TITLE 12

CONSERVATION

PART 1

SOIL AND WATER CONSERVATION

CHAPTER 1

SOIL AND WATER CONSERVATION DISTRICTS

SUBCHAPTER 1

GENERAL PROVISIONS

§1. Short title

This chapter may be known and cited as the "Soil and Water Conservation Districts Law." [RR 1993, c. 1, §32 (COR).]

SECTION HISTORY

PL 1965, c. 190, §1 (AMD). RR 1993, c. 1, §32 (COR).

§2. Policy

Conservation of soil and water resources may involve adjustments in land and water use and the development, improvement and protection of these resources under various combinations of use. It is declared to be the policy of the Legislature to provide for and encourage the optimal use of the State's agricultural resources, to insure the availability of appropriate soil and water resources for the production of food and other renewable resources, to provide for the conservation of the soil and soil and water resources of this State, and for the control and prevention of soil erosion, and thereby to preserve natural resources and maintain the economic base for the State's natural resource industries, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and protect and promote the health, safety and general welfare of the people of this State. [PL 1985, c. 482, §3 (AMD).]

SECTION HISTORY

PL 1985, c. 482, §3 (AMD).

§3. Definitions

Wherever used or referred to in this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings. [PL 1979, c. 541, Pt. A, §114 (AMD).]

1. Commission.

[PL 1995, c. 532, §4 (RP).]

1-A. Department. "Department" means the Department of Agriculture, Conservation and Forestry.

[PL 1995, c. 532, §5 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

2. District or soil and water conservation district. "District" or "soil and water conservation district" means an agency of the State, and a body corporate and politic, organized in accordance with this chapter, for the purposes, with the powers, and subject to the restrictions set forth.
[PL 1965, c. 190, §2 (AMD).]

3. Due notice. "Due notice" means notice published at least twice, with an interval of 6 days, in a newspaper or other publication of general circulation within the appropriate area, as well as notice through the United States mail, in the name of the district, directed to all affected property owners as their names shall appear on the tax records, except that in the event that land occupiers shall be domiciled in states or territories other than the State of Maine, then such land occupiers shall be notified by registered mail at their last known address. At any hearing held pursuant to such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

4. Land occupier. "Land occupier" or "occupier of land" includes any person, firm or corporation who shall hold title to, or shall be in possession of, any lands lying within a district organized under this chapter, whether as owner, lessee, renter, tenant or otherwise.
[PL 1983, c. 99, §1 (AMD).]

5. Supervisor. "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with this chapter.
[PL 1969, c. 477, §1 (AMD).]

SECTION HISTORY

PL 1965, c. 190, §2 (AMD). PL 1969, c. 477, §1 (AMD). PL 1979, c. 541, §A114 (AMD). PL 1983, c. 99, §1 (AMD). PL 1995, c. 532, §§4,5 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§4. Limitation of authority

The powers and duties conferred upon the Department of Agriculture, Conservation and Forestry or the soil and water conservation districts under this chapter shall not infringe upon or impair in any way the rights of any owner of riparian lands located upon, or any rights heretofore or hereafter granted by the Legislature to any person, firm, corporation, association, public or quasi-public body to use or take the water in or from, any lake, pond, river, stream, brook or any other body of water located wholly or partly in the State of Maine. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1965, c. 190, §3 (AMD). PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§5. Cooperation of state agencies

Agencies of this State which shall have jurisdiction over, or be charged with the administration of, any publicly owned lands, lying within the boundaries of any district organized under this chapter, shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors. Public lands used for research purposes shall comply with this section only to the extent that it does not interfere with existing research work.

§6. Powers of districts and supervisors

A soil and water conservation district organized under this chapter shall constitute an agency of the State and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this chapter: [PL 1965, c. 190, §4 (AMD).]

1. Preventive and control measures; flood prevention. To carry out preventive and control measures and works of improvement for flood prevention, or the conservation, development, utilization

and disposal of water within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands;

2. Agreements. To cooperate, or enter into agreements with, and within the limits of appropriations or other funds duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district, in the carrying on of erosion control and prevention operations and works of improvement for flood prevention and the conservation, development, utilization and disposal of water within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter;

3. Options, purchase, sale, etc. of property. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest or devise, any property, real or personal, or rights or interests therein, after consultation with town, city and county officials; all such property shall be exempt from taxation by the State or any subdivisions or agencies thereof; to maintain, administer and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease or otherwise dispose of any of its real and personal property or interests therein in furtherance of the purposes and provisions of this chapter;

4. Equipment and machinery made available. To make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, and such other equipment or material, as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion, and for flood prevention or the conservation, development, utilization and disposal of water;

5. Construct and maintain structures. To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter;

6. Plans. To develop comprehensive plans for the conservation of soil resources, for the control and prevention of soil erosion, and for flood prevention or the conservation, development, utilization and disposal of water within the district, which plans shall specify in such detail as may be possible the acts, procedures, performances and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices and changes in use of land; and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

7. Agent for federal and state agencies; accept gifts; contracts. To act as agent for the United States or any of its agencies, or for this State or any of its agencies, in connection with the acquisition, construction, operation or administration of any project for soil conservation, erosion control, erosion prevention, flood prevention or for the conservation, development, utilization and disposal of water within its boundaries; to accept donations, gifts and contributions in money, services, materials or otherwise from the United States or any of its agencies; or from this State or any of its agencies, and to use or expend such moneys, services, materials or other contributions in carrying on its operations; and to enter into contracts or negotiations with any and all federal agencies having responsibility for the distribution of surplus war or other materials suitable for utilization in soil conservation or water conservation projects for the use thereof; to enter into contracts and negotiate with any agency of the United States Government in any plan related to soil conservation, flood prevention, or the conservation, development, utilization and disposal of water;

8. Sue and be sued; seal; borrow money. To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; to

borrow money and to execute promissory notes, bonds and other evidences of indebtedness in connection therewith; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this chapter, to carry into effect its purposes and powers;

9. Supervisors may require contributions. As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the supervisors may require contributions in money, services, materials or otherwise to any operations conferring such benefits, and may require land occupiers to enter into such agreements as to the permanent use of such lands as will tend to prevent or control erosion thereon;

10. Cooperate with other districts. To cooperate with any other district organized under this chapter in the exercise of any or all powers conferred in this chapter.

Provisions with respect to the acquisition, operation or disposition of property by other public bodies shall not be applicable to a district organized hereunder unless the Legislature shall specifically so state.

SECTION HISTORY

PL 1965, c. 190, §4 (AMD).

§6-A. Farmland registration

In addition to the powers assigned in section 6, a soil and water conservation district shall review applications for the registration of farmland pursuant to Title 7, chapter 2-B. The district shall, by majority vote of the supervisors, certify whether the land described in the application: [PL 1989, c. 478, §2 (NEW).]

1. Acreage. Consists of 5 or more contiguous acres;
[PL 1989, c. 478, §2 (NEW).]

2. Farm products. Includes only land used in the production of farm products, as defined in Title 7, section 52, subsection 3-A, in one of the 2, or 3 of the 5, calendar years preceding the date of application for registration under Title 7, chapter 2-B;
[RR 2011, c. 2, §7 (COR).]

3. Relationship to boundary established. Is within 50 feet of any property boundary and that the application includes a depiction of the distance between any area producing farm products under consideration and any property boundary within 50 feet that is sufficient to determine the impact of Title 7, section 56, subsection 1-A on abutting land; and
[RR 2011, c. 2, §7 (COR).]

4. Renewal. For farmland registered within the time frame provided under section 53-B, subsection 1, continues to meet the eligibility requirements of Title 7, section 53-A that were in effect at the time the land was registered.
[PL 2011, c. 608, §18 (NEW).]

A district shall complete its review under this section within 60 days of receiving an application.
[PL 2011, c. 608, §18 (AMD).]

SECTION HISTORY

PL 1989, c. 478, §2 (NEW). PL 2007, c. 649, §6 (AMD). RR 2011, c. 2, §7 (COR). PL 2011, c. 608, §18 (AMD).

§7. Discontinuance of districts

At any time after 5 years after the organization of a district under this chapter, any 25 occupiers of land lying within the boundaries of such district may file a petition with the State Department of Agriculture, Conservation and Forestry requesting that the operations of the district be terminated and

the existence of the district discontinued. Upon receipt of the petition for the discontinuance of a district, the Department of Agriculture, Conservation and Forestry shall conduct such public hearings and referenda as may be necessary to assist it in the consideration thereof. In conducting such hearings and referenda, the Department of Agriculture, Conservation and Forestry shall adhere substantially to the same procedures and give weight to each of the considerations set forth in section 101, as were followed in the organization of such districts. The Department of Agriculture, Conservation and Forestry may not determine that the continued operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of such district. [PL 1965, c. 190, §5 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

The State Department of Agriculture, Conservation and Forestry shall not entertain petitions for the discontinuance of any district nor conduct referenda upon such petitions nor make determinations pursuant to such petitions in accordance with this chapter, more often than once in 5 years. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1965, c. 190, §§5,6 (AMD). PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

SUBCHAPTER 2

SOIL AND WATER CONSERVATION

§51. Membership; seal; rules

(REPEALED)

SECTION HISTORY

PL 1965, c. 190, §7 (AMD). PL 1967, c. 280 (AMD). PL 1967, c. 494, §10 (AMD). PL 1967, c. 544, §20 (AMD). PL 1969, c. 477, §1 (AMD). PL 1973, c. 460, §18 (AMD). PL 1973, c. 513, §22 (AMD). PL 1975, c. 172 (RPR). PL 1975, c. 770, §61 (AMD). PL 1983, c. 99, §2 (AMD). PL 1983, c. 812, §71 (AMD). PL 1987, c. 578 (AMD). PL 1989, c. 503, §B54 (AMD). PL 1991, c. 837, §A28 (AMD). PL 1995, c. 532, §7 (RP).

§51-A. Advisory council established

The State Conservation District Advisory Council, as established by Title 5, section 12004-I, subsection 68-A, advises the commissioner on matters affecting the operations and responsibilities of soil and water conservation districts. The State Conservation District Advisory Council consists of one representative from each of the soil and water conservation districts. The president and vice-president of the Maine Association of Conservation Districts and the State Conservationist of the United States Department of Agriculture, Natural Resources Conservation Service shall serve as ex officio, nonvoting members. The president and vice-president of the Maine Association of Conservation Districts shall also serve as chair and vice-chair. The advisory council shall: [PL 1995, c. 532, §8 (NEW).]

1. Formulation of budget. Consult with the commissioner regarding the formulation of that part of the department's budget that pertains to the operations of the soil and water conservation districts;
[PL 1995, c. 532, §8 (NEW).]

2. Procedures for election of supervisors. Advise the Department of Agriculture, Conservation and Forestry on the appointment of soil and water conservation district supervisors and on procedures for the election of supervisors;
[PL 1995, c. 532, §8 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

3. Consult in areas of expertise. Regularly consult with the Department of Agriculture, Conservation and Forestry on matters in which the soil and water conservation districts have individual or collective expertise, including agriculture, forestry, water quality, economic and community development and the protection of landowner rights;
[PL 1995, c. 532, §8 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

4. Distribution of grant money. Advise the department on procedures for the distribution of federal, state or private grant money that passes through the department and is intended for the work of soil and water conservation districts; and
[PL 1995, c. 532, §8 (NEW).]

5. Conservation districts. Advise the department regarding the formation or discontinuance of soil and water conservation districts.
[PL 1995, c. 532, §8 (NEW).]

SECTION HISTORY

PL 1995, c. 532, §8 (NEW). PL 2011, c. 657, Pt. W, §5 (REV).

§51-B. Assistance from department

The department shall assist the advisory council and individual soil and water conservation districts to further constructive working relationships with other natural resource agencies of State Government.
[PL 1995, c. 532, §9 (NEW).]

SECTION HISTORY

PL 1995, c. 532, §9 (NEW).

§52. Legal services; executive director; delegation of powers

(REPEALED)

SECTION HISTORY

PL 1969, c. 477, §§1,2 (AMD). PL 1971, c. 594, §§17-A (AMD). PL 1973, c. 537, §16 (AMD). PL 1979, c. 732, §19 (AMD). PL 1991, c. 837, §A29 (AMD). PL 1995, c. 532, §10 (RP).

§53. Officers; terms; quorum; compensation; records

(REPEALED)

SECTION HISTORY

PL 1969, c. 477, §1 (AMD). PL 1983, c. 99, §3 (AMD). PL 1983, c. 812, §72 (AMD). PL 1991, c. 837, §A30 (AMD). PL 1995, c. 532, §11 (RP).

§54. Powers and duties

In addition to the duties and powers conferred upon the State Department of Agriculture, Conservation and Forestry, it shall have the following duties and powers: [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

1. Assistance. To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts in the carrying out of any of their powers and programs, and to enter into such agreements as may be appropriate with such districts, with land occupiers and with other state and federal agencies;
[PL 1965, c. 190, §9 (AMD).]

2. Information to supervisors. To keep the supervisors of each of the several districts organized under this chapter informed of the activities and experience of all other districts, and to facilitate an interchange of advice and experience between such districts and cooperation between them;

3. Coordination. To coordinate the programs of the several districts so far as this may be done by advice and consultation;

4. United States and state agencies. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such districts, and in carrying out the functions of the Department of Agriculture, Conservation and Forestry under this chapter; to accept grants, services and materials from any source;
[PL 1995, c. 532, §§12, 17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

5. Encourage districts. To disseminate information throughout the State concerning the activities and programs of the districts, and to encourage the formation of such districts in areas where their organization is desirable;

6. Control measures. To carry out preventive and control measures and works of improvement for the control and prevention of soil erosion, flood prevention, or the conservation, development, utilization and disposal of water;

7. Surveys. To conduct surveys, investigations and research relating to the character of soil erosion and floodwater and sediment damages and to the conservation, development, utilization and disposal of water and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations and research, and to disseminate information concerning such preventive and control measures and works of improvement;

8. Options; purchases. In addition to any powers conferred by Title 7, section 19, to obtain options upon and to acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise any property or rights or interests therein; to maintain, administer and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its real or personal property or interests therein, in furtherance of the purpose and provisions of this chapter, including the conveyance, with or without consideration, of lands or interests therein to soil and water conservation districts for use in carrying out their authorized purposes;
[PL 1995, c. 532, §13 (AMD).]

9. Structures. To construct, improve, operate and maintain such structures as may be necessary or convenient for the prevention of floodwater and sediment damages and for the conservation, development and utilization of the water impounded by such structures for irrigation, recreation, wildlife, municipal and industrial uses;

10. Fund. To have supervision and control of the Soil and Water Conservation Districts Fund which shall consist of all moneys appropriated thereto, and any moneys received as donations, repayments of loans or from other sources. The Department of Agriculture, Conservation and Forestry may use such fund for carrying out any of its authorized functions, for furnishing financial and other assistance to districts, for making allocations of funds to districts, and for making loans to districts under such terms and conditions as the Department of Agriculture, Conservation and Forestry may prescribe. Any balance in this fund, except moneys appropriated by the State, shall not lapse but shall be carried forward from year to year to be expended for the purposes set forth in this subchapter;
[PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

11. Sponsor. To serve as a sponsoring or cosponsoring local organization, within the meaning of the term as used in Public Law 566, as amended, Watershed Protection and Flood Prevention Act, and to serve as a sponsoring or cosponsoring local organization where a watershed is situated wholly or in part within the geographical boundaries of any unorganized territory or territories.
[PL 1979, c. 541, Pt. A, §115 (AMD).]

12. Entry on lands and structures. The Department of Agriculture, Conservation and Forestry or its authorized agents shall have the right to enter upon any private or public lands for the purpose of

inspecting dams and appurtenant structures. The Department of Agriculture, Conservation and Forestry shall seek the permission of the landowner, prior to exercising this right and shall not exercise this right until a reasonable effort has been made to obtain said permission.
[PL 1973, c. 103, §1 (NEW); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1965, c. 190, §§8-10 (AMD). PL 1967, c. 494, §11 (AMD). PL 1969, c. 477, §1 (AMD). PL 1973, c. 103, §1 (AMD). PL 1979, c. 541, §A115 (AMD). PL 1995, c. 532, §§12,13,17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§54-A. Budget

That part of the department's budget that pertains to the operations of the soil and water conservation districts must be separately identified as a major budget area within the department's budget. [PL 1995, c. 532, §14 (NEW).]

SECTION HISTORY

PL 1995, c. 532, §14 (NEW).

§55. Exemptions

Exempted from this subchapter are all dams and projects licensed by or subject to the jurisdiction of the Federal Power Commission under Part I of the Federal Power Act. [PL 1973, c. 103, §2 (NEW).]

SECTION HISTORY

PL 1973, c. 103, §2 (NEW).

SUBCHAPTER 3

SUPERVISORS

§101. Nominations, elections and appointments of supervisors

1. Elections of supervisors. The governing body of each district consists of a board of 5 supervisors. Three of the supervisors must be elected. Petitions may be filed to nominate candidates for election as supervisors of each district. When the district is first created, nominating petitions must be filed with, and the election must be conducted by, the department. After the creation of the district, nominating petitions must be filed with, and the election must be conducted by, each district. Nominating petitions must be subscribed by 25 or more registered voters residing within the district, as certified and sworn by the person submitting the petition and subject to such verification as the department or district may require. Registered voters may sign petitions to nominate more than one candidate for supervisor. The department or district shall give notice of the time for making nominations and the time and manner in which the election will occur. Registered voters residing within the district are eligible to vote in an election. When a district is first created, the 3 nominated candidates who receive the largest number of votes in the election are the elected supervisors of the district. Terms of elected supervisors are staggered, with the candidate receiving the largest number of votes initially elected to a 3-year term, the candidate receiving the 2nd largest number of votes initially elected to a 2-year term and the candidate receiving the 3rd largest number of votes initially elected to a one-year term. Thereafter, the term of office of each elected supervisor is 3 years. Following an election, the results must be published in a newspaper of general circulation in the district, and the names of those elected must be certified by the commissioner. The commissioner may adopt rules or prescribe procedures governing elections, which may include elections by mail or other procedures the

commissioner finds to be fair and efficient. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
[PL 1999, c. 138, §1 (NEW).]

2. Appointments of supervisors. In each district, 2 supervisors must be appointed by the commissioner, taking into consideration the various interests of the district in agriculture, forestry, wildlife, recreation and community and regional development. The appointees must be qualified by training and experience to perform their duties. The terms of the appointed supervisors must be staggered, with the first appointed supervisor initially appointed to a one-year term and the 2nd appointed supervisor initially appointed to a 2-year term. Thereafter, the term of office of each appointed supervisor is 3 years.
[PL 1999, c. 138, §1 (NEW).]

3. Tenure. A supervisor shall continue to hold office until the supervisor's successor has been elected or appointed and has qualified pursuant to subsection 2.
[PL 1999, c. 138, §1 (NEW).]

4. Vacancies. A vacancy for the unexpired term of an appointed supervisor must be filled through appointment by the commissioner as described in this section. A vacancy for the unexpired term of an elected supervisor may be temporarily filled by the commissioner through appointment of an associate supervisor designated with voting authority in accordance with section 103. This appointment is effective only until the district holds an election as necessitated by the expiration of the term of any elected supervisor.
[PL 1999, c. 138, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 1999, c. 138, §1 (RPR).

§102. Duties of supervisors and district employees

1. Supervisors. A majority of the supervisors constitute a quorum, and the vote of a majority of the quorum present constitutes an action by the board. The supervisors shall elect one of their members to be chair and may, from time to time, change such designation. As determined by the board, and to the extent funds are available for this purpose, a supervisor may receive reasonable compensation for services and other expenses, including travel necessarily incurred in the discharge of the supervisor's duties.
[PL 1999, c. 138, §2 (NEW).]

2. Employees and others. The supervisors may employ a secretary and such other employees and contractors as they require in the performance of their duties. The supervisors may call upon the Attorney General for legal services. The supervisors shall require the execution of surety bonds for all employees and officers who are entrusted with funds or valuable property.
[PL 1999, c. 138, §2 (NEW).]

3. Delegation. Subject to their appropriate supervision, the supervisors may delegate the work of the district to one or more of their members of the district or to their employees or agents as they determine necessary for the conduct of the district's business.
[PL 1999, c. 138, §2 (NEW).]

4. Records. The supervisors shall provide for the keeping of accurate records of their actions, proceedings and other business of the district. The supervisors shall furnish to the commissioner any records or information that the commissioner may request concerning the performance of the district's business.
[PL 1999, c. 138, §2 (NEW).]

SECTION HISTORY

PL 1965, c. 190, §§11,12 (AMD). PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §§15,17 (AMD). PL 1999, c. 138, §2 (RPR).

§103. Associate supervisors

1. Appointment of associate supervisors. By unanimous vote, the board of supervisors of a district established according to section 102 may appoint individuals with training and experience relevant to the duties of the supervisors to serve as associate supervisors.

By unanimous vote, the board of supervisors may designate one or more of the associate supervisors to have voting authority. The board shall maintain a list of individuals designated to have voting authority and shall submit that list to the department. Employees of the district and contract providers to the district may be appointed as associate supervisors but may not be accorded this voting authority. The voting authority accorded associate supervisors is limited under subsection 2.
[PL 1997, c. 105, §1 (NEW).]

2. Limits on voting authority. When only 2 supervisors are present at a regularly scheduled board meeting, the chair of the meeting may appoint an associate supervisor present and with designated voting authority to serve as a supervisor for that meeting, thereby establishing a quorum. The designated associate supervisor has full voting rights of a supervisor for that meeting.
[PL 1997, c. 105, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 105, §1 (NEW).

SUBCHAPTER 4

FORMATION OF DISTRICTS

§151. Petition for creation

Any 25 occupiers of land lying within the limits of the territory proposed to be organized into a district may file a petition with the State Department of Agriculture, Conservation and Forestry asking that a soil and water conservation district be organized to function in the territory described in the petition. Such petition shall set forth: [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

1. Name. The proposed name of said district;

2. Need. That there is need, in the interest of the public health, safety and welfare, for a district to function in the territory described in the petition;

3. Description. A description of the territory proposed to be organized as a district;

4. Referendum. A request that the Department of Agriculture, Conservation and Forestry duly define the boundaries for such district; that a referendum be held within the territory so defined on the question of the creation of a soil and water conservation district in such territory; and that the Department of Agriculture, Conservation and Forestry determine that such a district be created.
[PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

Where more than one petition is filed covering parts of the same territory, the Department of Agriculture, Conservation and Forestry may consolidate all or any such petitions. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1965, c. 190, §§13,14 (AMD). PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§152. Hearing; determination

Within 30 days after such a petition has been filed with the Department of Agriculture, Conservation and Forestry, it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such district, upon the question of the appropriate boundaries to be assigned to such district and upon all questions relevant to such inquiries. All occupiers of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested parties shall have the right to attend such hearings and to be heard. If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing held. After such hearing, if the committee shall determine, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a soil and water conservation district to function in the territory considered at the hearing, it shall make and record such determination and shall define the boundaries of such district. In making such determination and in defining such boundaries, the Department of Agriculture, Conservation and Forestry shall give due weight and consideration to the topography of the area considered and of the state, the composition of soils in the proposed district, the distribution of erosion, the prevailing land-use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries, the relation of the proposed area to existing watersheds and agricultural regions, and to other districts already organized under this chapter, and such other physical, geographical and economic factors as are relevant. The territory to be included within such boundaries need not be contiguous. If the Department of Agriculture, Conservation and Forestry shall determine after such hearing, after due consideration of the said relevant facts, that there is no need for a soil and water conservation district to function in the territory, or any part thereof, considered at the hearing, it shall make and record such determination and shall deny the petition. After 6 months shall have expired from the date of the denial of any such petition, subsequent petitions covering the same or substantially the same territory may be filed, new hearings held and determinations made thereon. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1965, c. 190, §§15,15-A (AMD). PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§153. Referendum

After the Department of Agriculture, Conservation and Forestry has made and recorded a determination that there is need for the organization of a district in a particular territory and has defined the boundaries thereof, it shall consider the question whether the operation of a district within such boundaries is administratively practicable and feasible. To assist the Department of Agriculture, Conservation and Forestry in the determination of such administrative practicability and feasibility, it shall, within a reasonable time after entry of the finding that there is need for the organization of the proposed district, cause due notice of a referendum to be given, and hold such referendum within the proposed district. The question shall be submitted by ballots. The usual voting places available for regular elections within the district shall be available for the purposes of such referenda, and city and town officials are directed to assist in the carrying out of such referenda. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

All occupiers of lands lying within the boundaries of the territory, as determined by the State Department of Agriculture, Conservation and Forestry, and only such land occupiers, shall be eligible

to vote in such referendum. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1965, c. 190, §16 (AMD). PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§154. Expenses; regulations; informalities

The Department of Agriculture, Conservation and Forestry shall pay all expenses for the issuance of such notices and the conduct of such hearings and referenda. It shall issue appropriate regulations governing the conduct of such hearings and referenda. No informalities in the conduct thereof shall invalidate said referendum. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§155. Results of referendum; determination

The Department of Agriculture, Conservation and Forestry shall publish the result of such referendum in a newspaper of general circulation in the territory affected and shall thereafter again consider and determine whether the operation of the district is administratively practicable and feasible. If the Department of Agriculture, Conservation and Forestry shall determine that the operation of such district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the Department of Agriculture, Conservation and Forestry shall determine that the operation of such district is administratively practicable and feasible, it shall record such determination and shall proceed with the organization of the district in the manner provided. In making such determination, the Department of Agriculture, Conservation and Forestry shall give due regard and weight to the attitude of the occupiers of lands lying within the defined boundaries, the number of land occupiers eligible to vote in such referendum who shall have voted, the proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast, the probable expense of carrying on erosion-control operations within such district and such other economic and social factors as may be relevant to such determination. The Department of Agriculture, Conservation and Forestry shall not have authority to determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the creation of such district. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§156. Appointment of governing body; application to Secretary of State

If the Department of Agriculture, Conservation and Forestry shall determine that the operation of the proposed district is administratively practicable and feasible, it shall appoint 2 supervisors to act, with the 3 supervisors elected, as the governing body of the district. Such district shall be an agency of the State and a public body corporate and politic, upon the taking of the following proceedings: [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

The 2 appointed supervisors shall present to the Secretary of State an application signed by them, which shall set forth:

1. Petition. That a petition for the creation of the district was filed with the State Department of Agriculture, Conservation and Forestry, and that the proceedings specified in this chapter were taken pursuant to such petition; that the application is being filed in order to complete the organization of the

district; and that the Department of Agriculture, Conservation and Forestry has appointed them as supervisors;
[PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

2. Supervisors. The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office;

3. Term of office. The term of office of each of the supervisors;

4. Name of district. The name which is proposed for the district.

The application shall be subscribed and sworn to by each of the said supervisors. The application shall be accompanied by a statement by the State Department of Agriculture, Conservation and Forestry, which shall certify that a petition was filed, notice issued and hearing held; that the Department of Agriculture, Conservation and Forestry did duly determine that there is need for a soil and water conservation district to function in the proposed territory and it did define the boundaries thereof; that notice was given and a referendum held on the question of the creation of such district, and that the result of such referendum showed a majority of the votes cast to be in favor of the creation of the district; that thereafter the Department of Agriculture, Conservation and Forestry did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the Department of Agriculture, Conservation and Forestry. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

The Secretary of State shall file the application and statement and shall record them in an appropriate book of record in his office. When the application and statement have been made, filed and recorded, the district shall constitute an agency of the State and a public body corporate and politic. The Secretary of State shall make and issue to the said supervisors a certificate, under the seal of the State, of the due organization of the said district, and shall record a copy of such certificate with the application and statement.

SECTION HISTORY

PL 1965, c. 190, §§17,18 (AMD). PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§157. Subsequent petitions

After 6 months shall have expired from the date of entry of a determination by the Department of Agriculture, Conservation and Forestry that operation of a proposed district is not administratively practicable and feasible, and denial of a petition, subsequent petitions may be filed and action taken by the Department of Agriculture, Conservation and Forestry. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§158. Petition for additional territory

Petitions for including additional territory within an existing district may be filed with the Department of Agriculture, Conservation and Forestry, and the proceedings provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion. Where the total number of land occupiers in the area proposed for inclusion shall be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no hearing or referendum need be held. In referenda upon petitions for such inclusion, all occupiers of land lying within the proposed additional area shall be eligible to vote. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

SUBCHAPTER 5

FINANCES

§201. Allocation of funds

1. Department of Agriculture, Conservation and Forestry to districts. Unless otherwise provided by law, moneys which may be under the control of the Department of Agriculture, Conservation and Forestry in the Soil and Water Conservation Districts Fund, or in any other account, shall be allocated by the State Department of Agriculture, Conservation and Forestry among the districts already organized or to be organized, in accordance with the procedure specified in subsection 2. All moneys allocated to any district by the said Department of Agriculture, Conservation and Forestry shall be available to the supervisors of such district for all administrative and other expenses of the district under this chapter.
[PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

2. Budget and allocations. Allocations to soil and water conservation districts shall be made on the basis of a budget submitted by each district to the Department of Agriculture, Conservation and Forestry by February 1st of each year. In making such allocations of such moneys, the Department of Agriculture, Conservation and Forestry shall retain an amount estimated by it to be adequate to enable it to make subsequent allocations in accordance with this section from time to time among newly organized districts.
[PL 1967, c. 494, §12 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1965, c. 190, §19 (AMD). PL 1967, c. 494, §12 (AMD). PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

SUBCHAPTER 6

FUND TO ENCOURAGE LOCAL SOIL AND WATER CONSERVATION PROJECTS

§205. Findings and purposes

The Legislature finds that the conservation of soil and water are essential to the continued productivity of our agricultural lands and the purity of our waters. Yet the economic realities of modern farming have led to more intensive cultivating methods which exhaust topsoil and erode croplands faster than ever before. Presently, Maine's average rate of soil loss is approximately twice the sustainable rate of erosion. Approximately 15% of the state's eroded soil finds its way into our lakes and streams, which become polluted by the fine sediments, fertilizers and pesticides they carry. Additionally, the overwhelming majority of Maine's livestock and poultry farms are unequipped to productively use or cleanly dispose of animal wastes. The improper handling of animal wastes contributes both to soil depletion and water pollution. [PL 1983, c. 522 (NEW).]

Conservation programs and practices initiated and encouraged by the Department of Agriculture, Conservation and Forestry, Maine's 16 soil and water conservation districts and federal conservation agencies have been demonstrably effective in reducing soil loss and implementing animal waste management plans. Resource conservation demands a continuing commitment of both financial and human resources. Many conservation practices have limited lifetimes or require annual maintenance.

Changing agricultural production methods and technologies also require new cropping arrangements and new erosion control systems. [PL 1983, c. 522 (NEW); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

Virtually all public financing for conservation practices in Maine, 98¢ of every government dollar spent, has been provided by the Federal Government, but the amount of federal spending has been steadily decreasing in constant dollars since 1972. Even under federally-funded programs, the farmer-landowner has been responsible for 25% to 100% of project costs. Because of low financial returns, many concerned farmers have been unable to set aside the money to finance their share of installation costs for conservation systems. [PL 1983, c. 522 (NEW).]

To continue the progress already made in soil and water conservation, State Government will need to assume a greater share of conservation spending than it has in the past. It is the intent of the Legislature that the largest portion of new funding be devoted to the development of innovative conservation projects by the soil and water conservation districts. [PL 1983, c. 522 (NEW).]

SECTION HISTORY

PL 1983, c. 522 (NEW). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§206. Establishment of fund

There is established a fund to encourage local soil and water conservation projects. The fund shall consist of all moneys appropriated to it and any moneys received as donations or from other sources. Moneys in this fund shall be disbursed periodically by the Department of Agriculture, Conservation and Forestry on a competitive basis to one or more of the soil and water conservation districts for the funding of innovative soil and water conservation projects. Any balance in this fund, except moneys appropriated by the State, shall not lapse, but shall be carried forward from year to year to be expended for the purposes set forth in this subchapter. The Department of Agriculture, Conservation and Forestry shall establish by rule criteria for project submission, evaluation and selection. These criteria shall, among other factors, address priority of need, boldness of approach, program feasibility and reproducibility and verification of results. The Department of Agriculture, Conservation and Forestry may impose such conditions on the use of funds awarded as in its judgment are best suited to accomplish the purposes of this subchapter and insure that moneys awarded by the Department of Agriculture, Conservation and Forestry are properly spent by the districts. Any final decision of the Department of Agriculture, Conservation and Forestry to fund a project or to not fund a project shall constitute "final agency action" for purposes of Title 5, chapter 375, subchapter IV. The Department of Agriculture, Conservation and Forestry shall submit an annual report on the status of the Challenge Grant Program to the joint standing committees of the Legislature having jurisdiction over agriculture and audit and program review, as well as the Finance Authority of Maine for public hearing and critique. [PL 1985, c. 481, Pt. A, §20 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1983, c. 522 (NEW). PL 1985, c. 481, §A20 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

CHAPTER 3

COOPERATIVE SOIL SURVEY

§211. Legislative findings

It is the intent of the Legislature to provide for the state contribution to the Cooperative Soil Survey of the State of Maine. The Cooperative Soil Survey, conducted nationally by the United States Department of Agriculture, Soil Conservation Service, is the systematic inventory of the soils of the

State. This basic soils data is of great value in the guidance of sound land use planning. [PL 1969, c. 509, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 509, §1 (NEW).

§212. General provisions

1. Data. The Department of Agriculture, Conservation and Forestry shall gather and compile soils data and information of the State. It shall present this information in printed maps and reports for the general public.
[PL 1979, c. 541, Pt. A, §116 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

2. Professional soil scientists. The Department of Agriculture, Conservation and Forestry may employ professional soil scientists, subject to the Civil Service Law, to perform soils mapping in Maine. The Department of Agriculture, Conservation and Forestry may contract with other state or federal agencies as appropriate to accomplish necessary soils mapping within this State.
[PL 1985, c. 785, Pt. B, §57 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

3. Interdepartmental cooperation. The Department of Agriculture, Conservation and Forestry shall consult with other state resource agencies in setting priorities of soils mapping and the publication of interim soils reports.
[PL 2011, c. 655, Pt. JJ, §5 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1969, c. 509, §1 (NEW). PL 1979, c. 541, §A116 (AMD). PL 1985, c. 785, §B57 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 655, Pt. JJ, §5 (AMD). PL 2011, c. 655, Pt. JJ, §41 (AFF). PL 2011, c. 657, Pt. W, §5 (REV).

CHAPTER 5

ABANDONED DAMS

§251. Purpose and scope

(REPEALED)

SECTION HISTORY

PL 1973, c. 787, §1 (NEW). PL 1983, c. 417, §1 (RP).

§252. Definitions

(REPEALED)

SECTION HISTORY

PL 1973, c. 787, §1 (NEW). PL 1981, c. 56, §1 (AMD). PL 1983, c. 417, §1 (RP).

§253. Abandonment and new ownership of dams

(REPEALED)

SECTION HISTORY

PL 1973, c. 787, §1 (NEW). PL 1981, c. 56, §§2-7 (AMD). PL 1983, c. 417, §1 (RP).

§254. Miscellaneous

(REPEALED)

SECTION HISTORY

PL 1973, c. 787, §1 (NEW). PL 1981, c. 56, §8 (AMD). PL 1983, c. 417, §1 (RP).

CHAPTER 6

NEGLECTED DAMS

§301. Legislative findings

(REPEALED)

SECTION HISTORY

PL 1975, c. 542 (NEW). PL 1983, c. 417, §1 (RP).

§302. Definitions

(REPEALED)

SECTION HISTORY

PL 1975, c. 542 (NEW). PL 1979, c. 127, §63 (AMD). PL 1981, c. 56, §9 (AMD). PL 1983, c. 417, §1 (RP).

§303. Registration of ownership

(REPEALED)

SECTION HISTORY

PL 1975, c. 542 (NEW). PL 1981, c. 56, §§10,11 (AMD). PL 1983, c. 417, §1 (RP).

§304. Establishment of water levels

(REPEALED)

SECTION HISTORY

PL 1975, c. 542 (NEW). PL 1977, c. 694, §§198-203 (AMD). PL 1981, c. 56, §§12-17 (AMD). PL 1983, c. 417, §1 (RP).

§305. Maintenance of dams

(REPEALED)

SECTION HISTORY

PL 1975, c. 542 (NEW). PL 1979, c. 127, §64 (AMD). PL 1981, c. 56, §18 (AMD). PL 1983, c. 417, §1 (RP).

§306. Enforcement

(REPEALED)

SECTION HISTORY

PL 1975, c. 542 (NEW). PL 1977, c. 694, §204 (AMD). PL 1981, c. 56, §19 (AMD). PL 1983, c. 417, §1 (RP).

§307. Appeal

(REPEALED)

SECTION HISTORY

PL 1975, c. 542 (NEW). PL 1977, c. 694, §205 (AMD). PL 1981, c. 56, §20 (AMD). PL 1983, c. 417, §1 (RP).

§308. Miscellaneous

(REPEALED)

SECTION HISTORY

PL 1975, c. 542 (NEW). PL 1977, c. 78, §38 (AMD). PL 1983, c. 417, §1 (RP).

PART 2

FORESTS, PARKS, LAKES AND RIVERS

CHAPTER 200

MAINE'S RIVERS

§401. Maine's rivers

The Legislature finds: [PL 1983, c. 458, §1 (NEW).]

1. Rivers and streams a natural resource. That the State's nearly 32,000 miles of rivers and streams comprise one of its most important natural resources, historically vital to the state's commerce and industry and to the quality of life enjoyed by Maine people;
[PL 1983, c. 458, §1 (NEW).]

2. Increase in value of rivers and streams. That the value of its rivers and streams has increased in recent years due to the improvement in the quality of their waters, the restoration of their fisheries, the growth in demand for hydropower and the expanding interest in river recreation activities, leading at times to conflict among these uses;
[PL 1983, c. 458, §1 (NEW).]

3. Use of rivers and streams. That its rivers and streams afford the state's people with major opportunities for the enjoyment of nature's beauty, unique recreational activities and solace from an industrialized society, as well as for economic expansion through the development of hydropower, the revitalization of waterfronts and ports and the attraction of both tourists and desirable new industries; and
[PL 1983, c. 458, §1 (NEW).]

4. Policy. That the best interests of the state's people are served by a policy which recognizes the importance that their rivers and streams have for meeting portions of several public needs, provides guidance for striking a balance among the various uses which affords the public maximum benefit and seeks harmony rather than conflict among these uses.
[PL 1983, c. 458, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 458, §1 (NEW).

§402. Declaration of policy

In its role as trustee of the public waters, the Legislature declares that the well-being of the citizens of this State depends on striking a carefully considered and well-reasoned balance among the competing

uses of the state's rivers and streams. Further, the Legislature declares that such a balance shall: [PL 1983, c. 458, §1 (NEW).]

1. Restoration of water. Restore waters to a condition clean enough to allow fishing and swimming in all our rivers and streams;
[PL 1983, c. 458, §1 (NEW).]

2. Revitalization of waterfronts. Revitalize waterfronts and ports;
[PL 1983, c. 458, §1 (NEW).]

3. Maintenance of scenic beauty. Maintain, even in areas where development occurs, the scenic beauty and character of our rivers;
[PL 1983, c. 458, §1 (NEW).]

4. Interests of riparian owners. Recognize and respect the rightful interests of riparian owners;
[PL 1983, c. 458, §1 (NEW).]

5. Increase hydroelectric power. Increase the hydroelectric power available to replace foreign oil in the State;
[PL 1983, c. 458, §1 (NEW).]

6. Hydropower development. Streamline procedures to facilitate hydropower development under reasoned environmental, technical and public safety constraints;
[PL 1983, c. 458, §1 (NEW).]

7. Fisheries. Restore anadromous fisheries and improve the productivity of inland fisheries;
[PL 1983, c. 458, §1 (NEW).]

8. Recreation. Expand the opportunities for outdoor recreation; and
[PL 1983, c. 458, §1 (NEW).]

9. Outstanding river stretches. Protect the special resource values of the flowing waters and shorelands of the State's most outstanding river stretches, as identified by the former Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in this chapter.
[PL 2013, c. 405, Pt. D, §6 (AMD).]

Further, the Legislature finds that with careful planning our foreseeable needs for all of these uses may be reasonably integrated harmoniously with one another on the state's 32,000 miles of rivers and streams. [PL 1983, c. 458, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 458, §1 (NEW). PL 2013, c. 405, Pt. D, §6 (AMD).

§403. Special protection for outstanding rivers

The Legislature declares that certain rivers, because of their unparalleled natural and recreational values, provide irreplaceable social and economic benefits to the people in their existing state. It is the Legislature's intent that no new dams be constructed on these river and stream segments without the specific authorization of the Legislature, that no new water diversion, which would constitute a hydropower project pursuant to Title 38, section 632, and which would bypass all or part of the natural course of these river and stream segments, be constructed without the specific authorization of the Legislature and that additional development or redevelopment of dams existing on these segments, as of September 23, 1983, shall be designed and executed in a manner that either enhances or does not diminish the significant resource values of these river segments identified by the 1982 Maine Rivers Study. No license or permit under Title 38, sections 630 to 636 may be issued for construction of new dams on the river and stream segments subject to this special protection without the specific authorization of the Legislature, for the construction of any water diversion project which would constitute a hydropower project pursuant to Title 38, section 632, and which would bypass all or part

of the natural course of river and stream segments subject to this special protection without the specific authorization of the Legislature or for additional development or redevelopment of existing dams on the river and stream segments subject to this special protection where the additional development or redevelopment diminishes the significant resource values of these river and stream segments. [PL 1987, c. 717, §1 (AMD).]

Further, the Legislature finds that projects inconsistent with this policy on new dams and diversion projects, which constitute hydropower projects pursuant to Title 38, section 632, and redevelopment of existing dams will alter the physical and chemical characteristics and designated uses of the waters of these river and stream segments. It finds that these impacts are unacceptable and constitute violations of the State's water quality standards. The Legislature directs that no project which fails to meet the requirements of this section may be certified under the United States Clean Water Act, Section 401. [PL 1987, c. 717, §1 (AMD).]

For purposes of this section, outstanding river and stream segments meriting special protection shall include: [PL 1983, c. 458, §1 (NEW).]

1. Allagash River. The Allagash River from Gerald Brook in Allagash up to but not including the Churchill Dam in T.10, R.12, W.E.L.S., including its tributaries the Musquacook Stream from the Allagash River to the outlet of Third Musquacook Lake in T. 11, R. 11, W.E.L.S.; Allagash Stream from its inlet to Chamberlain Lake to the outlet of Allagash Pond in T.9, R.15, W.E.L.S.; and Chemquasabamticook Stream from its inlet into Long Lake to the outlet of Chemquasabamticook Lake, excluding Round Pond in T.13, R.12, W.E.L.S., Harvey Pond, Long Lake, Umsaskis Lake, Musquacook Lakes (1-2), Little Round Pond in T.8, R.13, W.E.L.S., Allagash Lake and Clayton Lake; [PL 1983, c. 458, §1 (NEW).]

2. Aroostook River. The Aroostook River from and including the Sheridan Dam in Ashland to Millinocket Stream, including its tributaries Millinocket Stream from the Aroostook River to the outlet of Millinocket Lake; Munsungan Stream from the Aroostook River to the outlet of Little Munsungan Lake; St. Croix Stream from the Aroostook River to Hall Brook in T.9, R.5, W.E.L.S.; and the Big Machias River from the Aroostook River to the outlet of Big Machias Lake, excluding Round Pond in T.7, R.9, W.E.L.S.;
[PL 1983, c. 458, §1 (NEW).]

3. Dead River. The Dead River from the Kennebec River to the upstream limit of Big Eddy;
[PL 1983, c. 458, §1 (NEW).]

4. Dennys River. The Dennys River from Hinckley Point in Dennysville to the outlet of Meddybemps Lake;
[PL 1983, c. 458, §1 (NEW).]

5. East Machias River. The East Machias River, including the Maine River, from the Route 191 Mill Memorial Bridge in East Machias to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Second Lake, Round Lake, Crawford Lake, Lower Mud Lake and Upper Mud Lake;
[PL 1983, c. 530, §5 (AMD).]

6. Fish River. The Fish River from its inlet into St. Froid Lake in T.14, R. 7, W.E.L.S. to the outlet of Mud Pond in T.13, R. 8, W.E.L.S., excluding Portage Lake, Round Pond and Fish River Lake. [PL 1983, c. 458, §1 (NEW).]

7. Kennebec River. The Kennebec River from Bay Point in Georgetown to its confluence with the Sebasticook River in Winslow and from the confluence of the Dead River with the Kennebec River up to, but not including, the Harris Dam in Indian Stream Township;
[PL 2007, c. 364, §1 (AMD).]

8. Machias River. The Machias River, including Fourth and Fifth Lake Streams, from Fort O'Brien in Machias to the outlet of Fifth Machias Lake, including its tributaries the West Branch

Machias River from the Machias River to the outlet of Lower Sabao Lake; Old Stream from the Machias River to the outlet of First Lake; and Mopang Stream from the Machias River to the outlet of Mopang Second Lake, excluding Machias Lakes (1-4), Lower Pond and Mopang First Lake;
[PL 1983, c. 458, §1 (NEW).]

