cause an arrow ~~from a bow and arrow~~ or a bolt from archery equipment to pass across the land of another person and within 100 yards of a building or residential dwelling on that land without the permission of the owner of that building or residential dwelling or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner; or

B. Possess a wild animal or wild bird taken in violation of this subsection, except as otherwise provided in this Part.

This subsection may not be construed to prohibit a person from killing or taking a wild animal in accordance with sections 12401 and 12402.

For purposes of this section, "building" means any residential, commercial, retail, educational, religious or farm structure that is designed to be occupied by people or domesticated animals or is being used to shelter machines or harvested crops.

For purposes of this section, "projectile" means a bullet, pellet, shot, shell, ball, ~~bolt~~ or other object propelled or launched from a firearm ~~or crossbow~~.

**2. Penalty.** A person who violates subsection 1 commits a Class E crime.

~~**3. Target practice; crossbow.** Unless otherwise prohibited, a landowner or the landowner's invitee may discharge a crossbow for recreational target practice purposes on the landowner's property within 100 yards of a building or residential dwelling without the permission of the owner of that building or dwelling. Nothing in this subsection authorizes a landowner or the landowner's invitee to cause a projectile discharged from a crossbow to enter property owned by another person.~~

**4. Sport shooting ranges.** Unless otherwise prohibited, a person may discharge a firearm on a sport shooting range as defined in Title 30-A, section 3011, subsection 1 that is within 100 yards of a building if the sport shooting range was established and in regular operation prior to the erection of the building.

**Sec. 22. 12 MRSA §11212-A**, as amended by PL 2019, c. 325, §4, is further amended by amending the section headnote to read:

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

**Sec. 23. 12 MRSA §11212-A, sub-§3, ¶B**, as enacted by PL 2017, c. 176, §2, is amended to read:

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~~ archery equipment or rest a loaded firearm or ~~crossbow~~ archery equipment 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.

**Sec. 24. 12 MRSA §11212-A, sub-§3, ¶C**, as enacted by PL 2017, c. 176, §2, is amended to read:

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~~ archery equipment or rest a loaded firearm or ~~crossbow~~ archery equipment 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.

**Sec. 25. 12 MRSA §11213-A, sub-§2,** as amended by PL 2005, c. 94, §1, is further amended to read:

**2. Shoot within area of another person's decoys.** A person may not with a firearm, ~~a bow and arrow or a crossbow~~ or archery equipment shoot within an area encompassed by a set of another person's migratory waterfowl or wild turkey decoys, including the area 50 yards away from the outer perimeter of the set of decoys.

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. 26. 12 MRSA §11214, sub-§1, ¶N,** as amended by PL 2015, c. 301, §16, is further amended to read:

N. Hunt a wild animal or wild bird by any method other than by the usual method of shooting with a firearm not larger than number 10-gauge, shooting with ~~a hand-held bow and arrow or shooting with a crossbow~~ archery equipment or by falconry;

**Sec. 27. 12 MRSA §11214, sub-§1, ¶O,** as amended by PL 2015, c. 301, §16, is further amended to read:

O. Possess a wild animal or wild bird taken in violation of this section, except as otherwise provided in this Part; ~~or~~

**Sec. 28. 12 MRSA §11214, sub-§1, ¶P,** as enacted by PL 2015, c. 301, §17, is amended by amending subparagraph (3) to read:

(3) The arrowhead, including mechanical broadheads when open, is at least 7/8 inch in width; ~~or~~

**Sec. 29. 12 MRSA §11214, sub-§1, ¶Q** is enacted to read:

Q. Use a crossbow to hunt unless:

(1) The crossbow has a shoulder-type stock. A hand-held pistol-type crossbow may not be used;

(2) The draw weight of the crossbow is 100 pounds or more;

(3) For hunting deer, bear and moose, the arrowhead, including a mechanical broadhead when open, is at least 7/8 inch in width; and

(4) The crossbow is equipped with a mechanical trigger safety device in working condition.

A crossbow arrow that has an explosive or poisonous tip may not be used.

The crossbow may be equipped with a scope or sight.

**Sec. 30. 12 MRSA §11223, sub-§1,** as amended by PL 2005, c. 477, §11, is further amended to read:

**1. Duty.** A person who knows or has reason to know that that person has inflicted injury or may have inflicted injury on another person by the use of a firearm, ~~bow and arrow or crossbow~~ or archery equipment shall:

A. Make that person known to the victim;

B. Render first aid and assistance as that person is capable of rendering under the circumstances; and

C. Give notice of the event by the quickest means to a game warden or, in the event that a game warden ~~can not~~ cannot be contacted, to the law enforcement officer nearest the place where the event occurred.