9. Mattawamkeag River. The Mattawamkeag River from the Penobscot River to the Mattawamkeag and Kingman Township townline.
[PL 1983, c. 458, §1 (NEW).]

10. Moose River. The Moose River from its inlet into Attean Pond to its confluence with Number One Brook in Beattie Township;
[PL 1983, c. 458, §1 (NEW).]

11. Narraguagus River. The Narraguagus River from the Route 1 bridge in Cherryfield to the outlet of Eagle Lake, excluding Beddington Lake and Deer Lake;
[PL 1983, c. 458, §1 (NEW).]

12. Penobscot River. The Penobscot River, including the Eastern Channel, from Sandy Point in Stockton Springs up to, but not including, the Veazie Dam, including its tributaries the West Branch of the Penobscot from its inlet into Ambajejus Lake to the western Boundary of T.3, R.10, and from its inlet into Chesuncook Lake up to, but not including, the dam at Seboomook Lake; the East Branch Penobscot River from the Penobscot River up to, but not including, the dam at the outlet of Grand Lake Matagamon; the Wassataquoik Stream from the East Branch of the Penobscot River to Annis Brook in T.4, R.9, W.E.L.S.; the Webster Brook from its inlet into Grand Lake Matagamon up to, but not including, Telos Dam in T.6, R.11, W.E.L.S.; the Seboeis River from the East Branch of the Penobscot River to the outlet of Snowshoe Lake; and the Sawtelle Brook from the Seboeis River up to, but not including, the dam at the outlet of Sawtelle Deadwater, excluding Passamagamet Lake, Webster Lake, White Horse Lake and Snowshoe Lake;
[PL 1983, c. 530, §6 (AMD).]

13. Pleasant River. The Pleasant River from Seavey Point in Addison to the outlet of Pleasant River Lake;
[PL 1983, c. 458, §1 (NEW).]

14. Rapid River. The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;
[PL 1983, c. 458, §1 (NEW).]

15. Saco River. The Saco River from the Little Ossipee River to the New Hampshire border;
[PL 1983, c. 458, §1 (NEW).]

16. St. John River. The St. John River from one mile above the foot of Big Rapids in Allagash to the Baker Branch, including its tributaries the Big Black River from the St. John River to the Canadian border; the Northwest Branch from the St. John River to the outlet of Beaver Pond in T.12, R.17, W.E.L.S.; the Southwest Branch from the Baker Branch to 5 miles downstream of the Canadian border; and the Baker Branch from the St. John River to 1.5 miles below Baker Lake;
[PL 1983, c. 458, §1 (NEW).]

17. Sheepscot River. The Sheepscot River from the Route 1 bridge in Wiscasset to Halldale Road in Montville, excluding Long Pond and Sheepscot Pond, including its tributaries the West Branch of the Sheepscot from its confluence with the Sheepscot River in Whitefield to the outlet of Branch Pond in China; and
[PL 1983, c. 458, §1 (NEW).]

18. West Branch Pleasant River. The West Branch Pleasant River from the East Branch to the outlet of Fourth West Branch Pond in Shawtown Township, excluding Silver Lake and West Branch Ponds (1-3).

[PL 1983, c. 458, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 458, §1 (NEW). PL 1983, c. 530, §§5-7 (AMD). PL 1987, c. 717, §1 (AMD). PL 2007, c. 364, §1 (AMD).

§403-A. Definitions

1. Existing dam. "Existing dam" means any man-made barrier across a river segment identified in this chapter which impounds water and has not deteriorated or been breached or modified to the point where it no longer impounds water at 50% or more of its design level at normal flows.
[PL 1987, c. 717, §2 (NEW).]

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 717, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 717, §2 (NEW).

§404. Finance Authority of Maine

The Finance Authority of Maine may not finance any energy generating system project under Title 10, chapter 110, if that project is located in whole or in part on any river listed in section 403. [PL 1987, c. 393, §16 (AMD).]

SECTION HISTORY

PL 1983, c. 458, §1 (NEW). PL 1987, c. 393, §16 (AMD).

§405. St. Croix River

(REPEALED)

SECTION HISTORY

PL 1983, c. 458, §1 (NEW). MRSA T. 12 §405, sub-§4 (RP).

§405-A. St. Croix River

1. Special consideration. In consideration of the special status of the St. Croix River as an international boundary governed in part by the International Joint Commission and the Province of New Brunswick, the Legislature establishes the following provisions.
[PL 1987, c. 635 (NEW).]

2. Commercial, industrial or residential development. Except as provided in this subsection, no person may undertake any further commercial, industrial or residential development in the area within 250 feet of the St. Croix River from the Grand Falls flowage to the north end of Wingdam Island. The following activities shall be exempt from these provisions:

A. Development of hydroelectric or other dams, plants and related facilities or improvements subject to the conditions described in subsection 3; [PL 1987, c. 635 (NEW).]

B. A bridge at Vanceboro; [PL 1987, c. 635 (NEW).]

C. A haul road from Grand Falls; [PL 1987, c. 635 (NEW).]

D. Activities and developments related to timber harvesting, mining or extraction of sand and gravel; and [PL 1987, c. 635 (NEW).]

E. Any recreational management activity conducted or approved by the State. [PL 1987, c. 635 (NEW).]

[PL 1987, c. 635 (NEW).]

3. New hydroelectric dams. No person may develop new hydroelectric dams on the St. Croix River from Grand Falls to the north end of Wingdam Island without first:

A. Having performed a feasibility study, by a qualified consultant, approved by the Governor to examine the alternative potentials for hydropower development downstream from Grand Falls and having made the findings available to the State for review; [PL 1987, c. 635 (NEW).]

B. Having consulted with the office of the Governor or other agency of the State, designated by the Governor, regarding the feasibility of this downstream development; [PL 1987, c. 635 (NEW).]

C. Having determined that there exists no economically feasible site downstream from Grand Falls; and [PL 1987, c. 635 (NEW).]

D. Having consulted with the St. Croix International Waterway Commission. [PL 1987, c. 635 (NEW).]

If the State disagrees with any of the assumptions, findings or conclusions of the economic feasibility study, the comments of the State shall be considered and responded to by the consultant. These comments and the responses of the consultant shall be noted in the final report of the economic feasibility study.
[PL 1987, c. 635 (NEW).]

4. Review. The Governor's Energy Office shall review the status of hydropower development on the St. Croix River and shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources by January 1, 2013 and every 5 years thereafter. The report must include any recommendations for changes in the provisions of this section together with the justification for the changes. If the St. Croix River is included in any legislative Act or regulation that directly or indirectly has as its effect the essential prohibition of construction of new dams or development or redevelopment of existing dams on the St. Croix River, this section is repealed on the effective date of that Act or regulation.
[PL 2011, c. 655, Pt. MM, §11 (AMD); PL 2011, c. 655, Pt. MM, §26 (AFF).]

SECTION HISTORY

PL 1987, c. 635 (NEW). PL 2011, c. 655, Pt. MM, §11 (AMD). PL 2011, c. 655, Pt. MM, §26 (AFF).

§406. Report

(REPEALED)

SECTION HISTORY

PL 1983, c. 458, §1 (NEW). PL 2011, c. 655, Pt. EE, §16 (RP). PL 2011, c. 655, Pt. EE, §30 (AFF).

§407. Comprehensive river resource management plans

The Department of Agriculture, Conservation and Forestry, with assistance from the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Environmental Protection, the Governor's Energy Office and other state agencies as needed, shall develop, subject to the Maine Administrative Procedure Act, Title 5, chapter 375, a comprehensive river resource management plan for each watershed with a hydropower project licensed under the Federal Power Act or to be licensed under the Federal Power Act. These plans must provide a basis for state agency comments, recommendations and permitting decisions and at a minimum include, as applicable, minimum flows, impoundment level regimes, upstream and downstream fish passage, maintenance of aquatic habitat and habitat productivity, public access and recreational opportunities. These plans must update, complement and, after public notice, comment and hearings in the watershed,

be adopted as components of the State's comprehensive rivers management plan. [PL 2011, c. 655, Pt. EE, §17 (AMD); PL 2011, c. 655, Pt. EE, §30 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1989, c. 453, §1 (NEW). PL 1989, c. 878, §A29 (AMD). PL 2011, c. 655, Pt. EE, §17 (AMD). PL 2011, c. 655, Pt. EE, §30 (AFF). PL 2011, c. 657, Pt. W, §5 (REV).

§408. Floodplain management

The floodplain management program is established within the Department of Agriculture, Conservation and Forestry. The department shall serve as the state coordinating agency for the National Flood Insurance Program pursuant to 44 Code of Federal Regulations, Part 60 and in that capacity shall oversee delivery of technical assistance and resources to municipalities for the purpose of floodplain management activities and shall administer the State Floodplain Mapping Fund under section 409. [PL 2011, c. 655, Pt. HH, §1 (NEW); PL 2011, c. 655, Pt. HH, §7 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 2011, c. 655, Pt. HH, §1 (NEW). PL 2011, c. 655, Pt. HH, §7 (AFF). PL 2011, c. 657, Pt. W, §5 (REV).

§409. State Floodplain Mapping Fund

1. Fund established. The State Floodplain Mapping Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund administered by the Department of Agriculture, Conservation and Forestry for the purpose of providing funds for the mapping of floodplains in the State using light detection and ranging technology.
[PL 2011, c. 655, Pt. HH, §2 (NEW); PL 2011, c. 655, Pt. HH, §7 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

2. Sources of funding. The fund consists of any money received from the following sources:

A. Contributions from private sources; [PL 2011, c. 655, Pt. HH, §2 (NEW); PL 2011, c. 655, Pt. HH, §7 (AFF).]

B. Federal funds and awards; [PL 2011, c. 655, Pt. HH, §2 (NEW); PL 2011, c. 655, Pt. HH, §7 (AFF).]

C. The proceeds of any bonds issued for the purposes for which the fund is established; and [PL 2011, c. 655, Pt. HH, §2 (NEW); PL 2011, c. 655, Pt. HH, §7 (AFF).]

D. Any other funds received in support of the purposes for which the fund is established. [PL 2011, c. 655, Pt. HH, §2 (NEW); PL 2011, c. 655, Pt. HH, §7 (AFF).]
[PL 2011, c. 655, Pt. HH, §2 (NEW); PL 2011, c. 655, Pt. HH, §7 (AFF).]

3. Disbursements from the fund. The Department of Agriculture, Conservation and Forestry shall apply the money in the fund toward the support of floodplain mapping in the State, including, but not limited to, the acquisition of light detection and ranging elevation data and the processing and production of floodplain maps.
[PL 2011, c. 655, Pt. HH, §2 (NEW); PL 2011, c. 655, Pt. HH, §7 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 2011, c. 655, Pt. HH, §2 (NEW). PL 2011, c. 655, Pt. HH, §7 (AFF). PL 2011, c. 657, Pt. W, §5 (REV).

CHAPTER 201

DIRECTOR OF THE BUREAU OF FORESTRY

§501. Director of Bureau of Forestry

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §2 (AMD). PL 1965, c. 412, §7 (AMD). PL 1965, c. 513, §20 (AMD). PL 1967, c. 476, §15 (AMD). PL 1969, c. 504, §20 (AMD). PL 1973, c. 460, §1 (RPR). PL 1977, c. 360, §3 (AMD). PL 1979, c. 545, §11 (RP). PL 1979, c. 556, §1 (AMD). PL 1979, c. 663, §60 (RP).

§501-A. Organization of Bureau of Forestry; research

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §3 (NEW). P&SL 1971, c. 91, §D3 (AMD). PL 1973, c. 28, §2 (AMD). PL 1973, c. 460, §§2,18 (AMD). PL 1973, c. 625, §61 (AMD). PL 1973, c. 739, §1 (AMD). PL 1979, c. 545, §11 (RP).

§501-B. Appointment of personnel; State Entomologist

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §3 (NEW). PL 1971, c. 395, §1 (RP).

§502. Receipt of money; travel expenses; clerks

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §4 (AMD). PL 1973, c. 460, §20 (AMD). PL 1975, c. 339, §5 (RP).

§503. Use of facsimile signature

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §11 (RP).

§504. Supervision and control of state lands

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §5 (RPR). PL 1965, c. 425, §§5-C,29 (AMD). PL 1973, c. 460, §20 (AMD). PL 1973, c. 761 (AMD). PL 1975, c. 339, §5 (RP).

§505. Establishment of nurseries

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §6 (AMD). PL 1973, c. 460, §18 (AMD). PL 1979, c. 545, §11 (RP). PL 1979, c. 556, §2 (RPR). PL 1981, c. 698, §69 (RP).

§506. Rehabilitation program

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §7 (AMD). PL 1973, c. 460, §18 (AMD). PL 1979, c. 545, §11 (RP).

§507. Sale of certain lands

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §8 (RP).

§508. Execution of deeds

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §9 (AMD). PL 1973, c. 460, §20 (AMD). PL 1975, c. 339, §5 (RP).

§509. Statistics and report

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §10 (AMD). PL 1973, c. 460, §18 (AMD). PL 1979, c. 545, §11 (RP).

§510. Information circulars

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §11 (RP).

§511. Printing and distribution of laws

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §12 (AMD). PL 1973, c. 460, §18 (AMD). PL 1979, c. 545, §11 (RP).

§512. Acceptance of gifts

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §12 (AMD). PL 1969, c. 144 (AMD). PL 1969, c. 557, §2 (AMD). PL 1971, c. 329, §§1,2 (AMD). PL 1973, c. 460, §18 (AMD). PL 1973, c. 628, §2 (AMD). PL 1975, c. 771, §§123,124 (AMD). PL 1977, c. 360, §4 (AMD). PL 1977, c. 694, §206 (AMD). PL 1979, c. 545, §11 (RP).

§513. Authority to accept federal, municipal and private funds

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §12 (AMD). PL 1973, c. 460, §18 (AMD). PL 1975, c. 771, §125 (AMD). PL 1979, c. 545, §11 (RP).

§514. Management of public lands

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §13 (RPR). PL 1965, c. 487 (AMD). PL 1967, c. 544, §21 (AMD). PL 1969, c. 431, §9 (AMD). PL 1969, c. 551, §§1,2 (AMD). PL 1969, c. 590, §11 (AMD). PL 1971, c.

545, §§1,2 (AMD). PL 1971, c. 618, §§3,12,17 (AMD). PL 1971, c. 622, §§25,26 (AMD). PL 1973, c. 460, §20 (AMD). PL 1973, c. 628, §3 (RPR). PL 1975, c. 339, §5 (RP).

§514-A. Submerged and intertidal lands owned by the State

(REPEALED)

SECTION HISTORY

PL 1975, c. 287, §1 (NEW). PL 1977, c. 156, §1 (AMD). PL 1977, c. 277 (AMD). PL 1979, c. 460 (AMD). PL 1979, c. 545, §11 (RP). PL 1989, c. 878, §B10 (AMD).

§515. Permits for timber and grass stumpage

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §13 (RPR). PL 1973, c. 460, §20 (AMD). PL 1975, c. 339, §5 (RP).

§516. Duties of foresters

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §14 (AMD). PL 1967, c. 44 (AMD). PL 1971, c. 395, §2 (RP).

§517. Reports

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §15 (RP).

§518. Deputy; term of office; salary

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §15 (RP).

§519. Annual timber-cut report

(REPEALED)

SECTION HISTORY

PL 1971, c. 97, §3 (NEW). PL 1971, c. 395, §3 (NEW). PL 1971, c. 486 (NEW). PL 1971, c. 622, §27 (RP). PL 1971, c. 622, §29 (RP). PL 1973, c. 460, §18 (AMD). PL 1973, c. 759 (AMD). PL 1979, c. 545, §11 (RP). PL 1979, c. 556, §3 (RP).

§520. Annual timber-cut report

(REPEALED)

SECTION HISTORY

PL 1971, c. 622, §28 (NEW). PL 1973, c. 460, §18 (AMD). PL 1979, c. 545, §11 (RP).

§520-A. Coordinating protective agencies

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1971, c. 622, §30 (NEW). PL 1973, c. 460, §18 (AMD). PL 1975, c. 497, §3 (AMD). PL 1979, c. 545, §11 (RP).

§520-B. Reports by forest landowners

(REPEALED)

SECTION HISTORY

PL 1971, c. 616, §1 (NEW). PL 1973, c. 460, §18 (AMD). PL 1975, c. 764, §1 (AMD). PL 1977, c. 509, §1 (AMD). PL 1979, c. 545, §11 (RP).

SUBCHAPTER 2

PERSONNEL

§521. Appointment of personnel

(REPEALED)

SECTION HISTORY

PL 1971, c. 395, §4 (NEW). PL 1973, c. 460, §18 (AMD). PL 1979, c. 545, §11 (RP).

§522. Duties of foresters

(REPEALED)

SECTION HISTORY

PL 1971, c. 395, §4 (NEW). PL 1973, c. 460, §18 (AMD). PL 1979, c. 545, §11 (RP).

§523. General deputy wardens

(REPEALED)

SECTION HISTORY

PL 1971, c. 395, §4 (NEW). PL 1973, c. 460, §18 (AMD). PL 1979, c. 545, §11 (RP).

§524. Duties of forest rangers

(REPEALED)

SECTION HISTORY

PL 1971, c. 395, §4 (NEW). PL 1973, c. 460, §18 (AMD). PL 1979, c. 545, §11 (RP).

§525. Inspection

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §2 (NEW). PL 1979, c. 545, §11 (RP).

SUBCHAPTER 2

SCIENCE, TECHNOLOGY AND MINERAL RESOURCES BUREAU OF GEOLOGY

§531. Powers and duties

(REPEALED)

SECTION HISTORY

P&SL 1971, c. 91, §D1 (NEW). PL 1973, c. 460, §§3-7 (AMD). PL 1973, c. 625, §62 (AMD). PL 1975, c. 777, §§6,9 (AMD). PL 1977, c. 360, §5 (RP).

CHAPTER 201-A

GEOLOGY AND NATURAL RESOURCES

SUBCHAPTER 1

DIVISION OF GEOLOGY, NATURAL AREAS AND COASTAL RESOURCES

§541. Natural Resources Information and Mapping Center established

(REPEALED)

SECTION HISTORY

PL 1977, c. 360, §6 (NEW). PL 1995, c. 502, §E32 (AMD). PL 1999, c. 556, §11 (RP).

§541-A. Division of Geology, Natural Areas and Coastal Resources

The Division of Geology, Natural Areas and Coastal Resources is established within the Department of Agriculture, Conservation and Forestry and is administered by the commissioner. The division consists of the Maine Geological Survey, referred to in this chapter as the "survey," and the Natural Areas Program. The Director of the Bureau of Resource Information and Land Use Planning is the director of the survey. [PL 2017, c. 475, Pt. A, §18 (AMD).]

SECTION HISTORY

PL 1999, c. 556, §12 (NEW). PL 2011, c. 655, Pt. KK, §4 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2013, c. 405, Pt. C, §3 (AMD). PL 2017, c. 284, Pt. QQ, §1 (AMD). PL 2017, c. 475, Pt. A, §18 (AMD).

§542. Survey; powers and duties

1. Information program. The survey shall develop and administer a program to gather, interpret, publish and disseminate information relating to the geologic features of the State including, but not limited to, hydrogeologic, marine-estuarine, bedrock, surficial and economic geology.
[PL 1977, c. 360, §6 (NEW).]

1-A. Identification and mapping. The survey, in cooperation with the United States Geological Survey is directed to delineate those areas of the State which are underlain with porous surficial geologic materials which are aquifers capable of and likely to yield significant amounts of ground water. The survey is directed to delineate areas that serve as important aquifer recharge areas. Aquifers and aquifer recharge areas shall be identified by standard geologic and hydrologic investigations, which may include drilling observation wells, performing pumping tests, water sampling and geologic mapping.
[PL 1979, c. 472, §1 (NEW).]

2. Information furnished agencies and public; environmental development applications. To the extent of its available resources, the survey shall provide, as requested, geologic information to public agencies and the general public. The survey may review the geologic aspects of environmental and site development applications under consideration by state and federal regulatory agencies.
[PL 1977, c. 360, §6 (NEW).]

2-A. Solicitation of information. Insofar as possible, all state agencies shall provide any information on geological resources, including ground water, that the survey may request. The survey shall actively solicit the cooperation of private water well drillers in obtaining information on surficial geology, bedrock and the hydrology of the State.
[PL 1979, c. 472, §2 (NEW).]

3. Employees. The survey may employ or retain such professional and other employees, subject to the Civil Service Law, as are necessary to carry out the purposes of this chapter, within the limits of the funds available.
[PL 1985, c. 785, Pt. B, §58 (AMD).]

4. Mineral resources development. The survey is responsible for the orderly development of mineral resources on state-owned lands, including submerged lands and waters, both inland and tidal, acting in conjunction with the Bureau of Parks and Lands.
[PL 1977, c. 360, §6 (NEW); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

5. Research projects. The survey may initiate, contract for and manage research projects relating to the purposes of this chapter.
[PL 1977, c. 360, §6 (NEW).]

6. Royalties, fees and rents. The survey receives all royalties, fees and rents accruing to the State under this chapter, which must be paid into a separate account to be established by the Treasurer of State to be used for salaries and other expenses incurred in the administration of this chapter, subject to and to the extent permitted by section 1849. The account may not lapse but must continue from year to year.
[PL 1997, c. 678, §2 (AMD).]

7. Rules and regulations. The survey may from time to time adopt, amend, repeal, pursuant to Title 5, chapter 375, subchapter II, and enforce reasonable rules and regulations necessary to carry out the duties assigned to it.
[PL 1977, c. 694, §207 (RPR).]

8. Printing fund.

[PL 1981, c. 542, §1 (RP).]

SECTION HISTORY

PL 1977, c. 360, §6 (NEW). PL 1977, c. 694, §207 (AMD). PL 1979, c. 472, §§1,2 (AMD). PL 1981, c. 542, §1 (AMD). PL 1985, c. 785, §B58 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§543. Director of the survey

1. Director. The executive head of the survey shall be the director who shall also be the State Geologist. He shall personally attend to the duties of his office so far as practicable.
[PL 1977, c. 360, §6 (NEW).]

2. Powers and duties. The director shall exercise the powers of the office and shall be responsible for the execution of its duties.

A. The director shall administer the survey and adopt such methods of administration, not inconsistent with the law, as he may determine necessary to render the survey efficient. [PL 1977, c. 360, §6 (NEW).]

B. [PL 1987, c. 308, §1 (RP).]

C. The director shall organize such administrative divisions within the survey as are necessary to carry out the purposes of this chapter including, but not limited to, hydrogeology, marine and physical geology. [PL 1977, c. 360, §6 (NEW).]

D. The director shall prepare and submit to the Commissioner of Agriculture, Conservation and Forestry the budget for the survey. [PL 1977, c. 360, §6 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

E. The director may, upon such terms and conditions as he deems reasonable, and with the approval of the Commissioner of Agriculture, Conservation and Forestry, accept grants and funds from and enter into contracts with federal, state, local or other public entities to carry out the purposes of this chapter or to provide geological services, including mapping and inventory information. The proceeds of any such contract shall be paid into a separate account to be established by the Treasurer of State, which account shall not lapse, but shall continue from year to year and shall be available to carry out the purposes of this chapter. [PL 1977, c. 360, §6 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

F. The director shall not, when appointed or while in office, have any pecuniary interest in, directly or indirectly, any mining activity on land owned by the State, except in his official capacity. [PL 1977, c. 360, §6 (NEW).]

[PL 1987, c. 308, §1 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

SECTION HISTORY

PL 1977, c. 360, §6 (NEW). PL 1985, c. 785, §B59 (AMD). PL 1987, c. 308, §1 (AMD). PL 2011, c. 657, Pt. W, §6 (REV).

§544. Natural Areas Program

1. Establishment. The Natural Areas Program is established within the Department of Agriculture, Conservation and Forestry and is administered by the commissioner.

[PL 1999, c. 556, §13 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

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

A. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry. [PL 1999, c. 556, §13 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

B. "Critical area" means any natural area documented by the Natural Areas Program that is conserved or protected in its natural condition through voluntary action. [PL 1999, c. 556, §13 (NEW).]

C. "Endangered plant" means any native plant species that is in danger of extinction throughout all or a significant portion of its range within the State or any species determined to be an endangered species pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended. [PL 1999, c. 556, §13 (NEW).]

D. "Natural area" means any area of land or water, or both land and water, whether publicly or privately owned, that retains or has reestablished its natural character, though it need not be completely natural and undisturbed, and that supports, harbors or otherwise contains endangered, threatened or rare plants, animals and native ecological systems, or rare or unique geological, hydrological, natural historical, scenic or other similar features of scientific and educational value benefiting the citizens of the State. [PL 1999, c. 556, §13 (NEW).]

E. "Register of critical areas" means the official listing of critical areas. [PL 1999, c. 556, §13 (NEW).]

F. "Species" means any recognized taxonomic category of the biota including species, subspecies or variety. [PL 1999, c. 556, §13 (NEW).]

G. "Threatened plant" means any species of native plant likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range in the State or any species of plant determined to be a threatened species pursuant to the federal Endangered Species Act of 1973, Public Law 93-205, as amended. [PL 1999, c. 556, §13 (NEW).]

[PL 1999, c. 556, §13 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

3. Functions of the Natural Areas Program. The Natural Areas Program shall perform the following functions.

A. The Natural Areas Program shall conduct an ongoing, statewide inventory of the State's natural areas, including, but not limited to, rare plants, animals, natural communities and ecosystems or other geological, hydrological, natural historical, scenic or other similar features, and may conduct investigations related to the population, habitat needs, limiting factors and other biological and ecological data to support the mandates of the Natural Areas Program or other cooperating agencies. [PL 1999, c. 556, §13 (NEW).]

B. The Natural Areas Program shall maintain a biological and conservation database that must contain data from inventories and other data sources and other relevant biological, ecological or other information about natural features described in paragraph A and about ecologically significant sites that harbor these features. Information contained in the biological and conservation database may be made available as necessary or appropriate for conservation and land use planning, environmental review, scientific research and inquiry, education or other appropriate use. For the purpose of this paragraph, an appropriate use is one that will not jeopardize sensitive species or habitats. [PL 1999, c. 556, §13 (NEW).]

C. The Natural Areas Program may coordinate inventory and data management and planning activities with other appropriate state agencies or entities to maximize efficiency and increase communication among agencies and to provide appropriate data interpretation and technical services to support the mandates and programs of those agencies. [PL 1999, c. 556, §13 (NEW).]

D. The Natural Areas Program may levy appropriate charges to those using, for commercial gain, the inventory and information services provided by the Natural Areas Program to recover the costs of providing the services and a reasonable portion of the costs associated with building and maintaining the biological and conservation database. Charges must be fixed in a schedule prepared and revised as necessary by the Natural Areas Program and supported and explained by accompanying information. [PL 2007, c. 395, §8 (AMD).]

E. The Natural Areas Program may enter into cooperative agreements with federal or state agencies, political subdivisions of this State or private persons or organizations to receive or disburse funds for the purposes of this subchapter. [PL 1999, c. 556, §13 (NEW).]

F. The Natural Areas Program shall maintain a database of areas designated as ecological reserves as defined in section 1801, subsection 4-A and other public lands designated and managed for equivalent purposes and shall provide scientific review of areas on state land proposed as ecological reserves. [PL 2001, c. 471, Pt. B, §6 (NEW).]

G. The Natural Areas Program shall provide staff assistance to support the Land for Maine's Future Board established under Title 5, chapter 353. [PL 2011, c. 655, Pt. II, §3 (NEW); PL 2011, c. 655, Pt. II, §11 (AFF).]

[PL 2011, c. 655, Pt. II, §3 (AMD); PL 2011, c. 655, Pt. II, §11 (AFF).]

SECTION HISTORY

PL 1999, c. 556, §13 (NEW). PL 2001, c. 471, §B6 (AMD). PL 2007, c. 395, §8 (AMD). PL 2011, c. 655, Pt. II, §3 (AMD). PL 2011, c. 655, Pt. II, §11 (AFF). PL 2011, c. 657, Pt. W, §§5, 6 (REV).

§544-A. Natural Areas Advisory Board

(REPEALED)

SECTION HISTORY

PL 1999, c. 556, §13 (NEW). PL 2007, c. 395, §9 (RP).

§544-B. Responsibilities of commissioner

The commissioner has the following responsibilities pertaining to natural areas. [PL 1999, c. 556, §13 (NEW).]

1. Conservation of natural areas. The commissioner shall promote conservation of natural areas by:

A. Making available current and accurate information to all appropriate entities to interpret, educate or otherwise inform so as to support planning and conservation activities in this State; [PL 1999, c. 556, §13 (NEW).]

B. Promoting voluntary action to conserve and protect natural areas in this State; [PL 1999, c. 556, §13 (NEW).]

C. Entering into agreements with landowners of natural areas and registered critical areas to promote appropriate and effective management of these areas in order to maintain and enhance the natural value of these areas; and [PL 1999, c. 556, §13 (NEW).]

D. Developing and disseminating educational or technical materials for the purpose of informing the general public and other interested persons or institutions about natural areas and the value of those areas. The commissioner may charge a reasonable fee for these materials. All income received by the commissioner from the sale of these publications and materials must be credited to a nonlapsing, dedicated revenue account and used for the purposes of this paragraph. [PL 1999, c. 556, §13 (NEW).]

[PL 1999, c. 556, §13 (NEW).]

2. Register of critical areas. The commissioner shall maintain a register of critical areas that must contain natural areas classified as critical areas as follows.

A. In determining the classification of an area or site as a registered critical area, the commissioner shall consider:

(1) The unique or exemplary natural qualities of the area or site;

(2) The intrinsic fragility of the area or site and sensitivity to alteration or destruction;

(3) The voluntary commitment to conserve or protect the area or site;

(4) The present or future threat of alteration or destruction; and

(5) The economic implications of inclusion of an area or site on the register.

The commissioner, with the advice of the board, may remove a registered critical area from the register if the commissioner determines that the area or site no longer qualifies as a critical area. [PL 1999, c. 556, §13 (NEW).]

B. Each registered critical area must be documented with at least the following information:

(1) A general description of the area or site;

(2) A list of the endangered or threatened species or other unique or exemplary natural features occurring at the area or site, and reasons for inclusion in the register;

(3) The size and location of the area or site; and

(4) The name or names of the property owner or owners, contingent upon the consent of the owner or owners. [PL 1999, c. 556, §13 (NEW).]

C. The commissioner shall notify owners of natural areas of the natural value of their land and the implications of voluntary conservation. Subsequently a natural area may be placed upon the Register of Critical Areas with at least 60 days' notice before registration and the consent of the landowner. [PL 1999, c. 556, §13 (NEW).]

[PL 2007, c. 395, §10 (AMD).]

3. Endangered plants. The commissioner has the following responsibilities related to endangered plants.

A. The commissioner shall establish and maintain the official list of native endangered and threatened plants of the State. The purpose of the list is informational and may be provided on an informational basis to public agencies, private institutions or individuals for environmental assessment, land management or educational purposes. [PL 1999, c. 556, §13 (NEW).]

B. The commissioner may establish procedures to substantiate the identification of endangered and threatened native plant species. In determining and revising the list, the commissioner shall use the rare plant database of the Natural Areas Program and the knowledge of botanists in the State. In addition, the commissioner shall consult with federal agencies, interested state agencies, other states or provinces having a common interest and other interested persons and organizations. The commissioner shall determine criteria for each category. When establishing the list, the commissioner shall consider aspects of plant biology that contribute to a species' rarity such as:

(1) Endemism. The plant species or subspecies may be geographically restricted to the State or areas immediately adjacent to the State;

(2) Scarcity. A plant species or subspecies may be numerically scarce throughout its distribution in North America and occur in only a few locations in the State;

(3) Special habitat. A plant species or subspecies may require habitat that is scarce in the State;

(4) Limit of range. A plant species or subspecies in the State may be at the edge of its distribution or disjunct from its main distribution; and

(5) Population decline or vulnerability. A plant species or subspecies may be threatened or seriously declining due to habitat modification or destruction or from overcollection for commercial, recreational or educational purposes. [PL 2007, c. 395, §11 (AMD).]

C. The commissioner shall conduct at least one public hearing to allow for public comment before establishing or revising the list. [PL 1999, c. 556, §13 (NEW).]

D. The commissioner shall review the list biennially and add or delete species based on new botanical inventory data, taxonomic or other scientific studies or other documentation. [PL 1999, c. 556, §13 (NEW).]

[PL 2007, c. 395, §11 (AMD).]

4. Sensitive information. The commissioner may withhold specific information on the location of a species or natural area and its component features if, in the judgment of the commissioner, disclosure of this information would threaten the existence of that species or natural area. The commissioner may not deny a landowner or landowner's designee information about species or natural areas occurring on the landowner's property or withhold this information from usual environmental review procedures of local, state or federal regulatory agencies.

[PL 1999, c. 556, §13 (NEW).]

SECTION HISTORY

PL 1999, c. 556, §13 (NEW). PL 2007, c. 395, §§10, 11 (AMD).

§544-C. Natural Areas Conservation Fund

The Natural Areas Conservation Fund is established as a nonlapsing separate account to be administered by the commissioner. Income from gifts, bequests, devises, grants, fees and other sources may be deposited in this fund. All money in the fund and earnings on that money must be used for the investigation, conservation and management of native plants, natural communities, ecosystems or other

significant features as described in this chapter and for administrative and personnel costs for the purposes of this section. The commissioner may make grants from the fund to any person, organization, state agency or other entity to undertake inventory and research about rare plants, natural communities, ecosystems or other features of natural areas. [PL 1999, c. 556, §13 (NEW).]

Funds in the Natural Areas Conservation Fund may not be deposited in the General Fund or any other fund except as provided by law. All funds of the Natural Areas Conservation Fund are subject to allocation by the Legislature. [PL 1999, c. 556, §13 (NEW).]

SECTION HISTORY

PL 1999, c. 556, §13 (NEW).

§544-D. Maine Coastal Program

(REPEALED)

SECTION HISTORY

PL 2011, c. 655, Pt. KK, §5 (NEW). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 657, Pt. W, §§5, 6 (REV). PL 2017, c. 284, Pt. QQ, §2 (RP).

SUBCHAPTER 1-A

MAINE CAVE PROTECTION ACT

§544-I. Short title

This subchapter may be known and cited as the "Maine Cave Protection Act." [PL 2001, c. 113, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 113, §1 (NEW).

§544-J. Definitions

As used in this subchapter, unless the context otherwise indicates, the following words have the following meanings. [PL 2001, c. 113, §1 (NEW).]

1. Cave. "Cave" means any naturally occurring void, cavity, recess, sinkhole or system of interconnecting passages beneath the surface of the earth or within a cliff or ledge that is large enough to permit a person to enter. "Cave" includes natural subsurface water and drainage systems, but does not include any mine, tunnel or other artificial excavation.
[PL 2001, c. 113, §1 (NEW).]

2. Cave life. "Cave life" means any life-form normally found in a cave.
[PL 2001, c. 113, §1 (NEW).]

3. Natural material. "Natural material" means stalactite, stalagmite, helictite, anthodite, gypsum flower or needle, flowstone, drapery, column, tufa dam, clay or mud formation or concretion or other similar crystalline mineral formation found in any cave.
[PL 2001, c. 113, §1 (NEW).]

4. Owner. "Owner" means a person who owns title to land where a cave is located.
[PL 2001, c. 113, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 113, §1 (NEW).

§544-K. Prior written consent of owner

A person must obtain the prior written permission of the owner to excavate or remove an archaeological, paleontological, prehistoric or historic feature of a cave. [PL 2001, c. 113, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 113, §1 (NEW).

§544-L. Field investigations, explorations and recovery operations

All field investigations, explorations and recovery operations in a cave must ensure that the ability to recover and preserve historic, scientific, archaeological and educational information is not impeded. The excavation or removal of an artifact, object, specimen or material from a cave on state-controlled land, as those terms are defined in Title 27, section 373-A, is subject to the provisions governing excavation and removal of state-owned objects and specimens under Title 27, chapter 13. [PL 2001, c. 113, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 113, §1 (NEW).

§544-M. Liability of owners

Recreational caving is a recreational or harvesting activity for the purposes of limited liability of landowners under Title 14, section 159-A. [PL 2001, c. 113, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 113, §1 (NEW).

§544-N. Prohibited acts

1. Defacing or damaging cave prohibited. A person may not deface or damage a cave. A person defaces or damages a cave if the person, without the prior written permission of the owner:

A. Breaks, breaks off, cracks, carves upon, writes or otherwise marks upon or in any manner destroys, mutilates, injures, defaces, removes, displaces, mars or harms any natural material found in a cave; [PL 2001, c. 113, §1 (NEW).]

B. Kills, harms or disturbs plant or animal life found in a cave, except for safety reasons; [PL 2001, c. 113, §1 (NEW).]

C. Disturbs or alters the natural condition of a cave or takes into a cave any aerosol or other container containing paints, dyes or other coloring agents; [PL 2001, c. 113, §1 (NEW).]

D. Stores, dumps, litters, disposes of or otherwise places any refuse, garbage, dead animal, sewage or toxic substance harmful to cave life or humans in a cave; [PL 2001, c. 113, §1 (NEW).]

E. Burns within a cave any material that produces smoke or gas that is harmful to any organism in the cave; or [PL 2001, c. 113, §1 (NEW).]

F. Breaks, forces, tampers with, removes or otherwise disturbs a lock, gate, door, sign or other structure or obstruction designed to prevent entrance to a cave, whether or not entrance is gained. [PL 2001, c. 113, §1 (NEW).]

[PL 2001, c. 113, §1 (NEW).]

2. Forfeiture. A person who violates the provisions of this subchapter commits a civil violation for which a forfeiture of up to $1,000 may be adjudged.
[PL 2001, c. 113, §1 (NEW).]

3. Damages may be collected by landowner. A person who intentionally defaces or damages a cave on private land in violation of subsection 1 is liable to the owner of that land for actual damages recoverable through a civil action.

[PL 2001, c. 113, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 113, §1 (NEW).

SUBCHAPTER 2

MINING ON STATE LANDS

§545. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1977, c. 360, §7 (NEW). PL 1977, c. 694, §208 (AMD). PL 1985, c. 201, §1 (RP).

§546. Definitions

(REPEALED)

SECTION HISTORY

PL 1977, c. 360, §7 (NEW). PL 1985, c. 201, §1 (RP).

§547. Permitting, licensing and leasing

(REPEALED)

SECTION HISTORY

PL 1977, c. 360, §7 (NEW). PL 1977, c. 694, §§209-215 (AMD). PL 1979, c. 214, §§1-3 (AMD). PL 1985, c. 201, §1 (RP).

§548. Compliance with regulatory laws

(REPEALED)

SECTION HISTORY

PL 1977, c. 360, §7 (NEW). PL 1985, c. 201, §1 (RP).

SUBCHAPTER 3

MINING ON STATE LANDS

§549. Jurisdiction

The Division of Geology, Natural Areas and Coastal Resources and the agencies having jurisdiction over state-owned lands have jurisdiction, as set forth in this subchapter, over all state-owned lands for the purpose of mineral development and mining on that land. The Bureau of Resource Information and Land Use Planning and the agencies having jurisdiction over state-owned lands may make such rules as each considers proper with respect to the authority delegated pursuant to this subchapter. [PL 2013, c. 405, Pt. C, §4 (AMD).]

SECTION HISTORY

PL 1985, c. 201, §2 (NEW). PL 1995, c. 502, §E32 (AMD). PL 1999, c. 556, §14 (AMD). PL 2011, c. 655, Pt. KK, §6 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. C, §4 (AMD).

§549-A. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 201, §2 (NEW).]

1. Development. "Development" means all of the methods used in the preparation of a known and presumed economically extractable ore deposit for mining.
[PL 1985, c. 201, §2 (NEW).]

2. Director of the survey. "Director of the survey" means the Director of the Bureau of Resource Information and Land Use Planning.
[PL 2013, c. 405, Pt. C, §5 (AMD).]

3. Exploration. "Exploration" means an examination of an area for the purpose of discovering the presence of minerals with techniques which include all of the manual, mechanical, electronic or chemical methods of determining the presence, size and quality of a mineral deposit.
[PL 1985, c. 201, §2 (NEW).]

4. Explosives. "Explosives" means explosive materials which are used to explore, develop or mine a mineral deposit.
[PL 1985, c. 201, §2 (NEW).]

5. Machinery. "Machinery" means equipment or machinery, exclusive of vehicles, which is used to explore, develop or mine a mineral deposit.
[PL 1985, c. 201, §2 (NEW).]

6. Minerals. "Minerals" means all naturally occurring mineral deposits, including hydrocarbons and peat, but excluding sand, gravel and water.
[PL 1985, c. 201, §2 (NEW).]

7. Mining. "Mining" means all of the extractive and beneficiative processes necessary to remove and prepare a mineral deposit for market.
[PL 1985, c. 201, §2 (NEW).]

8. Ore. "Ore" means any mineral or an aggregate of minerals which can be extracted from the earth economically.
[PL 1985, c. 201, §2 (NEW).]

9. Person. "Person" means individuals, partnerships, corporations and other entities.
[PL 1985, c. 201, §2 (NEW).]

10. Royalty. "Royalty" means the amount paid to the State for the right to remove minerals from state land, including minimum and preproduction payments.
[PL 1985, c. 201, §2 (NEW).]

11. State lands. "State lands" means all lands owned or held in trust by the State or in which the State holds an interest, including inland and tidal submerged lands and waters.
[PL 1985, c. 201, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 201, §2 (NEW). PL 1995, c. 502, §E32 (AMD). PL 1999, c. 556, §15 (AMD). PL 2011, c. 655, Pt. KK, §7 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2013, c. 405, Pt. C, §5 (AMD).

§549-B. Exploration permits, exploration claims and mining leases

1. Authority to explore. Any individual over 18 years of age or other person may enter upon state lands, including lands held under specific trust instruments when the trust is consistent with mineral development, on receipt of an exploration permit from the director of the survey for the purpose of

exploration, unless otherwise indicated in this subchapter. An exploration permit shall be issued upon payment of a fee of $20 and shall apply to state lands only. An exploration permit shall bear a number and be dated on the date of issue of the permit and shall expire at midnight on the next June 30th. The holder of an exploration permit is entitled to a renewal of his permit upon expiration of the permit, upon making application to the director of the survey on or before June 30th, including payment of the prescribed fee, which renewal shall take effect on July 1st and bear the same number as the expired permit. Prospectors' permits in effect on June 30, 1985, shall remain in effect as exploration permits until June 30, 1986.

If machinery or explosives are to be used for exploration on state lands, the methods to be employed and the amount of explosives to be allowed shall first be approved by the director of the survey and the director of the agency having jurisdiction over the state land. The use of machinery or explosives shall be approved only where it will be done in harmony with the activities of the agency having jurisdiction over the state land and will not result in environmental harm.
[PL 1985, c. 201, §2 (NEW).]

2. Exploration for and mining of hydrocarbons. The director of the survey and the Director of the Bureau of Parks and Lands may promulgate rules governing exploration and mining of hydrocarbons on all lands within the jurisdiction of the State, public and private, in order to prevent the waste of hydrocarbons and to protect correlative rights and natural resources. The directors may promulgate rules on all lands in the State to specify the size of the area of exploration, the amount charged for exploration permits and exploration claims, the duration of those permits and claims and other matters related to the exploration and mining of hydrocarbons on state lands.
[PL 1985, c. 201, §2 (NEW); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Location of exploration claim and maintenance of rights of possession. Any person or corporation which has secured an exploration permit may locate one or more exploration claims by defining the boundary lines of the claim or claims. No exploration claim may be smaller than 20 acres, except in cases where only a smaller area is available in a parcel of state-owned land. The location or record of any exploration claim shall be construed to include all surface found within the surface boundary lines, and all ledges throughout their entire vertical depth, but shall not include any portion of the ledges beyond the end and sidelines of the exploration claim or timber or growth on the exploration claim. As nearly as circumstances permit, an exploration claim shall be staked out in the following manner:

A. By erecting a post or other reasonably permanent monument at each of the corners of the exploration claim. Every post or monument shall stand not less than 4 feet above the ground, shall not be less than 4 inches in diameter and shall bear the following information: The name of the locator; the number of his exploration permit; the date of the staking; and, if the exploration claim is staked on behalf of another person, the name of the other person and the number of his exploration permit; [PL 1985, c. 201, §2 (NEW).]

B. By plainly marking the trees with paint and by trimming the underbrush along the boundary lines of the exploration claim to indicate clearly the outlines of the exploration claim. Where there are no trees or underbrush, by piling stones or placing pickets at reasonable intervals along the boundary lines of the exploration claim; or [PL 1985, c. 201, §2 (NEW).]

C. By establishing post or buoy markers to witness exploration claim corners which fall in a body of water, by placing posts on dry land and marking on the posts exact distances and directions to over-water exploration claim corners or by such other methods as the director of the survey may by regulation establish. [PL 1985, c. 201, §2 (NEW).]

Any person who has located and recorded any exploration claim or claims shall, subject to this subchapter, have the right of possession of the premises covered by that exploration claim or claims,

for the purpose of conducting exploration activities on those premises. The right of possession shall be alienable in the same manner as real estate. No alienation or transfer of the rights of possession conferred by a located and recorded exploration claim may be effective until the transferor has notified the director of the survey of the transfer and has received an acknowledgment by the director of the survey in writing of receipt of the notification. The director of the survey shall make an acknowledgment within 30 days of the receipt of the notice. Without the express prior written consent of the director of the survey and the agency of the State having jurisdiction over the state land, granted for good cause, the exploration claim shall in no way interfere with conservation, recreation, harvesting timber, leasing campsite lots or other activities of the agency having jurisdiction.
[PL 1985, c. 201, §2 (NEW).]

4. Recording of exploration claim. No person may have the right of possession of any exploration claim until the exploration claim has been recorded with the director of the survey. The explorer who first records with the director of the survey a validly-staked exploration claim or claims shall be deemed the claim holder of record for the purposes of this subchapter. The record shall contain:

A. The name of the claimant; [PL 1985, c. 201, §2 (NEW).]

B. A general description of the minerals or metals sought; [PL 1985, c. 201, §2 (NEW).]

C. The date of location and a description of the exploration claim as follows:

(1) A reference, using magnetic bearings and distances, to the natural object, permanent monument or survey corner of the state-owned parcel as will identify the claim; and

(2) A description, using magnetic bearings and distances, of each sideline and corner of the exploration claim; and [PL 1985, c. 201, §2 (NEW).]

D. A United States Geological Survey quadrangle base map and an aerial photograph of a scale that shows with reasonable accuracy the outline location and corners of the exploration claim in relation to the state-owned parcel and prominent natural objects or permanent structural features so that the exploration claim may be located on the ground by the director of the survey or his representatives. [PL 1985, c. 201, §2 (NEW).]

[PL 1985, c. 201, §2 (NEW).]

5. Fees and terms of exploration claim. The fees and terms of exploration of any claim shall be as follows.

A. The fee for recording, renewing, transferring or changing the size of a claim is $100, which shall be paid to the director of the survey. [PL 1985, c. 201, §2 (NEW).]

B. The term of the exploration claim shall be for one year, renewable for 5 years from the initial date of recording by written notice to the director of the survey before June 30th. For claims recorded after April 1st and before June 30th, the first renewal notice shall be due on the 2nd June 30th following. By the end of the 5-year period, any title to the claim shall lapse, unless a mining lease has been issued by the State under this subchapter. The director of the survey may, upon application and for good cause, grant an extension for an additional period not to exceed 2 years. Upon lapse or filing of notice of abandonment of a claim, no person holding the claim immediately prior to the date of the lapse of abandonment, or his representative, partner, affiliate or leasing associate, may relocate on the same area for a period of 60 days. [PL 1985, c. 201, §2 (NEW).]

C. In addition to the recording fee, a rental fee shall be levied from the date of recordation of the claim as follows:

First year	$.25 per acre
2nd year	$.75 per acre
3rd year	$1.50 per acre
4th year	$2.50 per acre

5th year	$5.00 per acre
6th year	$20.00 per acre
7th year	$30.00 per acre

The rental fee payment for the first year shall be due on the date of recordation of the claim. The rental fee payment for the 2nd year and for each year the claim is in effect shall be due on the June 30th which precedes the year for which the payment is due and shall be paid to the director of the survey. For claims recorded after April 1st and before June 30th, the 2nd rental fee payment shall be due on the 2nd June 30th following. [PL 1985, c. 201, §2 (NEW).]

D. An affidavit of investigatory and exploratory work must be filed each year with the director of the survey on June 30th. At the time of filing that affidavit, the claimant shall demonstrate to the director that investigatory work has been performed on that claim at a rate of at least $5 per acre during the year ending June 30th. For claims recorded after April 1st and before June 30th, the first affidavit of investigatory and exploratory work must be filed on the 2nd June 30th following. All work done must be described in the affidavit and include work that tends to reveal such characteristics of the material sought as length, width, depth, thickness, tonnage and mineral or metal content, or, with respect to nonmetallic minerals, other physical characteristics of the deposit relating directly to the commercial exploitation of the deposit and such other information relating to the exploration work as the director of the survey may require. During the period of time in which the claim is in effect, this information is confidential and may not be disclosed, except that the information may be shared with other governmental agencies. [PL 2009, c. 567, §4 (AMD).]

E. The failure to comply with any of the requirements of this subsection shall operate as a forfeiture of the claim or claims. Written notice of the forfeiture shall be sent by registered or certified mail to the claimant's last known address. Any claimant who is aggrieved may file a written petition for a hearing before the director of the survey within 14 days after notice of forfeiture has been given. If the petition for a hearing is filed with the director of the survey within the 14-day period, the director of the survey shall, within 30 days, grant a hearing on the forfeiture and give the claimant 10 days' notice of the time and place of the hearing. For good cause, the director of the survey may extend the time for filing the petition. If the claimant is aggrieved by the decision of the director of the survey resulting from the hearing, he may, within 30 days thereafter, appeal to the Superior Court filing a claimant therefor. The court shall fix a time and place for hearing and cause of notice of the hearing to be given to the director of the survey and, after hearing, the court may affirm or reverse the decision of the director of the survey and the decision of the court shall be final. During the pendency of all proceedings under this paragraph, no person may lay claim to the area of dispute. The director of the survey may perform the duties of this paragraph personally or through his designee. [PL 1985, c. 201, §2 (NEW).]

F. Within 6 months of the lapse or termination of a validly located exploration claim or claims, the owner of the claim or claims shall provide to the director one copy of all factual data acquired during exploration of that claim or claims. The factual data shall include, but not be limited to, all geologic maps, drill logs, assay or other analytical data, geochemical maps, geophysical data and metallurgical or other laboratory tests, but shall not include interpretive reports derived from that data. [PL 1985, c. 201, §2 (NEW).]

[PL 2009, c. 567, §4 (AMD).]

6. Land use ruling. Any person with a recorded exploration claim shall make application to the director of the agency having jurisdiction over the state lands on which the claim is located for a ruling on the question of whether mining operations can be carried on consistent with any prior or proposed other use by the State or any agency or instrumentality of the State. Such a ruling, that mining operations can be carried on, shall not be made without consulting the director of the survey. No mining lease may be issued under this subchapter without a land use ruling which answers the question in this subsection in the affirmative. A public hearing shall be held prior to any ruling required under this

subsection. The ruling shall be made within 180 days of the date of the application and when obtained shall be binding and irrevocable for such period of time as the applicant and the State may agree. [PL 1985, c. 201, §2 (NEW).]

7. Mining lease. Mining leases may be applied for and granted as follows.

A. Any person with a valid recorded exploration claim in accordance with this subchapter may make application for a mining lease to the director of the agency having jurisdiction over the state lands on which the mining lease is sought. The application must be accompanied by a report from a certified or licensed geologist or mining engineer containing all information of a geologic, engineering and operational nature that is required by the director of the survey or the director of the agency having jurisdiction over the state lands on which the mining lease is sought to properly evaluate the application and an accurate survey of the property boundaries certified by a registered surveyor and evidence of ability to finance the proposed mining operations. [PL 2019, c. 285, §3 (AMD).]

B. The director of the agency having jurisdiction over these state lands shall hold a hearing for the purpose of hearing evidence on whether to grant or deny a mining lease to mine under this section. The hearing shall be held within 90 days of receipt of the application and notice of the date, time and place shall be given to the applicant and public notice shall be made by causing publication of the notice twice in a newspaper of general circulation in the proposed locality or, if none, in the state paper. The date of first publication shall be at least 10 days and the last publication shall be at least 3 days before the date of the hearing. [PL 1985, c. 201, §2 (NEW).]

C. A decision in accordance with this subsection shall be issued within 120 days of the date of the hearing. [PL 1985, c. 201, §2 (NEW).]

C-1. Notwithstanding any other provision of law to the contrary, the director of the agency having jurisdiction over the state lands on which a mining lease is sought may not grant a mining lease under this section that authorizes mining operations proposed to be located wholly or partially in, on or under any of the following state lands:

(1) Designated lands under section 598-A;

(2) Historic sites as defined in section 1801, subsection 5;

(3) Parks as defined in section 1801, subsection 7;

(4) Public reserved lands as defined in section 1801, subsection 8;

(5) Submerged lands as defined in section 1801, subsection 9;

(6) The Allagash Wilderness Waterway as established under chapter 220, subchapter 6; and

(7) State-owned wildlife management areas acquired in accordance with section 10109, subsection 1. [PL 2017, c. 142, §1 (NEW).]

D. The director of the agency having jurisdiction over the state lands, with the consent of the director of the survey, may issue a mining lease subject to such terms and conditions as the directors may determine. [PL 1985, c. 201, §2 (NEW).]

E. If a lease is issued, the lessee shall be required to provide a bond in an amount determined by the director of the agency having jurisdiction over the state-owned lands to be necessary to reclaim the area mined and to protect against damage that may be caused to any property located outside the leased area by the lessee's mining operations or, in lieu of a bond, other security determined by the director of the agency having jurisdiction over the state-owned lands to provide the same protection as a bond. [PL 1985, c. 201, §2 (NEW).]

[PL 2019, c. 285, §3 (AMD).]

8. Common and undivided interests. The director of the survey and the Director of the Bureau of Parks and Lands, acting jointly, may, by regulation, establish procedures for the filing of exploration claims and issuance of exploration permits and leases covering state-owned public lands, including public reserved lands, which are comprised of state-owned common and undivided interests. The regulations may condition the issuance of an exploration permit or mining lease and the filing of an exploration claim upon the consent of a majority of the private common and undivided ownership of the parcel of land to which the exploration permit, exploration claim or mining lease relates.

Any permit or lease issued under this section shall extend only to the common and undivided interest of the State. Any partition occasioned by a negative ruling under subsection 6 or 7 shall be conducted with reasonable expedition. In any partition or location of public reserved land, the Bureau of Parks and Lands may accept a partition of the surface estate and continue as a cotenant in all or a portion of the mineral estate.
[PL 1985, c. 201, §2 (NEW); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

9. Royalty. Royalty payments shall be made as follows.

A. The holder of a lease to mine shall make royalty payments annually or more frequently if so specified in the lease. [PL 1985, c. 201, §2 (NEW).]

B. The amount of royalty payments, including minimum royalties and preproduction payments, together with the other terms and conditions of the lease, shall be set jointly by the director of the survey and the director of the agency having jurisdiction over the state lands. The royalty rate set shall reasonably relate to applicable royalty rates generally prevailing. [PL 1985, c. 201, §2 (NEW).]
[PL 1985, c. 201, §2 (NEW).]

10. Disposition of fees and royalties. All fees and royalties accruing to the survey under this subchapter must be paid into a separate account to be established by the Treasurer of State to be used for salaries and other expenses incurred in the administration of this subchapter, subject to and to the extent permitted by section 1849. The account may not lapse but must continue from year to year.
[PL 1997, c. 678, §3 (AMD).]

11. Rights-of-way. Any person who has located an exploration claim and has been issued a mining lease in accordance with this subchapter may, with the consent of the director of the agency having jurisdiction over those state lands and consistent with the law, have the right of access across any lands owned or controlled by the State to and from that location. The holder of a mining lease may be issued a permit giving him authority to open, construct, put in, maintain and use ditches, tunnels, pipes, conduits, flumes and other works through, over and upon that land for drainage and passage of water, together with the right to construct dams, provided that no such water flows on land of others, in connection with the working of his mine to bring water to the mine necessary or convenient for its operation with such conditions and restrictions as may be imposed.
[PL 1985, c. 201, §2 (NEW).]

12. Mining under bodies of water. Where any mineral is situated under or in the bed of a stream or lake, and for the efficient working of the mineral deposit, it is necessary to divert the water of that stream within the boundaries of public land, or drain any lake, the director of the agency having jurisdiction over these state-owned lands may permit the diversion or drainage to be done, subject to such provisions, for the benefit of any persons who are entitled to the use of the water of that stream or lake in its natural state, as to him may seem just and expedient.
[PL 1985, c. 201, §2 (NEW).]

13. Annual reports. Any person with a mining lease engaged in mine development or mining under this subchapter shall, in the month of June following the year the operation was carried on, pay

all applicable fees, rentals and royalties and file an annual report with the director of the survey and director of the agency having jurisdiction over the state-owned land setting forth:

A. The location of the operation; [PL 1985, c. 201, §2 (NEW).]

B. The quality and grade of mineral products or ores produced; [PL 1985, c. 201, §2 (NEW).]

C. The amount of royalty that has accrued on material extracted; [PL 2009, c. 567, §5 (AMD).]

D. The number of persons ordinarily employed at operation below ground and above ground; and [PL 1985, c. 201, §2 (NEW).]

E. Any other information, relating to the mining lease, mine development or mining, the director of the division and the director of the agency having jurisdiction over the state-owned lands may require by regulation. [PL 1985, c. 201, §2 (NEW); PL 2011, c. 657, Pt. W, §7 (REV).]

This information is confidential and may not be disclosed, except that the information may be shared with other governmental agencies.
[PL 2009, c. 567, §5 (AMD); PL 2011, c. 657, Pt. W, §7 (REV).]

14. Termination. In the event that any explorer, claimant or lessee violates any of this subchapter or any rule, the director of the survey or the director of the agency having jurisdiction over the state-owned lands shall notify the explorer, claimant or lessee, as the case may be, of the alleged violation and of the nature of the alleged violation, by sending the notice by registered or certified mail to him at his last known address. If the violation is not remedied within 30 days after the date of mailing the notice, the permit, claim or lease of the violator in existence at the time of the violation may be terminated by the State through the director of the survey or the director of the agency having jurisdiction over the state-owned lands by giving written notice of termination in the same manner specified for notice of violation. For cause, the State, through the director of the survey or the director of the agency having jurisdiction over the state-owned lands, may extend such further time for compliance as it may determine. Any person who is aggrieved may file a written petition for a hearing before the State within 30 days of the date of the giving of written notice of termination by the State. The hearing shall take place within 30 days of receipt of the petition and a decision shall be rendered by the State within 60 days following the final adjournment of the hearing. Appeals from the State's decision shall be pursuant to the Maine Rules of Civil Procedure as they apply to appeals from rulings of public agencies.
[PL 1985, c. 201, §2 (NEW).]

15. Injunctions against violation. Whenever it appears that any person is violating or threatening to violate this subchapter or any rule or order issued pursuant to this subchapter, the State may seek an injunction against that person in the Superior Court of the county in which the office of the director of the survey and the director of the agency having jurisdiction over the state-owned lands is located or of any county where the violation occurs or is threatened, or in the county in which the defendant resides or in which any defendant resides if there is more than one defendant, to restrain the person from continuing the violation or from carrying out the threat of violation. In any such action, the court shall have jurisdiction to grant to the State, without bond or other undertaking, such prohibitory or mandatory injunctions as the facts may warrant, including temporary restraining orders and preliminary injunctions.
[PL 1985, c. 201, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 201, §2 (NEW). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §3 (AMD). PL 2009, c. 567, §§4, 5 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2017, c. 142, §1 (AMD). PL 2019, c. 285, §3 (AMD).

§549-C. Compliance with regulatory laws

Nothing in this subchapter may be deemed to relieve any explorer or mining lessee from the obligation to comply with all applicable environmental or other regulatory laws and rules of the State. [PL 1985, c. 201, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 201, §2 (NEW).

SUBCHAPTER 4

INFORMATION ON MINING EXPLORATION

§550. Annual exploration registration

Annual registration shall be required as provided in this section. [PL 1985, c. 201, §3 (NEW).]

1. Registration. Any person conducting mineral exploration where the total exploration expenses incurred in a calendar year exceed $25,000 on private, leased or otherwise acquired lands within the State must register with the director. Registration shall be valid for the fiscal year and must be renewed annually.
[PL 1985, c. 201, §3 (NEW).]

2. Information. Registration shall include the following information:

A. The name and address of the person conducting the exploration; [PL 1985, c. 201, §3 (NEW).]

B. The name and address of the parent and any subsidiaries or domestic affiliates of the corporation engaged in exploration activities in this State; and [PL 1985, c. 201, §3 (NEW).]

C. The names of counties where exploration is expected to occur. [PL 1985, c. 201, §3 (NEW).]
[PL 1985, c. 201, §3 (NEW).]

SECTION HISTORY

PL 1985, c. 201, §3 (NEW).

§550-A. Notice of intent to file

(REPEALED)

SECTION HISTORY

PL 1985, c. 201, §3 (NEW). PL 1985, c. 819, §A17 (AMD). PL 2011, c. 653, §1 (RP). PL 2011, c. 653, §33 (AFF).

CHAPTER 201-B

WATER WELLS

§550-B. Water well information

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

A. "Well" means any hole constructed by any method for the purpose of extracting water from below the ground. [PL 1987, c. 509 (NEW).]

B. [PL 2003, c. 175, §1 (RP).]

C. "Well drilling company" means a person, firm, partnership or corporation that owns or otherwise operates any mechanical equipment used to drill, drive or bore water wells. [PL 2003, c. 175, §2 (NEW).]

[PL 2003, c. 175, §§1, 2 (AMD).]

2. Exemptions. Wells for which data reports are already required by any state agency are exempt from the reporting requirements of this chapter.

[PL 1987, c. 509 (NEW).]

3. Water well information documentation. Completion reports shall be filed according to this subsection.

A. Within 30 days after completion of any well or dry hole, or the enlarging or deepening of an existing well, a well drilling company shall submit a report to the Division of Geology, Natural Areas and Coastal Resources on forms designed and provided by the Division of Geology, Natural Areas and Coastal Resources. The report must contain information as may be required by the Division of Geology, Natural Areas and Coastal Resources, including, but not limited to, location, construction and well yield. [PL 2013, c. 405, Pt. C, §6 (AMD).]

B. Any well drilling company that has engaged in the construction of water wells, but who has not submitted well completion reports on a timely basis as required by this chapter, is in violation of this chapter. [PL 2003, c. 175, §4 (AMD).]

[PL 2013, c. 405, Pt. C, §6 (AMD).]

4. Compliance with other laws and rules. Notwithstanding the provisions set forth in this chapter, all wells are to be constructed and maintained in accordance with all other laws and rules in effect.

[PL 1987, c. 509 (NEW).]

5. Penalties. A well drilling company that violates any standard or provision of this chapter, commits a civil violation for which a forfeiture of not more than $500 may be adjudged. In addition to other civil remedies, the court may issue an injunction.

[PL 2003, c. 175, §5 (AMD).]

6. Information use. Information collected by the Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey under this section is subject to Title 1, chapter 13, subchapter 1, unless the well drilling company to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available. The Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey shall make information collected under this chapter available to any federal, state or municipal entity or authorized agent of such entity.

[PL 2013, c. 405, Pt. C, §7 (AMD).]

SECTION HISTORY

PL 1987, c. 509 (NEW). PL 1995, c. 502, §E32 (AMD). PL 1999, c. 556, §§16,17 (AMD). PL 2003, c. 175, §§1-5 (AMD). PL 2009, c. 567, §6 (AMD). PL 2011, c. 655, Pt. KK, §§8, 9 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2013, c. 405, Pt. C, §§6, 7 (AMD).

CHAPTER 202

BUREAU OF PARKS AND LANDS

§551. Bureau of Public Lands established

(REPEALED)

SECTION HISTORY

PL 1975, c. 339, §6 (NEW). PL 1995, c. 502, §E3 (RP).

§551-A. Definitions

(REPEALED)

SECTION HISTORY

PL 1995, c. 502, §E4 (NEW). PL 1997, c. 678, §4 (RP).

§551-B. Planning and Management of Public Lands

(REPEALED)

SECTION HISTORY

PL 1995, c. 502, §E4 (NEW). PL 1997, c. 678, §4 (RP).

§552. Bureau of Parks and Lands; powers and duties with respect to public lands

(REPEALED)

SECTION HISTORY

PL 1975, c. 339, §6 (NEW). PL 1975, c. 770, §62 (AMD). PL 1977, c. 78, §39 (AMD). PL 1977, c. 360, §8 (AMD). PL 1977, c. 694, §§216,217 (AMD). PL 1979, c. 545, §1 (AMD). PL 1987, c. 737, §§C17,C18, C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1995, c. 502, §§E5,30 (AMD). PL 1997, c. 678, §4 (RP).

§553. Duties of the Director of the Bureau of Parks and Lands with respect to public lands

(REPEALED)

SECTION HISTORY

PL 1975, c. 339, §6 (NEW). PL 1977, c. 360, §34 (AMD). PL 1985, c. 299, §1 (AMD). PL 1985, c. 785, §B60 (AMD). PL 1987, c. 308, §2 (AMD). PL 1987, c. 737, §§C19,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1995, c. 502, §§E6-9,30,32 (AMD). PL 1997, c. 678, §4 (RP).

§554. Management of public lands

(REPEALED)

SECTION HISTORY

PL 1975, c. 339, §6 (NEW). PL 1987, c. 737, §§C20,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §4 (RP).

§555. Trespass on public lands

(REPEALED)

SECTION HISTORY

PL 1975, c. 339, §6 (NEW). PL 1995, c. 502, §§E10,11 (AMD). PL 1997, c. 678, §4 (RP).

§556. Public access to public lands

(REPEALED)

SECTION HISTORY

PL 1975, c. 339, §6 (NEW). PL 1995, c. 502, §§E12,30 (AMD). PL 1997, c. 678, §4 (RP).

§557. Nonreserved Public Lands Management Fund

(REPEALED)

SECTION HISTORY

PL 1975, c. 339, §6 (NEW). PL 1975, c. 770, §63 (AMD). PL 1977, c. 57, §1 (AMD). PL 1979, c. 224, §1 (AMD). PL 1979, c. 683, §1 (AMD). PL 1983, c. 819, §A8 (AMD). PL 1983, c. 833, §1 (AMD). PL 1985, c. 299, §2 (AMD). PL 1985, c. 506, §A11 (AMD). PL 1987, c. 737, §§C21,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 502, §B8 (AMD). PL 1991, c. 427, §1 (AMD). PL 1995, c. 502, §E13 (AMD). PL 1997, c. 678, §4 (RP).

§557-A. Submerged Lands Fund

(REPEALED)

SECTION HISTORY

PL 1991, c. 427, §2 (NEW). PL 1995, c. 666, §2 (RP).

§557-B. Submerged Lands Fund

(REPEALED)

SECTION HISTORY

PL 1995, c. 666, §3 (NEW). PL 1997, c. 678, §4 (RP).

§558. Submerged and intertidal lands owned by the State

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §2 (NEW). PL 1983, c. 819, §A9 (RP).

§558-A. Submerged and intertidal lands owned by the State

(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A10 (NEW). PL 1987, c. 765, §1 (AMD). PL 1989, c. 310 (AMD). PL 1989, c. 338, §§1-5 (AMD). PL 1989, c. 878, §A30 (AMD). RR 1991, c. 2, §36 (COR). PL 1991, c. 381, §1 (AMD). PL 1991, c. 427, §3 (AMD). PL 1991, c. 430, §3 (AFF). PL 1991, c. 430, §§1,2 (AMD). PL 1995, c. 502, §E14 (AMD). PL 1995, c. 666, §§4-10 (AMD). PL 1995, c. 666, §13 (AFF). PL 1997, c. 231, §1 (AMD). PL 1997, c. 678, §4 (RP).

§558-B. Shore and Harbor Management Fund

(REPEALED)

SECTION HISTORY

PL 1991, c. 427, §4 (NEW). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §4 (RP).

§558-C. Submerged Lands Advisory Board

(REPEALED)

SECTION HISTORY

PL 1995, c. 666, §11 (NEW). PL 1997, c. 678, §4 (RP).

§559. Filled-in submerged lands

(REPEALED)

SECTION HISTORY

PL 1981, c. 532 (NEW). PL 1991, c. 824, §A18 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §4 (RP).

§560. Lands provided by Governor Baxter

(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A11 (NEW). PL 1985, c. 107, §1 (RP).

CHAPTER 202-A

THE PUBLIC TRUST IN INTERTIDAL LAND

§571. Legislative findings and purpose

The Legislature finds and declares that the intertidal lands of the State are impressed with a public trust and that the State is responsible for protection of the public's interest in this land. [PL 1985, c. 782 (NEW).]

The Legislature further finds and declares that this public trust is part of the common law of Maine and generally derived from the practices, conditions and needs in Maine, from English Common Law and from the Massachusetts Colonial Ordinance of 1641-47. The public trust is an evolving doctrine reflective of the customs, traditions, heritage and habits of the Maine people. In Maine, the doctrine has diverged from the laws of England and Massachusetts. The public trust encompasses those uses of intertidal land essential to the health and welfare of the Maine people, which uses include, but are not limited to, fishing, fowling, navigation, use as a footway between points along the shore and use for recreational purposes. These recreational uses are among the most important to the Maine people today who use intertidal land for relaxation from the pressures of modern society and for enjoyment of nature's beauty. [PL 1985, c. 782 (NEW).]

The Legislature further finds and declares that the protection of the public uses referred to in this chapter is of great public interest and grave concern to the State. [PL 1985, c. 782 (NEW).]

SECTION HISTORY

PL 1985, c. 782 (NEW).

§572. Definitions

As used in this chapter, the term "intertidal land" means all land of this State affected by the tides between the mean high watermark and either 100 rods seaward from the high watermark or the mean low watermark, whichever is closer to the mean high watermark. [PL 1985, c. 782 (NEW).]

SECTION HISTORY

PL 1985, c. 782 (NEW).

§573. Public trust rights in intertidal land

1. Public trust rights. The public trust rights in intertidal land include the following:

A. The right to use intertidal land for fishing, fowling and navigation; [PL 1985, c. 782 (NEW).]

B. The right to use intertidal land for recreation; and [PL 1985, c. 782 (NEW).]

C. Any other trust rights to use intertidal land recognized by the Maine common law and not specifically abrogated by statute. [PL 1985, c. 782 (NEW).]

[PL 1985, c. 782 (NEW).]

2. Limitations. The rights described in subsection 1 do not include:

A. The removal from the intertidal land of any sand, soil, rocks or other minerals; [PL 1985, c. 782 (NEW).]

B. Interference with any structure, development or improvement erected or maintained on intertidal land in accordance with the laws of this State; [PL 1985, c. 782 (NEW).]

C. The depositing of any refuse or waste on intertidal land or in the water covering intertidal land; or [PL 1985, c. 782 (NEW).]

D. Use or operation of motorized vehicles other than navigable watercraft, unless specifically authorized by state law or municipal ordinance. [PL 1985, c. 782 (NEW).]

[PL 1985, c. 782 (NEW).]

3. Police powers. Municipalities shall have jurisdiction to exercise their police powers to control public use of intertidal land, except where such exercise is superseded by any state law.

[PL 1985, c. 782 (NEW).]

4. Other public rights. This chapter does not affect public rights in intertidal land arising from custom, prescription, implied dedication, acquiescence or any other source. This chapter does not affect public rights in dry sand areas upland from intertidal land arising from custom, prescription, implied dedication, acquiescence, the public trust doctrine or any other source.

[PL 1985, c. 782 (NEW).]

SECTION HISTORY

PL 1985, c. 782 (NEW).

CHAPTER 202-B

PUBLIC RESERVED LOTS

§581. Public reserved lands; location

(REPEALED)

SECTION HISTORY

PL 1987, c. 737, §§B2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§B12,C8,C10 (AMD). PL 1997, c. 678, §5 (RP).

§582. Subdivided lands

(REPEALED)

SECTION HISTORY

PL 1987, c. 737, §§B2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1997, c. 678, §5 (RP).

§583. Incorporation into town; location

(REPEALED)

SECTION HISTORY

PL 1987, c. 737, §§B2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1997, c. 678, §5 (RP).

§584. Criteria for location

(REPEALED)

SECTION HISTORY

PL 1987, c. 737, §§B2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1997, c. 678, §5 (RP).

§585. Management of public reserved lands

(REPEALED)

SECTION HISTORY

PL 1987, c. 737, §§B2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1995, c. 502, §§E15,30,32 (AMD). PL 1997, c. 678, §5 (RP).

§586. Funds from public reserved lands

(REPEALED)

SECTION HISTORY

PL 1987, c. 737, §§B2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1991, c. 192, §1 (AMD). PL 1997, c. 678, §5 (RP).

§586-A. Maine Public Education Trust Fund

(REPEALED)

SECTION HISTORY

PL 1993, c. 410, §N1 (NEW). PL 1993, c. 707, §V1 (AMD). MRSA T. 12 §586-A, sub-§4 (RP).

§587. Unorganized Territory School Fund

(REPEALED)

SECTION HISTORY

PL 1987, c. 737, §§B2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1997, c. 678, §5 (RP).

§588. Organized Townships Fund

(REPEALED)

SECTION HISTORY

PL 1987, c. 737, §§B2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 700, §A38 (AMD). PL 1997, c. 678, §5 (RP).

§589. Trepass; duty of assessors

(REPEALED)

SECTION HISTORY

PL 1987, c. 737, §§B2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §5 (RP).

§590. Public reserved land acquisition, sale exchange or relocation

(REPEALED)

SECTION HISTORY

PL 1987, c. 737, §§B2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §5 (RP).

CHAPTER 202-C

ABANDONED WATERCRAFT

§591. Definitions

(REPEALED)

SECTION HISTORY

PL 1991, c. 427, §5 (NEW). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §6 (RP).

§592. Eligibility

(REPEALED)

SECTION HISTORY

PL 1991, c. 427, §5 (NEW). PL 1997, c. 678, §6 (RP).

§593. Ownership

(REPEALED)

SECTION HISTORY

PL 1991, c. 427, §5 (NEW). PL 1997, c. 678, §6 (RP).

§594. Responsibility of the director

(REPEALED)

SECTION HISTORY

PL 1991, c. 427, §5 (NEW). PL 1995, c. 666, §12 (AMD). PL 1997, c. 678, §6 (RP).

§595. Method of removal

(REPEALED)

SECTION HISTORY

PL 1991, c. 427, §5 (NEW). PL 1997, c. 678, §6 (RP).

§596. Civil action

(REPEALED)

SECTION HISTORY

PL 1991, c. 427, §5 (NEW). PL 1997, c. 678, §6 (RP).

CHAPTER 202-D

DESIGNATED LANDS

§598. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1993, c. 639, §1 (NEW).]

1. Lands or land. "Lands" or "land" means real estate held by the State.
[PL 1993, c. 639, §1 (NEW).]

2. Proceeds. "Proceeds" means money arising or obtained from the sale of designated lands, excluding the costs of the sale.
[PL 1993, c. 639, §1 (NEW).]

3. Real estate held by the State. "Real estate held by the State" means real estate wholly owned by the State by fee simple title. "Real estate held by the State" does not mean land partially owned by the State or land owned by someone other than the State in which the State holds an easement, right-of-way or covenant.
[PL 1993, c. 639, §1 (NEW).]

4. Reduced. "Reduced" means a reduction in the acreage of an individual parcel or lot of designated land under section 598-A. "Reduced" does not mean a reduction in the value of the property. "Reduced" does not mean the conveyance of an access right by easement in accordance with section 1814-A.
[PL 2011, c. 278, §3 (AMD).]

5. Substantially altered. "Substantially altered," in the use of designated lands, means changed so as to significantly alter physical characteristics in a way that frustrates the essential purposes for which that land is held by the State. The essential purposes of state parks, historic sites, public access sites, facilities for boats and the Allagash Wilderness Waterway are the protection, management and improvement of these properties for public recreation, conservation, scenic values, nature appreciation, historic preservation and interpretation, public access and related purposes. The essential purposes of public reserved and nonreserved lands are the protection, management and improvement of these properties for the multiple use objectives established in section 1847. The essential purposes of lands acquired through the Land for Maine's Future Board that are not held by the Department of Inland Fisheries and Wildlife or by the Department of Agriculture, Conservation and Forestry are the protection, management and improvement of those lands for recreation, conservation, farming, open space, plant and animal habitat, scenic values, public access and related purposes. The essential purposes of state-owned wildlife management areas and game farms are the protection, management and improvement of those properties for fish and wildlife habitat and propagation, hunting, trapping, fishing, recreation, propagation and harvesting of forest and other natural products and related purposes. "Substantially altered" does not mean the conveyance of an access right by easement in accordance with section 1814-A.
[PL 2011, c. 278, §4 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1993, c. 639, §1 (NEW). PL 1997, c. 678, §7 (AMD). PL 2011, c. 278, §§3, 4 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§598-A. Designated lands

The following lands are designated lands under the Constitution of Maine, Article IX, Section 23. Designated lands under this section may not be reduced or substantially altered, except by a 2/3 vote of the Legislature. It is the intent of the Legislature that individual holdings of land or classes of land may be added to the list of designated lands under this section in the manner normally reserved for amending the public laws of the State. Once so designated, however, it is the intent of the Legislature that designated lands remain subject to the provisions of this section and the Constitution of Maine, Article IX, Section 23 until such time as the designation is repealed or limited by a 2/3 vote of the Legislature.
[PL 1993, c. 639, §1 (NEW).]

Designated lands are: [PL 1993, c. 639, §1 (NEW).]

1. Certain Department of Inland Fisheries and Wildlife lands. The following lands held by the Department of Inland Fisheries and Wildlife:

A. State-owned wildlife management areas and public access sites described in section 10109, subsection 1 and section 12708; and [PL 2003, c. 414, Pt. B, §20 (AMD); PL 2003, c. 614, §9 (AFF).]

B. Lands held and managed as a state game farm under the provisions of section 10109, subsection 2; [PL 2003, c. 414, Pt. B, §20 (AMD); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. B, §20 (AMD); PL 2003, c. 614, §9 (AFF).]

2. Public lands and public reserve lots.

[PL 1995, c. 502, Pt. E, §16 (RP).]

2-A. Certain lands of the Bureau of Parks and Lands. Lands under the care, custody, control and management of the Bureau of Parks and Lands, including:

A. Lands that constitute a state park or historic site as those terms are defined in section 1801; [PL 1999, c. 127, Pt. A, §24 (AMD).]

B. Lands that constitute the Allagash Wilderness Waterway as defined in chapter 220, subchapter VI; [PL 1999, c. 127, Pt. A, §25 (AMD).]

C. Lands used for public boat facilities under the provisions of chapter 220, subchapter IX, including launching ramps, locks, parking sites and access roads; [PL 1999, c. 127, Pt. A, §26 (AMD).]

D. Public reserved lands as defined in section 1801, subsection 8; and [PL 1997, c. 678, §8 (AMD).]

E. Nonreserved public lands as defined in section 1801, subsection 6. [PL 1999, c. 127, Pt. A, §27 (AMD).]

Designated lands do not include: submerged lands; and all parcels of public reserved land in the towns of Bradley, LaGrange and Bradford held by the Bureau of Public Lands on January 1, 1994.
[PL 1999, c. 127, Pt. A, §§24-27 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Certain Bureau of Parks and Recreation Lands.

[PL 1995, c. 502, Pt. E, §18 (RP).]

4. Baxter State Park Authority lands. Lands managed by the Baxter State Park Authority not acquired by deed of gift and not contiguous to Baxter State Park. Specifically, lands deeded by Governor Percival P. Baxter by deeds of gift and lands managed by the Baxter State Park Authority that are contiguous to Baxter State Park are not designated lands;
[PL 1993, c. 639, §1 (NEW).]

5. Lands gifted to the State. Except as provided in subsection 4, lands acquired by a deed of gift for conservation purposes; and
[PL 1993, c. 639, §1 (NEW).]

6. Lands acquired pursuant to referendum. Lands acquired by the State through the Land for Maine's Future Board under Title 5, Part 15-A.
[PL 1993, c. 639, §1 (NEW).]

Notwithstanding any other provision of this section, a state agency owning or holding designated land under this section may contract to operate or manage that land, provided that the contract does not violate any other provision of law. [PL 1993, c. 639, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 639, §1 (NEW). PL 1995, c. 502, §§E16-18 (AMD). PL 1997, c. 678, §8 (AMD). PL 1999, c. 127, §§A24-27 (AMD). PL 2003, c. 414, §B20 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§598-B. Proceeds from the sale of designated land; limitation

Proceeds from the sale of designated land under section 598-A must be used to purchase additional land in the same county for the same purpose. [PL 1993, c. 639, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 639, §1 (NEW).

CHAPTER 203

BUREAU OF PARKS AND RECREATION

§601. Definitions

(REPEALED)

SECTION HISTORY

PL 1967, c. 190, §1 (AMD). PL 1979, c. 541, §§A117-A120 (AMD). PL 1989, c. 160, §1 (AMD). PL 1997, c. 678, §9 (RP).

§602. Powers

(REPEALED)

SECTION HISTORY

PL 1967, c. 190, §2 (AMD). PL 1969, c. 22 (AMD). PL 1969, c. 414, §8 (AMD). PL 1971, c. 47 (AMD). PL 1971, c. 163, §1 (AMD). PL 1971, c. 238 (AMD). PL 1971, c. 416 (AMD). PL 1971, c. 429, §1 (AMD). PL 1971, c. 537, §§1,2 (AMD). PL 1971, c. 544, §28-A (AMD). PL 1971, c. 622, §31 (AMD). PL 1973, c. 84 (AMD). PL 1973, c. 264 (AMD). PL 1973, c. 460, §§8,9,19 (AMD). PL 1975, c. 261, §1 (AMD). PL 1975, c. 771, §§126-134 (AMD). PL 1977, c. 360, §9 (AMD). PL 1977, c. 694, §218 (AMD). PL 1979, c. 280 (AMD). PL 1979, c. 637 (AMD). PL 1981, c. 505, §2 (AMD). PL 1983, c. 812, §73 (AMD). PL 1983, c. 819, §A12 (AMD). PL 1985, c. 710, §1 (AMD). PL 1985, c. 762, §1 (AMD). PL 1985, c. 785, §B61 (AMD). PL 1987, c. 141, §B9 (AMD). PL 1987, c. 217, §§1,3 (AMD). PL 1987, c. 308, §§3,4 (AMD). PL 1987, c. 340, §1 (AMD). PL 1987, c. 349, §H9 (AMD). PL 1987, c. 402, §§A91,A92 (AMD). PL 1987, c. 769, §§A47,A48 (AMD). PL 1987, c. 786, §11 (AMD). PL 1989, c. 160, §§2-5 (AMD). PL 1989, c. 502, §§A33,A34,C4 (AMD). PL 1989, c. 875, §E10 (AMD). PL 1991, c. 9, §E8 (AMD). PL 1991, c. 354, §§1,2 (AMD). PL 1991, c. 528, §§G2,3 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§G2,3 (AMD). PL 1993, c. 410, §BB1 (AMD). PL 1993, c. 508, §L1 (AMD). PL 1993, c. 508, §L2 (AFF). RR 1995, c. 2, §20 (COR). PL 1995, c. 502, §§E19-23,30 (AMD). PL 1997, c. 274, §1 (AMD). PL 1997, c. 526, §1 (AMD). PL 1997, c. 641, §1 (AMD). PL 1997, c. 678, §9 (RP). PL 2007, c. 466, Pt. A, §30 (RP).

§602-A. Lifeguard training

(REPEALED)

SECTION HISTORY

PL 1987, c. 340, §2 (NEW). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §9 (RP).

§603. Surveys

(REPEALED)

SECTION HISTORY

PL 1973, c. 460, §19 (AMD). PL 1997, c. 678, §9 (RP).

§604. Restrictions

(REPEALED)

SECTION HISTORY

PL 1973, c. 460, §§10,19 (AMD). PL 1997, c. 678, §9 (RP).

§605. Allocation of funds

(REPEALED)

SECTION HISTORY

PL 1973, c. 460, §19 (AMD). PL 1991, c. 528, §G4 (RP). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §G4 (RP).

§605-A. Revenues

(REPEALED)

SECTION HISTORY

PL 1991, c. 528, §G5 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §G5 (NEW). PL 1995, c. 502, §E24 (AMD). PL 1997, c. 678, §9 (RP).

§606. Violation of rules and regulations

(REPEALED)

SECTION HISTORY

PL 1973, c. 460, §19 (AMD). PL 1997, c. 678, §9 (RP).

§607. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §9 (RP).

§608. Real estate subject to flowage

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §9 (RP).

§609. Maine State Parks and Recreational Facilities Development Fund

(REPEALED)

SECTION HISTORY

PL 1985, c. 710, §2 (NEW). PL 1997, c. 641, §2 (AMD). PL 1997, c. 678, §9 (RP). PL 1999, c. 127, §A28 (RP).

§610. Maine State Parks Fund

(REPEALED)

SECTION HISTORY

PL 1993, c. 410, §BBB1 (NEW). PL 1997, c. 678, §9 (RP).

CHAPTER 204

KEEP MAINE SCENIC

§631. Purpose

(REPEALED)

SECTION HISTORY

PL 1965, c. 312 (NEW). PL 1987, c. 786, §12 (RP).

§632. Powers

(REPEALED)

SECTION HISTORY

PL 1965, c. 312 (NEW). PL 1973, c. 460, §19 (AMD). PL 1977, c. 360, §10 (AMD). PL 1987, c. 786, §12 (RP).

§633. Advisory committee

(REPEALED)

SECTION HISTORY

PL 1965, c. 312 (NEW). PL 1973, c. 460, §11 (AMD). PL 1977, c. 360, §§11,12 (AMD). PL 1977, c. 694, §219 (AMD). PL 1983, c. 812, §74 (AMD). PL 1987, c. 786, §12 (RP).

CHAPTER 204-A

COASTAL ISLAND TRUSTS

§641. Findings and purpose

(REPEALED)

SECTION HISTORY

PL 1971, c. 443 (NEW). PL 1983, c. 819, §A13 (RP).

§642. Coastal island trusts and coastal island trust commissions

(REPEALED)

SECTION HISTORY

PL 1971, c. 443 (NEW). PL 1983, c. 819, §A13 (RP).

§643. Membership, term and reimbursement for expenses

(REPEALED)

SECTION HISTORY

PL 1971, c. 443 (NEW). PL 1975, c. 771, §135 (AMD). PL 1983, c. 819, §A13 (RP).

§644. Duties and powers

(REPEALED)

SECTION HISTORY

PL 1971, c. 443 (NEW). PL 1983, c. 819, §A13 (RP).

§645. Tax exemption

(REPEALED)

SECTION HISTORY

PL 1971, c. 443 (NEW). PL 1983, c. 819, §A13 (RP).

§646. Relation to other laws

(REPEALED)

SECTION HISTORY

PL 1971, c. 443 (NEW). PL 1983, c. 819, §A13 (RP).

CHAPTER 205

ALLAGASH RIVER AUTHORITY

§651. Policy

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §2 (RP).

§652. Definitions

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §2 (RP).

§653. Construction

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §2 (RP).

§654. Membership; meetings

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §2 (RP).

§655. Advisory committee

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §2 (RP).

§656. Duties

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §2 (RP).

§657. Tentative agreements

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §2 (RP).

§658. Approval by Legislature

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §2 (RP).

CHAPTER 206

ALLAGASH WILDERNESS WATERWAY

§661. Declaration of policy

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1997, c. 678, §10 (RP).

§662. Definitions

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §12 (AMD). PL 1979, c. 541, §§A121,A122 (AMD). PL 1983, c. 754, §1 (AMD). PL 1989, c. 637, §1 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §10 (RP).

§663. Establishment; area

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1979, c. 541, §A123 (AMD). PL 1997, c. 678, §10 (RP).

§664. Administration

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1967, c. 544, §22 (AMD). PL 1969, c. 431, §9 (AMD). PL 1971, c. 618, §§12,17 (AMD). PL 1973, c. 460, §§17,18 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §10 (RP).

§665. Control of water areas; permitted and prohibited uses

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1975, c. 112 (AMD). PL 1979, c. 541, §A124 (AMD). PL 1997, c. 678, §10 (RP).

§666. Control of land areas

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1983, c. 754, §2 (AMD). PL 1997, c. 678, §10 (RP).

§667. Authority to acquire property by eminent domain or otherwise

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1979, c. 541, §B12 (AMD). PL 1997, c. 678, §10 (RP).

§668. Manner of acquisition by eminent domain

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1979, c. 541, §A125 (AMD). PL 1987, c. 141, §B10 (AMD). PL 1997, c. 678, §10 (RP).

§669. Initial plan for acquisition

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1973, c. 625, §63 (AMD). PL 1997, c. 678, §10 (RP).

§670. Control of timber-harvesting operations

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1983, c. 754, §3 (RPR). PL 1989, c. 637, §2 (AMD). PL 1991, c. 528, §§G6,7 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§G6,7 (AMD). PL 1997, c. 678, §10 (RP).

§671. Use of roads

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1997, c. 678, §10 (RP).

§672. Access points and control stations

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1997, c. 678, §10 (RP).

§673. Rules and regulations

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1977, c. 360, §13 (AMD). PL 1977, c. 694, §220 (AMD). PL 1997, c. 678, §10 (RP).

§674. Enforcement, inspection and penalties for violations

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1983, c. 754, §4 (RPR). PL 1989, c. 637, §3 (AMD). PL 1991, c. 824, §A19 (AMD). PL 1997, c. 678, §10 (RP).

§674-A. Possession of firearms

(REPEALED)

SECTION HISTORY

PL 1971, c. 232 (NEW). PL 1973, c. 460, §17 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §10 (RP).

§675. Police supervision

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1969, c. 321 (AMD). PL 1973, c. 460, §17 (AMD). PL 1979, c. 541, §A126 (AMD). PL 1997, c. 678, §10 (RP).

§676. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1997, c. 678, §10 (RP).

§677. Employees

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1985, c. 785, §B62 (AMD). PL 1997, c. 678, §10 (RP).

§678. Allocation of funds

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1995, c. 502, §E25 (AMD). PL 1997, c. 678, §10 (RP).

§679. Payments to Maine Forestry District

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1983, c. 556, §2 (RP).

§680. Appeals

(REPEALED)

SECTION HISTORY

PL 1965, c. 496, §1 (NEW). PL 1973, c. 460, §17 (AMD). PL 1983, c. 754, §5 (RPR). PL 1997, c. 678, §10 (RP).

CHAPTER 206-A

USE REGULATION

SUBCHAPTER 1

GENERAL PROVISIONS

§681. Purpose and scope

The Legislature finds that it is desirable to extend principles of sound planning, zoning and development to the unorganized and deorganized townships of the State: To preserve public health, safety and general welfare; to support and encourage Maine's natural resource-based economy and strong environmental protections; to encourage appropriate residential, recreational, commercial and industrial land uses; to honor the rights and participation of residents and property owners in the unorganized and deorganized areas while recognizing the unique value of these lands and waters to the State; to prevent residential, recreational, commercial and industrial uses detrimental to the long-term health, use and value of these areas and to Maine's natural resource-based economy; to discourage the intermixing of incompatible industrial, commercial, residential and recreational activities; to prevent the development in these areas of substandard structures or structures located unduly proximate to waters or roads; to prevent the despoliation, pollution and detrimental uses of the water in these areas; and to conserve ecological and natural values. [PL 2011, c. 682, §3 (AMD).]

The Legislature declares it to be in the public interest, for the public benefit, for the good order of the people of this State and for the benefit of the property owners and residents of the unorganized and deorganized townships of the State, to encourage the well-planned and well-managed multiple use, including conservation, of land and resources and to encourage and facilitate regional economic viability. The Legislature acknowledges the importance of these areas in the continued vitality of the State and to local economies. Finally, the Legislature desires to encourage the appropriate use of these lands by the residents of Maine and visitors in pursuit of outdoor recreation activities, including, but not limited to, hunting, fishing, boating, hiking and camping. [PL 2011, c. 682, §3 (AMD).]

SECTION HISTORY

PL 1969, c. 494 (NEW). PL 1971, c. 457, §1 (AMD). PL 1973, c. 569, §1 (AMD). PL 1975, c. 508, §1 (AMD). PL 2009, c. 401, §1 (AMD). PL 2011, c. 682, §3 (AMD).

§682. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1979, c. 541, Pt. A, §127 (NEW).]

1. Unorganized and deorganized areas. "Unorganized and deorganized areas" includes:

A. All unorganized and deorganized townships; [PL 2011, c. 682, §4 (NEW).]

B. Plantations that have not received commission approval under section 685-A, subsection 4-A to implement their own land use controls; [PL 2011, c. 682, §4 (NEW).]

C. Municipalities that have organized since 1971 that have not received commission approval under section 685-A, subsection 4-A to implement their own land use controls; and [PL 2011, c. 682, §4 (NEW).]

D. All other areas of the State that are not part of a municipality except Indian reservations. [PL 2011, c. 682, §4 (NEW).]

For the purposes of permitting a community-based offshore wind energy project and structures associated with resource analysis activities necessary for such an intended project, the area of submerged land to be occupied for such a project and resource analysis structures is considered to be in the unorganized or deorganized areas.
[PL 2011, c. 682, §4 (RPR).]

2. Subdivision.

[PL 2001, c. 431, §1 (RP).]

2-A. Subdivision. Except as provided in section 682-B, "subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of the land or by leasing.

The term "subdivision" also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period.
[PL 2001, c. 431, §2 (NEW).]

3. Building. Building shall mean any structure having a roof, partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed.
[PL 1971, c. 457, §2 (RPR).]

4. Structure. "Structure" means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats. It does not include a wharf, fish weir or trap that may be licensed under Title 38, chapter 9.
[PL 1999, c. 333, §2 (AMD).]

5. Accessory use or accessory structure. Accessory use or accessory structure shall include a use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure.
[PL 1973, c. 569, §4 (AMD).]

6. Person. Person shall mean an individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity.
[PL 1971, c. 457, §2 (NEW).]

7. Development. Development shall mean any land use activity or activities directed toward using, reusing or rehabilitating air space, land, water or other natural resources, excluding, however, such specific uses or classes and categories of uses as the commission may by regulation determine do not need regulating to achieve the purpose, intent and provisions of this chapter.
[PL 1973, c. 569, §5 (AMD).]

8. Land use district. Land use district shall mean the area located within the boundaries of air, land or water delineated vertically or horizontally by the commission for distinct categories of use.
[PL 1973, c. 569, §5 (AMD).]

8-A. Moratorium. "Moratorium" means a temporary land use regulation or ordinance approved by the commission or a municipal legislative body which prevents development or subdivision by withholding authorization or approval necessary for development.
[PL 1989, c. 47, §1 (NEW).]

9. Nonconforming structure. Nonconforming structure shall mean a structure, lawfully existing at the time of adoption of district regulations or subsequent amendment made thereto, that does not conform to the district regulations.

[PL 1971, c. 457, §2 (NEW).]

10. Nonconforming use. Nonconforming use shall mean a use of air, land, water or natural resources or a parcel of land, lawfully existing at the time of adoption of district regulation or subsequent amendments made thereto, that does not conform to the district regulations.
[PL 1971, c. 457, §2 (NEW).]

11. Dwelling unit. "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.
[PL 1987, c. 885, §2 (NEW).]

12. Real estate. "Real estate" means land and structures attached to it.
[PL 1987, c. 885, §2 (NEW).]

13. Spaghetti-lot. "Spaghetti-lot" means a parcel of land with a lot depth to shore frontage ratio greater than 5 to 1. Shore frontage means land abutting a river, stream, brook, coastal wetland or great pond as these features are defined in Title 38, section 480-B.
[PL 1989, c. 762, §1 (NEW); PL 1989, c. 762, §4 (AFF).]

14. Commercial sporting camp. "Commercial sporting camp" means a building or group of buildings devoted primarily to the offering of primitive lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.
[PL 1995, c. 386, §1 (NEW).]

15. Campsite. "Campsite" means a camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. "Campsite" does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner's recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission's comprehensive land use plan.
[PL 2001, c. 402, §1 (RPR).]

16. Setback. "Setback" means the minimum horizontal distance from a lot line, shoreline or road to the nearest part of a structure.
[PL 1995, c. 386, §1 (NEW).]

17. Shoreline. "Shoreline" means the normal high water mark of tidal waters, a coastal or inland wetland, a standing body of water or flowing water.
[PL 1995, c. 386, §1 (NEW).]

18. Transient occupancy. "Transient occupancy" means occupancy that does not exceed 120 days in a calendar year.
[PL 2009, c. 16, §1 (AMD).]

19. Community-based offshore wind energy project. "Community-based offshore wind energy project" means a wind energy development, as defined by Title 35-A, section 3451, subsection 11, with an aggregate generating capacity of less than 3 megawatts that meets the following criteria: the generating facilities are wholly or partially located on or above the coastal submerged lands of the State; the generating facilities are located within one nautical mile of one or more islands that are within the unorganized and deorganized areas of the State and the project will offset part or all of the electricity requirements of those island communities; and the development meets the definition of "community-based renewable energy project" as defined by Title 35-A, section 3602, subsection 1.
[PL 2009, c. 615, Pt. D, §2 (NEW).]

20. Planned subdistrict. "Planned subdistrict" means a delineated area for which a specific land use plan and standards have been agreed to by the owner of the land within the delineated area and approved by the commission.
[PL 2011, c. 682, §5 (NEW).]

SECTION HISTORY

PL 1969, c. 494 (NEW). PL 1971, c. 457, §2 (RPR). PL 1971, c. 544, §28-B (AMD). PL 1973, c. 569, §§2-5 (AMD). PL 1979, c. 541, §A127 (AMD). PL 1979, c. 631, §1 (AMD). PL 1981, c. 698, §70 (AMD). PL 1987, c. 514, §1 (AMD). PL 1987, c. 810, §§1,11 (AMD). PL 1987, c. 885, §§1,2 (AMD). PL 1989, c. 47, §1 (AMD). PL 1989, c. 584, §1 (AMD). PL 1989, c. 762, §§1,4 (AMD). PL 1989, c. 772, §1 (AMD). PL 1991, c. 306 (AMD). PL 1991, c. 687, §1 (AMD). PL 1995, c. 386, §1 (AMD). PL 1999, c. 333, §§1, 2 (AMD). PL 2001, c. 402, §§1, 2 (AMD). PL 2001, c. 431, §§1,2 (AMD). PL 2009, c. 16, §1 (AMD). PL 2009, c. 615, Pt. D, §§1, 2 (AMD). PL 2011, c. 682, §§4, 5 (AMD).

§682-A. Spaghetti-lots prohibited

A person may not divide a parcel of land in the jurisdiction of the Maine Land Use Planning Commission in such a way as to create a spaghetti-lot. This prohibition does not apply to: [PL 1993, c. 74, §1 (AMD); PL 2011, c. 682, §38 (REV).]

1. Rights-of-way. Utility or transportation rights-of-way;
[PL 1989, c. 762, §2 (NEW); PL 1989, c. 762, §4 (AFF).]

2. Government purchase. A parcel of land that is purchased by the Federal Government, State Government or local government; and
[PL 1989, c. 762, §2 (NEW); PL 1989, c. 762, §4 (AFF).]

3. Public benefit. A parcel of land that the Maine Land Use Planning Commission finds provides a significant public benefit and that can not be configured in another way to provide that benefit.
[PL 1989, c. 762, §2 (NEW); PL 1989, c. 762, §4 (AFF); PL 2011, c. 682, §38 (REV).]

This section applies to any division of land within the jurisdiction of the Maine Land Use Planning Commission. [PL 1993, c. 74, §2 (NEW); PL 2011, c. 682, §38 (REV).]

SECTION HISTORY

PL 1989, c. 762, §§2,4 (NEW). PL 1993, c. 74, §§1,2 (AMD). PL 2011, c. 682, §38 (REV).

§682-B. Exemption from subdivision definition

A division accomplished by the following does not create a subdivision lot or lots unless the intent of the transfer is to avoid the objectives of this chapter. [PL 2001, c. 431, §3 (NEW).]

1. Gifts to relatives. A division of land accomplished by gift to a spouse, parent, grandparent, child, grandchild or sibling of the donor of the lot or parcel does not create a subdivision lot if the donor has owned the lot or parcel for a continuous period of 5 years immediately preceding the division by gift and the lot or parcel is not further divided or transferred within 5 years from the date of division.
[PL 2001, c. 431, §3 (NEW).]

2. Transfer to governmental entity. A lot or parcel transferred to a municipality or county of the State, the State or an agency of the State is not considered a subdivision lot if the following conditions are met:

A. The lot or parcel is held by the governmental entity for the conservation and protection of natural resources, public outdoor recreation or other bona fide public purposes and is not further sold or divided for a period of 20 years following the date of transfer; and [PL 2001, c. 431, §3 (NEW).]

B. At the time of transfer the transferee provides written notice to the commission of transfer of the lot or parcel, including certification that the lot or parcel qualifies for exemption under this subsection. [PL 2001, c. 431, §3 (NEW).]

[PL 2001, c. 431, §3 (NEW).]

3. Transfer to conservation organization. A lot or parcel transferred to a nonprofit, tax-exempt nature conservation organization qualifying under the United States Internal Revenue Code, Section 501(c)(3) is not considered a subdivision lot if the following conditions are met:

A. For a period of at least 20 years following the transfer, the lot or parcel must be limited by deed restriction or conservation easement for the protection of wildlife habitat or ecologically sensitive areas or for public outdoor recreation; and [PL 2001, c. 431, §3 (NEW).]

B. The lot or parcel is not further divided or transferred except to another qualifying nonprofit, tax-exempt nature conservation organization or governmental entity. [PL 2001, c. 431, §3 (NEW).]

[PL 2001, c. 431, §3 (NEW).]

4. Transfer of lots for forest management, agricultural management or conservation of natural resources. A lot or parcel is not considered a subdivision lot if the following conditions are met:

A. The lot is transferred and managed solely for forest management, agricultural management or conservation of natural resources; [PL 2001, c. 431, §3 (NEW).]

B. The lot is at least 40 acres in size; [PL 2001, c. 431, §3 (NEW).]

C. If the lot is less than 1,000 acres in size, no portion of the lot is located within 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as defined in Title 38, section 436-A; [PL 2001, c. 431, §3 (NEW).]

D. The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and [PL 2001, c. 431, §3 (NEW).]

E. When 3 to 10 lots each containing at least 40 acres in size are created within any 5-year period, a plan is recorded in accordance with section 685-B, subsection 6-A. Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds or any structural development unrelated to forest management, agricultural management or conservation creates a subdivision and may not occur without prior commission approval. [PL 2001, c. 431, §3 (NEW).]

[PL 2001, c. 431, §3 (NEW).]

5. Unauthorized subdivision lots in existence for at least 20 years. A lot or parcel that when sold or leased created a subdivision requiring a permit under this chapter is not considered a subdivision lot and is exempt from the permit requirement if the permit has not been obtained and the subdivision has been in existence for 20 or more years. A lot or parcel is considered a subdivision lot and is not exempt under this subsection if:

A. Approval of the subdivision under section 685-B was denied by the commission and record of the commission's decision was recorded in the appropriate registry of deeds; [PL 2001, c. 431, §3 (NEW).]

B. A building permit for the lot or parcel was denied by the commission under section 685-B and record of the commission's decision was recorded in the appropriate registry of deeds; [PL 2001, c. 431, §3 (NEW).]

C. The commission has filed a notice of violation of section 685-B with respect to the subdivision in the appropriate registry of deeds; or [PL 2001, c. 431, §3 (NEW).]

D. The lot or parcel has been the subject of an enforcement action or order and record of that action or order was recorded in the appropriate registry of deeds. [PL 2001, c. 431, §3 (NEW).]

[PL 2001, c. 431, §3 (NEW).]

6. Permit not required. Nothing in this section requires a permit for, or restricts the use of property for, hunting, fishing or other forms of primitive recreation, use of motorized vehicles on roads and trails or snowmobiling as otherwise permitted by law.

[PL 2001, c. 431, §3 (NEW).]

SECTION HISTORY

PL 2001, c. 431, §3 (NEW).

SUBCHAPTER 2

MAINE LAND USE PLANNING COMMISSION

§683. Creation of Maine Land Use Regulation Commission

(REPEALED)

SECTION HISTORY

PL 1969, c. 494 (NEW). PL 1971, c. 457, §3 (AMD). PL 1971, c. 619, §1 (AMD). PL 1973, c. 460, §13 (AMD). PL 1973, c. 569, §6 (AMD). PL 1973, c. 698 (RPR). PL 1975, c. 616, §§1,2 (AMD). PL 1975, c. 771, §136 (AMD). PL 1979, c. 497, §1 (AMD). PL 1983, c. 812, §75 (AMD). PL 1985, c. 345 (AMD). PL 1987, c. 18, §1 (AMD). PL 1987, c. 132 (AMD). PL 1989, c. 503, §B55 (AMD). PL 1991, c. 76 (AMD). PL 1995, c. 3, §2 (AMD). PL 1997, c. 346, §1 (AMD). PL 1997, c. 549, §1 (AMD). PL 1997, c. 549, §2 (AFF). PL 1997, c. 683, §B6 (AMD). PL 1997, c. 683, §B7 (AFF). RR 1999, c. 1, §15 (COR). PL 1999, c. 333, §3 (AMD). PL 2009, c. 328, §1 (AMD). PL 2011, c. 682, §6 (RP).

§683-A. Creation of Maine Land Use Planning Commission

The Maine Land Use Planning Commission, as established by Title 5, section 12004-D, subsection 1-A to carry out the purposes stated in section 681, is created within the Department of Agriculture, Conservation and Forestry and in this chapter called "the commission." The commission is charged with implementing this chapter. The commission consists of 9 members, appointed in accordance with subsections 1 and 2. All appointments under this section are subject to review by the joint standing committee of the Legislature having jurisdiction over conservation matters and to confirmation by the Senate. [PL 2013, c. 256, §3 (AMD).]

1. Appointment by the Governor. Except as provided in subsection 2, the Governor shall appoint one member to the commission. In selecting an appointee, the Governor shall actively seek and give consideration to persons residing in or near the unorganized and deorganized areas of the State and to persons residing on unorganized coastal islands. An appointee under this subsection must be familiar with the needs and issues affecting the commission's jurisdiction and must:

A. Reside in the commission's jurisdiction; [PL 2011, c. 682, §7 (NEW).]

B. Work in the commission's jurisdiction; [PL 2011, c. 682, §7 (NEW).]

C. Be a former resident or be retired after having worked for a minimum of 5 years within the commission's jurisdiction; or [PL 2011, c. 682, §7 (NEW).]

D. Have expertise in commerce and industry, fisheries and wildlife, forestry or conservation issues as they relate to the commission's jurisdiction. [PL 2011, c. 682, §7 (NEW).]

[PL 2013, c. 256, §3 (AMD).]

2. Appointment of members representing a county. One member must be appointed by each of the 8 counties with the most acreage in the unorganized or deorganized areas subject to the jurisdiction of the commission. The board of county commissioners for each of the counties shall appoint by majority vote a resident of that county to serve as a member of the commission. A county commissioner who is a candidate for appointment to serve on the commission may not vote on that appointment. In making the appointment, the board of county commissioners shall actively seek and give consideration to persons residing in or near the unorganized or deorganized areas within the county. The board of county commissioners shall advertise the position in the same manner as the county advertises personnel positions. The board of county commissioners shall accept written or electronic applications from candidates, conduct interviews with candidates as determined by the board and select from among those candidates an appointee.

An appointee under this subsection must have expertise in commerce and industry, fisheries and wildlife, forestry or conservation issues as they relate to the commission's jurisdiction and must:

A. Reside in the commission's jurisdiction; [PL 2011, c. 682, §7 (NEW).]

B. Work in the commission's jurisdiction; or [PL 2011, c. 682, §7 (NEW).]

C. Be a former resident or be retired after having worked for a minimum of 5 years within the commission's jurisdiction. [PL 2011, c. 682, §7 (NEW).]

If a board of county commissioners fails to appoint a member to the commission under this subsection within 90 business days of a vacancy on the commission to be filled by that county, the Governor shall appoint a resident of that county meeting the criteria in subsection 1 to fill the vacancy.

For any county appointee, the board of county commissioners shall provide to the President of the Senate and the Speaker of the House of Representatives the name and address of the appointee, together with information concerning that person's background and qualifications, in the same manner required of the Governor for nominations made pursuant to Title 3, section 154. A board of county commissioners has the same authority as the Governor, pursuant to Title 3, section 154, to withdraw the name of an appointee at any time before the Senate votes. The provisions of Title 3, sections 155 to 158 apply to the process of legislative review and confirmation of all county appointees to the commission.
[PL 2013, c. 256, §3 (AMD).]

3. Eligibility. A state employee may not be appointed to or serve as a member of the commission. A county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the commission. If a county or municipality is a participant in an adjudicatory proceeding before the commission, an official or employee from that county or municipality may not participate in that proceeding as a member of the commission. An incumbent county commissioner appointed after July 1, 2013 to serve on the commission may not serve simultaneously as a county commissioner and a member of the commission.
[PL 2013, c. 424, Pt. E, §1 (AMD); PL 2013, c. 424, Pt. E, §3 (AFF).]

4. Terms. All members are appointed to 4-year terms. Any member who has not been reappointed by the Governor or a board of county commissioners prior to the expiration of that member's term may not continue to serve on the commission, unless the Governor notifies the Legislature in writing prior to the expiration of that member's term that extension of that member's term is required to ensure fair consideration of specific major applications pending before the commission. That member's term ends upon final commission decisions on the specific applications identified in the Governor's communication. Any member reappointed by the Governor or a board of county commissioners prior to the expiration of that member's term continues to serve on the commission until the appointment is acted upon by the Legislature. Once a member of the commission has been appointed by the Governor or a board of county commissioners, a vacancy of that seat must be filled by the same appointing

authority as provided in this section. A vacancy during an unexpired term is filled only for the unexpired portion of the term.
[PL 2013, c. 256, §3 (AMD).]

5. Rules. Unless otherwise provided in this chapter, rules adopted by the commission under this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 682, §7 (NEW).]

SECTION HISTORY

PL 2011, c. 657, Pt. W, §5 (REV). PL 2011, c. 682, §7 (NEW). PL 2013, c. 256, §3 (AMD). PL 2013, c. 424, Pt. E, §1 (AMD). PL 2013, c. 424, Pt. E, §3 (AFF).

§684. Commission officers, meetings and rules; hearings

The commission shall elect annually, from its own membership, a chair and such other officers it considers necessary. Meetings are held at the call of the chair or at the call of more than 1/2 of the membership. Meetings must be held at a location within the jurisdiction of the commission or another convenient location approved by the chair. The commission, acting in accordance with the procedures set forth in Title 5, chapter 375, subchapter 2, may adopt whatever rules it considers necessary for the conduct of its business. The commission shall keep minutes of all proceedings, which are a public record available and on file in the office of the commission. Members of the commission are compensated as provided in Title 5, chapter 379. Commission members must receive an orientation and annual continuing education on this chapter, commission rules and planning and regulatory processes. A quorum of the commission for the transaction of business is 5 members. No action may be taken by the commission unless upon approval by a vote of 5 members. [PL 2011, c. 682, §8 (AMD).]

Whenever the commission is required or empowered to conduct a hearing pursuant to any provision of law, the hearing may be held and conducted by the commission or by any member of the commission or by any qualified employee or representative of the commission as the commission chair may determine. If the hearing is conducted by a single commissioner or qualified employee or representative, the commissioner, employee or representative shall report the findings of fact and conclusions to the commission together with a transcript of the hearing and all exhibits. The findings of fact and conclusions become a part of the record. The commission is not bound by the findings or conclusions when acting upon the record, but shall take action, issue orders and make decisions as if it had held and conducted the hearing itself. [PL 1999, c. 333, §4 (AMD).]

When the commission elects to hold multiple public hearings on any matter under this chapter, all hearings held within a 45-day period are considered one hearing for administrative purposes. [PL 1999, c. 333, §4 (NEW).]

SECTION HISTORY

PL 1969, c. 494 (NEW). PL 1971, c. 457, §4 (AMD). PL 1971, c. 619, §2 (AMD). PL 1973, c. 460, §14 (AMD). PL 1973, c. 569, §§7,8 (AMD). PL 1973, c. 579, §1 (AMD). PL 1975, c. 770, §64 (AMD). PL 1977, c. 360, §14 (AMD). PL 1977, c. 694, §221 (AMD). PL 1983, c. 812, §76 (AMD). PL 1985, c. 737, §A22 (AMD). PL 1999, c. 333, §4 (AMD). PL 2011, c. 682, §8 (AMD).

§685. Commission budget, financing and personnel

The Commissioner of Agriculture, Conservation and Forestry shall prepare a biennial budget and shall submit to the Legislature requests for appropriations sufficient to carry out its assigned tasks. The commission may accept contributions of any type from any source to assist it in carrying out its assigned tasks, and make such requirements in respect to the administration of such funds, not inconsistent with this subchapter, as are required as conditions precedent to receiving such funds, federal or otherwise. The commission shall give public notice of all contributions, in the state paper, stating the source, the

amount and the purpose of such contributions. The commission may contract with municipal, county, state and federal governments or their agencies to assist in the carrying out of any of its assigned tasks. The Commissioner of Agriculture, Conservation and Forestry, with the consent of a majority of the commission, shall appoint a director who is the principal administrative, operational and executive employee of the commission. The director shall attend all meetings of the commission and is permitted to participate fully but is not a voting member of the commission. [PL 2011, c. 657, Pt. W, §6 (REV); PL 2011, c. 682, §9 (AMD).]

The commission shall establish and maintain at least 2 field offices, one in Greenville and one in Ashland, designed principally to provide assistance to the public on permit applications and to carry out such other functions of the commission as appropriate. These field offices must be established at locations in or close to the commission's jurisdiction and chosen to provide the maximum benefit to the public while minimizing costs. Historic levels of permitting activity, the convenience of access and the availability and cost of office facilities must be considered in choosing the field office locations. Each office must be open on a part-time basis at least 2 days a month or as public demand for the services of such field offices warrants and as resources allow. Whenever practicable, the commission shall make use of existing personnel to staff these field offices. Personnel must receive regular training to address customer service and other needs. [PL 2011, c. 682, §9 (AMD).]

SECTION HISTORY

PL 1969, c. 494 (NEW). PL 1973, c. 460, §15 (AMD). PL 1973, c. 569, §9 (AMD). PL 1975, c. 521, §1 (AMD). PL 1977, c. 360, §§15,16 (AMD). PL 1979, c. 541, §A128 (AMD). PL 1987, c. 308, §5 (AMD). PL 1987, c. 508 (AMD). PL 2011, c. 657, Pt. W, §6 (REV). PL 2011, c. 682, §9 (AMD).

§685-A. Land use districts and standards

1. Classification and districting of lands. The commission, acting on principles of sound land use planning and development, shall determine the boundaries of areas within the unorganized and deorganized areas of the State that fall into land use districts and designate each area in one of the following major district classifications: protection, management and development. The commission, acting in accordance with the procedures set forth in Title 5, chapter 375, subchapter 2, shall adopt rules for determining the boundaries of each major type of district in accordance with the following standards:

A. Protection districts: Areas where development would jeopardize significant natural, recreational and historic resources, including, but not limited to, flood plains, precipitous slopes, wildlife habitat and other areas critical to the ecology of the region or State; [PL 1999, c. 333, §5 (AMD).]

B. Management districts: Areas that are appropriate for commercial forest product or agricultural uses or for the extraction of nonmetallic minerals and for which plans for additional development are not presently formulated nor additional development anticipated; and [PL 1999, c. 333, §5 (AMD).]

C. [PL 1973, c. 569, §10 (RP).]

D. Development districts: Areas that are appropriate for residential, recreational, commercial or industrial use or commercial removal of metallic minerals and areas appropriate for designation as development districts when measured against the purpose, intent and provisions of this chapter. [PL 2011, c. 682, §10 (AMD).]

In addition to delineating the major district classifications listed, the commission may delineate such subclassifications as may be necessary and desirable to carry out the intent of this chapter. The commission may delineate and designate planned subdistricts and establish standards unique to each to efficiently balance the benefits of development and resource protection.
[PL 2011, c. 682, §10 (AMD).]

2. Interpretation of district boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official land use maps the following shall apply:

A. Boundaries indicated as approximately following center lines of public or private roads shall be construed to follow such center lines. [PL 1971, c. 457, §5 (NEW).]

B. Boundaries indicated as following railroad lines shall be construed to be midway between the 2 outermost rails. [PL 1973, c. 569, §10 (AMD).]

C. Boundaries indicated as approximately following property lines, township or county lines shall be construed as following such lines. [PL 1971, c. 457, §5 (NEW).]

D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in event of natural change in the shorelines, shall be construed as moving with the normal high water mark; boundaries indicated as following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such natural center lines. [PL 1973, c. 569, §10 (AMD).]

E. Boundaries indicated as approximately following ridge lines or specific contour lines shall be construed to follow such lines. [PL 1971, c. 457, §5 (NEW).]

F. Boundaries indicated as parallel to or as extensions of features indicated in paragraphs A to E shall be so construed. [PL 1973, c. 569, §10 (AMD).]

G. Where physical or cultural features existing on the ground are at variance with those shown on the official land use maps or in other circumstances not covered by paragraphs A to F, the commission shall interpret the district boundaries. [PL 1973, c. 569, §10 (AMD).]

[PL 1973, c. 569, §10 (AMD).]

3. Land use standards. The commission, acting on principles of sound land use planning and development, shall prepare land use standards prescribing standards for the use of air, lands and waters. Except as provided in this chapter, these standards shall be adopted by the commission in accordance with the procedures set forth in Title 5, chapter 375, subchapter II.

In addition to the purposes set forth in section 681, the land use standards shall:

A. Encourage the most desirable and appropriate use of air, land and water resources consistent with the comprehensive land use plan; [PL 1973, c. 569, §10 (AMD).]

B. Protect public health by reduction of noise, air pollution, water pollution and other environmental intrusions; [PL 1971, c. 457, §5 (NEW).]

C. Protect and preserve significant natural, scenic and historic features where appropriate, beneficial and consistent with the comprehensive land use plan; [PL 1973, c. 569, §10 (AMD).]

D. Advise and assist the Department of Transportation and other concerned agencies in transportation planning and operation; [PL 1973, c. 569, §10 (AMD).]

D-1. Provide for safe and appropriate loading, parking and circulation of land, air and water traffic; [RR 1993, c. 1, §33 (COR).]

E. Encourage minimal adverse impact of one use upon the use of surrounding areas by setting standards of performance describing desirable and acceptable levels of operation in connection with any use and its relation to surrounding areas, including provisions for the eventual amelioration of existing adverse impact; [PL 1971, c. 457, §5 (NEW).]

F. Reflect a consideration of the availability and capability of the natural resources base, including soils, topography or sufficient healthful water supplies; and [PL 1983, c. 114, §1 (AMD).]

G. Regulate, as necessary, motor vehicles as defined in Title 29-A, section 101, subsection 42, on icebound inland lakes that are completely encompassed by unorganized territories during the hours

from sunset to sunrise of the following day. [PL 1995, c. 65, Pt. A, §26 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

[PL 1995, c. 65, Pt. A, §26 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

4. Land use standards considered as minimum requirements. Land use standards must be interpreted and applied by the commission as minimum requirements, adopted to reasonably and effectively promote health, safety and general welfare and ensure compliance with state plans and policies.

If the requirements of the adopted land use standards are at variance with the requirements of any other lawfully adopted rules, regulations, standards, ordinances, deed restrictions or covenants, the more protective of existing natural, recreational and historic resources governs.

A. [PL 2011, c. 682, §11 (RP).]

B. [PL 2011, c. 682, §11 (RP).]

[PL 2011, c. 682, §11 (RPR).]

4-A. Transition from commission jurisdiction to the jurisdiction of a plantation or municipality. Any portion of a land use district that subsequently becomes an organized municipality or part of an organized municipality or any plantation that adopts planning, zoning and subdivision control as provided in Title 30-A, section 7059 continues to be regulated by the Maine Land Use Planning Commission pursuant to this chapter until such time as the plantation or municipality of which the regulated district is then a part adopts land use plans and regulations not less protective of the existing natural, recreational or historic resources than those adopted by the commission.

A. Any municipality organized after September 23, 1971 or any plantation that adopts planning, zoning and subdivision control as provided in Title 30-A, section 7059 may submit to the commission and receive the approval of the commission of the following:

(1) A comprehensive land use plan for that plantation or municipality;

(2) Standards for determining land use district boundaries and uses permitted within the districts in that plantation or municipality;

(3) A land use district boundary map for that plantation or municipality; and

(4) Such other proposed regulations or standards as the commission considers necessary to achieve the purpose, intent and provisions of this chapter.

Upon request of the plantation or municipality, the commission shall prepare such plans, maps, regulations and standards as it considers necessary to meet minimum planning and zoning standards for its approval of those standards.

Upon obtaining approval, the plantation or municipality shall thereafter adopt, administer and enforce the approved plans, maps, regulations and standards, except that the commission retains jurisdiction for any planned subdistrict within the municipality or plantation unless the owner of the land within the delineated area agrees to the transfer of the administration and enforcement of that planned subdistrict to the municipality or plantation. [PL 2011, c. 682, §12 (NEW).]

B. From time to time, the commission may review the administration and enforcement of local land use plans and regulations by plantations and municipalities that have adopted land use plans, maps, regulations and standards approved by the commission. If, following the review, the commission finds that any of the following has occurred, the commission may reestablish its jurisdiction over that plantation or municipality:

(1) A plantation or municipality has repealed the land use plan, maps, standards or regulations necessary to satisfy the requirements of this subsection or has substantially modified the land

use plan, maps, standards or regulations so that the resources of the plantation or municipality are not reasonably protected;

(2) A plantation or municipality has abolished or does not have functioning the administrative bodies and officers necessary to implement the land use program as approved by the commission; or

(3) A plantation or municipality has not administered or enforced its land use plan, maps, standards or regulations in a manner that reasonably protects the resources in the plantation or municipality involved.

The action by the commission must conform with the provisions for rulemaking of the Maine Administrative Procedure Act.

Action taken by the commission to reestablish its jurisdiction over a plantation or municipality is effective immediately, but must be submitted to the current or next regular session of the Legislature for approval. If the Legislature fails to act, the action of the commission continues in effect. [PL 2011, c. 682, §12 (NEW).]

[PL 2011, c. 682, §12 (NEW).]

5. Considerations, application and exemptions. A land use standard may not deprive an owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is lawfully devoted at the time of adoption of that standard. Year-round and seasonal single residences and operating farms in existence and use as of September 23, 1971, while so used, and new accessory buildings or structures or renovations of the buildings or structures that are or may be necessary to the satisfactory and comfortable continuation of these residential and farm uses, except for those located in areas of special flood hazard as defined in the commission's rules, are exempt from the requirements of section 685-B, subsection 1.

Land use standards adopted pursuant to this chapter for management districts may not limit the right, method or manner of cutting or removing timber or crops, the construction and maintenance of hauling roads, the operation of machinery or the erection of buildings, including buildings to store equipment and materials for maintaining roads, and other structures used primarily for agricultural or commercial forest product purposes, including tree farms. The commission may not require a permit for such activities in a management district. Notwithstanding this subsection, a permit from the commission is required for roads covering a ground area of 3 acres or more constructed in management districts, unless those roads are constructed and maintained in accordance with the guidelines of the commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs," or as revised. The commission may require a person constructing a road to notify the commission of the location of the road within 21 days.

Land use standards adopted pursuant to this chapter must establish a minimum setback of 100 feet for all structures within a commercial sporting camp complex that are constructed solely for the housing of guests, including structures within a main sporting camp complex and an outpost camp. The standards must establish a minimum setback of 150 feet for all other structures within a sporting camp complex, including, but not limited to, a main lodge, a dining area, a workshop and a parking area.

In adopting district boundaries and land use standards, the commission shall give consideration to public and private planning reports and other data available to it, and shall give weight to existing uses of land and to any reasonable plan of its owner as to its future use.

A permit from the commission is not required for the repair or maintenance of county-owned roads, bridges or culverts as long as the repair or maintenance is conducted in accordance with commission standards that pertain to these activities.

[PL 2009, c. 111, §1 (AMD).]

6. Interim district boundaries and land use standards.

[PL 1999, c. 333, §6 (RP).]

7. Hearings and procedures.

[PL 1999, c. 333, §7 (RP).]

7-A. Procedure for adoption or amendment of land use district standards, district boundaries and land use maps. This subsection governs procedures for the establishment and amendment of land use district standards and boundaries and the amendment of the commission's land use maps.

A. The commission or its staff may initiate and any state or federal agency, any county or municipal governing body or any property owner or lessee may petition for adoption or amendment of land use district standards, district boundaries or land use maps. [PL 1999, c. 333, §8 (NEW).]

B. Adoption and amendment of land use district standards, district boundaries and land use maps are rule-making procedures subject to the requirements of Title 5, chapter 375, subchapter II, except that the requirements of Title 5, section 8052, subsections 5, 5-A and 7; section 8053-A; section 8056, subsections 1, 3 and 4; section 8056-A; section 8057, subsection 2; section 8057-A; section 8060; section 8062; and section 8064 do not apply. The requirements of Title 5, chapter 375, subchapter II are further modified by the following provisions.

(1) Public notice of proposals to adopt or amend land use district standards, district boundaries or land use maps must state the time and the place where copies of the proposal may be inspected prior to the hearing.

(2) The commission shall give notice of hearings to amend district boundaries, by mail, to appropriate state and federal agencies and the owners of directly affected and abutting properties, according to their names and addresses as shown on the records of Maine Revenue Services or plantation or town tax assessors. If the number of owners of directly affected and abutting properties is more than 50, notice may instead be by publication conforming to the requirements for newspaper publication of hearings under Title 5, chapter 375, subchapter IV.

(3) At any time prior to the date of adoption of proposed land use district standards, land use boundaries or land use maps, the commission may elect to reopen the public hearing record and extend the time period for public comment to such date as it may designate.

(4) The commission must act to adopt or not to adopt proposed land use district standards, land use boundaries or land use maps within 90 days after the date of final closure of the public hearing.

(5) Land use district boundaries and land use maps become effective 15 days after adoption or amendment by the commission, as long as the boundaries and maps are available in the appropriate registry of deeds for each county. Notice of adoption or amendment of land use district boundaries and land use maps must be given by publication one time in a newspaper of general circulation published in the area affected.

(6) Permanent land use standards adopted by the commission are effective immediately, but must be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, those standards continue in full force and effect. [PL 1999, c. 333, §8 (NEW).]

[PL 1999, c. 333, §8 (NEW).]

8. Amendments to district boundaries and standards.

[PL 1999, c. 333, §9 (RP).]

8-A. Criteria for adoption or amendment of land use district boundaries. A land use district boundary may not be adopted or amended unless there is substantial evidence that:

A. The proposed land use district is consistent with the standards for district boundaries in effect at the time, the comprehensive land use plan and the purpose, intent and provisions of this chapter; and [PL 1999, c. 333, §10 (NEW).]

B. The proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area. [PL 2011, c. 682, §13 (AMD).]

[PL 2011, c. 682, §13 (AMD).]

8-B. Criteria for amendment of land use standards. Adoption or amendment of land use standards may not be approved unless there is substantial evidence that the proposed land use standards would serve the purpose, intent and provisions of this chapter and would be consistent with the comprehensive land use plan.

[PL 1999, c. 333, §10 (NEW).]

9. Periodic review of district boundaries and land use standards. At the end of each 5 years following initial adoption of permanent land use standards and districts, the commission shall make a comprehensive review of the classification and delineation of districts of the land use standards. The assistance of appropriate state agencies must be secured in making this review and public hearings must be held in accordance with the requirements set forth in subsection 7-A.

[PL 1999, c. 333, §11 (AMD).]

10. Special exceptions and variances. The commission may approve the issuance of a special exception permit in strict compliance with this chapter and the rules and standards adopted pursuant to this chapter. The commission may grant a variance when the commission finds that the proposed development is in keeping with the general spirit and intent of this chapter, that the public interest is otherwise protected and that strict compliance with the rules and standards adopted by this commission would cause unusual hardship or extraordinary difficulties because of the following:

A. Exceptional or unique conditions of topography, access, location, shape, size or other physical features of the site; [PL 2001, c. 105, §1 (NEW).]

B. The access and use needs of a person with a physical disability as described in Title 5, section 4553-A, subsection 1, paragraphs C and D who resides in or regularly uses a structure; or [PL 2007, c. 695, Pt. A, §11 (AMD).]

C. Unusual circumstances that were not anticipated by the commission at the time the rules and standards were adopted. [PL 2001, c. 105, §1 (NEW).]

[PL 2007, c. 695, Pt. A, §11 (AMD).]

11. Exemptions. Real estate used or to be used by a public utility, as defined in Title 35-A, section 102, subsection 13, or a person who is issued a certificate by the Public Utilities Commission under Title 35-A, section 122 may be wholly or partially exempted from regulation to the extent that the commission may not prohibit such use but may impose terms and conditions for use consistent with the purpose of this chapter, when, upon timely petition, notice and public hearing, the Public Utilities Commission determines that such exemption is necessary or desirable for the public welfare or convenience. The Public Utilities Commission shall adopt by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 656, Pt. A, §1 (AMD).]

12. Timber harvesting activities. Rules adopted by the Commissioner of Agriculture, Conservation and Forestry pursuant to section 8867-B for the purpose of regulating timber harvesting and timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters become effective for the unorganized and deorganized areas on the date established under Title 38, section 438-B, subsection 5.

The Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry shall administer and enforce the regulation of timber harvesting and timber harvesting activities in these areas. For the purposes of this subsection, "timber harvesting" and "timber harvesting activities" have the same meanings as in section 8868, subsections 4 and 5.

Beginning November 1, 2012, the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry shall administer and enforce the regulation of timber harvesting and timber harvesting activities in protection districts and management districts in accordance with rules adopted under section 8867-D.
[PL 2011, c. 599, §1 (AMD); PL 2011, c. 657, Pt. W, §§5-7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

13. Additions to and removals from the expedited permitting area for wind energy development. The commission may add or remove areas in the unorganized and deorganized areas to or from the expedited permitting area for wind energy development in accordance with Title 35-A, chapter 34-A.
[PL 2015, c. 265, §1 (AMD); PL 2015, c. 265, §10 (AFF).]

14. Land management roads, gravel pits and water crossings. Beginning November 1, 2012, the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry shall administer and enforce the regulation of construction, maintenance and repair of land management roads, water crossings by land management roads and gravel pits of less than 5 acres in protection districts and management districts in accordance with rules adopted under section 8867-E. For the purposes of this subsection, "land management road" has the same meaning as under section 8868, subsection 7.
[PL 2013, c. 256, §4 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1971, c. 457, §5 (NEW). PL 1971, c. 544, §§28-C-28-E (AMD). PL 1971, c. 593, §22 (AMD). PL 1971, c. 618, §§12,17 (AMD). PL 1971, c. 619, §§3-5 (AMD). PL 1973, c. 569, §10 (AMD). PL 1973, c. 788, §§43-A-43-C (AMD). PL 1975, c. 234, §§1,2 (AMD). PL 1975, c. 497, §3 (AMD). PL 1975, c. 508, §§2,3 (AMD). PL 1975, c. 665 (AMD). PL 1977, c. 327, §§1,1A,2 (AMD). PL 1977, c. 390, §2 (AMD). PL 1977, c. 694, §§222-227B (AMD). PL 1979, c. 127, §§65-67 (AMD). PL 1979, c. 497, §§2,3 (AMD). PL 1983, c. 114, §§1,2 (AMD). PL 1983, c. 827, §1 (AMD). PL 1983, c. 862, §34 (AMD). PL 1985, c. 70, §1 (AMD). PL 1985, c. 506, §A12 (AMD). PL 1987, c. 737, §§C22,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 624 (AMD). PL 1989, c. 810, §1 (AMD). PL 1991, c. 308 (AMD). PL 1991, c. 653 (AMD). RR 1993, c. 1, §33 (COR). PL 1995, c. 64, §1 (AMD). PL 1995, c. 65, §A26 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 386, §2 (AMD). PL 1995, c. 462, §A30 (AMD). PL 1997, c. 526, §14 (AMD). PL 1997, c. 642, §3 (AMD). PL 1999, c. 333, §§5-11 (AMD). PL 1999, c. 530, §8 (AMD). PL 1999, c. 657, §5 (AMD). PL 2001, c. 105, §1 (AMD). PL 2001, c. 402, §3 (AMD). PL 2003, c. 335, §1 (AMD). PL 2005, c. 226, §1 (AMD). PL 2007, c. 656, Pt. A, §1 (AMD). PL 2007, c. 661, Pt. C, §1 (AMD). PL 2007, c. 695, Pt. A, §11 (AMD). PL 2009, c. 111, §1 (AMD). PL 2011, c. 599, §§1, 2 (AMD). PL 2011, c. 657, Pt. W, §§5-7 (REV). PL 2011, c. 682, §§10-13 (AMD). PL 2013, c. 256, §4 (AMD). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 265, §1 (AMD). PL 2015, c. 265, §10 (AFF).

§685-B. Development review and approval

1. Review and approval required. Except as provided in this section or by commission rule:

A. A structure or part of a structure may not be erected, changed, converted or wholly or partly altered or enlarged in its use or structural form without a permit issued by the commission. Normal maintenance or repair may be made to a structure or part of a structure without a permit issued by

the commission in locations other than areas of special flood hazard as defined in the commission's rules; [PL 2009, c. 111, §2 (AMD).]

B. A person may not commence development of or construction on any lot, parcel or dwelling unit within any subdivision or sell or offer for sale any interest in any lot, parcel or dwelling unit within any subdivision without a permit issued by the commission; or [PL 1999, c. 333, §12 (RPR).]

C. A person may not commence any construction or operation of any development without a permit issued by the commission. [PL 1999, c. 333, §12 (RPR).]

[PL 2009, c. 111, §2 (AMD).]

1-A. Exceptions. Except as provided in this section or by commission rule:

A. A permit is not required for the repair and maintenance of an existing road culvert or for the replacement of an existing road culvert, as long as the replacement culvert is:

(1) No more than one standard culvert size wider in diameter than the culvert being replaced;

(2) No more than 25% longer than the culvert being replaced; and

(3) No longer than 75 feet.

Ancillary culverting activities, including excavation and filling, are included in this exemption. A person repairing, replacing or maintaining an existing culvert under this paragraph shall ensure that erosion control measures are taken to prevent sedimentation of the water and that the crossing does not block fish passage in the water course; [PL 2001, c. 402, §4 (AMD).]

B. Except for projects that are located in a planned subdistrict that was approved or accepted by the commission for processing prior to September 1, 2012, a permit is not required for those aspects of a project approved by the Department of Environmental Protection under Title 38 if the commission determines that the project is an allowed use within the subdistrict or subdistricts for which it is proposed. Notice of the intent to develop and a map indicating the location of the proposed development must be filed with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection; [PL 2011, c. 682, §14 (AMD).]

B-1. Except for projects that are located in a planned subdistrict that was approved or accepted by the commission for processing prior to September 1, 2012, a permit from the commission is not required for a development of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2. A project meeting that definition is reviewed under Title 38, section 489-A-1. A person submitting a development proposal to the Department of Environmental Protection under Title 38, section 489-A-1 shall file a notice of the intent to develop and a map indicating the location of the proposed development with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection. The Department of Environmental Protection must receive certification from the commission that the proposed development is an allowed use within the subdistrict or subdistricts for which it is proposed and the proposed development meets any land use standard established by the commission that is not considered in the department's review under Title 38, section 489-A-1, subsection 1 before issuing a permit. The commission may not certify that a proposed expedited wind energy development, as defined in Title 35-A, section 3451, subsection 4, within the expedited permitting area, as defined in Title 35-A, section 3451, subsection 3, is an allowed use if a relevant petition is pending under Title 35-A, section 3453-A. Nothing in this subsection may be construed as prohibiting the commission from enforcing the land use standards certified to the Department of Environmental Protection under this paragraph; [PL 2015, c. 265, §2 (AMD); PL 2015, c. 265, §10 (AFF).]

REVISOR'S NOTE: (Paragraph B-1 as enacted by PL 2011, c. 653, §2 and affected by §33 is REALLOCATED TO TITLE 12, SECTION 685-B, SUBSECTION 1-A, PARAGRAPH B-2)

B-2. **(REALLOCATED FROM T. 12, §685-B, sub-§1-A, ¶B-1)** A permit is not required for a project for mining of metallic minerals that is reviewed under the Maine Metallic Mineral Mining Act. A person submitting a permit application to the Department of Environmental Protection under Title 38, chapter 3, subchapter 1, article 9 for a metallic mineral mining project located wholly or in part within the unorganized and deorganized areas of the State shall file a notice of the intent to develop and a map indicating the location of the proposed development with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection. The commission must certify to the department that the proposed development is an allowed use within the subdistrict or subdistricts for which it is proposed and that the proposed development meets any land use standards established by the commission and applicable to the project that are not considered in the department's review. This paragraph does not prohibit the commission from enforcing the land use standards certified to the Department of Environmental Protection under this paragraph; [RR 2011, c. 2, §8 (RAL); RR 2011, c. 2, §10 (AFF).]

C. A permit is not required for a campsite in a management district; [PL 2009, c. 270, Pt. D, §2 (AMD).]

D. A permit is not required for an offshore wind energy demonstration project approved by the Department of Environmental Protection pursuant to Title 38, section 480-HH. Notice of the intent to develop and a map indicating the location of the proposed development must be filed with the commission prior to or concurrently with submission of an application to the Department of Environmental Protection pursuant to Title 38, section 480-HH; and [PL 2009, c. 270, Pt. D, §3 (NEW).]

E. A permit or other approval by the commission is not required for a hydropower project that uses tidal or wave action as a source of electrical or mechanical power or is located partly within an organized municipality and partly within an unorganized territory. [PL 2009, c. 615, Pt. F, §1 (AMD).]

[PL 2015, c. 265, §2 (AMD); PL 2015, c. 265, §10 (AFF).]

1-B. Delegation to staff. The commission may establish standards by which authority may be delegated to its staff, to approve with reasonable conditions or deny applications submitted. Any person aggrieved by a decision of the staff has the right to a review of that decision by the commission. A request for such a review must be made within 30 days of the staff decision.

[PL 1999, c. 333, §13 (NEW).]

1-C. Delegation to county. The commission may establish standards by which authority may be delegated to a county, upon request of the county commissioners, to approve, approve with reasonable conditions or deny applications to conduct specified activities requiring a permit and to enforce compliance with the permit. Any person aggrieved by a decision of a county has the right to appeal that decision to the commission. Such an appeal must be made within 30 days after the county decision.

[PL 2011, c. 682, §16 (NEW).]

2. Application for approval. The application forms for approval, as provided by the commission, must be completed and signed by the applicant and must be accompanied by the following:

A. A plan of the proposed structure, subdivision or development showing the intended use of the real estate, the proposed change, the details of the project and such other information as may be required by the commission to determine conformance with applicable land use standards; [PL 1989, c. 681, §1 (AMD).]

B. The fee prescribed by the commission rules, that fee to be a minimum of $50 but no greater than 1/4 of 1% of the total development costs. The fees apply to all amendments except for minor changes to building permits. In addition to the fee paid in accordance with this paragraph, the director of the Maine Land Use Planning Commission may assess a processing fee on applications for extraordinary projects in accordance with section 685-F; [PL 2007, c. 114, §1 (AMD); PL 2011, c. 682, §38 (REV).]

C. [PL 1977, c. 564, §51 (RP).]

D. Evidence of sufficient right, title or interest in all of the property that is proposed for development or use. For purposes of this subsection, the written permission of the record owner or owners of flowed land is deemed sufficient right, title or interest to confer standing for submission of a permit application, provided that the letter of permission specifically identifies the activities being performed and the area that may be used for that purpose. The commission may not refuse to accept, under this paragraph, a permit application for any prohibited activity if the owner or lessee of land adjoining a great pond has made a diligent effort to locate the record owner or owners of the flowed land in question and has been unable to do so; and [PL 1989, c. 681, §1 (AMD).]

E. For a new or expanded development requiring an annual supply of wood or wood-derived materials in excess of 150,000 tons green weight, a wood supply plan for informational purposes to the Maine Forest Service at the time of application. The wood supply plan must include, but is not limited to, the following information:

(1) The expected operational life of the development;

(2) The projected annual wood consumption of wood mill residue, wood fiber and recycled materials from forest products during the entire operational life of the development;

(3) The expected market area for wood supply necessary to supply the development; and

(4) Other relevant wood supply information. [PL 1989, c. 681, §1 (NEW).]

[PL 2007, c. 114, §1 (AMD); PL 2011, c. 682, §38 (REV).]

2-A. Priority for processing. Applications to replace destroyed seasonal or permanent structures shall be given top priority for processing when hardship can be demonstrated by the applicant provided that:

A. The dimensions of the new structure are not greater than the preexisting structure; and [PL 1989, c. 22, §1 (NEW).]

B. The new structure will not adversely affect surrounding uses and resources. [PL 1989, c. 22, §1 (NEW).]

[PL 1989, c. 22, §1 (NEW).]

2-B. Determination deadline. The commission shall render its determination on an application for subdivision approval within 60 days after the commission determines that the application is complete and the proposal is a permitted use within the affected district or subdistrict.

[PL 1989, c. 584, §2 (NEW); PL 1989, c. 810, §2 (AMD).]

2-C. Wind energy development; community-based offshore wind energy projects; determination deadline. For purposes of this subsection, "expedited permitting area," "grid-scale wind energy development" and "wind energy development" have the same meanings as in Title 35-A, section 3451. The following provisions govern wind energy development.

A. The commission shall consider any wind energy development in the expedited permitting area under Title 35-A, chapter 34-A with a generating capacity of 100 kilowatts or greater or a community-based offshore wind energy project a use requiring a permit, but not a special exception, within the affected districts or subdistricts. [PL 2011, c. 682, §17 (RPR).]

B. All grid-scale wind energy development proposed for the unorganized or deorganized areas of the State is reviewed and permits are issued by the Department of Environmental Protection under Title 35-A, chapter 34-A and Title 38, section 489-A-1. [PL 2011, c. 682, §17 (RPR).]

C. For an offshore wind energy project that is proposed within one nautical mile of an island within the unorganized or deorganized areas, the commission shall review the proposed project to determine whether the project qualifies as a community-based offshore wind energy project and therefore is within the jurisdiction of the commission. [PL 2011, c. 682, §17 (NEW).]

D. Except for a grid-scale wind energy project, the commission may require an applicant to provide a timely notice of filing prior to filing an application for, and may require the applicant to attend a public meeting during the review of, a wind energy development or a community-based offshore wind energy project. For projects or development located within the expedited permitting areas, the commission shall render its determination on an application for such a development or project within 185 days after the commission determines that the application is complete, except that the commission shall render such a decision within 270 days if it holds a hearing on the application. The chair of the Public Utilities Commission or the chair's designee shall serve as a nonvoting member of the commission and may participate fully but is not required to attend hearings when the commission considers an application for a community-based offshore wind energy project. The chair's participation on the commission pursuant to this subsection does not affect the ability of the Public Utilities Commission to submit information into the record of the commission's proceedings. [PL 2011, c. 682, §17 (NEW).]

E. At the request of an applicant, the commission may stop the processing time for a period of time agreeable to the commission and the applicant. The expedited review period specified in paragraph D does not apply to the associated facilities, as defined in Title 35-A, section 3451, subsection 1, of the wind energy development or community-based offshore wind energy project if the commission determines that an expedited review time is unreasonable due to the size, location, potential impacts, multiple agency jurisdiction or complexity of that portion of the development or project. [PL 2011, c. 682, §17 (NEW).]

[PL 2011, c. 682, §17 (RPR).]

3. Hearings and procedures.

[PL 1999, c. 333, §14 (RP).]

3-A. Hearings and procedures. Hearings and procedures in connection with the review and approval of a permit application are subject to this subsection. To the extent practicable, hearings held under this subsection must be held at a location in close proximity to the project or projects under review.

A. The commission may determine on its own motion to hold a hearing on the application. [PL 1999, c. 333, §15 (NEW).]

B. If the commission determines to act upon a permit application without a hearing, the commission, within 90 days after receiving the complete application, shall make findings of fact and issue an order either granting approval, subject to reasonable terms and conditions that the commission determines appropriate in order to fulfill the requirements and intent of this chapter, the comprehensive land use plan and the commission's standards, or denying approval of the application as proposed. [PL 1999, c. 333, §15 (NEW).]

C. Any person aggrieved by a decision of the commission or its staff concerning any permit application upon which no hearing was held may, within 30 days of that decision, petition the commission for a hearing. The commission is not required to hold a hearing, but shall respond within 45 days of receipt of the petition by notifying the petitioner in writing of the date, time and place set for the requested hearing or of the denial of the request. [PL 1999, c. 333, §15 (NEW).]

D. Within 60 days after the commission adjourns any hearing held under this subsection, it shall make findings of fact and issue an order either granting approval, subject to reasonable terms and conditions that the commission determines appropriate in order to fulfill the requirements and intent of this chapter, the comprehensive land use plan and the commission's standards, or denying approval of the application as proposed. [PL 1999, c. 333, §15 (NEW).]

[PL 2011, c. 682, §18 (AMD).]

4. Criteria for approval. In approving applications submitted to it pursuant to this section, the commission may impose such reasonable terms and conditions as the commission may consider appropriate. In making a decision under this subsection regarding an application for a community-based offshore wind energy project, the commission may not consider whether the project meets the specific criteria designated in section 1862, subsection 2, paragraph A, subparagraph (6), divisions (a) to (d). This limitation is not intended to restrict the commission's review of related potential impacts of the project as determined by the commission.

The commission may not approve an application, unless:

A. Adequate technical and financial provision has been made for complying with the requirements of the State's air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto, including without limitation the minimum lot size laws, sections 4807 to 4807-G, the site location of development laws, Title 38, sections 481 to 489-E, and the natural resource protection laws, Title 38, sections 480-A to 480-Z, and adequate provision has been made for solid waste and sewage disposal, for controlling of offensive odors and for the securing and maintenance of sufficient healthful water supplies; [PL 2011, c. 653, §3 (AMD); PL 2011, c. 653, §33 (AFF).]

B. Adequate provision has been made for loading, parking and circulation of land, air and water traffic in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods; [PL 2011, c. 682, §19 (AMD).]

C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal. In making a determination under this paragraph regarding development to facilitate withdrawal of groundwater, the commission shall consider the effects of the proposed withdrawal on waters of the State, as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal. In making findings under this paragraph, the commission shall consider both the direct effects of the proposed withdrawal and its effects in combination with existing water withdrawals.

In making a determination under this paragraph regarding a community-based offshore wind energy project, the commission shall consider the project's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.

In making a determination under this paragraph regarding a wind energy development, as defined in Title 35-A, section 3451, subsection 11, that is not a grid-scale wind energy development, that has a generating capacity of 100 kilowatts or greater and that is proposed for location within the expedited permitting area, the commission shall consider the development's or project's effects on scenic character and existing uses relating to scenic character in the manner provided for in Title 35-A, section 3452; [PL 2011, c. 682, §19 (AMD).]

C-1. With respect to a wind energy development that has a generating capacity of 100 kilowatts or greater, the person proposing the development has received certification from the Department of

Environmental Protection in the manner provided under Title 35-A, section 3456; [PL 2011, c. 682, §19 (NEW).]

D. The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site; [PL 1999, c. 333, §17 (AMD).]

E. The proposal is otherwise in conformance with this chapter and the regulations, standards and plans adopted pursuant thereto; and [PL 2007, c. 661, Pt. C, §3 (AMD).]

F. In the case of an application for a structure upon any lot in a subdivision, that the subdivision has received the approval of the commission. [PL 1973, c. 569, §11 (NEW).]

The burden is upon the applicant to demonstrate by substantial evidence that the criteria for approval are satisfied, and that the public's health, safety and general welfare will be adequately protected. The commission shall permit the applicant and other parties to provide evidence on the economic benefits of the proposal as well as the impact of the proposal on energy resources.
[PL 2011, c. 653, §3 (AMD); PL 2011, c. 653, §33 (AFF); PL 2011, c. 682, §19 (AMD).]

4-A. Subdivision of land subject to liquidation harvesting. The commission may not approve an application for a subdivision if the commission determines that timber on the parcel proposed for subdivision has been harvested in violation of rules adopted pursuant to section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the commission must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The commission may request technical assistance from the Maine Forest Service to determine if a rule violation has occurred.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to section 8869, subsection 14.
[PL 2003, c. 622, §1 (NEW).]

4-B. Special provisions; community-based offshore wind energy project. In the case of a community-based offshore wind energy project, the developer must demonstrate, in addition to requirements under subsection 4, that the proposed generating facilities, as defined in Title 35-A, section 3451, subsection 5:

A. Will meet the requirements of the Board of Environmental Protection's noise control rules adopted pursuant to Title 38, chapter 3, subchapter 1, article 6; [PL 2007, c. 661, Pt. C, §4 (NEW).]

B. Will be designed and sited to avoid undue adverse shadow flicker effects; and [PL 2011, c. 682, §20 (AMD).]

C. Will be constructed with setbacks adequate to protect public safety, as provided in Title 35-A, section 3455. In making findings pursuant to this paragraph, the commission shall consider the recommendation of a professional, licensed civil engineer as well as any applicable setback recommended by a manufacturer of the generating facilities. [PL 2011, c. 682, §20 (AMD).]

D. [PL 2011, c. 682, §20 (RP).]
[PL 2011, c. 682, §20 (AMD).]

5. Limitation, expiration, transfer and revocation of approval. Commission authorization pursuant to this section shall permit only the arrangement and construction set forth in the approval as issued. Change in use, arrangement or construction shall be considered a violation of this chapter and punishable as provided in this chapter.

A violation of any condition attached to a commission approval or permit, or any change in use, arrangement or construction from that approved, shall be deemed a violation of this chapter and, in addition to any other penalties or remedies prescribed herein or otherwise provided by law, shall constitute grounds for the revocation or suspension of this approval. The commission may, acting in accordance with Title 5, section 10003, amend, modify or refuse to renew any commission approval or permit where the commission determines that the criteria for approval set forth in subsection 4, paragraphs A to F, have not been, are not being, or will not be satisfied.
[PL 1977, c. 694, §232 (AMD).]

6. Recording of approved proposals. A copy of each application, marked approved or disapproved, shall be retained in the commission files and shall be available to the public during normal business hours.

In the event the commission approves an application for subdivision approval, a copy of an approved plat or plan and a copy of the conditions required by the commission to be set forth in any instrument conveying an interest within the subdivision attested to by an authorized commission signature shall be filed with the appropriate registry of deeds in the county in which the real estate lies.

A registrar of deeds shall not record a copy of conditions or any plat or plan purporting to subdivide real estate located within the unorganized and deorganized lands of the State, unless the commission's approval is evidenced thereon.

The grantee of any conveyance of unrecorded subdivided real estate or subdivided real estate recorded in violation of this section may recover the purchase price, at interest, together with damages and costs in addition to any other remedy provided by law.
[PL 1987, c. 885, §5 (AMD).]

6-A. Recording of land division plan required. A copy of each land division plan must be recorded in the registry of deeds of the county in which the land is located.

A. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 1,320 feet from the normal high water line of any great pond or river and more than 250 feet from the upland edge of a coastal or freshwater wetland as defined in Title 38, section 436-A, a plan showing the division of the original parcel must be filed by the person creating the 3rd lot with the commission within 60 days of the creation of that lot. The plan must state that the lots may be used only for forest management, agricultural management or conservation of natural resources. [PL 2001, c. 431, §4 (AMD).]

B. A register of deeds may not record any plan depicting these lots within the unorganized and deorganized lands of the State unless the commission's certification that the division qualifies under section 682-B is evidenced on the plan. The commission must determine whether the plan qualifies under section 682-B within 15 business days of receipt of the plan. [PL 2001, c. 431, §4 (AMD).]

C. A copy of the certified plan must be filed within 30 days of certification with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located. [PL 1991, c. 687, §2 (NEW).]

D. Failure to file the plan required by this subsection is a violation of this chapter subject to the penalties provided in section 685-C, subsection 8. [PL 1991, c. 687, §2 (NEW).]
[PL 2001, c. 431, §4 (AMD).]

6-B. Notification of land division required.

[PL 2001, c. 431, §5 (RP).]

7. Nonconforming uses and nonconforming structures. To achieve the purposes set forth in this chapter after the adoption of permanent district standards and permanent districts, the commission

may regulate and prohibit expansion and undue perpetuation of nonconforming uses. Specifically the commission may regulate and prohibit:

A. Changes in nonconforming uses to another nonconforming use; [PL 1971, c. 457, §5 (NEW).]

B. Extension or enlargement of nonconforming uses or nonconforming structures; [PL 1989, c. 22, §2 (AMD).]

C. Resumption of nonconforming uses, by prohibiting such resumption if such use is discontinued for 2 years or abandoned; and [PL 1973, c. 569, §11 (AMD).]

D. Movement or enlargement of a nonconforming structure or of a structure containing a nonconforming use. [PL 1971, c. 457, §5 (NEW).]

The commission may also provide for the termination of commercial or industrial nonconforming uses by specifying in land use standards the period or periods in which nonconforming uses shall be terminated and by adjusting such compulsory terminations so as to allow reasonable time for the conversion of such nonconforming uses and reasonable schedules for the amortization of investment.

Any use for which a special exception has been granted by the commission, as provided for in section 685-A, subsection 10, shall not be deemed a nonconforming use, but shall be deemed a conforming use in such district.

For applications to reconstruct a damaged or destroyed nonconforming structure, the commission shall require the new structure to comply with provisions of this chapter to the maximum extent possible.
[PL 1989, c. 22, §2 (AMD).]

7-A. Reconstruction of commercial sporting camps. The commission may approve a permit for the reconstruction of a damaged or destroyed nonconforming commercial sporting camp that was a permissible use under commission standards at the time of the damage or destruction. The commission may, consistent with public health, safety and welfare, and to the minimum extent necessary, waive standards that made the original structure nonconforming. The reconstructed structure must replicate the original structure and use to the maximum extent possible and it must be on the same location and within the same footprint as the original structure. Reconstruction must occur within 2 years of the damage or destruction.
[PL 1995, c. 386, §3 (NEW).]

7-B. Presumption of nonconforming uses and nonconforming structures. If a person demonstrates that a use or structure that does not conform with district standards has existed for at least 30 years, there is a rebuttable presumption that the use is a nonconforming use or that the structure is a nonconforming structure.
[PL 2017, c. 89, §1 (NEW).]

8. Certificates of compliance. It shall be unlawful to use or occupy or permit the use or occupancy of any land, structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structural form, requiring subsequent review and approval pursuant to this subchapter, until a certificate of compliance has been issued therefor by the commission stating that the requirements and conditions of approval have been met.

A certificate of compliance may contain such terms and conditions as will protect the health, safety and general welfare of the occupants, users and the public.

The commission may establish standards within which authority shall be delegated to its staff, to issue or deny certificates of compliance. Any person aggrieved by a decision of the staff shall have the right to a review of such decision by the commission members within 30 days of such decision.
[PL 1973, c. 569, §11 (AMD).]

9. Periodic review of district boundaries and land use standards.

[PL 1973, c. 569, §12 (RP).]

10. Moratorium. The commission may adopt a moratorium on the processing or issuance of development permits on a township-by-township basis, on portions of a township or on portions of the territory under its jurisdiction. Any moratorium adopted by the commission must meet the following requirements.

A. The moratorium must be necessary:

(1) To prevent the shortage or overburdening of public facilities which would otherwise occur during the effective period of the moratorium or which is reasonably foreseeable as a result of any proposed or anticipated development; or

(2) Because the application of existing comprehensive plans, land use or zoning regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area. [PL 1989, c. 47, §2 (NEW).]

B. The moratorium must be of a definite term not to exceed 180 days except that the moratorium may be extended for additional 180-day periods provided that the commission:

(1) Finds that the problem creating the need for a moratorium still exists; and

(2) Finds that reasonable progress is being made to alleviate the problem creating the need for a moratorium. [PL 1989, c. 47, §2 (NEW).]

C. Any organized town or plantation which has petitioned the commission to remove that town or plantation from the jurisdiction of the Maine Land Use Planning Commission in compliance with section 685-A, subsection 4, may, through a town meeting, vote to adopt a moratorium to provide a period of time for the town or plantation to adopt a local comprehensive plan and zoning ordinance and to establish a municipal reviewing authority. The moratorium must be in compliance with paragraphs A and B. The municipal officers, acting in place of the commission, may extend the moratorium pursuant to paragraph B after notice and hearing. [PL 1989, c. 47, §2 (NEW); PL 2011, c. 682, §38 (REV).]

[PL 1989, c. 47, §2 (NEW); PL 2011, c. 682, §38 (REV).]

SECTION HISTORY

PL 1971, c. 457, §5 (NEW). PL 1971, c. 544, §§28F-28I (AMD). PL 1971, c. 618, §§12,17 (AMD). PL 1971, c. 619, §§6,7 (AMD). PL 1973, c. 569, §§11,12 (AMD). PL 1977, c. 213, §§1-3 (AMD). PL 1977, c. 360, §17 (AMD). PL 1977, c. 564, §51 (AMD). PL 1977, c. 694, §§228-232 (AMD). PL 1979, c. 127, §§68,69 (AMD). PL 1981, c. 194, §1 (AMD). PL 1985, c. 819, §§A18,19 (AMD). PL 1987, c. 653, §4 (AMD). PL 1987, c. 769, §A49 (AMD). PL 1987, c. 771, §§1,2 (AMD). PL 1987, c. 885, §§3-5 (AMD). PL 1989, c. 22, §§1,2 (AMD). PL 1989, c. 47, §2 (AMD). PL 1989, c. 430, §§1,2 (AMD). PL 1989, c. 584, §2 (AMD). PL 1989, c. 585, §E1 (AMD). PL 1989, c. 596, §G1 (AMD). PL 1989, c. 681, §1 (AMD). PL 1989, c. 810, §2 (AMD). PL 1989, c. 878, §A31 (AMD). PL 1991, c. 9, §E9 (AMD). PL 1991, c. 46, §1 (AMD). PL 1991, c. 528, §E8 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E8 (AMD). PL 1991, c. 687, §2 (AMD). PL 1993, c. 410, §U1 (AMD). PL 1995, c. 386, §3 (AMD). PL 1995, c. 487, §1 (AMD). PL 1997, c. 335, §1 (AMD). PL 1999, c. 333, §§12-17 (AMD). PL 2001, c. 402, §§4,5 (AMD). PL 2001, c. 431, §§4,5 (AMD). PL 2003, c. 622, §1 (AMD). PL 2005, c. 107, §1 (AMD). PL 2005, c. 107, §4 (AFF). PL 2005, c. 452, §A1 (AMD). PL 2007, c. 114, §1 (AMD). PL 2007, c. 661, Pt. C, §§2-4 (AMD). PL 2009, c. 111, §2 (AMD). PL 2009, c. 270, Pt. D, §§1-4 (AMD). PL 2009, c. 492, §§1, 2 (AMD). PL 2009, c. 615, Pt. D, §§3-5 (AMD). PL 2009, c. 615, Pt. F, §1 (AMD). RR 2011, c. 2, §10 (AFF). RR 2011, c. 2, §§8, 9 (COR). PL 2011, c. 653, §§2, 3 (AMD). PL 2011, c. 653, §33 (AFF). PL 2011, c. 682, §§14-20 (AMD). PL 2011, c. 682, §38 (REV). PL 2015, c. 265, §2 (AMD). PL 2015, c. 265, §10 (AFF). PL 2017, c. 89, §1 (AMD).

§685-C. Miscellaneous provisions

1. Comprehensive land use plan. The commission shall prepare an official comprehensive land use plan, referred to in this subsection as "the plan," for the unorganized and deorganized areas of the State.

The commission must use the plan as a guide in developing specific land use standards and delineating district boundaries and guiding development and generally fulfilling the purposes of this chapter.

The plan may consist of maps, data and statements of present and prospective resource uses that generally delineate the proper use of resources, and recommendations for its implementation.

The commission shall hold public hearings to collect information to be used in establishing the plan. The public hearings must be conducted according to commission rules adopted in accordance with procedures for the establishment of rules pursuant to Title 5, chapter 375, subchapter 2.

The commission may, on its own motion or petition of any state agency or regional planning commission, hold such other hearings as the commission considers necessary from time to time for the purpose of obtaining information helpful in the determination of its policies, the carrying out of its duties or the formulation of its land use standards or rules.

A. The commission may not finalize a plan or a portion of a plan without:

(1) Submitting the tentative plan to each regional planning commission and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days;

(2) Submitting the tentative plan to the State Planning Office or its successor, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days;

(3) Considering all comments submitted under paragraphs A and B; and

(4) Submitting the tentative plan to the joint standing committee of the Legislature having jurisdiction over conservation matters and the committee reviewing the plan at a public meeting. The commission shall brief the committee on any anticipated changes to land use districts and subdistricts based on revisions in the comprehensive land use plan and a projected timetable for rulemaking to adopt these changes. [PL 2011, c. 682, §21 (AMD).]

B. [PL 2013, c. 405, Pt. B, §1 (RP).]

B-1. After the commission has finalized a plan or a portion of a plan, but prior to adoption, the commission shall provide a copy to the Commissioner of Agriculture, Conservation and Forestry, who shall submit the finalized plan or a portion of the plan to the Governor for comments. The commissioner shall submit the finalized plan or a portion of the plan including the Governor's comments to the Legislature within 30 days after the convening of the next regular session for approval. The Legislature shall, by act or resolve, approve, disapprove or require changes to the plan or any portion of the plan prior to adjournment. If the plan or a portion of the plan is approved or the Legislature fails to act on the plan or a portion of the plan before adjournment, the plan or a portion of the plan may be finally adopted by the commission. If the plan or a portion of the plan is disapproved or revisions are required, the plan or a portion of the plan must be revised by the commission and resubmitted to the Legislature for approval by act or resolve. The joint standing committee of the Legislature having jurisdiction over conservation matters may submit legislation to implement the provisions of this paragraph. [PL 2013, c. 405, Pt. B, §2 (NEW).]

C. [PL 2013, c. 405, Pt. B, §3 (RP).]

D. [PL 2011, c. 682, §21 (RP).]

This subsection also applies to any alteration in the plan.

[PL 2013, c. 405, Pt. B, §§1-3 (AMD).]

1-A. Regional comprehensive land use plans. A county, separately or in partnership with another county or counties, may request the commission to develop and implement a regional comprehensive land use plan and associated zoning for all or a portion of the territory within the jurisdiction of the commission in the county or counties making the request. If the commission provides assistance under this subsection, it shall:

A. Consult with regional economic development organizations and regional planning and development districts described in Title 30-A, chapter 119; [PL 2011, c. 682, §22 (NEW).]

B. Seek input from representatives of service center communities as defined in Title 30-A, section 4301, subsection 14-A and neighboring municipalities in the area for which assistance is requested; and [PL 2011, c. 682, §22 (NEW).]

C. Provide for involvement by members of the public, landowners in the unorganized and deorganized areas of the State and residents of the unorganized and deorganized areas of the State. [PL 2011, c. 682, §22 (NEW).]

[PL 2011, c. 682, §22 (NEW).]

2. Land use guidance and planning manual. The commission shall prepare, maintain and distribute from time to time a land use guidance and planning manual setting forth:

A. A copy of this chapter, together with all amendments thereof and other applicable legislation; [PL 1971, c. 457, §5 (NEW).]

B. Examples of land use planning policies, standards, maps and documents prepared in conformance with the purposes of this chapter; [PL 1971, c. 457, §5 (NEW).]

C. An explanation and illustrative examples of the land use standards and procedures authorized in this chapter; [PL 1971, c. 457, §5 (NEW).]

D. Other explanatory material and data which will aid landowners in the preparation of their plans in conformance with the procedures, rules and standards authorized in this chapter. [PL 1971, c. 457, §5 (NEW).]

The commission shall, from time to time, confer with interested parties with a view toward insuring the maintenance of such manual in the form most useful to those making use of it.

Sections of this manual may be cited in any plan or standard in the same manner as citations of this chapter, and may be incorporated by reference in any plan, standard, rule or regulation.

[PL 1971, c. 457, §5 (NEW).]

3. Schedule of fees. The commission shall adopt rules in accordance with Title 5, chapter 375, subchapter 2 to establish a schedule of reasonable fees for the administration of this chapter. Amendments to those rules adopted after October 1, 2005 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

No approval, certificate, special exception or variance may be issued unless or until such fees established by the commission have been paid in full, nor may any action be taken on proceedings before the commission unless or until preliminary fees have been paid in full.

[PL 2005, c. 386, Pt. I, §1 (AMD).]

4. Conservation easements.

[PL 1975, c. 508, §4 (RP).]

5. Additional powers and duties. In order to implement this chapter, the commission may, in addition to its powers and duties previously authorized in this chapter:

A. Adopt rules to interpret and carry out this chapter in accordance with Title 5, chapter 375, subchapter II, unless otherwise provided by this chapter; [PL 1977, c. 694, §235 (AMD).]

B. Have the power to compel attendance of witnesses, and require production of evidence; [PL 1971, c. 457, §5 (NEW).]

C. Designate or establish such regional offices as it deems necessary; [PL 1971, c. 457, §5 (NEW).]

D. Designate or request other appropriate agencies to receive application, provide assistance, investigations and make recommendations; [PL 1971, c. 457, §5 (NEW).]

E. By rule allow joint hearings to be conducted with other appropriate agencies; [PL 1971, c. 457, §5 (NEW).]

F. Execute contracts and other agreements to carry out its purposes. [PL 1971, c. 457, §5 (NEW).]

[PL 1977, c. 694, §235 (AMD).]

6. Adjustments of assessing practices. Upon adoption of district boundaries and land use standards, a certified copy of each official land use guidance map, delineating district boundaries, and associated land use standards shall be filed with the State Tax Assessor.

[PL 1971, c. 457, §5 (NEW).]

7. Time periods. In computing the period of time to perform any act under these rules, the first day on which an act may be performed shall not be included but the last day of the period shall be included unless it is a Saturday, Sunday or holiday in which event the period shall be extended until the next business day.

A holiday is any day appointed as such by the President or Congress of the United States, or the Governor or Legislature of the State of Maine.

[PL 1971, c. 457, §5 (NEW).]

8. Enforcement, inspection and penalties for violations. Standards, rules and orders issued by the commission pursuant to this chapter have the force and effect of law. No development may be undertaken, except in conformance with this chapter, the standards, rules and orders enacted or issued pursuant to this chapter, and any real estate or personal property existing in violation of such is a nuisance. For the purposes of inspection and to ensure compliance with standards, orders and permits issued or adopted by the commission, authorized commission staff, forest rangers and the state supervisor or consultant personnel may conduct investigations, examinations, tests and site evaluations necessary to verify information presented to it and may obtain access to any lands and structures regulated pursuant to this chapter.

Any person who violates any provision of this chapter, or the terms or conditions of any standards, rules, permits or orders adopted or issued pursuant to this chapter, is subject to a civil penalty, payable to the State, of not more than $10,000 for each day of the violation.

In addition to the other penalties provided, the commission may, in the name of the State of Maine, institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation hereof or of the orders or standards or rules promulgated hereunder. This action may include, but is not limited to, proceedings to revoke or suspend any commission permit or approval, taken either before the commission itself in accordance with Title 5, section 10004, before the District Court in accordance with Title 4, chapter 5 or, notwithstanding the provisions of Title 4, section 152, subsection 9 or Title 5, section 10051, before the Superior Court as part of an enforcement action brought by the commission.

In addition to any such penalties or remedies provided in this subsection, the court may order restoration of any area affected by any action or inaction found to be in violation of any of the provisions of this

chapter or of any order, standard, rule or permit of the commission, or any decree of the court, to the condition of such area prior to the violation. When such restoration is not practicable, the court may order other actions to be taken by the person charged with the violation which are in mitigation of the damage caused by the violation.

A person who willfully or knowingly falsifies any statement contained in a permit application or other information required to be submitted to the commission is in violation of this chapter and subject to the penalties of this chapter.
[PL 1999, c. 547, Pt. B, §27 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

9. Representation in court. The commission may authorize certified employees of the commission to serve civil process and represent the commission in District Court in the prosecution of violations of those laws enforced by the commission and set forth in Title 4, section 152, subsection 6-A. Certification of these employees must be as provided under Title 30-A, section 4453.
[PL 1997, c. 296, §2 (AMD).]

10. Operating a personal watercraft. Operating a personal watercraft is prohibited on the following categories of great ponds:

A. Great ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission pursuant to subsection 1 as being not accessible within 1/4 mile by 2-wheel drive vehicles, with less than one development unit per mile, and at least one outstanding resource value; [PL 1997, c. 739, §1 (NEW).]

B. Great ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission as being accessible within 1/4 mile by 2-wheel drive vehicles, with less than one development unit per mile, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character; [PL 1997, c. 739, §1 (NEW).]

C. Great ponds and smaller ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission as being not accessible within 1/2 mile by 2-wheel drive vehicles, with no more than one noncommercial remote camp and with a cold water game fishery; and [PL 1997, c. 739, §1 (NEW).]

D. Great ponds with less than all but more than 2/3 of their surface area in or partly in the jurisdiction of the commission that are identified as being of statewide significance in the "Maine Wildlands Lake Assessment" dated June 1, 1987 prepared by the commission, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character and with more than 1/2 of their shoreline in public and private conservation ownership with guaranteed public access for low-impact public recreation. [PL 1997, c. 739, §1 (NEW).]

The commission shall implement this subsection by rule adopted in accordance with section 685-A. Rules adopted to implement this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

This section does not apply to any waters subject to regulation by the Maine Indian Tribal-State Commission under Title 30, section 6207, subsection 3-A.
[PL 1997, c. 739, §1 (NEW).]

11. Landowner liability for actions of others. An owner, lessee, manager, easement holder or occupant of premises is not subject to criminal sanctions or civil penalties or forfeitures for a violation of laws or rules enforced by the commission if that person provides substantial credible evidence that the violation was committed by another person other than a contractor, employee or agent of the owner, lessee, manager, easement holder or occupant. This subsection does not prevent the commission or a

court from requiring an owner, lessee, manager, easement holder or occupant of premises to remediate or abate environmental hazards or damage or to reimburse the commission for the cost of remediation or abatement. An owner, lessee, manager, easement holder or occupant of premises is subject to criminal sanctions or civil penalties or forfeitures for failure to comply with a lawful administrative order or court order to remediate or abate environmental hazards or damage.

A. The commission shall investigate substantiated allegations by an owner, lessee, manager, easement holder or occupant that the violation was caused by another person. [PL 2001, c. 365, §1 (NEW).]

B. If an owner, lessee, manager, easement holder or occupant is subjected to criminal sanctions or civil penalties or forfeitures, or if such a person is required to remediate or abate environmental hazards or damage as a result of violations by another person, the owner, lessee, manager, easement holder or occupant has a cause of action against the actual violator to recover all damages and costs, including attorney's fees, incurred in connection with the environmental damage, and all costs, including attorney's fees, incurred in bringing the action to recover. [PL 2001, c. 365, §1 (NEW).]

[PL 2001, c. 365, §1 (NEW).]

12. Campground storage. The commission may not limit the number of days a person may store an unoccupied camping device at a lawfully existing camping location within a campground permitted by the commission or a campground that is a nonconforming use. For the purposes of this subsection, "camping device" means a tent, registered tent trailer, registered pickup camper, registered recreational vehicle, registered trailer or similar device lawfully used for camping.

[PL 2017, c. 236, §1 (NEW).]

SECTION HISTORY

PL 1971, c. 457, §5 (NEW). PL 1971, c. 544, §§28-J (AMD). PL 1973, c. 569, §§13-15 (AMD). PL 1975, c. 508, §4 (AMD). PL 1977, c. 694, §§233-235A (AMD). PL 1987, c. 368 (AMD). PL 1987, c. 816, §KK12 (AMD). PL 1991, c. 688, §1 (AMD). PL 1997, c. 296, §2 (AMD). PL 1997, c. 739, §1 (AMD). PL 1999, c. 547, §B27 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 365, §1 (AMD). PL 2005, c. 386, §I1 (AMD). PL 2007, c. 264, §1 (AMD). PL 2009, c. 375, §1 (AMD). PL 2011, c. 655, Pt. JJ, §§6, 7 (AMD). PL 2011, c. 655, Pt. JJ, §41 (AFF). PL 2011, c. 682, §§21, 22 (AMD). PL 2013, c. 405, Pt. B, §§1-3 (AMD). PL 2017, c. 236, §1 (AMD).

§685-D. Funding

(REPEALED)

SECTION HISTORY

PL 1983, c. 561, §1 (NEW). PL 1983, c. 827, §2 (RPR). PL 1985, c. 459, §A1 (RPR). PL 1999, c. 333, §18 (AMD). PL 2007, c. 541, Pt. B, §1 (RP). PL 2007, c. 541, Pt. B, §6 (AFF).

§685-E. Exception

(REPEALED)

SECTION HISTORY

PL 1991, c. 528, §LL1 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §LL1 (NEW). PL 2003, c. 451, §SS1 (AMD). PL 2003, c. 688, §C2 (AMD). PL 2005, c. 12, §U1 (AMD). PL 2005, c. 386, §I2 (AMD). PL 2007, c. 541, Pt. B, §2 (RP). PL 2007, c. 541, Pt. B, §6 (AFF).

§685-F. Extraordinary projects

1. Designation as extraordinary project. The director of the Maine Land Use Planning Commission, referred to in this section as "the director," may designate a proposed project requiring review and approval under this chapter as an extraordinary project when the director determines that, because of the project's size, uniqueness or complexity, review of the project application is likely to:

A. Significantly impair the capacity of the commission's staff and cooperating state agencies to review other applications in a timely manner; or [PL 2005, c. 107, §2 (NEW); PL 2005, c. 107, §4 (AFF).]

B. Require the commission to incur costs that exceed the funding provided in accordance with section 685-G. [PL 2007, c. 541, Pt. B, §3 (AMD); PL 2007, c. 541, Pt. B, §6 (AFF).]

A project is considered to significantly impair the capacity of the commission's staff if review of that project is likely to occupy the equivalent of at least one person working full-time on that project for a minimum of 4 months. Designation as an extraordinary project must be made at or prior to the time the application is accepted as complete. The director shall notify the applicant in writing upon making the designation.
[PL 2011, c. 682, §23 (AMD).]

2. Processing fee. The processing fee for a project designated as extraordinary is the sum of the actual costs associated with review of that project application. These costs include, but are not limited to, costs of personnel, supplies, administration, travel, specialized computer software, services needed for review of that project, including review provided by other state agencies, and contracting for legal and consulting services. The director shall provide the applicant with an estimate of the processing fee for a project with a breakdown of anticipated costs. The applicant must pay 1/2 of the estimated processing fee prior to the beginning of the project review. The applicant must be billed quarterly for the remainder of the fee. The director shall deposit all processing fees in a dedicated account from which expenses attributable to the application review are paid. The commission shall withhold a decision on the project until the entire processing fee is paid. The director shall return all unspent funds to the applicant within 120 days of the commission's decision on the application.
[PL 2007, c. 661, Pt. C, §5 (AMD).]

3. Accounting system. The director shall require that all staff involved in any aspect of an application review for a project designated as an extraordinary project keep accurate and regular daily time records. These records must describe the matters worked on, services performed and amount of time devoted to those matters and services as well as amounts of money expended in performing those functions. The director shall keep records of all expenses incurred in reviewing a project, including staff time records, billing statements for contracted services and billing statements from other state agencies for the actual cost of review.
[PL 2009, c. 642, Pt. A, §1 (AMD).]

4. Review by commission. In accordance with section 685-B, subsection 1-B, an applicant has the right to review by the commission of a decision to designate a project as an extraordinary project or of a processing fee established under subsection 2.
[PL 2005, c. 107, §2 (NEW); PL 2005, c. 107, §4 (AFF).]

SECTION HISTORY

PL 2005, c. 107, §2 (NEW). PL 2005, c. 107, §4 (AFF). PL 2007, c. 541, Pt. B, §3 (AMD). PL 2007, c. 541, Pt. B, §6 (AFF). PL 2007, c. 661, Pt. C, §5 (AMD). PL 2009, c. 492, §3 (AMD). PL 2009, c. 642, Pt. A, §1 (AMD). PL 2011, c. 682, §23 (AMD).

§685-G. Funding

1. Unorganized territories. Beginning with fiscal year 2009-10, funding for services and activities of the commission for planning, permitting and ensuring compliance in the unorganized territories must be assessed and allocated to the unorganized territories through a fee equal to .014% of the most recent equalized state valuation established by the State Tax Assessor. This fee must be collected through the municipal cost component under Title 36, chapter 115.
[PL 2009, c. 213, Pt. HHHH, §1 (AMD).]

2. Towns and plantations. Beginning with fiscal year 2009-10, a town or a plantation in the commission's jurisdiction that elects not to administer land use controls at the local level but receives commission services or a town or plantation with a portion of its land under the commission's jurisdiction and receiving commission services, including planning, permitting and ensuring compliance, must be assessed a fee equal to .018% of the most recent equalized state valuation established by the State Tax Assessor for that town or plantation or that portion of a town or plantation under the commission's jurisdiction. The State Tax Assessor shall issue a warrant to each such town or plantation no later than March 1st of each year. The warrant is payable on demand. Interest charges on unpaid fees begin on June 30th of each year and are compounded monthly at the interest rate for unpaid property tax as established by the State Tax Assessor for the unorganized territory. For any assessment that remains unpaid as of September 1st of the year in which it is due, state revenue sharing to that town or plantation must be reduced by an amount equal to any unpaid warrant amount plus any accrued interest, until the amount is paid. These fees must be deposited to the General Fund.
[PL 2009, c. 213, Pt. HHHH, §1 (AMD).]

3. Report. By January 15, 2009 and annually thereafter, the commission shall report to the joint standing committees of the Legislature having jurisdiction over conservation matters and taxation matters regarding commission funding and other financial matters. The report must cover the 5 previous fiscal years and must identify General Fund appropriations and other resources, amounts assessed and collected from the assessments required under this section and former section 685-E and amounts assessed and collected from other fees and penalties assessed under this chapter. Beginning in January 2010, the report must include an accounting of the permitting fees and administrative penalties collected that segregates the amounts collected from the unorganized territories from the amounts collected from the towns and plantations and must include recommendations to adjust the fees for the unorganized territories and for towns and plantations based on the amounts collected for permitting fees and administrative penalties from each of these entities. The joint standing committees of the Legislature having jurisdiction over conservation matters and taxation matters shall jointly review the distribution of funding and other assessments among the General Fund, unorganized territories and towns and plantations under the commission's jurisdiction and may submit legislation considered necessary as a result of the commission's report to the First Regular Session of the 124th Legislature.
[PL 2009, c. 213, Pt. HHHH, §1 (AMD).]

SECTION HISTORY

PL 2007, c. 541, Pt. B, §4 (NEW). PL 2009, c. 213, Pt. HHHH, §1 (AMD).

§685-H. Annual performance report

1. Report due. By January 15, 2013 and by January 15th annually thereafter, the commission shall report to the joint standing committee of the Legislature having jurisdiction over conservation matters regarding the commission's performance under this subchapter for the previous year and goals for the coming year.
[PL 2011, c. 682, §24 (NEW).]

2. Report components. The report must include:

A. The number of permits processed for the previous calendar year, by category; [PL 2011, c. 682, §24 (NEW).]

B. A summary of preapplication consultation activities; [PL 2011, c. 682, §24 (NEW).]

C. The average time for rendering a decision, with goals for improving processing times; [PL 2011, c. 682, §24 (NEW).]

D. The status of regional planning and zoning initiatives, with goals for the calendar year; and [PL 2011, c. 682, §24 (NEW).]

E. A description of staff and commission training initiatives to ensure increased customer service and consistency in application of commission rules and regulations, with goals for the calendar year ahead. [PL 2011, c. 682, §24 (NEW).]

[PL 2011, c. 682, §24 (NEW).]

3. Public meeting. The chair of the commission shall present the annual performance report to the joint standing committee of the Legislature having jurisdiction over conservation matters at a meeting of that committee. The committee shall give the public an opportunity to comment on the performance report at this meeting.

[PL 2011, c. 682, §24 (NEW).]

SECTION HISTORY

PL 2011, c. 682, §24 (NEW).

SUBCHAPTER 3

COMMISSION POWERS AND DUTIES

§686. Zoning powers and duties

(REPEALED)

SECTION HISTORY

PL 1969, c. 494 (NEW). PL 1971, c. 457, §7 (RP).

§687. Subdivision control, powers and duties

(REPEALED)

SECTION HISTORY

PL 1969, c. 494 (NEW). PL 1971, c. 457, §7 (RP).

§688. Minimum lot size

(REPEALED)

SECTION HISTORY

PL 1969, c. 494 (NEW). PL 1971, c. 457, §7 (RP).

SUBCHAPTER 4

APPEALS

§689. Appeal

Persons aggrieved by final actions of the commission, including without limitation any final decision of the commission with respect to any application for approval or the adoption by the commission of any district boundary or amendment thereto, may appeal therefrom in accordance with Title 5, chapter 375, subchapter 7. This right of appeal, with respect to any commission action to which this right may apply, is in lieu of the rights provided under Title 5, section 8058, subsection 1. [PL 2011, c. 682, §25 (AMD).]

SECTION HISTORY

PL 1969, c. 494 (NEW). PL 1971, c. 457, §6 (RPR). PL 1973, c. 569, §16 (AMD). PL 1975, c. 770, §65 (AMD). PL 1977, c. 694, §236 (RPR). PL 1979, c. 127, §70 (AMD). PL 2009, c. 642, Pt. B, §1 (AMD). PL 2011, c. 682, §25 (AMD).

CHAPTER 207

SURVEYORS

§701. Appointment; oath; duties

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §16 (AMD). PL 1979, c. 545, §12 (RP).

§702. Plans and field notes

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §16 (AMD). PL 1979, c. 545, §12 (RP).

CHAPTER 209

NATIONAL FORESTS AND PARKS

§751. Concurrent jurisdiction

The State shall retain a concurrent jurisdiction with the United States in and over lands acquired as national forests in the State so far that civil process in all cases, and such criminal process as may issue under the authority of the State against any person charged with the commission of crime without or within said jurisdiction, may be executed thereon in like manner as if this section and sections 752 and 754 had not passed. The State of Maine shall retain exclusive jurisdiction over all matters referred to in the proviso contained in section 752. [PL 2005, c. 258, §1 (AMD).]

SECTION HISTORY

PL 2005, c. 258, §1 (AMD).

§752. Federal rules and regulations

Power is conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations, of both a civil and criminal nature, not inconsistent with any of the provisions of this section and sections 751 and 754, and provide punishment therefor, as in its judgment may be necessary for the administration, control and protection of such lands as are acquired by the United States under said sections. Such laws, rules and regulations may not in any way supersede, invalidate or modify any of the laws of the State of Maine respecting the storage, control, use or development of water resources in the State, or the Mill Act, so called. Said laws of the State of Maine as existing on March 20, 1934, or thereafter enacted, are made applicable to all lands acquired under this section and section 754, notwithstanding the title thereto must be in the United States of America, nor may such laws, rules and regulations, nor may anything in said sections in any way limit the power of the State through its Legislature to pass any legislation, either general or specific, respecting the storage, control, use or development of the water resources thereon, or respecting the laws of the State pertaining to fishing and hunting, nor may it prevent the flowage of lands acquired under this section and section 754 in accordance with the Mill Act, or special charter, or other general

laws of the State, upon payment of compensation therefor, nor may any consent of the United States of America be required to enable action to be taken under or in accordance with said laws. The State expressly reserves the jurisdiction of the courts of the State with respect to the determination of questions arising under said laws respecting lands so acquired by the United States of America. [PL 2005, c. 258, §2 (AMD).]

SECTION HISTORY

PL 2005, c. 258, §2 (AMD).

§753. State consent to acquisition of national forests

Subject to the Act of Congress of March 1, 1911, 36 Statutes 961, known as the Weeks Act, and Acts amendatory thereof and supplemental thereto, the consent of the State of Maine is given for the United States to acquire by purchase, gift or exchange upon the payment of adequate compensation such lands within that portion of Oxford County included within purchase unit boundaries of the White Mountain National Forest on July 5, 1935, all in this State as are suitable for national forest purposes, and not over 2,000 acres in Cumberland County for preserves for the protection and conservation of migratory birds; but no such acquisition may be made against the protest of any owner. Sections 752 and 754 do not apply to any lands acquired under this section and section 755. This section as it relates to Oxford County is limited to such acquisition as has been actually acquired prior to the effective date of this Act and no further land in Oxford County may be acquired after such date, unless such acquisition is approved by the voters of the municipality in which such land, in whole or in part, is located. [PL 2005, c. 258, §3 (AMD).]

SECTION HISTORY

PL 1971, c. 105 (AMD). PL 1975, c. 531, §1 (AMD). PL 2005, c. 258, §3 (AMD).

§754. Limitations on state consent

The consent of the State of Maine to the United States of America to the acquisition of lands within the State by the United States of America for the establishment, consolidation and extension of national forests or any lands of a riparian nature or any lands with riparian rights appurtenant thereto or that are necessary for any hydraulic development within this State is limited to the consent granted by this section and section 752, and when such lands are acquired by the United States of America they must be held subject to all of the provisions of said sections so long as the ownership thereof is retained by the United States of America. [PL 2005, c. 258, §4 (AMD).]

SECTION HISTORY

PL 2005, c. 258, §4 (AMD).

§755. Jurisdiction

The jurisdiction of this State, both civil and criminal, over persons upon any lands acquired under section 753 shall not be affected or changed by the permanent reservation and administration of such lands as national forest lands, except so far as the punishment of offenses against the United States is concerned; the intent and meaning of this section being that this State shall not by reason of such reservation and administration lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, nor be absolved from their duties as citizens of this State.

§756. Acadia National Park

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

A. "Firearm" has the same meaning as in section 10001, subsection 21. [PL 2009, c. 607, §1 (NEW).]

B. "Residential dwelling" means a fixed housing structure that either is the principal residence of its occupants or is occupied on a regular and recurring basis by its occupants as an alternate residence or vacation home. [PL 2009, c. 607, §1 (NEW).]

[PL 2009, c. 607, §1 (NEW).]

2. Possession of firearms. A person may not use or possess a firearm in Acadia National Park except:

A. Within a residential dwelling; [PL 2009, c. 607, §1 (NEW).]

B. To the extent the firearm is used in connection with hunting when and where authorized by state or federal law; [PL 2009, c. 607, §1 (NEW).]

C. Within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; [PL 2009, c. 607, §1 (NEW).]

D. When the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties; [PL 2009, c. 607, §1 (NEW).]

E. When the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; [PL 2009, c. 607, §1 (NEW).]

F. When the firearm is a concealed firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:

(1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

(2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or [PL 2009, c. 607, §1 (NEW).]

G. When the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in Title 25, chapter 252. The person must have in that person's possession the permit as required in Title 25, section 2003. [PL 2009, c. 607, §1 (NEW).]

[PL 2009, c. 607, §1 (NEW).]

3. Violation. The following penalties apply to violations of this section.

A. A person who, in violation of subsection 2, possesses or uses a firearm that is not concealed commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2009, c. 607, §1 (NEW).]

B. A person who, in violation of subsection 2, possesses or uses a concealed firearm commits a Class D crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2009, c. 607, §1 (NEW).]

C. A person who is authorized to use or possess a firearm under subsection 2, paragraphs E to G who does not have the required identification or permit in that person's possession at all times when possessing or using the firearm commits a civil violation for which a fine of not more than $100 may be adjudged. [PL 2009, c. 607, §1 (NEW).]

[PL 2009, c. 607, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 607, §1 (NEW).

CHAPTER 211

STATE PARKS

SUBCHAPTER 1

GENERAL PROVISIONS

§801. Designation of certain forts and coaling station as state parks (REPEALED)

SECTION HISTORY

PL 1973, c. 460, §19 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 678, §11 (RP).

§802. Restaurant facilities at the Ancient Pemaquid Restoration Site in the Town of Bristol (REPEALED)

SECTION HISTORY

PL 1975, c. 375 (NEW). PL 1983, c. 824, §§Z-2 (RP).

SUBCHAPTER 2

JOHN PAUL JONES MEMORIAL PARK

§851. Designation

The state park at Kittery, situate between Hunter Avenue and Newmarch Street and between Water and Government Streets in the Town of Kittery, County of York, shall forever be known and designated as "John Paul Jones Memorial Park" in memory of the commander of the first American warship.

SUBCHAPTER 3

BAXTER STATE PARK

§900. Purpose

Seldom has a more generous gift been presented to a people than has been given by Percival Proctor Baxter to the people of the State of Maine. It is incumbent upon them, the recipients, to preserve the trust impressed upon them, to ensure for themselves and for future generations the fullest use of Baxter State Park consistent with the desires of the donor. [PL 1971, c. 477, §1 (NEW).]

Governor Baxter's expressed desires were that this park "shall forever be retained and used for state forest, public park and public recreational purposes ... shall forever be kept and remain in the natural wild state ... shall forever be kept and remain as a sanctuary for beasts and birds." [PL 1971, c. 477, §1 (NEW).]

Lest those that follow, uncertain of Governor Baxter's wishes, seek to define his desires in ways inharmonious with their original intent, this section is enacted. [PL 1971, c. 477, §1 (NEW).]

It shall be the object of the Baxter State Park Authority to preserve the grandeur and beauty of Maine's highest peak, Mount Katahdin, as well as the 45 other mountains, the numerous lakes, ponds and streams; to subordinate its own wishes to the intent of Governor Baxter; to recognize his wish that, in this era of change, one thing of natural beauty remain constant. [PL 1971, c. 477, §1 (NEW).]

This intent must be interpreted so as not to separate this park from the people to whom it was given; but rather seek to have it enjoyed and "used to the fullest extent but in the right unspoiled manner." [PL 1971, c. 477, §1 (NEW).]

As a public forest it shall remain in its natural wild state and when "the Forests of our State have been cut off and disappeared, when civilization has encroached upon the land we now refer to as 'Wild Land,' this park will give the people of succeeding generations a living example of what the State of Maine was 'in the good old days' before the song of the woodsman's axe and the whine of the power saw was heard in the land." [PL 1971, c. 477, §1 (NEW).]

As a public park and a place of recreation, it is apparent that it is intended for "those persons who enjoy the wilderness" and that the repeated use of the word "recreation" refers to the use of this park compatible with its natural state as a wilderness area and an expanse "for those who love nature and who are willing to walk and make an effort to get close to nature ... with pleasant foot-trails built and attractive camp-sites laid out in the valleys, by the brooks, and on the shores of the water." [PL 1971, c. 477, §1 (NEW).]

As a tract kept in its "natural wild state," it is intended that "everything in connection with the park must be left simple and natural and must remain as nearly as possible as it was when only the Indians and the animals roamed at will through these areas ..." Access to the park shall be provided only "as may be necessary to accommodate those persons who wish to enjoy the great unspoiled area that now is the property of our State ..." [PL 1971, c. 477, §1 (NEW).]

As a "sanctuary for beasts and birds" it shall be forever a "sanctuary and home for the creatures of the wild," and as refuge "against hunting, trapping and killing" where "hunting with cameras will take the place of hunting with guns." [PL 1971, c. 477, §1 (NEW).]

While this area bears the name park, it is not to be confused with the existing state park system and is to "be separately administered free from any connection with the larger State Park Commission." (Bureau of Parks and Lands) That system, purchased with the funds of the people, must change from time to time to accommodate changing circumstances and the varying desires of its proprietors; not so, Baxter State Park, purchased by the generosity of one man, richly endowed, and presented to the people with specific stipulations. [PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

"While I am living I fear no encroachments on the park, but as time passes and new men appear upon the scene, there may be a tendency to overlook these restrictions and thus break the spirit of these gifts." [PL 1971, c. 477, §1 (NEW).]

Solemnly cognizant of the responsibility, it shall always be the purpose of the authority to satisfy the terms of the Trust. [PL 1971, c. 477, §1 (NEW).]

SECTION HISTORY

PL 1971, c. 477, §1 (NEW). PL 1973, c. 625, §64 (AMD). PL 1995, c. 502, §E30 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§901. Designation

All the lands in Townships 2, 3, 4, 5 and 6, Range 9 W.E.L.S. and in Townships 3, 4, 5 and 6, Range 10 W.E.L.S., Piscataquis County, and Township 6, Range 8 W.E.L.S., Penobscot County, that have been donated and conveyed to the State in trust by Percival Proctor Baxter and all lands in the Townships 2, 3, 4, 5 and 6, Range 9 and in Townships 3, 4, 5 and 6, Range 10, and in Township 6, Range 8 and all lands in Piscataquis and Penobscot Counties that hereafter shall be donated and conveyed to the State by Percival Proctor Baxter in trust for state forest, public park and public recreational purposes are named and shall hereafter be named "Baxter State Park" in honor of the donor, and the same hereafter shall forever be so designated on the official maps and records of the State. They shall be under the joint supervision and control of, and shall be administered by the Director of the Bureau of Forestry, the Commissioner of Inland Fisheries and Wildlife and the Attorney General, and the commissioner, director and Attorney General shall have full power in the control and management of the same, under the title of Baxter State Park Authority, as authorized by Title 5, section 12004-G, subsection 11. The authority shall receive moneys available from trust funds established by the donor of the park and shall include fees collected, income from park trust funds invested by the Treasurer of State and other miscellaneous income derived from the park for maintenance and operation of the park. [PL 1989, c. 503, Pt. B, §56 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

The authority is further designated the agency of the State to receive such sums as are, from time to time, paid to the State by the trustee under clause THIRD of a certain inter vivos trust dated July 6, 1927, as from time to time amended, created by said Baxter for the purchase or other acquisition of additional land for said Baxter State Park, and for the purchase of other lands for recreational or reforestation purposes, and the authority is authorized to expend such sums so received for such purposes and shall hold and use such lands as specified in the trust. [PL 1985, c. 107, §2 (AMD).]

SECTION HISTORY

PL 1965, c. 226, §17 (RPR). PL 1967, c. 504 (AMD). PL 1969, c. 557, §3 (AMD). PL 1971, c. 477, §2 (AMD). PL 1973, c. 87 (AMD). PL 1973, c. 460, §18 (AMD). PL 1975, c. 497, §3 (AMD). PL 1983, c. 556, §3 (AMD). PL 1983, c. 812, §77 (AMD). PL 1985, c. 107, §2 (AMD). PL 1989, c. 503, §B56 (AMD). RR 2009, c. 2, §21 (COR). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§902. Public reserved lots in park

The public reserved lots in the area known as Baxter State Park shall be forever held in trusts, and are here declared to be so held, as part of said park not only as respects the interests conveyed to the State by Percival Proctor Baxter but as respects the basic title originally owned by the State. The basic title of each such lot is declared to be held in the same trusts and for the same purposes as are declared in the deed or deeds of the said Percival Proctor Baxter conveying to the State his interest in such lot.

§903. Rules

1. Adoption of rules. The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.
[PL 2003, c. 452, Pt. F, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Violation of rules and permits. A person who violates any of the rules of the Baxter State Park Authority or a condition of a permit issued under those rules commits a civil violation for which a fine of not more than $1,000 may be adjudged.

[PL 2009, c. 644, §1 (AMD).]

3. Destruction of structure, monument, marker or notice. A person who intentionally or knowingly mutilates, defaces or destroys any structure, monument or marker lawfully erected within the boundaries of the Baxter State Park, or any notice or rule of the Baxter State Park Authority that is posted in conformity with this section, commits a Class E crime.
[PL 2003, c. 452, Pt. F, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1965, c. 226, §18 (AMD). PL 1973, c. 201 (AMD). PL 1977, c. 694, §237 (AMD). PL 2003, c. 452, §F2 (RPR). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 644, §1 (AMD).

§904. Agents and representatives

The Baxter State Park Authority shall appoint agents or representatives to carry out this subchapter. All appointed agents or representatives shall hold office under the rules of the Civil Service Law. They shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned and filed in the office of the chairman of the authority. They shall be appointed by the authority in accordance with the Civil Service Law and may be allowed actual necessary expenses of travel. [PL 1985, c. 785, Pt. B, §63 (AMD).]

SECTION HISTORY

PL 1965, c. 226, §19 (AMD). PL 1985, c. 785, §B63 (AMD).

§905. Police supervision; power to arrest

Said park authority shall exercise police supervision over Baxter State Park. The agents or representatives of the Baxter State Park Authority, designated for that purpose by said park authority, are authorized and empowered to arrest with or without warrant any person within the State who is committing, or to detain, until a warrant has been obtained, any person within the State who has been seen by said agents or representatives committing any offense against the state laws, or any violation of any rule or regulation of the Baxter State Park Authority within said park, but no dwelling house shall be searched for the purpose of such arrest without a warrant, and then only in the daytime, and no sealed railroad car shall be entered for the purpose of such arrest without such warrant.

§906. Restrictions on powers and duties of park authority

The powers and duties of the Baxter State Park Authority shall not be so construed as to permit the collection of a fee for entering the premises of the park by residents of the State or interfere or conflict in any way with the powers and duties of the Maine State Bureau of Parks and Lands, Department of Inland Fisheries and Wildlife or the Bureau of Forestry and their duly appointed wardens or rangers, and the enforcement of the inland fisheries and game and forestry laws in respect to Baxter State Park or to the State generally. Nothing in section 900 or any other law shall be interpreted or construed to modify, nullify or affect in any way any of the provisions in any deed of trust made by Percival Proctor Baxter conveying land in Baxter State Park to the State of Maine. [PL 1975, c. 497, §1 (AMD); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §§23, 24 (REV).]

SECTION HISTORY

PL 1965, c. 226, §20 (AMD). PL 1971, c. 477, §3 (AMD). PL 1973, c. 460, §§18,19 (AMD). PL 1975, c. 493, §3 (AMD). PL 1995, c. 502, §E30 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §§23, 24 (REV).

§907. Jurisdiction

The District Court shall have original and concurrent jurisdiction with the Superior Court in all prosecutions under any provisions of this subchapter. Any person, arrested as a violator of said

subchapter, shall with reasonable diligence be taken before the District Court in the division nearest to where the offense is alleged to have been committed for a warrant and trial, and in such case jurisdiction is granted to the District Court in adjoining divisions to be exercised in the same manner as if the offense had been committed in that division.

§908. Park operations

1. Certain approval unnecessary; payments. Notwithstanding any other provision of law, the Baxter State Park Authority does not need the approval of the Department of Administrative and Financial Services through the Office of the State Controller for the payment of any bills, invoices, accounts, payrolls or any other evidences of claims, demands or charges.
[PL 2007, c. 466, Pt. A, §31 (AMD).]

2. Certain approval unnecessary; purchases. Notwithstanding any other provision of law, purchases of materials or services by the Baxter State Park Authority do not need the approval of the Department of Administrative and Financial Services through the Bureau of General Services.
[PL 2007, c. 466, Pt. A, §32 (AMD).]

3. Certain approval unnecessary; construction or improvement. Notwithstanding any other provision of law, the construction or reconstruction of roads and buildings or any other improvements by the Baxter State Park Authority does not need the approval of the Department of Administrative and Financial Services through the Bureau of General Services.
[RR 1993, c. 1, §34 (COR).]

SECTION HISTORY

PL 1989, c. 68, §C2 (NEW). RR 1993, c. 1, §34 (COR). PL 2003, c. 600, §4 (REV). PL 2007, c. 466, Pt. A, §§31, 32 (AMD).

CHAPTER 212

FREE ACCESS TO CERTAIN STATE LANDS BY DISABLED VETERANS

§931. Access to state-owned parks, camping areas and beaches

(REPEALED)

SECTION HISTORY

PL 1981, c. 13 (NEW). PL 1995, c. 65, §A27 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1997, c. 678, §12 (RP).

CHAPTER 213

DISEASE AND PEST CONTROL

SUBCHAPTER 1

STATE ENTOMOLOGIST

§951. Appointment

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §21 (RP).

§952. Duties

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §22 (AMD). PL 1979, c. 545, §13 (RP).

SUBCHAPTER 2

INSPECTION, RESEARCH AND CONTROL

§1001. Program authorized

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §23 (RP).

§1002. Survey work

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §24 (AMD). PL 1979, c. 545, §13 (RP).

§1003. Information and recommendations

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §24 (AMD). PL 1979, c. 545, §13 (RP).

§1004. Control measures; penalty

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §24 (AMD). PL 1979, c. 545, §13 (RP).

§1005. Advice

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §24 (AMD). PL 1979, c. 545, §13 (RP).

§1006. Research

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §25 (RP).

§1007. Emergencies

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §26 (AMD). PL 1979, c. 545, §13 (RP).

SUBCHAPTER 2-A

SPRUCE BUDWORM SUPPRESSION ACT

§1010. Short title

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 545, §13 (RP).

§1011. Legislative policy

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 545, §13 (RP).

§1012. Definitions

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 545, §13 (RP).

§1013. Spruce Fir Forest Protection District

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 545, §13 (RP).

§1014. Funding

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 69, §§B1,B2 (AMD). PL 1979, c. 545, §13 (RP).

§1015. Taxation

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1977, c. 105, §2 (AMD). PL 1977, c. 712, §C1 (AMD). PL 1979, c. 69, §B3 (AMD). PL 1979, c. 164, §D1 (AMD). PL 1979, c. 545, §13 (RP).

§1015-A. Supplementary excise tax

(REPEALED)

SECTION HISTORY

PL 1979, c. 69, §B5 (NEW).

§1016. Designated spray areas

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 545, §13 (RP).

§1017. Automatic withdrawals

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 545, §13 (RP).

§1018. Silvicultural treatment designation

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 545, §13 (RP).

§1019. New market withdrawal

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 545, §13 (RP).

§1020. General conditions for withdrawals

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 545, §13 (RP).

§1021. Duties and authority of the Director of the Bureau of Forestry

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1977, c. 694, §238 (AMD). PL 1979, c. 545, §13 (RP).

§1022. Committee on Spruce Fir Silviculture

(REPEALED)

SECTION HISTORY

PL 1975, c. 764, §3 (NEW). PL 1979, c. 545, §13 (RP).

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§1152. Posting and publishing

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§1153. --annulment

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SECTION HISTORY

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§1252. Fire control districts

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SECTION HISTORY

PL 1965, c. 226, §37 (AMD). PL 1965, c. 425, §§5-F (AMD). PL 1973, c. 460, §18 (AMD). PL 1979, c. 545, §14 (RP).

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§1254. Duties of forest rangers in the incorporated sections

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SECTION HISTORY

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§1255. Control and extinguishment of forest fires

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SECTION HISTORY

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§1256. Coordinating protective agencies

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SECTION HISTORY

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SUBCHAPTER 4

FIRE WARDENS

§1301. Personnel in Maine Forestry District

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SECTION HISTORY

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§1302. Duties

(REPEALED)

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SECTION HISTORY

PL 1965, c. 226, §45 (AMD). PL 1965, c. 513, §21 (AMD). PL 1971, c. 179 (AMD). PL 1973, c. 209 (AMD). PL 1973, c. 460, §18 (AMD). PL 1977, c. 694, §§241,242 (AMD). PL 1979, c. 127, §71 (AMD). PL 1979, c. 326 (AMD). PL 1979, c. 545, §14 (RP).

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§1403. Penalties

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §45 (AMD). PL 1979, c. 127, §72 (AMD). PL 1979, c. 545, §14 (RP).

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SECTION HISTORY

PL 1965, c. 226, §46 (AMD). PL 1979, c. 545, §14 (RP).

§1453. Expense of fire patrol paid by railroad

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SECTION HISTORY

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§1456. Devices to prevent fires

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SECTION HISTORY

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§1456-A. Spark arresters on certain equipment

(REPEALED)

SECTION HISTORY

PL 1965, c. 365, §2 (NEW). PL 1979, c. 545, §14 (RP).

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§1458. Damage to forest growth during construction; extinguishment of fires

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SECTION HISTORY

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PL 1965, c. 226, §52 (AMD). PL 1973, c. 460, §18 (AMD). PL 1977, c. 694, §243 (AMD). PL 1979, c. 541, §A129 (AMD). PL 1979, c. 545, §14 (RP).

§1551-A. Slash defined

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PL 1965, c. 226, §53 (NEW). PL 1979, c. 545, §14 (RP).

§1552. Disposal; along highways

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SECTION HISTORY

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§1553. -- along railroads and utility lines

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SECTION HISTORY

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§1554. -- along land bordering on another

(REPEALED)

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§1555. -- by dwelling houses

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SECTION HISTORY

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§1557. -- manner of

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SECTION HISTORY

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SECTION HISTORY

PL 1965, c. 226, §56 (AMD). PL 1979, c. 545, §14 (RP).

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OBSTRUCTION OF WOODS ROADS

§1580. Obstruction of discontinued woods roads prohibited

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TAX REVENUES

§1601. Annual district tax

(REPEALED)

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SECTION HISTORY

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§1602. Payment of expenses

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SECTION HISTORY

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§1603. Appropriation for payment of claims, accounts and demands

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SECTION HISTORY

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§1604. Filing of tax certificate with treasurer

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SECTION HISTORY

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§1605. Tax notices; publication; payment

(REPEALED)

SECTION HISTORY

PL 1973, c. 788, §44 (RP).

§1606. Assessments on plantations

(REPEALED)

SECTION HISTORY

PL 1965, c. 226, §59 (AMD). PL 1983, c. 556, §5 (RP).

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SECTION HISTORY

PL 1965, c. 226, §59 (AMD). PL 1973, c. 460, §18 (AMD). PL 1975, c. 771, §139 (AMD). PL 1983, c. 556, §5 (RP).

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SECTION HISTORY

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§1652. Jurisdiction for prosecutions

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SECTION HISTORY

PL 1965, c. 226, §60 (AMD). PL 1979, c. 127, §73 (AMD). PL 1979, c. 545, §14 (RP).

§1653. Partial payment of costs of suppressing forest fires

(REPEALED)

SECTION HISTORY

PL 1965, c. 365, §3 (NEW). PL 1979, c. 545, §14 (RP). PL 1979, c. 556, §6 (RPR). PL 1979, c. 663, §63 (RP).

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§1701. Creation; designation; membership

(REPEALED)

SECTION HISTORY

PL 1969, c. 557, §1 (NEW). PL 1973, c. 460, §§18,19 (AMD). PL 1975, c. 771, §140 (AMD). PL 1983, c. 812, §78 (AMD). PL 1983, c. 819, §A14 (RP). PL 1983, c. 862, §35 (AMD).

§1702. Powers; duties

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SECTION HISTORY

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§1703. Sale of timber

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SECTION HISTORY

PL 1969, c. 557, §1 (NEW). PL 1983, c. 819, §A14 (RP).

§1704. Regulations

(REPEALED)

SECTION HISTORY

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§1705. Disposition of revenues; revenue sharing

(REPEALED)

SECTION HISTORY

PL 1969, c. 557, §1 (NEW). PL 1983, c. 819, §A14 (RP).

§1706. Existing law enforcement jurisdiction not impaired

(REPEALED)

SECTION HISTORY

PL 1969, c. 557, §1 (NEW). PL 1973, c. 460, §§18,19 (AMD). PL 1983, c. 819, §A14 (RP).

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SECTION HISTORY

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§1751-A. Definitions

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SECTION HISTORY

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§1752. Established

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SECTION HISTORY

PL 1985, c. 457, §6 (NEW). PL 1991, c. 309, §4 (AMD). PL 1995, c. 152, §5 (RP).

§1753. Powers and duties

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SECTION HISTORY

PL 1985, c. 457, §6 (NEW). PL 1991, c. 309, §5 (RP).

§1753-A. Powers

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SECTION HISTORY

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§1754. Intergovernmental cooperation and assistance

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SECTION HISTORY

PL 1985, c. 457, §6 (NEW). PL 1991, c. 309, §7 (AMD). PL 1995, c. 152, §5 (RP).

§1755. Internal Services Fund account

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SECTION HISTORY

PL 1985, c. 457, §6 (NEW). PL 1991, c. 309, §8 (RP).

§1756. Licensing agreements

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SECTION HISTORY

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§1757. Priority of responsibilities

(REPEALED)

SECTION HISTORY

PL 1991, c. 309, §9 (NEW). PL 1995, c. 152, §5 (RP).

CHAPTER 220

BUREAU OF PARKS AND PUBLIC LANDS

SUBCHAPTER 1

GENERAL PROVISIONS

§1801. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1997, c. 678, §13 (NEW).]

1. Bureau. "Bureau" means the Bureau of Parks and Lands.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry.
[PL 2001, c. 604, §1 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

3. Department. "Department" means the Department of Agriculture, Conservation and Forestry.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

4. Director. "Director" means the Director of the Bureau of Parks and Lands.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

4-A. Ecological reserve. "Ecological reserve" means an area owned or leased by the State, under the jurisdiction of the bureau, designated by the director for the purpose of maintaining one or more natural community types or native ecosystem types in a natural condition and range of variation and contributing to the protection of Maine's biological diversity and managed:

A. As a benchmark against which biological and environmental change may be measured; [PL 1999, c. 592, §2 (NEW).]

B. To protect sufficient habitat for those species whose habitat needs are unlikely to be met on lands managed for other purposes; or [PL 1999, c. 592, §2 (NEW).]

C. As a site for ongoing scientific research, long-term environmental monitoring and education. [PL 1999, c. 592, §2 (NEW).]

[PL 1999, c. 592, §2 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

5. Historic site. "Historic site" means any area of land owned, leased or otherwise controlled by the State, with or without buildings, improvements or other structures, that has been classified by the director for public use wholly or primarily because of its historical, archaeological or scientific interest or value.

[PL 1997, c. 678, §13 (NEW).]

6. Nonreserved public lands. "Nonreserved public lands" means all public domain lands, public islands in inland and coastal waters, lands acquired under section 8003, subsection 3, paragraph N, lands acquired by the bureau pursuant to other lawful authority and any other lands the management and control of which are not otherwise provided for by law.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

7. Park. "Park" means any area of land or an interest in land, with or without improvements, that is acquired by or under the control of the State, managed primarily for public recreation or conservation purposes and classified by the director as a park, including:

A. Any area of considerable extent, but not exceeding 10,000 acres, in which are combined superlative or distinctive scenic characteristics and a reasonably varied, extensive or exceptional opportunity for active recreation; [PL 1997, c. 678, §13 (NEW).]

B. Any area not exceeding 1,000 acres that is with or without distinctive characteristics but contains natural features that afford ample opportunity for development and use for active recreation; [PL 1997, c. 678, §13 (NEW).]

C. Any area included in paragraphs A and B that is within easy access of any road or highway, except extensions to road or highway rights-of-way, turnouts, loops or other additions to roads or highways the primary purpose of which is to preserve the natural beauty of lands bordering such roads or highways or to afford temporary stopping points along such roads or highways; [PL 1997, c. 678, §13 (NEW).]

D. Any strip or strips of land, with or without roads, highways or improvements, that are required for ingress and egress to or from any of the areas described in paragraphs A to C, which may not exceed in length the distance required to connect those areas with the nearest arterial or trunk-line highway, railroad line or terminal or other public transportation facility or way; and [PL 1997, c. 678, §13 (NEW).]

E. Any area of land largely in a natural condition and containing natural features of scenic, ecological or scientific interest or importance. The presence of man-made development does not preclude an area from this classification if such a development is not likely to remain or leave a permanent mark upon the natural character of the area or is essential to the operation of the area as

a wilderness or natural area, as long as the development detracts only minimally from the area's natural character. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

8. Public reserved lands. "Public reserved lands" means:

A. All the public reserved lots of the State, including any ministerial and school lands in the unincorporated areas of the State; [PL 1997, c. 678, §13 (NEW).]

B. All lands acquired with proceeds from the sale of public reserved lands; [PL 1997, c. 678, §13 (NEW).]

C. All lands received by the State in exchange for or pursuant to relocation of public reserved lands; and [PL 1997, c. 678, §13 (NEW).]

D. All lands acquired by the State and expressly designated as public reserved lands by the director or otherwise by law. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

9. Submerged lands. "Submerged lands" means:

A. All land from the mean low-water mark or a maximum of 1,650 feet seaward of the mean high-water mark, whichever is closer to the mean high-water mark, out to the seaward boundary of territorial waters as defined in section 6001; [PL 2005, c. 134, §1 (AMD).]

B. All land below the mean low-water mark of tidal rivers upstream to the farthest natural reaches of the tides; [PL 1997, c. 678, §13 (NEW).]

C. All land below the natural mean low-water mark of ponds that in their natural state are 10 or more acres in size; and [PL 1997, c. 678, §13 (NEW).]

D. The river bed of international boundary rivers, defined as all land lying between the international boundary line and defined banks created by the action of surface water and characterized by a lack of terrestrial vegetation and devoid of topsoil. [PL 1997, c. 678, §13 (NEW).]

[PL 2005, c. 134, §1 (AMD).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 592, §2 (AMD). PL 2001, c. 604, §1 (AMD). PL 2005, c. 134, §1 (AMD). PL 2011, c. 657, Pt. W, §§5-7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1802. Bureau of Parks and Lands established

There is established within the Department of Agriculture, Conservation and Forestry the Bureau of Parks and Lands, which shall carry out the responsibilities of State Government relating to parks, historic sites, submerged and intertidal lands, public reserved lands and nonreserved public lands. [PL 2017, c. 284, Pt. PPPPPP, §1 (AMD).]

1. Director. The executive head of the bureau is the director.

A. The powers and duties of the position of director may not be combined with any other position within the bureau or department. [PL 2017, c. 284, Pt. PPPPPP, §1 (NEW).]

B. The position of director may not be filled in an acting capacity; the appointee must be a permanent full-time employee. [PL 2017, c. 284, Pt. PPPPPP, §1 (NEW).]

[PL 2017, c. 284, Pt. PPPPPP, §1 (NEW).]

2. Deputy director. The director is assisted in executive duties by a deputy director.

[PL 2017, c. 284, Pt. PPPPPP, §1 (NEW).]

3. Personal attendance to duties. The director and the deputy director shall attend personally to the duties of their offices as far as practicable.

[PL 2017, c. 284, Pt. PPPPPP, §1 (NEW).]

4. Appointment. The director and the deputy director are appointed by and serve at the pleasure of the commissioner.
[PL 2017, c. 284, Pt. PPPPPP, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2007, c. 240, Pt. NN, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2017, c. 284, Pt. PPPPPP, §1 (AMD).

§1803. General powers and duties of the bureau

The Bureau of Parks and Lands: [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. Jurisdiction. Has jurisdiction, custody and control over and responsibility for managing:

A. All state parks and historic sites and national parks that are controlled and managed by the State, except Baxter State Park; [PL 2001, c. 604, §2 (AMD).]

B. Public reserved lands, nonreserved public lands, submerged lands and intertidal lands; [PL 2001, c. 604, §2 (AMD).]

C. The Allagash Wilderness Waterway; and [PL 2001, c. 604, §2 (NEW).]

D. Public boating facilities acquired or constructed and maintained pursuant to subchapter IX. [PL 2001, c. 604, §2 (NEW).]
[PL 2001, c. 604, §2 (AMD).]

2. Consultant services. Shall employ or retain expert and professional consultants, contract for research and development projects and make grants as it determines necessary within the limits of funds available and consistent with the purposes of this chapter;
[PL 1997, c. 678, §13 (NEW).]

3. Lifeguard training. Shall oversee the existing lifeguard training being conducted by the Lifeguard Academy. The training procedures must be in compliance with the guidelines for open-water lifeguard training promulgated by the United States Lifesaving Association;
[PL 1997, c. 678, §13 (NEW).]

4. Cooperative agreements. Is authorized and empowered, with the consent of the commissioner, to enter into agreements with the Federal Government and other agencies and organizations that will promote the objectives of its enabling laws;
[PL 1997, c. 678, §13 (NEW).]

5. Distribution of information. At the expense of the State, may cause copies of sections or parts of sections of this chapter and of other laws of the State relating to the administration of public lands to be printed and freely distributed. The bureau may prepare tracts or circulars of information on the administration of public lands, which must be available for distribution; and
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

6. Rules. From time to time shall adopt, amend, repeal and enforce reasonable rules necessary to carry out the duties assigned to it, including, but not limited to, rules:

A. For the protection and preservation of state parks, historic sites, the Allagash Wilderness Waterway, public boating facilities owned or managed by the bureau, submerged lands, public reserved lands and nonreserved public lands; [PL 2001, c. 604, §3 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. For the protection and safety of the public; [PL 2001, c. 604, §3 (AMD).]

C. For observance of the conditions and restrictions, expressed in deeds of trust or otherwise, of the state parks, historic sites, the Allagash Wilderness Waterway, public boating facilities owned or managed by the bureau, submerged lands, public reserved lands and nonreserved public lands of the State and of monuments thereon; and [PL 2001, c. 604, §3 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

D. For preservation of the natural beauty, historic integrity and character of the Allagash Wilderness Waterway. [PL 2001, c. 604, §3 (NEW).]

All rules of the bureau must be adopted in accordance with Title 5, chapter 375, subchapter II. [PL 2001, c. 604, §3 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

7. Exceptions. Notwithstanding subsection 6 or any other rule-making authority, the bureau may not adopt rules that prohibit the following persons from carrying a concealed handgun in the buildings or parts of buildings and other public property that are under the bureau's jurisdiction:

A. A person to whom a valid permit to carry a concealed handgun has been issued under Title 25, chapter 252. The person must have in that person's possession the valid permit; [PL 2013, c. 424, Pt. A, §4 (AMD).]

B. A person to whom a valid permit to carry a concealed handgun has been issued by another state if a permit to carry a concealed handgun issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit; [PL 2013, c. 424, Pt. A, §4 (AMD).]

C. An authorized federal, state or local law enforcement officer in the performance of that officer's official duties; [PL 2011, c. 394, §1 (NEW).]

D. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in that law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; and [PL 2011, c. 394, §1 (NEW).]

E. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:

(1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a handgun of the same type as the concealed handgun; or

(2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a handgun of the same type as the concealed handgun. [PL 2013, c. 424, Pt. A, §4 (AMD).]

[PL 2013, c. 405, Pt. A, §24 (REV); PL 2013, c. 424, Pt. A, §4 (AMD).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §§2,3 (AMD). PL 2011, c. 394, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2013, c. 424, Pt. A, §4 (AMD).

§1804. Powers and duties of the director

The director shall exercise the powers of the bureau and is responsible for the execution of its duties. The director, when appointed or while in office, may not be directly or indirectly concerned in the acquisition of any interest in land owned by the State or any of its political subdivisions except in an official capacity. In exercising powers and duties, the director shall: [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. Administration. Administer all functions of the bureau, including, but not limited to, the management of state parks and historic sites, public reserved lands, nonreserved public lands, submerged lands, intertidal lands and the Allagash Wilderness Waterway, and adopt methods of administration that are determined necessary to render the office efficient;
[PL 2015, c. 267, Pt. X, §1 (AMD).]

2. Classification of lands. Set apart and classify as parks or historic sites within the meaning of this chapter areas of land in this State including improvements or other structures thereon, title to which has been acquired under lawful authority. The provisions of subchapter II apply specifically to lands classified as state parks or historic sites.

The director shall set apart and classify as public reserved lands or nonreserved public lands within the meaning of this chapter areas of land in this State, including improvements or other structures thereon, title to which has been acquired under lawful authority. The provisions of subchapters III and IV apply specifically to lands classified as public reserved lands or nonreserved public lands;
[PL 1997, c. 678, §13 (NEW).]

3. Acceptance of funds. Accept donations, gifts, grants and bequests of money or other personal property to be used in advancing recreational, educational, conservation, land acquisition and land management purposes in state parks, historic sites, submerged and intertidal lands, public reserved lands and nonreserved public lands. All money received from donations, gifts, bequests and grants must be deposited in nonlapsing, dedicated accounts according to the specified purposes and intents of the donors or grantors. The funds are subject to allocation by the Legislature;
[PL 1997, c. 678, §13 (NEW).]

4. Surplus property. Sell storehouses and other structures and fixtures that are surplus to the needs of the bureau;
[PL 2001, c. 604, §4 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

5. Bureau budget. Prepare and submit to the commissioner the budget for the bureau;
[PL 2019, c. 110, §1 (AMD).]

6. Restrictions on public access. Post notice of any restrictions to public access at points commonly used to access the land or at a facility or structure where such rules and notices are regularly posted. The director may restrict public access to any portion of the land or waters within the bureau's jurisdiction when the restrictions reasonably relate to protecting public health, safety or welfare or the economic interests or natural resources of the State; and
[PL 2019, c. 110, §2 (AMD).]

7. Minimum staffing levels. Determine minimum levels of staffing for all state parks, except Baxter State Park, and historic sites and national parks that are controlled and managed by the State. When making a determination of staffing levels under this subsection, the director shall consider for each park and historic site the following:

A. Visitor capacity limits; [PL 2019, c. 110, §3 (NEW).]

B. Historical data regarding visitor use; [PL 2019, c. 110, §3 (NEW).]

C. Availability of local emergency response services; [PL 2019, c. 110, §3 (NEW).]

D. If local emergency response services are used, response time of emergency response; [PL 2019, c. 110, §3 (NEW).]

E. Distance to medical services; [PL 2019, c. 110, §3 (NEW).]

F. Communication capacity of staff to summon emergency response services or assistance; [PL 2019, c. 110, §3 (NEW).]

G. Relative to emergency response, training and authority levels of staff; [PL 2019, c. 110, §3 (NEW).]

H. Emergency planning issues specific to a park or historic site; [PL 2019, c. 110, §3 (NEW).]

I. Historical record of emergency response incidents and near misses; and [PL 2019, c. 110, §3 (NEW).]

J. Historical record of severe weather emergencies. [PL 2019, c. 110, §3 (NEW).]

For purposes of this subsection, historical data must include 10 years of data at a minimum.
[PL 2019, c. 110, §3 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §§4,5 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2015, c. 267, Pt. X, §1 (AMD). PL 2019, c. 110, §§1-3 (AMD).

§1805. Designation of ecological reserve

The director may designate ecological reserves on parcels of land under the jurisdiction of the bureau that were included in the inventory of potential ecological reserves published in the July 1998 report of the Maine Forest Biodiversity Project, "An Ecological Reserves System Inventory: Potential Ecological Reserves on Maine's Existing Public and Private Conservation Lands." The director may designate additional ecological reserves only in conjunction with the adoption of a management plan for a particular parcel of land and the process for adoption of that management plan must provide for public review and comment on the plan. When a proposed management plan includes designation of an ecological reserve, the director shall notify the joint standing committee of the Legislature having jurisdiction over matters pertaining to public lands of the proposal. [PL 1999, c. 592, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. Allowed uses. Allowed uses within an ecological reserve must be compatible with the purpose of the ecological reserve and may not cause significant impact on natural community composition or ecosystem processes. Allowed uses include nonmanipulative scientific research, public education and nonmotorized recreation activities such as hiking, cross-country skiing, primitive camping, hunting, fishing and trapping. For the purposes of this subsection, "primitive camping" means camping in a location without facilities or where facilities are limited to a privy, fire ring, tent pad, 3-sided shelter and picnic table. The removal of trees and construction of facilities associated with these allowed uses are allowed. The director may allow other uses when their impact remains low and does not compromise the purpose of the ecological reserve. Recreational use of surface waters is under the jurisdiction of the Department of Inland Fisheries and Wildlife.
[PL 1999, c. 592, §3 (NEW).]

2. Trails and roads for motorized vehicle use. The director shall allow the continuing use of an existing snowmobile trail, all-terrain vehicle trail or a road if the director determines the trail or road is well designed and built and situated in a safe location and its use has minimal adverse impact on the ecological value of an ecological reserve and it cannot be reasonably relocated outside the ecological reserve.

A new snowmobile or all-terrain vehicle trail or a new road is allowed only if the director determines all of the following criteria are met:

A. No safe, cost-effective alternative exists; [PL 1999, c. 592, §3 (NEW).]

B. The impact on protected natural resource values is minimal; and [PL 1999, c. 592, §3 (NEW).]

C. The trail or road will provide a crucial link in a significant trail or road system. [PL 1999, c. 592, §3 (NEW).]

[PL 1999, c. 592, §3 (NEW).]

3. Incompatible uses. Uses that are incompatible with the purpose of an ecological reserve are not allowed. Incompatible uses include timber harvesting, salvage harvesting, commercial mining and commercial sand and gravel excavation. For the purposes of this subsection, "salvage harvesting" means the removal of dead or damaged trees to recover economic value that would otherwise be lost.
[PL 1999, c. 592, §3 (NEW).]

4. Resource protection measures. The director shall take action to control a wildfire occurring on an ecological reserve or spreading to bureau lands. The director may authorize a prescribed burn in an ecological reserve if necessary to replicate natural processes that maintain specific natural communities or rare species populations.

The director may use pesticides, including herbicides, and sanitation harvests to control insect and disease outbreaks only in response to:

A. A specific threat to the functioning of a native ecosystem or managed wildlife habitat; [PL 1999, c. 592, §3 (NEW).]

B. A specific threat to human health or safety; or [PL 1999, c. 592, §3 (NEW).]

C. A condition that is likely to result in significant damage to adjacent lands if control is not exercised. [PL 1999, c. 592, §3 (NEW).]

For the purposes of this subsection, "sanitation harvest" means the removal of trees that have been attacked or are in imminent danger of attack by insects or disease in order to prevent these insects or diseases from spreading to other trees.
[PL 1999, c. 592, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

5. Limits on total land acreage designated as ecological reserves. The total land acreage designated as ecological reserves may not exceed 15% of the total land acreage under the jurisdiction of the bureau or 100,000 acres, whichever is less. No more than 6% of the operable timberland acres on public reserved lands and nonreserved public lands may be designated as ecological reserves. For the purposes of this subsection, "operable timberland" means land the bureau considers viable for commercial timber harvest operations. Lands donated or acquired after the effective date of this section with the condition that the donated or acquired land be designated an ecological reserve are not included when calculating acreage limits under this subsection.

The designation of land as an ecological reserve may not result in a decline in the volume of timber harvested on land under the jurisdiction of the bureau. For the purposes of this subsection, "a decline in the volume of timber harvested" means an annual harvest volume of less than the average annual harvest volume for the preceding 10 years.
[PL 1999, c. 592, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

6. Reporting requirements. The bureau shall report the status of ecological reserves under the reporting requirements of subchapters III and IV.
[PL 1999, c. 592, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1999, c. 592, §3 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1806. Enforcement

The bureau may coordinate and exercise law enforcement power over the land and water within the bureau's jurisdiction. The provisions in this section apply to law enforcement within the jurisdiction of the bureau. [PL 2001, c. 604, §6 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. Powers of law enforcement officers. A law enforcement officer may issue a written summons to any person the officer has probable cause to believe has committed or is committing a bureau rule violation, a civil violation or a crime. Any law enforcement officer may detain or arrest, with or without a warrant, any person the officer has probable cause to believe has committed or is committing a crime. [PL 2001, c. 604, §6 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Powers of bureau staff or agents. The director may authorize an employee or agent of the bureau to issue a written summons to any person who the employee or agent has probable cause to believe has committed or is committing a civil violation or a crime. The director may authorize an employee or agent of the bureau to detain or arrest any person who the employee or agent has probable cause to believe has committed or is committing a crime. The director shall notify the joint standing committee of the Legislature having jurisdiction over parks and public lands matters in writing prior to adopting a policy that authorizes employees or agents of the bureau to make arrests.
[PL 2001, c. 604, §6 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Civil violations. Except for violations of section 1880 or rules adopted to implement section 1880, a person who violates a rule adopted by the bureau under this chapter commits a civil violation for which a forfeiture of not more than $500 may be adjudged.
[PL 2001, c. 604, §6 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

4. Criminal offenses. In addition to offenses designated as crimes elsewhere in statute, a person commits a Class E crime if while within the jurisdiction of the bureau the person in fact:

A. Removes, molests, injures or damages anything natural, material, prehistoric or historic, except as authorized by the bureau or allowed by laws and rules relating to hunting, fishing and trapping; [PL 2001, c. 604, §6 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. Removes, mutilates, defaces, or destroys a notice or rule posted by the bureau or a lawfully erected monument or marker; [PL 2001, c. 604, §6 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

C. Mutilates, defaces, destroys, moves off station or sinks any buoy, beacon or marking device placed by the State either floating on the waters of the State or permanently fixed to land or a structure adjacent to the waters of the State; [PL 2001, c. 604, §6 (NEW).]

D. Moors or in any manner fastens a vessel, boat, scow or raft to any buoy or beacon placed by the State in any waters of this State or to any permanent structure placed by the State in any waters of this State except for a dock, wharf or other structure placed for that purpose; [PL 2001, c. 604, §6 (NEW).]

E. Possesses a loaded weapon in violation of park rules or in areas closed to hunting by rule, law or ordinance; [PL 2001, c. 604, §6 (NEW).]

F. Discharges any firearm, bow and arrow, 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; [PL 2001, c. 604, §6 (NEW).]

G. Commits unauthorized access by motorized vehicle, boat or aircraft in violation of bureau rules; [PL 2001, c. 604, §6 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

H. Violates the requirements for a youth camp trip leader permit issued under section 12860; or [PL 2009, c. 211, Pt. B, §3 (AMD).]

I. Enters land or waters to which access has been restricted under section 1804. [PL 2001, c. 604, §6 (NEW).]

[PL 2009, c. 211, Pt. B, §3 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 2001, c. 604, §6 (NEW). RR 2003, c. 2, §15 (COR). PL 2009, c. 211, Pt. B, §3 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1807. Sustainable harvest level

Except as provided in this section, timber harvesting on public reserved lands and nonreserved public lands may not exceed in total an average of 160,000 cords per year over any 3-year period. If an independent timber inventory conducted after July 1, 2015 establishes a different sustainable harvest, the department, upon recommendation from staff within the bureau based on opinions of silvicultural experts in public reserved lands management and data from the most recent physical forest inventory, may adopt by rule a different harvesting level consistent with the most recent physical forest inventory, as long as the harvesting level is also consistent with multiple use objectives, existing management plans and the department's most recent integrated resource policy for public reserved and nonreserved public lands, state parks and state historic sites. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and must be reviewed by the joint standing committee of the Legislature having jurisdiction over public reserved and nonreserved public lands matters. [PL 2017, c. 289, §1 (AMD).]

SECTION HISTORY

PL 2015, c. 267, Pt. FF, §1 (NEW). PL 2017, c. 289, §1 (AMD).

§1808. Forest inventory timeline established

The department shall conduct a detailed forest inventory of the State's public reserved lands and nonreserved public lands by March 15, 2021 and every 5 years thereafter. [PL 2017, c. 289, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 289, §2 (NEW).

SUBCHAPTER 2

PARKS AND HISTORIC SITES

§1811. Management of wilderness or natural areas

The bureau shall establish wilderness or natural areas, or both, from among lands classified as state parks and shall manage those areas primarily to preserve their natural character and features, and any

use or development that threatens the character and features of those wilderness and natural areas is prohibited. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1812. Acquire interests in land; eminent domain; leases with the United States

With the consent of the Governor and the commissioner, the director may acquire on behalf of the State land or any interests in land within this State, with or without improvements, by purchase, gift or eminent domain for purposes of holding and managing the same as parks or historic sites. When acquiring land or interest in land, the director shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the director shall describe the acquisition in the report required under section 1817 and the justification for that acquisition. The right of eminent domain may not be exercised to take any area or areas for any one park that singly or collectively exceed 200 acres, nor may it be exercised to take any developed or undeveloped mill site or water power privilege in whole or in part or any land used or useful in connection therewith or any land being used for an industrial enterprise. The right of eminent domain may not be exercised without prior review by the joint standing committee of the Legislature having jurisdiction over conservation matters. [PL 2009, c. 356, Pt. B, §1 (AMD).]

Before exercising any eminent domain power, the bureau shall notify the owners of any lands proposed for acquisition and shall, at their request, afford those landowners the opportunity of a public hearing to testify as to the necessity and propriety of taking such lands. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

With the consent of the Governor and the commissioner and upon terms and conditions determined to be advantageous to the people of this State and consistent with this chapter, the director may negotiate and execute any lease or other agreement for the administration, maintenance, supervision, use and development of state parks that are acquired and owned by the Federal Government. The director may, with like consent, accept on behalf of the State deeds of gift or other conveyances to lands or interests in lands suitable for administration, maintenance, supervision, use and development as state parks or historic sites under this subchapter. Such lands or interest in those lands, when so acquired, whether title thereto is in the United States or otherwise, are subject to administration, maintenance, supervision, use and development by the bureau during the terms of any lease or agreement under this section. With respect to lands or interest in lands that are included in any park or parks acquired and owned by the Federal Government and administered under this subchapter, the State shall retain concurrent jurisdiction with the Federal Government in and over all such lands. Any civil or criminal process issuing under the authority of this State may be executed on those lands in the same manner and to the same effect as if those lands were privately owned, and exclusive jurisdiction in and to those lands reverts to the State when they cease to be owned by the United States. Such lands are exempt from all taxes and assessments while they are the property of the United States. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 466, §3 (AMD). PL 2009, c. 356, Pt. B, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1813. Acquisition of railroad rights-of-way for open space or recreation corridors

For the purpose of establishing, preserving or enhancing corridors for use for open space or recreation, the director may acquire with the consent of the Governor and the commissioner, by license, lease, purchase, gift or eminent domain, railroad rights-of-way upon which rail service is no longer

operated except that the right of eminent domain may not be exercised without prior review by the joint standing committee of the Legislature having jurisdiction over conservation matters. When railroad rights-of-way or interests in railroad rights-of-way are taken by eminent domain, the proceedings must be in accordance with this section and are not subject to Title 35-A, chapter 65. For purposes of these acquisitions, the term "owner" as used in this section means the person holding the dominant rights in the property immediately prior to the termination of the operation of rail service and that person's successors and assigns. Acquisitions pursuant to this subsection are not subject to any limitation in acreage. [PL 2009, c. 356, Pt. B, §2 (AMD).]

If the bureau decides to acquire property by eminent domain, it must have the property appraised and offer to the owner just compensation for the interests acquired. The bureau must file in the registry of deeds for each county in which the property lies a notice of the taking that contains a description of the property and of the interest taken and the name or names of the owner or owners. The bureau may join one or more properties in the same notice, whether those properties are in the same or different ownership. A check in the amount of the award and a copy of the notice of taking must be served upon the owner or owners. If there is more than one owner, the check may be served upon any one of the owners of each separate property. The notice of the taking must be published once in a newspaper of general circulation in each county where the property lies, and that publication constitutes service on any unknown owner or owners or other persons who may have a claim or interest in the property. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

Railroad rights-of-way or other interests within the jurisdiction of the United States Interstate Commerce Commission may not be acquired by eminent domain. [PL 1997, c. 678, §13 (NEW).]

If any owner is aggrieved by the bureau's award, the owner may appeal from it to the Kennebec County Superior Court or the Superior Court in the county in which the land lies within 30 days after the date of service or publication of the notice of the taking. The appeal must be taken by filing a complaint setting forth the facts upon which the case will be tried according to the Maine Rules of Civil Procedure. The Superior Court shall determine damages by a jury verdict or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for any damages, with interest when it is due. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

Except in the case of an acquisition by license or lease and unless otherwise specifically excepted by the bureau, all reversionary and servient rights in and any other conflicting claims to property acquired pursuant to this section terminate and are extinguished forever as of the date of the acquisition by the bureau. Any person who makes a claim to the property must mail a written notice to the owner and the bureau. Any person damaged by the extinguishing of those rights may make claim for damages in accordance with the eminent domain appeal procedures of this section within 2 years of the date of the acquisition. The burden of proving the validity, compensability and value of any claim is upon the claimant. Notice of the acquisition must be given to the apparent holders of such interests as provided in this section. If the bureau determines that the property acquired may be subject to reversionary or servient interests or other conflicting claims, in order to avoid double or multiple liability, the bureau may make a blanket award of compensation for the acquisition and, instead of serving the award check on the owner, request that the Treasurer of State establish an interest-bearing account into which the full amount of that compensation is deposited. The funds and any interest accrued must be disposed of as follows. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. No claims made or action filed within 2-year period. If the 2-year period for filing a claim for damages for the extinguishment of a reversionary or servient right or other conflicting claim expires and no claim has been made or action filed, then the Treasurer of State upon request by the bureau shall pay the funds deposited, including any interest accrued, to the owner as defined in this section.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Claims made or action filed within 2-year period. If one or more claims have been made or an action filed prior to the expiration of the 2-year period for filing a claim for damages, then the owner as defined in this section must be made a party to those claims and the Treasurer of State shall distribute the deposited funds, including any interest accrued, in accordance with the final order entered in such proceedings, including any appeals.
[PL 1997, c. 678, §13 (NEW).]

As a result of the difficulty of determining the identities and addresses of the possible holders of reversionary or servient rights or other conflicting claims, personal notice to those holders and their mortgagees is deemed given if the bureau mails a notice of the acquisition, including a description of its effect of extinguishing those rights, first class postage prepaid, to each person shown in the real estate tax records of the municipality in which the property lies as the apparent owner of land abutting the property taken. Notice must be posted in the municipal office building, if any, for that municipality and must be published once in a newspaper of general circulation in the county in which the property lies. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2009, c. 356, Pt. B, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1814. Convey land

Consistent with section 598-A, the bureau may sell and convey lands under this subchapter and improvements on those lands. With the consent of the Governor and the commissioner and subject to the provisions of section 598-A, the bureau may convey interests in lands or lease the same. Any lease to the Federal Government requires the approval of the Legislature. Any lease entered into must be canceled or revoked after due notice of intention to cancel or revoke the lease by action of the bureau when the use for which that lease was given has been abandoned or materially modified or whenever the conditions imposed in any lease have been broken. [PL 1999, c. 240, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 240, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1814-A. Easements across rail trails

To the extent permitted by the deed or other instrument of ownership, the director, with the consent of the Governor and the commissioner, may sell or otherwise convey a right of access by easement across a rail trail as provided in this section. For the purposes of this section, "rail trail" means a former railroad right-of-way that is no longer used for rail service, in which the department has an ownership interest and that is managed by the department for use as a recreational trail. [PL 2011, c. 278, §5 (NEW).]

1. Notice. At least 30 days prior to conveying a right of access by easement under this section, the director shall notify interested parties of the proposed conveyance, providing the location and purpose of the access easement and the anticipated date of conveyance. The notice must provide a name and contact information for a person at the bureau to whom inquiries may be made and comments submitted. For the purposes of this section, "interested parties" means owners of property abutting the parcel on which the proposed right of access is located, local trail clubs, statewide trail associations, the municipality in which the proposed easement is located, the Land for Maine's Future Board, each

Legislator and other persons with a known interest in the use of the segment of the rail trail affected by the proposed conveyance.
[PL 2011, c. 278, §5 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Terms of conveyance. The access easement must include terms that ensure the transaction does not unreasonably interfere with the safety, maintenance and continuity of the rail trail. The access easement must ensure that public investment in the rail trail is protected by a negotiated exchange of value. The exchange of value may include, but is not limited to, negotiated improvements to the rail trail or payment of survey, title and appraisal expenses associated with the conveyance of the right of access by easement.
[PL 2011, c. 278, §5 (NEW).]

3. Proceeds from sale of an access easement. Proceeds from the sale of a right of access by easement under this section must be deposited in the Parks General Operations Fund established under section 1825.
[PL 2019, c. 343, Pt. Y, §1 (AMD).]

4. Opportunity for review by legislative committee. A Legislator receiving notification under subsection 1 may notify the director of concerns and may in writing request review of the proposed access easement by the joint standing committee of the Legislature having jurisdiction over parks and lands matters. A Legislator requesting a review under this subsection shall notify the chairs of the joint standing committee of the request.

When a request for legislative review is received under this subsection, the director may not finalize the transfer until the legislative committee has met and reviewed the proposed transaction.
[PL 2011, c. 278, §5 (NEW).]

SECTION HISTORY

PL 2011, c. 278, §5 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2019, c. 343, Pt. Y, §1 (AMD).

§1815. Transfer lands to another agency; receive lands from another agency

Consistent with section 598-A, the bureau may transfer the responsibility for the management of lands under this subchapter to any other state agency upon conditions and for periods the bureau specifies when such a transfer is pursuant to a management plan and the transfer has received the written consent of the agency to which the management responsibilities are being transferred, the Governor and the commissioner. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

The bureau may accept the care, custody, control and responsibility for the management of lands to be classified as state parks or historic sites from other state agencies with the written consent of the transferor agency, the Governor and the commissioner. Nothing in this section or section 1814 may be construed to negate or affect obligations of the State undertaken in any existing lease, easement or other binding agreement or obligation of the State undertaken by the acceptance of any deed or other grant of an interest in real property. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1816. Grant licenses and permits

Consistent with section 598-A, with the consent of the Governor and the commissioner, the bureau, by revocable license or agreement, may grant to any person, firm or corporation exclusive rights and

privileges to the use and enjoyment of portions of lands acquired or managed under this subchapter. Any license or agreement granted or entered into must be canceled or revoked after due notice of intention to cancel or revoke the license or agreement by action of the bureau when the use for which that license was given has been abandoned or materially modified or whenever the conditions imposed in any license or agreement have been broken. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1817. Report

The bureau shall study and ascertain as nearly as possible and report to the Governor from time to time: [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. Outdoor recreation status. The State's actual and potential outdoor recreation resources and facilities;
[PL 1997, c. 678, §13 (NEW).]

2. Recreation needs. The needs of the people of this State and out-of-state visitors for outdoor recreation resources and facilities;
[PL 1997, c. 678, §13 (NEW).]

3. Recreation resources. The kinds of resources and facilities best suited to and required for such recreation needs;
[PL 1997, c. 678, §13 (NEW).]

4. Extent to which recreation needs are met. The extent to which such recreation needs are being met currently, whether by publicly owned or privately owned facilities;
[PL 1997, c. 678, §13 (NEW).]

5. Acquisition of parks. The location and probable cost of acquisition, development and operation of parks that if acquired, developed and operated under this chapter could satisfy such needs; and
[PL 1997, c. 678, §13 (NEW).]

6. Public purposes of parks to meet recreation needs. The public purposes to which such parks or portions of parks might be put.
[PL 1997, c. 678, §13 (NEW).]

7. Comprehensive outdoor recreation plan. Beginning January 1, 2003 and every 5 years thereafter, the director shall submit a state comprehensive outdoor recreation plan to the joint standing committee of the Legislature having jurisdiction over state parks and public lands matters, referred to in this subsection as the "committee of legislative oversight." The plan submitted by the bureau for review and approval by the National Park Service to establish the bureau's eligibility for funding from the land and water conservation fund under 16 United States Code, Section 4601-11 meets the requirements of this subsection. If federal funding is not available for updating the state plan, the bureau may make a written request to the committee of legislative oversight for an extension for submitting the plan. Upon receiving an extension request, the committee of legislative oversight shall discuss the advisability of an extension and the availability of state funds for preparation of the update. The committee may authorize an extension by writing to the director and stating the year by which an update must be received. A copy of the written extension must be filed by the committee with the Executive Director of the Legislative Council.
[PL 2013, c. 588, Pt. A, §8 (AMD).]

Such studies and reports must be accompanied by other information, statistics and charts that adequately inform the Governor of the character, condition and needs for recreation resources and facilities in the State and may be accompanied by specific recommendations for new legislation or other action to be taken. [PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 466, §4 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2013, c. 588, Pt. A, §8 (AMD).

§1818. Develop facilities

The bureau may furnish accommodations and render services to the public at state parks, historic sites and parks under state control. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1819. Charge user fees

With the consent of the Governor and the commissioner, the bureau may charge reasonable fees for services, accommodations and use. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

Unless otherwise provided by law, and after payment of any existing lease for Crescent Beach State Park, all user fees derived from use of state parks, historic sites and the Allagash Wilderness Waterway and other payments for services received under this section must accrue to the General Fund, except that all revenues resulting from an increase in fees after July 1, 1990 in the Allagash Wilderness Waterway accrue to a dedicated revenue account to be used for capital improvements in the Allagash Wilderness Waterway. When fees may be more efficiently collected through 3rd-party contracts, a percentage of the fee may be retained by the contractor for services as agreed upon by the bureau. [PL 2013, c. 1, Pt. J, §1 (AMD); PL 2013, c. 405, Pt. A, §24 (REV).]

Any disabled veteran displaying on the veteran's motor vehicle special designating plates or placards issued in accordance with Title 29-A, section 523, subsections 1 and 2 is not required to pay a fee for admission to any state-owned park, camping area or beach. [PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 1, Pt. J, §1 (AMD). PL 2013, c. 405, Pt. A, §24 (REV).

§1819-A. Day use passes for certain veterans

Notwithstanding section 1819, the commissioner shall enter into a memorandum of agreement with the Department of Defense, Veterans and Emergency Management for the issuance of a free day use pass to state parks and historic sites to each veteran determined by the Department of Defense, Veterans and Emergency Management to meet the criteria established in Title 37-B, section 8. The pass entitles the holder to admission free of charge to all state parks and historic sites. [PL 2009, c. 440, §1 (AMD).]

SECTION HISTORY

PL 2005, c. 268, §1 (NEW). PL 2009, c. 220, §1 (AMD). PL 2009, c. 440, §1 (AMD).

§1819-B. Day use passes for active military personnel

Notwithstanding section 1819, the commissioner shall enter into a memorandum of agreement with the Department of Defense, Veterans and Emergency Management for the issuance of a free day use

pass to state parks and historic sites to each active duty military member determined by the Department of Defense, Veterans and Emergency Management to meet the criteria established in Title 37-B, section 7. The pass entitles the holder, and the holder's spouse and children when accompanied by the holder, to admission free of charge to all state parks and historic sites. [PL 2009, c. 220, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 220, §2 (NEW).

§1820. Fee sharing

Seven percent of all day use and camping fees derived from any lands classified by the director as parks or historic sites under jurisdiction of the bureau must be apportioned and paid to the municipalities having those lands within their boundaries. In determining the payment to each municipality, the bureau shall assign one unit per front foot for each foot of lake, pond, ocean or major river frontage and 5 units for each acre of all such lands within the municipality. Frontage and acreage must be determined as of April 1st for the year in which revenue is being apportioned and computed to the nearest whole unit. [PL 2005, c. 457, Pt. F, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2005, c. 457, §F1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1821. Exercise police supervision

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §7 (RP).

§1822. Cooperate with federal agencies

The bureau may cooperate with federal agencies in the planning, development, maintenance and use of recreation areas. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1823. Assist county and municipal agencies

The bureau may assist state, county and municipal agencies in studying and planning for their recreation areas and programs. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1824. Accept and receive federal funds

The bureau may accept and receive funds from the Federal Government for all purposes relating to parks, recreation trails, recreation areas and property included in the National Register of Historic Places as defined in 16 United States Code, Section 470 a. (a)(1)(P. L. 89-665). The Treasurer of State is the appropriate fiscal officer to receive such federal funds and the funds are subject to allocation by the Legislature. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1825. Administer certain funds

The bureau shall administer funds relating to state parks and historic sites, municipal recreation and recreation management on lands classified as state parks or historic sites pursuant to this chapter. These funds include but are not limited to the following: [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. Maine State Parks and Recreational Facilities Development Fund.
[PL 2019, c. 343, Pt. Y, §2 (RP).]

1-A. Parks General Operations Fund. The Parks General Operations Fund is established within the bureau for the purpose of developing, maintaining and managing state parks and other recreational facilities on lands owned or leased by the bureau.

Income from legislative appropriation, gifts, grants, bequests, the Maine Environmental Trust Fund in accordance with section 10255, subsection 3 and any other sources approved by the Legislature may be deposited in this fund. Any interest earned on money in the fund must be credited to the fund. The Parks General Operations Fund is nonlapsing and all funds are subject to allocation by the Legislature. [PL 2019, c. 343, Pt. Y, §2 (NEW).]

2. Maine State Parks Fund.
[PL 2019, c. 343, Pt. Y, §2 (RP).]

3. Municipal Recreation Fund. The bureau shall administer a state grant-in-aid fund known as the Municipal Recreation Fund. The bureau is responsible for administering all money made available to the fund. Grants-in-aid may be made by the bureau out of the fund as follows.

A. The bureau may make grants to assist municipalities and other political subdivisions in the capital improvement of public park and recreation facilities for projects the total cost of each one of which does not exceed $5,000. Such a grant may not exceed 75% of the approved project cost. A municipality may not receive more than one grant under this paragraph in any fiscal year. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. For those projects that are approved to receive federal financial assistance under the federal Land and Water Conservation Fund Act of 1965, Public Law 88-578, as amended, the bureau may make a supplemental grant not to exceed 40% of the approved project cost. [PL 2019, c. 343, Pt. Y, §2 (AMD).]

C. The bureau may make grants to assist municipalities and other political subdivisions in the development and implementation of recreation programs. Eligible costs for the program grants include, but are not limited to, employment of personnel, transportation and noncapital equipment or supplies. Any grant made under this paragraph in any single fiscal year may not exceed $1,000 or 50% of the project cost, whichever is less. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

Funds credited to the Municipal Recreation Fund are nonlapsing.
[PL 2019, c. 343, Pt. Y, §2 (AMD).]

4. Forest Recreation Resource Fund. The bureau may construct and maintain public campsites to prevent forest fires by providing fire-safe sites and preventing a proliferation of private fires and to provide recreation opportunities on lands within its jurisdiction and elsewhere in the State's forests where there is inadequate provision of private, primitive campsites.

For the purpose of carrying out these activities, the bureau may accept voluntary services and other contributions pursuant to this chapter; enter into leases and other agreements; and, pursuant to Title 5, chapter 375, subchapter 2-A, establish rules and a schedule of fees for the use of these campsites. All such fees and other revenues derived from grants, contributions, contracts and transfers to carry out the purposes of this subsection must be deposited in a nonlapsing account, to be called the Forest Recreation Resource Fund, which is a separate unit within the Parks General Operations Fund to be used for the purposes of this subsection. All funds in this account are subject to allocation by the Legislature.
[PL 2019, c. 343, Pt. Y, §2 (AMD).]

5. State Parks Improvement Fund established; sale of merchandise. The State Parks Improvement Fund, referred to in this section as "the fund," is established within the bureau. The fund is nonlapsing and is a separate unit within the Parks General Operations program. The bureau may sell within parks or historic sites general merchandise that is distinctive to the parks or historic sites or useful to the enjoyment of the parks or historic sites. Items that may be sold include, but are not limited to, hats, coffee mugs, bumper stickers, t-shirts, tote bags and firewood. Merchandise sold by the bureau must be of good quality, appropriate for sale by the bureau and sold for a reasonable fee. The bureau also may rent items to be used for the enjoyment of the park or historic site, including, but not limited to, rowboats, canoes, kayaks and bicycles. To the extent the bureau needs to contract with vendors to obtain goods or services in order to develop, create or manufacture merchandise for sale or lease, the commissioner shall, to the maximum extent practicable, contract with vendors located in this State. Goods and services purchased by the bureau for sale or lease under this section must be procured in accordance with Title 5, chapter 155. All proceeds from the sale or lease of merchandise pursuant to this subsection must be deposited in the fund and used for the operation and maintenance of parks.
[PL 2019, c. 343, Pt. Y, §2 (AMD).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 127, §A29 (AMD). RR 2003, c. 2, §16 (COR). PL 2009, c. 27, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2019, c. 343, Pt. Y, §2 (AMD).

§1826. Forest management

The bureau shall manage forested areas within state parks and historic sites to preserve to the maximum practicable extent their natural, recreational and scenic qualities. The director may authorize wood harvesting on state park and historic site lands when the wood is to be used at state parks and historic sites, when cutting is required by deed conditions on specific lots or when necessary to improve wildlife habitat; control insect infestation and other disease; reduce the risk of fire or other hazards; improve the recreational and aesthetic quality of the park lands; or demonstrate exemplary multiple use forest management techniques within a demonstration forest area established on state park land for educational purposes. All cutting is subject to the following restrictions. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. Protect recreational and natural values. The cutting may not impair the recreational use, aesthetic qualities or natural values of the land.
[PL 1997, c. 678, §13 (NEW).]

2. Consistency with forest management plan. The cutting must be carried out in accordance with a written management plan certified by a state-registered professional forester that is available in the principal offices of the bureau for public review and comment at least 60 days before cutting.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Consistency with management objectives for parks and historic sites. The cutting must be consistent with the management objectives of the bureau for state parks and historic sites.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

4. Cost paid. The cost of these timber management activities must be paid from revenues received from cutting. The balance of revenue received from cutting must be deposited to the General Fund.
[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1827. Establish state park campsite reservation system

The bureau shall establish and maintain a state park reservation system as provided in this section. The system must be administered by the bureau. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. Reservation system for overnight camping. The director shall establish a statewide reservation system for overnight camping at state parks with overnight camping facilities that incorporates a deposit system and a mechanism for accepting payments by credit card. Baxter State Park, the Allagash Wilderness Waterway and public reserved and nonreserved lands are excluded from this system.
[PL 1997, c. 678, §13 (NEW).]

2. Reservation fee. A fee must be collected for all reservations and deposited in the Parks Reservations Other Special Revenue Funds account. A portion of the reservation fee as determined by the commissioner may be paid directly to a provider of Internet reservation services. If reservations made under this section are subsequently cancelled, the bureau must retain a cancellation fee and deposit it into the Parks Reservations Other Special Revenue Funds account. The remaining balance, less reservation expenditures, must then be transferred as undedicated revenue to the General Fund on a periodic basis, not less than quarterly.
[PL 2007, c. 1, Pt. T, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Camper confidentiality. Notwithstanding Title 1, chapter 13, subchapter 1, the names of campers, other identifying information and dates of a reservation are confidential and are not subject to public disclosure during the calendar year for which a reservation is made. Records may be made available upon request to law enforcement officers investigating criminal activity.
[PL 2003, c. 409, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 24, §1 (AMD). PL 2003, c. 409, §1 (AMD). PL 2007, c. 1, Pt. T, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1828. Make surveys

The bureau and its authorized agents and employees may enter upon any lands and waters in the State for the purpose of making surveys and examinations the bureau considers necessary or convenient in the discharge of its duties under this subchapter, and such entry is not considered trespass. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1829. Restrictions on powers and duties of bureau

The powers and duties of the bureau as set forth in this subchapter may not be so construed as to interfere or conflict in any way with the powers and duties of the United States and its national park areas under national control, Baxter State Park or the Department of Inland Fisheries and Wildlife and the enforcement of the inland fisheries and game laws with respect to state parks or to the State generally. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

SUBCHAPTER 3

NONRESERVED PUBLIC LANDS

§1831. Definitions relating to nonreserved public lands

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1997, c. 678, §13 (NEW).]

1. Multiple use. "Multiple use" means:

A. The management of all of the various renewable surface resources of the nonreserved public lands, including outdoor recreation, timber, watershed, fish and wildlife and other public purposes; [PL 1997, c. 678, §13 (NEW).]

B. Making the most judicious use of the land for some or all of these resources over areas large and diverse enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; [PL 1997, c. 678, §13 (NEW).]

C. That some land will be used for less than all of the resources; and [PL 1997, c. 678, §13 (NEW).]

D. The harmonious and coordinated management of the various resources without impairing the productivity of the land and with consideration being given to the relative values of the various resources and not necessarily to the combination of uses that will give the greatest dollar return or the greatest unit output. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

2. Sustained yield. "Sustained yield" means the achievement and maintenance in perpetuity of a high-level regular periodic output of the various renewable resources of the nonreserved public lands without impairing the productivity of the land.

[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1832. Access to nonreserved public lands

1. Legislative policy. The Legislature declares that it is the policy of the State that full and free public access to the nonreserved public lands to the extent permitted by law, together with the rights to reasonable use of those lands, is the privilege of every citizen of the State. The Legislature further declares that it recognizes that such free and reasonable public access may be restricted to ensure the optimum value of such lands but that such restrictions, if and when imposed, must be in strict accordance with the requirements set out in this section.

[PL 1997, c. 678, §13 (NEW).]

2. Establishment of restrictions on public access.

[PL 2001, c. 604, §8 (RP).]

3. Unlawful entry onto nonreserved public lands.

[PL 2001, c. 604, §8 (RP).]

4. Development of public facilities. The bureau may construct and maintain overnight campsites and other camping and recreation facilities.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

5. User fees. The bureau may charge reasonable fees to defray the cost of constructing and maintaining overnight campsites and other camping and recreation facilities.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §8 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1833. Management of nonreserved public lands

1. Purpose. The bureau shall manage nonreserved public lands in a manner consistent with the principles of multiple use and shall produce a sustained yield of products and services in accordance with both prudent and fair business practices and the principles of sound planning.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Management plans. The bureau shall prepare for review by the commissioner and revise from time to time plans for the management of nonreserved public lands in accordance with the principles of multiple use and shall compile and maintain, to the extent practicable, an inventory of the diverse resources of those lands. The bureau must receive the full cooperation of the other agencies and instrumentalities of the State in the preparation and maintenance of such a resource inventory.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Actions. The director may take actions on the nonreserved public lands with respect to management of the lands consistent with the management plans for those lands and upon terms and conditions and for consideration the director considers reasonable.
[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1834. Sale of natural resources from nonreserved public lands

1. Sale of resources. The bureau may sell severed timber and other products, including, but not limited to, wood and timber necessary for use in the operation of a mine, severed grass and other wild foods, maple sap and syrup, crops and sand and gravel for use in the construction of public roads or for any other purpose the director considers consistent with the purposes of this subchapter.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Grant of permits. The bureau may grant permits and enter into contracts to cut timber, harvest grass and wild foods, tap maple trees for sap and cultivate and harvest crops provided that those permits

and contract rights create revocable licenses to the permittee or party to the contract and do not create any real property interest in the nonreserved public lands. Permits and contracts for the harvesting of timber from the nonreserved public lands must include a provision requiring that persons engaged in timber harvesting on the nonreserved public lands be compensated at rates not less than the most recently issued prevailing wage and piece rates and equipment allowances for the pulpwood and logging industry as determined by the Department of Labor, Bureau of Labor Standards.

If the Department of Labor does not determine a prevailing wage or piece rate for a timber harvesting occupation or an equipment allowance for a type of harvesting equipment, the director may establish those rates by referring to prevailing rates and allowances in the industry for that occupation or type of equipment. Any rates or allowances established by the director under this subsection apply only to permits and contracts on nonreserved public lands governed by this section.
[PL 2003, c. 549, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Bond; stumpage or other rights of value. Persons, corporations or other legal entities obtaining permits or contracts to sever or extract materials upon the nonreserved public lands under this section must give bond to the director with satisfactory sureties for the payment of stumpage or other rights of value and the performance of all conditions of the permit or contract. All timber cut or other material taken under permits or contracts is the property of the State until the stumpage or other rights are paid in full.
[PL 1997, c. 678, §13 (NEW).]

4. Scaling of timber. The director may appoint, swear and reimburse surveyors or scalers. Upon the instructions of the director, scalers shall scale any timber cut under permits granted by the bureau, supervise the cutting of that timber, inform the director of the quantity of products cut, whether hauled or not, and see that the timber is cut and removed in accordance with sound forest management practices.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2003, c. 549, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1835. Nonreserved Public Lands Management Fund

1. Revenue sources. Except as provided in paragraph A, the bureau must receive all money, securities and other things of value accruing to the State: from the sale of nonreserved public lands, timber and grass and other rights and things of value from the nonreserved public lands under the care, custody, control or management of the bureau; in payment for timber, grass and other things of value cut or taken by trespassers; from forfeiture of a bond or a deposit when a contractor does not fulfill the terms of the contract or comply with state regulations; or as a result of a compromise or settlement of any claim.

A. The first $20,000 in the aggregate of any money accruing from the alienation of rights to mine upon nonreserved public land, or other income arising out of mining operations, that is actually received during any fiscal year, and every portion thereof accruing from these mining operations, must be paid into the Division of Geology, Natural Areas and Coastal Resources. [PL 2013, c. 405, Pt. C, §8 (AMD).]

[PL 2013, c. 405, Pt. A, §24 (REV); PL 2013, c. 405, Pt. C, §8 (AMD).]

2. Fund established. To accomplish the purposes of this subchapter, there is established the Nonreserved Public Lands Management Fund. All income received by the bureau pursuant to this subchapter must be recorded on the books of the State in a separate account and deposited with the

Treasurer of State to be credited to the Nonreserved Public Lands Management Fund. Any interest earned on this money must be credited to the fund.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Expenditure of funds. Money credited to the Nonreserved Public Lands Management Fund may be used only to produce a sustained yield of goods and services from those lands for multiple use purposes in accordance with the principles of sound planning and sound business practices or for the acquisition of additional land for the same purpose. Any balance remaining continues from year to year as a fund available only for the purposes set out in this section.
[PL 1997, c. 678, §13 (NEW).]

4. Legislative approval of budget.
[PL 2013, c. 368, Pt. LLLL, §1 (RP).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 556, §18 (AMD). PL 2011, c. 655, Pt. KK, §10 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 368, Pt. LLLL, §1 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2013, c. 405, Pt. C, §8 (AMD).

§1836. Acquisition of nonreserved public lands

1. Authority to acquire lands. The bureau with the consent of the Governor and the commissioner may acquire lands or interests in lands on behalf of the State to be managed as nonreserved public lands. When acquiring land or interest in land, the bureau shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the bureau shall describe the acquisition in its annual report submitted pursuant to section 1839 and the justification for that acquisition. The bureau shall deliver to the State Archives within a reasonable period of time after their creation or acquisition the originals of all deeds, planbooks and surveyors' field and chainage notes, and any other materials the preservation of which it considers necessary, relating to the ownership, location and management of nonreserved public lands described in this subchapter.
[PL 2001, c. 466, §5 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Authority to accept land from other agencies. The bureau may accept the care, custody, control and responsibility for the management of public lands or interests in land from other state agencies with the written consent of the transferor agency, the Governor and the commissioner. Nothing in this subsection may be construed to negate or affect obligations of the State undertaken in any existing lease, easement or other binding agreement or obligations of the State undertaken by the acceptance of any deed or other grant of an interest in real property.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 466, §5 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1837. Sale of nonreserved public lands

1. Authority to sell land. With the consent of the commissioner, the director may execute deeds on behalf of the State for nonreserved public lands under the director's management and control, conveying lands that have been authorized to be conveyed by the Legislature or sold by lawful authority subject to the provisions of section 598-A.
[PL 1997, c. 678, §13 (NEW).]

2. Notice of land sale, exchange or relocation. Before requesting approval from the Legislature under subsection 1, the director shall give public notice of the proposed sale of land, exchange or relocation and may hold a public hearing. A public hearing must be held by the director if requested by any party.
[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1838. Transfer or lease of nonreserved public lands

1. Transfer of management responsibility to other state agencies. The bureau may transfer the responsibility for the management of particular portions of nonreserved public land within its jurisdiction to any other state agency upon conditions and for periods the bureau specifies when such a transfer is pursuant to a management plan and has received the written consent of the receiving agency, the Governor and the commissioner. Nothing in this subsection may be construed to negate or affect obligations of the State undertaken in any existing lease, easement or other binding agreement or obligations of the State undertaken by the acceptance of any deed or other grant of an interest in real property.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Public roads. The bureau may grant the right to construct and maintain public roads.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Lease of nonreserved public land to other state agencies. With the consent of the Governor and the commissioner, the bureau may lease the right to use parcels of nonreserved public land to other agencies of the State for a period not exceeding 25 years for purposes of protecting, enhancing or developing the natural, scenic or wilderness qualities or recreational, scientific or educational uses. Each such lease must contain a provision that authorizes the bureau to terminate the lease at any time when the bureau in its sole discretion determines that termination is in the best interests of the State. No adjustment or compensation may be due any lessee under this subsection on account of such a termination.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

4. Lease of nonreserved public land for utilities and rights-of-way. The bureau may lease the right, for a term not exceeding 25 years, to:

A. Set and maintain or use poles, electric power transmission and telecommunication transmission facilities, roads, bridges and landing strips; [PL 1997, c. 678, §13 (NEW).]

B. Lay and maintain or use pipelines and railroad tracks; and [PL 1997, c. 678, §13 (NEW).]

C. Establish and maintain or use other rights-of-way. [PL 1997, c. 678, §13 (NEW).]
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

5. Lease of nonreserved public land for private uses. The director may lease campsites, garages, depots, warehouses and other structures located on nonreserved public land, or sites for the same, for a term not exceeding 5 years, and also:

A. May grant options to renew such leases for a further term not to exceed 15 years in the case of a commercial use that in the judgment of the director requires the option to secure adequate financing for the maintenance or improvement of facilities located on public nonreserved public land; and [PL 1997, c. 678, §13 (NEW).]

B. In the case of leases acquired by the State on nonreserved public land, shall authorize, upon reasonable terms and conditions, the transfer of leasehold interests from one lessee of a residential campsite to another. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

6. Lease of nonreserved public lands for industrial and commercial purposes. With the consent of the Governor and the commissioner, the bureau may lease mill privileges and other rights in land for industrial and commercial purposes; dam sites; dump sites; the rights to pen, construct, put in, maintain and use ditches, tunnels, conduits, flumes and other works for the drainage and passage of water; flowage rights; and other rights of value in the nonreserved public lands for a term not exceeding 10 years.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

7. Lease of nonreserved public lands to Federal Government. With the consent of the Governor and the commissioner and with the approval of the Legislature, the director may lease to the Federal Government the right to use nonreserved public lands.

[PL 1999, c. 240, §2 (AMD).]

8. Lease of nonreserved public lands to municipalities. With the consent of the Governor and the commissioner, the bureau may lease the right to use parcels of nonreserved public land to municipalities and other political subdivisions of the State for a period not exceeding 25 years for purposes of protecting, enhancing or developing the natural, scenic or wilderness qualities or recreational, scientific or educational uses of the land. Each such lease must contain a provision that authorizes the bureau to terminate the lease at any time when the bureau in its sole discretion determines that termination is in the best interests of the State. No adjustment or compensation may be due any lessee under this subsection on account of such a termination.

The director may lease to incorporated towns the right to manage timber on all or part of the nonreserved public land within the boundaries of the towns in accordance with multiple use management plans, subject to the following conditions.

A. A management plan submitted to the director by a town must be approved or disapproved by the director within 60 days of submission or the plan is deemed approved. The director shall conduct the same interagency reviews and apply the same standards in evaluating such management plans that are being applied in developing the bureau's own management plans as of the date of submission. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. The leases must be for a period not exceeding 15 years and may be renewed if the director determines that the management plans have been implemented and substantially complied with in a professionally acceptable manner. [PL 1997, c. 678, §13 (NEW).]

C. The director may terminate the lease at any time, without adjustment or compensation due any lessee, if the termination is in the best interests of the State. The director shall give 30 days' written notice before termination. The director shall hold a public hearing if requested by the lessee within 30 days of that notice. The director shall issue written notice of a final decision within 30 days of the hearing. The decision of the director may be appealed to the Superior Court. [PL 1997, c. 678, §13 (NEW).]

D. Public access to land leased under this subsection may not be unreasonably denied. [PL 1997, c. 678, §13 (NEW).]

E. No lease may convey any interest in land affected other than those permitted by this section. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

9. Lease of nonreserved public land to private nonprofit organizations. With the consent of the Governor and the commissioner, the bureau may lease the right to use parcels of nonreserved public land to private, nonprofit organizations for a period not exceeding 25 years for purposes of protecting, enhancing or developing the natural, scenic or wilderness qualities or recreational, scientific or educational uses of the land. Each such lease must contain a provision that authorizes the bureau to terminate the lease at any time when the bureau in its sole discretion determines that termination is in the best interests of the State. No adjustment or compensation may be due any lessee under this subsection on account of that termination.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 240, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1839. Annual report dealing with nonreserved public land

1. Annual report. The bureau shall submit a written report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over nonreserved public lands. The report must include the following information:

A. A complete account of the income and expenditures pertaining to nonreserved public lands during the preceding fiscal year; [PL 2013, c. 256, §5 (AMD).]

B. A summary of the bureau's management activities during the preceding fiscal year regarding timber, recreation, wildlife and other subjects as appropriate; [PL 2013, c. 256, §6 (AMD); PL 2013, c. 405, Pt. A, §24 (REV).]

C. A list of any gates or other constructed barriers to public access by motor vehicle to any nonreserved public lands, and their locations, when they block the sole or primary motor vehicle access, whether those barriers are located on public or on private land and whether they are owned by the State or by private parties; [PL 1997, c. 678, §13 (NEW).]

D. A summary of any campsite or recreation facility fees charged under section 1832, subsection 5; [PL 1999, c. 592, §4 (AMD).]

E. A description of the proposed budget, including allocations for the bureau's dedicated funds and any revenues of the bureau from permits, leases, fees and sales, for the following fiscal year beginning on July 1st; [PL 2017, c. 362, §1 (AMD).]

F. The status of ecological reserves including the acreage of nonreserved public land designated as ecological reserves, results of monitoring, scientific research and other activities related to ecological reserves; and [PL 2017, c. 362, §2 (AMD).]

G. The amount of funds in the public nonreserved lands acquisition fund within the bureau for each county. [PL 2017, c. 362, §3 (NEW).]

The joint standing committee of the Legislature having jurisdiction over nonreserved public lands shall review the report and submit a written recommendation regarding the bureau's proposed budget to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on or before March 15th of each year.
[PL 2017, c. 362, §§1-3 (AMD).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 592, §§4,5 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 256, §§5, 6 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2017, c. 362, §§1-3 (AMD).

§1840. Revenue sharing on nonreserved public land

Twenty-five percent of the net revenue from any nonreserved public land, excluding proceeds from the sale of land, located in municipalities and managed by the bureau must be returned by the Treasurer of State to the municipality where the land generating the income is located to be used for municipal purposes. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1841. Timber trespass on nonreserved public lands

1. Director to prosecute trespass cases. The director shall prosecute cases of trespass on nonreserved public lands under the care, custody, control or management of the bureau.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Liability of trespassers. If any person unlawfully enters or trespasses upon nonreserved public land while that land is under the care, custody, control or management of the bureau by cutting, destroying, taking or carrying away any trees, timber, wood, grass or other materials under or upon those lands without the express written consent of the bureau, that person and all persons participating in those actions are trespassers, jointly and severally liable in damages for such trespass, and they may be sued for trespass in any county. The measure of damages is the highest price those materials would bring at the usual place of sale of the materials. If the trespass is willful, the court shall assess treble damages and the costs of maintaining the action. For the purposes of this section, a trespass is willful if the land upon which the materials were cut, destroyed or taken, or from which the materials were carried away, was posted with conspicuous notices of state ownership at or near the point where roads entered into the state-owned land; if the land is otherwise posted or identified in a manner reasonably likely to come to the attention of intruders; or if the intruder had actual knowledge of the fact of state ownership.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Title to materials illegally taken to remain in State. Title to all materials taken in violation of this section must remain in the State, and the State may seize and sell all such materials. At such a sale, no person who was connected in any way with committing such a trespass or who aided those who committed it may become a purchaser directly or indirectly.
[PL 1997, c. 678, §13 (NEW).]

4. Penalty.

[PL 2001, c. 604, §9 (RP).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §9 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

SUBCHAPTER 4

PUBLIC RESERVED LANDS

§1845. Definitions relating to public reserved lands

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1997, c. 678, §13 (NEW).]

1. Multiple use. "Multiple use" means:

A. The management of all of the various renewable surface resources of the public reserved lands including outdoor recreation, timber, watershed, fish and wildlife and other public purposes; [PL 1997, c. 678, §13 (NEW).]

B. Making the most judicious use of the land for some or all of these resources over areas large and diverse enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; [PL 1997, c. 678, §13 (NEW).]

C. That some land will not be used for all of the resources; and [PL 1997, c. 678, §13 (NEW).]

D. The harmonious and coordinated management of the various resources without impairing the productivity of the land and with consideration being given to the relative values of the various resources and not necessarily to the combination of uses that will give the greatest dollar return or the greatest unit output. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

2. Sustained yield. "Sustained yield" means the achievement and maintenance in perpetuity of a high-level regular periodic output of the various renewable resources of the public reserved lands without impairing the productivity of the land.

[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1846. Access to public reserved lands

1. Legislative policy. The Legislature declares that it is the policy of the State to keep the public reserved lands as a public trust and that full and free public access to the public reserved lands to the extent permitted by law, together with the right to reasonable use of those lands, is the privilege of every citizen of the State. The Legislature further declares that it recognizes that such free and reasonable public access may be restricted to ensure the optimum value of such lands as a public trust but that such restrictions, if and when imposed, must be in strict accordance with the requirements set out in this section.

[PL 1997, c. 678, §13 (NEW).]

2. Establishment of restrictions on public access.

[PL 2001, c. 604, §10 (RP).]

3. Unlawful entry onto public reserved lands.

[PL 2001, c. 604, §10 (RP).]

4. Development of public facilities. The bureau may construct and maintain overnight campsites and other camping and recreation facilities.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

5. User fees. The bureau may charge reasonable fees to defray the cost of constructing and maintaining overnight campsites and other camping and recreation facilities.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §10 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1847. Management of public reserved lands

1. Purpose. The Legislature declares that it is in the public interest and for the general benefit of the people of this State that title, possession and the responsibility for the management of the public reserved lands be vested and established in the bureau acting on behalf of the people of the State, that the public reserved lands be managed under the principles of multiple use to produce a sustained yield of products and services by the use of prudent business practices and the principles of sound planning and that the public reserved lands be managed to demonstrate exemplary land management practices, including silvicultural, wildlife and recreation management practices, as a demonstration of state policies governing management of forested and related types of lands.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Management plans. The director shall prepare, revise from time to time and maintain a comprehensive management plan for the management of the public reserved lands in accordance with the guidelines in this subchapter. The plan must provide for a flexible and practical approach to the coordinated management of the public reserved lands. In preparing, revising and maintaining such a management plan the director, to the extent practicable, shall compile and maintain an adequate inventory of the public reserved lands, including not only the timber on those lands but also the other multiple use values for which the public reserved lands are managed. In addition, the director shall consider all criteria listed in section 1858 for the location of public reserved lands in developing the management plan. The director is entitled to the full cooperation of the Division of Geology, Natural Areas and Coastal Resources, the Department of Inland Fisheries and Wildlife and the Maine Land Use Planning Commission in compiling and maintaining the inventory of the public reserved lands. The director shall consult with those agencies as well as other appropriate state agencies in the preparation and maintenance of the comprehensive management plan for the public reserved lands. The plan must provide for the demonstration of appropriate management practices that will enhance the timber, wildlife, recreation, economic and other values of the lands. All management of the public reserved lands, to the extent practicable, must be in accordance with this management plan when prepared.

Within the context of the comprehensive management plan, the commissioner, after adequate opportunity for public review and comment, shall adopt a specific action plan for each unit of the public reserved lands system. Each action plan must include consideration of the related systems of silviculture and regeneration of forest resources and must provide for outdoor recreation including remote, undeveloped areas, timber, watershed protection, wildlife and fish. The commissioner shall provide adequate opportunity for public review and comment on any substantial revision of an action plan. Management of the public reserved lands before the action plans are completed must be in accordance with all other provisions of this section.
[PL 2013, c. 405, Pt. C, §9 (AMD).]

3. Actions. The director may take actions on the public reserved lands consistent with the management plans for those lands and upon any terms and conditions and for any consideration the director considers reasonable.
[PL 1997, c. 678, §13 (NEW).]

4. Land open to hunting. The bureau and the Department of Inland Fisheries and Wildlife shall communicate and coordinate land management activities in a manner that ensures that the total number of acres of land open to hunting on public reserved lands and lands owned and managed by the Department of Inland Fisheries and Wildlife does not fall below the acreage open to hunting on January 1, 2008. These acres are subject to local ordinances and state laws and rules pertaining to hunting.

[PL 2007, c. 564, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

5. Bear baiting permitted. The bureau shall adopt rules permitting bear baiting on public reserved lands consistent with its land management responsibilities. The rules must permit bear baiting at sites that are accessible by road and sites that are not accessible by road but are accessible by water. Rules adopted under this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.
[PL 2017, c. 262, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 556, §19 (AMD). PL 2007, c. 564, §1 (AMD). PL 2011, c. 655, Pt. JJ, §8 (AMD). PL 2011, c. 655, Pt. JJ, §41 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2011, c. 682, §38 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2013, c. 405, Pt. C, §9 (AMD). PL 2017, c. 262, §1 (AMD).

§1848. Sale of natural resources from public reserved lands

1. Sale of resources. The bureau may sell severed timber and other products, including, but not limited to, wood and timber necessary for use in the operation of a mine, severed grass and other wild foods, maple sap and syrup, crops and sand and gravel for use in the construction of public roads or for any other purpose the director considers consistent with the purposes of this subchapter.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Grant of permits. The bureau may grant permits and enter into contracts to cut timber, harvest grass and wild foods, tap maple trees for sap and cultivate and harvest crops provided that such permits and contract rights create revocable licenses to the permittee or party to the contract and do not create any real property interest in the public reserved lands. Permits and contracts for the harvesting of timber from the reserved public lands must include a provision requiring that persons engaged in timber harvesting on the public reserved lands be compensated at rates not less than the most recently issued prevailing wage and piece rates and equipment allowances for the pulpwood and logging industry as determined by the Department of Labor, Bureau of Labor Standards.

If the Department of Labor does not determine a prevailing wage or piece rate for a timber harvesting occupation or an equipment allowance for a type of harvesting equipment, the director may establish those rates by referring to prevailing rates and allowances in the industry for that occupation or type of equipment. Any rates or allowances established by the director under this subsection apply only to permits and contracts on public reserved lands governed by this section.
[PL 2003, c. 549, §2 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Bond; stumpage or other rights of value. Persons, corporations or other legal entities obtaining permits or contracts to sever or extract materials upon the public reserved lands under this section must give bond to the director with satisfactory sureties for the payment of stumpage or other rights of value and the performance of all conditions of the permit or contract. All timber cut or other material taken under permits or contracts is the property of the State until the stumpage or other rights are paid in full.
[PL 1997, c. 678, §13 (NEW).]

4. Scaling of timber. The director may appoint, swear and reimburse surveyors or scalers. Upon the instructions of the director, scalers shall scale any timber cut under permits granted by the bureau, supervise the cutting of that timber, inform the director of the quantity of products cut, whether hauled or not, and see that the timber is cut and removed in accordance with sound forest management practices.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2003, c. 549, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1849. Revenue from public reserved lands

1. Revenue sources. Except as provided in paragraph A, the bureau must receive all money, securities and other things of value accruing to the State: from the sale of timber and grass and other rights and things of value from the public reserved lands under the care, custody, control or management of the bureau; in payment for timber, grass and other things of value cut or taken by trespassers; from forfeiture of a bond or a deposit when a contractor does not fulfill the terms of the contract or comply with state regulations; or as a result of a compromise or settlement of any claim.

A. The first $20,000 in the aggregate of any money accruing from the alienation of rights to mine upon public reserved land, or other income arising out of mining operations, that is actually received during any fiscal year, and every portion thereof accruing from these mining operations, must be paid to the Division of Geology, Natural Areas and Coastal Resources. [PL 2013, c. 405, Pt. C, §10 (AMD).]

[PL 2013, c. 405, Pt. A, §24 (REV); PL 2013, c. 405, Pt. C, §10 (AMD).]

2. Fund established. All income received by the director from the public reserved lands, except income provided for in section 1855, must be deposited with the Treasurer of State to be credited to the Public Reserved Lands Management Fund, which is established as a nonlapsing fund. Any interest earned on this money must also be credited to the fund. No expenditure may be made from the fund other than for the bureau's general operating purposes with respect to management of the public reserved lands unless the fund has a cash operating balance of at least $2,500,000 at the start of the fiscal year during which the expenditure is made.

[PL 2017, c. 289, §3 (AMD).]

3. Expenditures from fund.

[PL 2013, c. 368, Pt. LLLL, §2 (RP).]

4. Expenditures from fund. Expenditures from the Public Reserved Lands Management Fund, including but not limited to money expended for road building and road maintenance, are subject to legislative approval in the same manner as appropriations from the General Fund. Money in the Public Reserved Lands Management Fund may not be expended in excess of or in any manner inconsistent with the legislative allocation of the fund by the Legislature. The joint standing committee of the Legislature having jurisdiction over public lands matters, referred to in this subsection as "the jurisdictional committee," shall review all allocations or subdivisions of allocations from the fund.

A. Before January 15th of each odd-numbered year, the commissioner shall submit to the jurisdictional committee a detailed proposed budget for expenditures from the fund for the budgetary biennium. Before January 15th of each even-numbered year, the commissioner shall submit to the jurisdictional committee a detailed budget for any proposed modifications to the legislative allocations of the fund during the remainder of the budgetary biennium. [PL 2017, c. 289, §4 (NEW).]

B. After receiving a budget submission pursuant to paragraph A, the jurisdictional committee shall review the proposed budget or budget modification and shall determine the appropriate allocations or modifications of existing allocations of the fund. The jurisdictional committee shall submit its recommended allocations or modifications to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, which shall include those

recommended allocations or modifications of allocations in an appropriate biennial budget or supplemental budget bill. [PL 2017, c. 289, §4 (NEW).]

[PL 2017, c. 289, §4 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 556, §20 (AMD). PL 2011, c. 655, Pt. KK, §11 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 368, Pt. LLLL, §2 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2013, c. 405, Pt. C, §10 (AMD). PL 2017, c. 289, §§3, 4 (AMD).

§1850. Acquisition of public reserved land

1. Authority to acquire lands. With the consent of the Governor and the commissioner, the bureau may acquire lands or interests in lands on behalf of the State to be managed as public reserved lands. When acquiring land or interest in land, the bureau shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the bureau shall describe the acquisition in its annual report submitted pursuant to section 1853 and the justification for that acquisition. The bureau shall deliver to the State Archives within a reasonable period of time after their creation or acquisition the originals of all deeds, planbooks and surveyors' field and chainage notes, and any other materials the preservation of which it considers necessary, relating to the ownership, location and management of public reserved lands described in this subchapter.

[PL 2001, c. 466, §6 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Public Reserved Lands Acquisition Fund. To accomplish the purposes of this subchapter, there is established the Public Reserved Lands Acquisition Fund. All income or proceeds received by the bureau from the sale, exchange or relocation of any public reserved lands must be recorded on the books in a separate account and must be deposited with the Treasurer of State to be credited to the Public Reserved Lands Acquisition Fund. Any interest earned on this money must also be credited to the fund.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Expenditures of fund. All money credited to the fund must be used exclusively to purchase and assemble quantities of lands of sizes and locations that the director determines best fulfill the purposes of this subchapter. Lands acquired with this money are considered to be public reserved lands. The State shall hold and manage these lands subject to the same terms and conditions that apply to other public reserved lands. There is appropriated to pay for this property as much of the funds raised from income designated in subsection 2 and paid into the State Treasury as necessary to pay for the purchase of real property to be held and managed as public reserved lands. The director, with the prior approval of the Governor and the commissioner, shall authorize the State Controller to draw the director's warrant for such a purchase at any time. Any remaining balance must continue from year to year as a fund available only for the purposes of this section.

[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 466, §6 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1851. Sale of public reserved lands

1. Authority to sell land. With the consent of the commissioner, the director may execute deeds on behalf of the State for public reserved land under the director's management and control, conveying

lands that have been authorized to be conveyed by the Legislature or sold by lawful authority, subject to the provisions of section 598-A.
[PL 1997, c. 678, §13 (NEW).]

2. Parcels greater than 1/4 acre in size. With the consent of the Governor and the commissioner, the director may make recommendations to the Legislature for the sale, exchange or relocation of public reserved lands greater than 1/4 acre in size, subject to the provisions of section 598-A.
[PL 1997, c. 678, §13 (NEW).]

3. Parcels less than 1/4 acre in size. The director, after review by the joint standing committee of the Legislature having jurisdiction over state and local government and subsequent approval by the Governor and the commissioner, and subject to the provisions of section 598-A, may sell any parcel of public reserved land not exceeding 1/4 acre in size, provided that:

A. The parcel is sold to the owner of private land that adjoins the parcel; [PL 1997, c. 678, §13 (NEW).]

B. The director determines that the parcel, because of its size, shape and location, has no use or value under public ownership but only as an adjunct to the adjoining private property; and [PL 1997, c. 678, §13 (NEW).]

C. The sale is for fair market value of the parcel as determined by the director, taking into account factors including the effect of ownership of the parcel upon the value of the adjoining private property. [PL 1997, c. 678, §13 (NEW).]

Before making any sale, the director shall make a written finding with respect to the requirements of this subsection. The written finding must be available for public inspection at the director's office during regular working hours.

It is the policy of the State that the requirements of this subsection be strictly applied and that sale of any parcel of a public reserved lot be discouraged except in compliance with this subsection.
[PL 1997, c. 678, §13 (NEW).]

4. Notice of land sales, exchanges or relocations. Before requesting approval from the Legislature, the director shall give notice of the proposed sale, exchange or relocation and may hold a public hearing. A public hearing must be held by the director if requested by any party.
[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1852. Transfer or lease of public reserved lands

1. Transfer of management responsibility to other state agencies. Whenever a particular portion of the public reserved lands is to be used, under the management plan under section 1847, subsection 2, for a dominant use that is within the particular expertise of another agency of the State, the commissioner, with the consent of the Governor and the state agency involved, may transfer to that other state agency the responsibility for the management of that particular portion of the public reserved lands.
[PL 1997, c. 678, §13 (NEW).]

2. Public roads. The bureau may grant the right to construct and maintain public roads.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Lease of public reserved land to other state agencies. With the consent of the Governor and the commissioner, the bureau may lease the right to use parcels of public reserved land to other agencies of the State for a period not exceeding 25 years for purposes of protecting, enhancing or developing the

natural, scenic or wilderness qualities or recreational, scientific or educational uses. Each such lease must contain a provision that authorizes the bureau to terminate the lease at any time when the bureau in its sole discretion determines that termination is in the best interests of the State. No adjustment or compensation may be due any lessee under this subsection on account of such a termination.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

4. Lease of public reserved land for utilities and rights-of-way. The bureau may lease the right, for a term not exceeding 25 years, to:

A. Set and maintain or use poles, electric power transmission and telecommunication transmission facilities, roads, bridges and landing strips; [PL 1997, c. 678, §13 (NEW).]

B. Lay and maintain or use pipelines and railroad tracks; and [PL 1997, c. 678, §13 (NEW).]

C. Establish and maintain or use other rights-of-way. [PL 1997, c. 678, §13 (NEW).]
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

5. Lease of public reserved land for private uses. The director may lease campsites, garages, depots, warehouses and other structures located on public reserved land, or sites for the same, for a term not exceeding 5 years and also:

A. May grant options to renew such leases for a further term not to exceed 15 years in the case of a commercial use that in the judgment of the director requires the option to secure adequate financing for the maintenance or improvement of facilities located on public reserved land; [PL 1997, c. 678, §13 (NEW).]

B. In the case of leases acquired by the State on lands exchanged for public reserved lands, shall authorize, upon reasonable terms and conditions, the transfer of leasehold interests from one lessee of a residential campsite to another; and [PL 1997, c. 678, §13 (NEW).]

C. With respect to persons with residential leasehold interests in public reserved lands on October 1, 1975 or on lands exchanged for public reserved lands or on lands acquired with Land for Maine's Future Board funds with respect to residential and camp owner leases in existence on or before November 30, 2005, shall enter into new leasehold agreements with those persons and thereafter renew those leases from time to time on reasonable terms and conditions as long as the lessee complies with the terms and conditions of the leases and with all applicable laws and rules of the State. [PL 2005, c. 462, Pt. C, §1 (AMD); PL 2005, c. 462, Pt. C, §2 (AFF).]

The annual fee for camp leases under this subsection may not exceed 10% of the fair market value of the land, as determined once during each 5-year lease term by the State Tax Assessor. Notwithstanding this subsection, there must be a minimum annual camp lease fee of $150.
[PL 1997, c. 678, §13 (NEW); PL 2005, c. 462, Pt. C, §1 (AMD); PL 2005, c. 462, Pt. C, §2 (AFF).]

6. Lease of public reserved lands for industrial and commercial purposes. With the consent of the Governor and the commissioner, the bureau may lease mill privileges and other rights in land for industrial and commercial purposes; dam sites; dump sites; the rights to pen, construct, put in, maintain and use ditches, tunnels, conduits, flumes and other works for the drainage and passage of water; flowage rights; and other rights of value in the public reserved lands for a term not exceeding 10 years.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

7. Lease of public reserved lands to Federal Government. With the consent of the Governor and the commissioner and with the approval of the Legislature, the bureau may lease to the Federal Government the right to use public reserved lands.

[PL 1999, c. 240, §3 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

8. Lease of public reserved lands to municipalities. With the consent of the Governor and the commissioner, the bureau may lease the right to use parcels of public reserved land to municipalities and other political subdivisions of the State for a period not exceeding 25 years for purposes of protecting, enhancing or developing the natural, scenic or wilderness qualities or recreational, scientific or educational uses of the land. Each such lease must contain a provision that authorizes the bureau to terminate the lease at any time the bureau in its sole discretion determines that termination is in the best interests of the State. No adjustment or compensation may be due any lessee under this subsection on account of such a termination.

The director may lease to incorporated towns the right to manage timber on all or part of the public reserved lands within the boundaries of the towns in accordance with multiple use management plans, subject to the following conditions:

A. Public reserved lands acquired through land exchanges may not be leased under this subsection; [PL 1997, c. 678, §13 (NEW).]

B. A management plan submitted to the director by a town must be approved or disapproved by the director within 60 days of submission or the plan is deemed approved. The director shall conduct the same interagency reviews and apply the same standards in evaluating such management plans that are being applied to the bureau's own management plans as of the date of submission; [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

C. The leases must be for a period not exceeding 15 years and may be renewed if the director determines that the town's management plans have been implemented and substantially complied with in a professionally acceptable manner; [PL 1997, c. 678, §13 (NEW).]

D. The director may terminate the lease at any time, without adjustment or compensation due any lessee, if the termination is in the best interests of the State. The director shall give 30 days' written notice before termination. The director shall hold a public hearing if requested by the lessee within 30 days of that notice. The director shall issue written notice of a final decision within 30 days of the hearing. This decision may be appealed to the Superior Court; [PL 1997, c. 678, §13 (NEW).]

E. Public access to lands leased under this subsection may not be unreasonably denied; and [PL 1997, c. 678, §13 (NEW).]

F. No lease may convey any interest in lands affected other than those permitted by this section. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

9. Lease of public reserved land to private nonprofit organizations. With the consent of the Governor and the commissioner, the bureau may lease the right to use parcels of public reserved land to private, nonprofit organizations for a period not exceeding 25 years for purposes of protecting, enhancing or developing the natural, scenic or wilderness qualities or recreational, scientific or educational uses of the lands. Each such lease must contain a provision that authorizes the bureau to terminate the lease at any time when the bureau in its sole discretion determines that termination is in the best interests of the State. No adjustment or compensation may be due to any lessee under this subsection on account of that termination.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 240, §3 (AMD). PL 2005, c. 462, §C1 (AMD). PL 2005, c. 462, §C2 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1853. Annual report dealing with public reserved lands

1. Annual report. The bureau shall submit a written report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over public reserved lands. The report must include the following information:

A. A complete account of the income and expenditures pertaining to public reserved lands during the preceding fiscal year; [PL 2013, c. 256, §7 (AMD).]

B. A summary of the bureau's management activities during the preceding fiscal year regarding timber, recreation, wildlife and other subjects as appropriate; [PL 2013, c. 256, §8 (AMD); PL 2013, c. 405, Pt. A, §24 (REV).]

C. A list of any gates or other constructed barriers to public access by motor vehicle to any public reserved lands and their locations, when they block the sole or primary motor vehicle access, whether those barriers are located on public or private land and whether or not they are owned by the State or by private parties; [PL 1997, c. 678, §13 (NEW).]

D. A summary of any campsite or recreation facility fees charged under section 1846, subsection 5; [PL 1999, c. 592, §6 (AMD).]

E. A description of the proposed budget, including allocations for the bureau's dedicated funds and any revenues of the bureau from permits, leases, fees and sales for the following fiscal year beginning on July 1st; [PL 2007, c. 564, §2 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

F. The status of ecological reserves including the acreage of reserved public land designated as ecological reserves, results of monitoring, scientific research and other activities related to the bureau's ecological reserves; [PL 2017, c. 289, §5 (AMD).]

G. A description of any changes in allowed uses of the public reserved lands, including the acreage affected and the reason for the change; [PL 2017, c. 289, §6 (AMD).]

H. A breakdown of growth based on the most recent physical forest inventory and of harvest in each region of any public reserved lands units established by the bureau, identifying any harvesting that occurred during the preceding fiscal year in individual management units where harvest exceeds annual growth; [PL 2017, c. 362, §4 (AMD).]

I. An update on capital plans for road construction and road maintenance, including a list and description of roads built and roads maintained in the preceding fiscal year and a list and description of roads to be built and roads to be maintained in the succeeding fiscal year; and [PL 2017, c. 362, §5 (AMD).]

J. The amount of funds in the Public Reserved Lands Acquisition Fund, established in section 1850, subsection 2, for each county. [PL 2017, c. 362, §6 (NEW).]

The joint standing committee of the Legislature having jurisdiction over proposed public reserved lands shall review the report and submit a written recommendation regarding the bureau's proposed budget to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on or before March 15th of each year. The bureau shall submit the information required under paragraph G to the joint standing committee of the Legislature having jurisdiction over wildlife management matters on or before March 1st of each year.
[PL 2017, c. 362, §§4-6 (AMD).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 592, §§6,7 (AMD). PL 2007, c. 564, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 256, §§7, 8 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2017, c. 289, §§5-8 (AMD). PL 2017, c. 362, §§4-6 (AMD).

§1854. Revenue sharing on public reserved lands

1. Plantations organized as of March 1, 1974. Seventy-five percent of any income from residential leasehold camps, excluding any income or proceeds from the sale, exchange or relocation of any of these camps, and 25% of any income arising from the sale of timber, grass, gravel or other natural resources from public reserved lands located in townships or tracts organized into plantations as of March 1, 1974 must be held by the Treasurer of State in the Organized Townships Fund. The Treasurer of State shall pay annually the income from that portion of the fund belonging to each such plantation to the treasurer of that plantation to be applied toward the support of schools according to the number of students in each school. The Treasurer of State shall compute this income on January 1st of each year. The Commissioner of Education shall file in the office of the State Controller a list of the plantations with the amount due for income for the preceding year according to a record of those amounts to be furnished to the Commissioner of Education by the Treasurer of State. The Commissioner of Education must be satisfied that the plantations are organized, that schools have been established in the plantations according to law, that assessors are sworn and qualified and that the treasurers of the plantations have given bonds as required by law. The State Controller shall insert the name and amount due the plantations in one of the first warrants drawn in that year.

The amount due Lakeville Plantation, Penobscot County, annually under this section must be expended in accordance with this section. Any excess must be used under the supervision and direction of the superintending school committee of Lakeville Plantation to establish scholarship aid for students of Lakeville Plantation to receive postsecondary education.
[PL 1997, c. 678, §13 (NEW).]

2. Plantations incorporated into towns. With respect to those public reserved lands that were located in townships or tracts organized into plantations as of March 1, 1974, when any such plantation becomes incorporated into a town subsequent to that date, 75% of any income from residential leasehold camps, excluding any income or proceeds from the sale, exchange or relocation of any of these camps, and 25% of any other income from that public reserved land must be returned by the bureau to the municipality where that public reserved land is located to be used for municipal purposes.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Towns with timber management leases. With respect to stumpage income from timber located on public reserved lands and leased to municipalities and other political subdivisions of the State pursuant to section 1852, subsection 8, 50% of that income must be returned by the Treasurer of State to the lessee for its own purposes. The director may approve the handling by the lessees of income up to $500 from sales or permits. The lessees shall submit a semiannual accounting of that income and payment for the State's share.
[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1855. Organized Townships Fund

1. Fund; continued existence. The Organized Townships Fund, which includes the existing principal of the fund arising from the public reserved lots before October 3, 1973 and any accrued but unexpended income of the fund since that date, must continue. The income of the fund must be credited to the fund annually as earned.

[PL 1997, c. 678, §13 (NEW).]

2. Administration; income; incorporation into town. The Treasurer of State shall hold and administer the Organized Townships Fund. The income of the fund must be added to the principal of the fund until the inhabitants of a township or tract are incorporated into a municipality, unless previously expended according to law. When any such tract or township is incorporated as a town, the Treasurer of State shall pay the funds belonging to that town to the treasurer of the town. The funds must be added to the funds of that corporation and held and managed as other school funds of that town are required to be held and managed.
[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1856. Unorganized Territory School Fund

1. Fund; unexpended income. The Unorganized Territory School Fund, which includes the existing principal of that fund arising from the public reserved lots before October 3, 1973 and any accrued but unexpended income from the fund since that date, must continue.
[PL 1997, c. 678, §13 (NEW).]

2. Administration; annual income. The Treasurer of State shall hold and administer the Unorganized Territory School Fund. The income of the fund must be credited on December 31st annually to the Unorganized Territory Education and Services Fund established by Title 36, chapter 115 and used to reduce the amount determined to be the municipal cost components for the next fiscal year.
[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1857. Timber trespass on public reserved lands

1. Director to prosecute trespass cases. The director shall prosecute cases of trespass on public reserved lands under the care, custody, control or management of the bureau.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Liability of trespassers. If any person unlawfully enters or trespasses upon public reserved land while that land is under the care, custody, control or management of the bureau by cutting, destroying, taking or carrying away any trees, timber, wood, grass or other materials under or upon those lands without the express written consent of the bureau, that person and all persons participating in those actions are trespassers, jointly and severally liable in damages for such trespasses, and they may be sued for trespass in any county. The measure of damages is the highest price those materials would bring at the usual place of sale of the materials. If the trespass is willful, the court shall assess treble damages and the costs of maintaining the action. For the purposes of this section, a trespass is willful if the land upon which the materials were cut, destroyed or taken, or from which the materials were carried away, was posted with conspicuous notices of state ownership at or near the point where roads entered into the state-owned land; if the land is otherwise posted or identified in a manner reasonably likely to come to the attention of intruders; or if the intruder had actual knowledge of the fact of state ownership.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Title to materials illegally taken to remain in State. Title to all materials taken in violation of this section must remain in the State, and the State may seize and sell all such materials. At such a

sale, no person who was in any way connected with committing such a trespass or who aided those who committed it may become a purchaser directly or indirectly.
[PL 1997, c. 678, §13 (NEW).]

4. Penalty.

[PL 2001, c. 604, §11 (RP).]

5. Trespass; duty of assessors. The assessors in the organized plantations shall help police the public reserved lands within the boundaries of their respective plantations without any expense to the bureau. They shall immediately report any cutting or removal of timber or other materials of value to the director in writing. The assessors in plantations organized before March 1, 1974 may review and comment before final actions taken by the director under section 1847, subsection 3 on the public reserved lands located within their respective plantations.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §11 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1858. Location of public reserved lands

1. Public reserved lands. In every township or plantation existing on October 3, 1973 or organized after that date there must be reserved, as the Legislature directs, 1,000 acres of land, and in the same proportion in all tracts less than a township, for the exclusive benefit of the State. This land must be of average quality, situation and value as to timber and minerals as compared to other land in the township or plantation. Title to these reserved public lots is in the State. All future earnings attributable to those public lots belong to the State to be used for the management and preservation of the public lots as state assets.
[PL 1997, c. 678, §13 (NEW).]

2. Location by agreement. In townships or tracts sold and not incorporated, the public reserved lots may be selected and located by the commissioner and the proprietors by a written agreement describing the reserved lands by metes and bounds, signed by the parties and recorded in the commissioner's office. The plan or outline of the lands selected must be:

A. Entered on the plan of the township or tract in the commissioner's office; and [PL 1997, c. 678, §13 (NEW).]

B. Recorded in the registry of deeds in the county in which the township or tract is located. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

3. Location without agreement. When the commissioner and the proprietors of a tract or township described in subsection 1 can not agree on the location of the public reserved lands, the commissioner may petition the Superior Court in the county where the land lies to appoint a committee of 3 disinterested persons. The court shall issue a warrant under the seal of the court to those persons requiring them to locate the public reserved lot or lots in the township or tract as soon as possible. The public reserved lot or lots must be of average quality compared to other lands in the tract or township.

A. Before taking any action, the members of the committee formed under this subsection must be sworn before a dedimus justice. A certificate of the swearing must be endorsed on the court's warrant. [PL 1997, c. 678, §13 (NEW).]

B. At least 30 days before their first meeting, the members of the committee shall announce their appointment and the time and place of their meeting to perform their duties by:

(1) Publishing a notice in a newspaper of general circulation in the State, to be designated by the court; and

(2) If ordered by the court to do so, posting written notification in 2 or more public places in the same plantation or town. [PL 1997, c. 678, §13 (NEW).]

C. The members of the committee shall make a signed return of the court's warrant and their activity under it to the Superior Court when they have completed their service. Upon acceptance by the court and after being recorded in the registry of deeds in the county or registry district where the land is located, within 6 months, the public reserved lot or lots must be legally assigned and located. [PL 1997, c. 678, §13 (NEW).]

D. In a proceeding for the location of public reserved lots under this subsection, an appeal may be taken to the Law Court as in other actions. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

4. Subdivided lands. When portions or lots are reserved for public uses in a tract of land to be divided, they must first be set out, of an average quality and situation, and a return made of that reserved land to the commissioner's office, with a description of its quality and location. The commissioner's return of partition, accepted and recorded as provided, is a valid location of the reserved lands.

[PL 1997, c. 678, §13 (NEW).]

5. Incorporation into town; location. When, in the grant of any townships or parts of townships, certain portions are reserved for public uses and those portions have not been located in severalty before the townships or parts are incorporated into a town, the Superior Court in the county where the land lies, on application of the assessors of the town, may appoint a committee of 3 disinterested persons of the county. The court shall issue a warrant under seal of the court to those persons requiring them to locate the reserved portion according to the terms of the grant as soon as possible. If the use or purpose of the reservation is prescribed in the grant, they shall set off and locate the lots accordingly.

A. Before taking action under the warrant, the members of a committee formed under this section must be sworn to the faithful discharge of the duty assigned them. A certificate of the swearing must be endorsed on the court's warrant. [PL 1997, c. 678, §13 (NEW).]

B. At least 30 days before locating the reserved portions, the members of the committee shall announce their appointment and the time and place of their meeting to perform their duties by publishing a notice in a newspaper of general circulation in the State, to be designated by the court, and by posting written notices in 2 or more public places in the same town. [PL 1997, c. 678, §13 (NEW).]

C. The members of the committee shall make a return of the court's warrant and their activity under it to the Superior Court when they have completed their duties. Upon acceptance by the court and after being recorded in the registry of deeds in the county or registry district where the land is located, within 6 months, the reserved portions must be legally assigned and located. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

6. Criteria for location. Whenever land reserved for public use is located under this subchapter and the commissioner makes the return of partition under subsection 4, the determination as to what lands are of average quality, situation and value as compared with the other lands in the township must include, but may not be limited to, appropriate consideration of the following criteria:

A. Contiguity to other public lands; [PL 1997, c. 678, §13 (NEW).]

B. Public recreation needs; [PL 1997, c. 678, §13 (NEW).]

C. Accessibility to roads, highways and other transportation; [PL 1997, c. 678, §13 (NEW).]

D. Proximity to centers of population; [PL 1997, c. 678, §13 (NEW).]

E. Needs of state agencies; [PL 1997, c. 678, §13 (NEW).]

F. Scenic quality; [PL 1997, c. 678, §13 (NEW).]

G. Value as to minerals; [PL 1997, c. 678, §13 (NEW).]

H. Value as to timber; [PL 1997, c. 678, §13 (NEW).]

I. The preservation of significant natural, recreation and historic resources, including wildlife habitat and other areas critical to the ecology of the State; and [PL 1997, c. 678, §13 (NEW).]

J. The provisions of any applicable comprehensive or long-range management plans for the use of those public reserved lands. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

7. Application. Nothing in this section may be construed to require the location of unlocated public reserved lands. The commissioner shall determine the desirability of locating unlocated public reserved lands in the preparation and maintenance of the management plans for the public reserved lands. In those townships in which public reserved lands remain unlocated, the commissioner shall take appropriate steps to ensure that the State receives its proportionate share of common income and that the lands are not subjected to waste by the other cotenants.

[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1859. Funding for educational programs related to logging and forestry

1. Legislative findings. Whereas expenditures from the Public Reserved Lands Management Fund established under section 1849, subsection 2 must be consistent with the public trust limitations embodied in the Constitution of Maine, Article X; and the Constitution of Maine, Article X designates the public lots for the benefit of the schools in this State; and educating new loggers and foresters in the State will help to ensure that the public reserved lands continue to be managed to demonstrate exemplary land management practices, the Legislature declares that authorizing grants under this section is consistent with the Legislature's responsibility as trustee.

[PL 2017, c. 289, §9 (NEW).]

2. Educational grant program established; eligibility. The bureau shall establish, maintain and administer an educational grant program, referred to in this section as "the grant program," and an application system for the grant program to allow an eligible public secondary program, career and technical education program and public postsecondary educational program to apply for an educational grant under the grant program. Only an educational program at a public secondary or public postsecondary educational institution or career and technical education center that is related to logging or forestry, referred to in this section as "an eligible educational program," is eligible to receive funding under the grant program.

[PL 2017, c. 289, §9 (NEW).]

3. Grants; source of funds; limits. An approved eligible educational program may receive grants of up to $50,000, if available, from the grant program. The source of the funds for the grants is the Public Reserved Lands Management Fund established under section 1849, subsection 2. Total distributions from the Public Reserved Lands Management Fund under the grant program may not exceed $300,000 in the 2 fiscal years of the state budget biennium.

[PL 2017, c. 289, §9 (NEW).]

4. Permitted use of funding. An eligible educational program that receives a grant under the grant program may use the grant in more than one year if such an extended use is approved by the bureau during the application process. Grants received through the grant program may be used only for educational purposes, including but not limited to upgrading existing logging equipment. Any

grants issued to an eligible educational program must supplement, not supplant, existing school funding.
[PL 2017, c. 289, §9 (NEW).]

5. Participation of regional managers. The bureau shall include managers of any regional public reserved lands units established by the bureau in the process established for approving the distribution of funds to eligible educational programs under the grant program and shall ensure that the managers are involved with, or have the option to be involved with, any eligible educational program that receives funding through the grant program.
[PL 2017, c. 289, §9 (NEW).]

6. Rulemaking. The bureau shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2017, c. 289, §9 (NEW).]

SECTION HISTORY

PL 2017, c. 289, §9 (NEW).

SUBCHAPTER 5

SUBMERGED AND INTERTIDAL LANDS

§1861. Submerged Lands Fund

1. Fund established. All revenues from the activities of the bureau under section 1862 must be deposited with the Treasurer of State to be credited to the Submerged Lands Fund, which is established as a nonlapsing, dedicated fund and referred to in this section as the "fund." Any interest earned on this money must be credited to the fund. The fund is administered by the bureau.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Permissible uses. Money credited to the fund may be used to manage submerged lands pursuant to section 1862, provide grants to municipalities pursuant to section 1863 and remove abandoned watercraft pursuant to this subchapter.
[PL 1997, c. 678, §13 (NEW).]

3. Expenditure of funds. Money in the fund must be expended on the operating expenses of the bureau's submerged lands leasing program pursuant to section 1862. Any funds available in excess of the amount needed for the bureau's submerged lands operating expenses must be expended in accordance with section 1863 and this subchapter.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1862. Submerged and intertidal lands owned by State

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

A. "Commercial fishing activity" means any activity involving the landing or processing of shellfish, finfish or other natural products of the sea or other activities directly related to landing or

processing shellfish, finfish or natural sea products. "Commercial fishing activity" includes loading or selling those products and fueling. [PL 1997, c. 678, §13 (NEW).]

B. "Dockominium" means slip space that is sold or leased by a lessee of submerged lands to a boat or vessel owner for more than one year. [PL 1997, c. 678, §13 (NEW).]

C. "Fair market rental value," for all uses of submerged lands except slip space rented or otherwise made available for private use for a fee, means the municipally assessed value per square foot for the adjacent upland multiplied by a reduction factor plus a base rate based on the use of the leased submerged land as specified in this section. This value is then multiplied by the square foot area of the proposed lease area to determine the annual rental rate. For slip space rented or otherwise made available for private use for a fee, the fair market rental value is the gross income from that space multiplied by a reduction factor as specified in this section based on the use of the leased submerged land. [PL 2009, c. 316, §1 (AMD); PL 2009, c. 316, §7 (AFF).]

D. "Gross income" means the total annual income received by a lessee from seasonal or transient rental to the general public of slip space over submerged land. For dockominiums, slips that are part of a residential condominium, boat clubs and other facilities with slip space that is not rented or leased to the general public, the director shall determine gross income by calculating a regional average slip space rental fee and applying that to the portion of total linear length of slip space made available to private users for any portion of that year. [PL 1997, c. 678, §13 (NEW).]

D-1. [PL 2009, c. 316, §2 (RP); PL 2009, c. 316, §7 (AFF).]

E. "Occupying," in terms of a structure or alteration, means covering the total area of the structure or alteration itself to the extent that the area within its boundaries is directly on or over the state-owned lands. [PL 1997, c. 678, §13 (NEW).]

E-1. "Offshore project" means a project that extends beyond localized development adjacent to a single facility or property. "Offshore project" includes, but is not limited to, tanker ports, ship berthing platforms requiring secondary transport to shore, an interstate or international pipeline or cable and similar projects. "Offshore project" does not include a shore-based pier, marina or boatyard or utility cable and pipelines serving neighboring communities or islands. “Offshore project” does not include a wind, tidal, wave or other renewable ocean energy project. [PL 2009, c. 615, Pt. B, §1 (AMD).]

F. "Permanent" means occupying submerged and intertidal lands owned by the State during 7 or more months during any one calendar year. [PL 1997, c. 678, §13 (NEW).]

F-1. "Renewable ocean energy project" means one or more of the following located in coastal wetlands, as defined by Title 38, section 480-B, subsection 2:

(1) An offshore wind power project, as defined by Title 38, section 480-B, subsection 6-A or by Title 38, section 482, subsection 8, and with an aggregate generating capacity of 3 megawatts or more;

(2) A community-based offshore wind energy project, as defined by section 682, subsection 19;

(3) A hydropower project, as defined by Title 38, section 632, subsection 3, that uses tidal or wave action as a source of electrical or mechanical power; or

(4) Other development activity that produces electric or mechanical power solely through use of wind, waves, tides, currents, ocean temperature clines, marine biomass or other renewable sources in, on or over the State's coastal waters, as defined by section 6001, subsection 6, to the 3-mile limit of state ownership recognized under the federal Outer Continental Shelf Lands Act, 43 United States Code, Chapter 29, Subchapter III (2009), and that includes both "generating facilities," as defined by Title 35-A, section 3451, subsection 5 and "associated

facilities," as defined by Title 35-A, section 3451, subsection 1. [PL 2009, c. 615, Pt. B, §1 (NEW).]

G. "Slip space" means the area adjacent to a pier or float that is used for berthing a boat. [PL 1997, c. 678, §13 (NEW).]

[PL 2009, c. 615, Pt. B, §1 (AMD).]

2. Submerged lands leasing program. The director may conduct a submerged lands leasing program under which, except as otherwise provided by subsection 13, the director may lease, for a term of years not exceeding 30 and with conditions the director considers reasonable, the right to dredge, fill or erect permanent causeways, bridges, marinas, wharves, docks, pilings, moorings or other permanent structures on submerged and intertidal land owned by the State. The director may refuse to lease submerged lands if the director determines that the lease will unreasonably interfere with customary or traditional public access ways to or public trust rights in, on or over the intertidal or submerged lands and the waters above those lands.

A. For fill, permanent causeways, bridges, marinas, wharves, docks, pilings, moorings or other permanent structures and for nonpermanent structures occupying a total of 500 square feet or more of submerged land or occupying a total of 2,000 square feet or more of submerged land if used exclusively for commercial fishing activities:

(1) Except as otherwise provided by subsection 13, the director shall charge the lessee a rent that practically approximates the fair market rental value of the submerged land. The reduction factors and base rate for use categories are as follows:

(a) A reduction factor of 0% with no base rate or rental fee for nonprofit organizations or publicly owned facilities that offer free public use or public use with nominal user fees. Public uses include, but are not limited to, municipal utilities and facilities that provide public access to the water, town wharves, walkways, fishing piers, boat launches, parks, nature reserves, swimming or skating areas and other projects designed to allow or enhance public recreation, fishing, fowling and navigation and for which user fees are used exclusively for the maintenance of the facility;

(b) A reduction factor of 0.1% plus a base rate of $0.025 per square foot for commercial fishing uses of renewable aquatic resources. Commercial uses of renewable aquatic resources include, but are not limited to, facilities that are directly involved in commercial fishing activities. Such facilities include, but are not limited to, fish piers, lobster impoundments, fish processing facilities and floats or piers for the storage of gear;

(c) A reduction factor of 2% for any slip space rented or otherwise made available for private use by commercial fishing boats for a fee;

(d) A reduction factor of 0.2% plus a base rate of $0.05 per square foot for water-dependent commerce, industry and private uses. Water-dependent commerce, industry and private uses other than commercial uses of renewable aquatic resources include, but are not limited to, all facilities that are functionally dependent upon a waterfront location, can not reasonably be located or operated on an upland site or are essential to the operation of the marine industry. Such facilities include, but are not limited to, privately owned piers and docks, cargo ports, private boat ramps, shipping and ferry terminals, tug and barge facilities, businesses that are engaged in watercraft construction, maintenance or repair, aquariums and the area within marinas occupied by service facilities, gas docks, breakwaters and other structures not used for slip space;

(e) A reduction factor of 4% for any slip space rented or otherwise made available for private use for recreational boats for a fee; and

(f) A reduction factor of 0.2% for upland uses and fill located on submerged lands prior to July 1, 2009 and 0.4% for new upland uses and fill after July 1, 2009 plus a base rate of $0.05 per square foot. Upland uses include, but