**Sec. 31. 12 MRSA §11402, sub-§3, ¶G,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

G. The whole of Cranberry Isles in Hancock County, except that a person may hunt deer in the Cranberry Isles with a shotgun or ~~archery equipment~~ bow in accordance with applicable laws and rules; and

**Sec. 32. 12 MRSA §11403,** as amended by PL 2021, c. 599, §12, is further amended to read:

**§11403. Regular archery-only deer hunting season**

**2. Open archery season on deer.** The commissioner shall by rule establish a regular archery season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 11401, subsection 1, paragraph A, for the purpose of hunting deer with ~~bow and arrow or crossbow~~ archery equipment. During the regular archery season on deer the following restrictions apply.

A. A person may not take a deer during a regular archery season unless that person uses a hand-held bow and broadhead arrow in accordance with section 11214, subsection 1, paragraph P or a crossbow in accordance with section ~~10953, subsection 3~~ 11214, subsection 1, paragraph Q.

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

C. Except as provided in section 11109-A, subsection 3, if a person takes a deer with ~~bow and arrow or crossbow~~ archery equipment during the regular archery season on deer, that person is precluded from further hunting for deer during that year except as otherwise provided in law or rule.

D. Except as provided in this subsection, the provisions of this Part concerning deer are applicable to the taking of deer with ~~bow and arrow and crossbow~~ archery equipment, including the transportation, registration and possession of deer taken by these methods.

A person who violates this subsection commits a Class E crime.

**Sec. 33. 12 MRSA §11952, sub-§1, ¶B**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. Hunt wild hares or rabbits in any manner except by the ordinary method of shooting with guns ~~or shooting with a long bow and arrow~~, archery equipment or by falconry.

**Sec. 34. 12 MRSA §12506, sub-§7**, as enacted by PL 2003, c. 655, Pt. B, §253 and affected by §422, is amended to read:

**7. Other harvesting methods for suckers.** Notwithstanding subsection 1, a person licensed or otherwise entitled to fish in Maine waters may take suckers for that person's use in all rivers, brooks and streams that are open to fishing between April 1st and June 30th of each calendar year by the use of a hand spear, by ~~bow and arrow~~ archery equipment or by snagging.

A. A person may not use a ~~bow and arrow~~ archery equipment to harvest suckers unless the arrow or bolt used has a barbed or pronged point and the arrow or bolt is attached to the ~~bow~~ archery equipment with a line.

B. The following penalties apply to violations of paragraph A.

(1) A person who violates paragraph A commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) 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.

See title page for effective date.

**CHAPTER 240  
S.P. 784 - L.D. 1922**

**An Act to Allow Bargaining Agents for Public Sector Unions to Merge**

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

**Sec. 1. 26 MRSA §967, sub-§3** is enacted to read:

**3. Merger of bargaining agents.** Two or more bargaining agents who are certified by the executive director of the board and who are members or affiliates of the same public employee organization may elect to merge. Bargaining agents seeking to merge shall file with the executive director of the board, or a designee, a petition describing the proposed merger. On receipt of a petition under this subsection, the executive director of the board shall conduct an election among the employees represented by the petitioning bargaining agents in which the only question on the ballot is the proposed merger of the bargaining agents. On an affirmative vote of the majority of the employees represented by each petitioning bargaining agent, the executive director of the board shall order the merger. After a merger is ordered, the parties to a contract in which one party to that contract is one of the merged bargaining agents shall honor the terms of the contract unless the public employer and the merged bargaining agent agree to different terms.

See title page for effective date.

**CHAPTER 241  
H.P. 1230 - L.D. 1925**

**An Act to Clarify and Improve the Laws Relating to the Background Check Center and the Maine Certified Nursing Assistant and Direct Care Worker Registry**

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

**Sec. 1. 22 MRSA §1812-G, sub-§1-B, ¶E**, as enacted by PL 2015, c. 196, §9, is amended to read:

E. "Disqualifying offense" means a substantiation for abuse, neglect or ~~exploitation~~ misappropriation of property, or a criminal conviction identified in rules adopted by the department that prohibits employment as a certified nursing assistant or a direct care worker in accordance with subsection 2-C.

**Sec. 2. 22 MRSA §1812-G, sub-§1-B, ¶F**, as enacted by PL 2015, c. 196, §9, is amended to read: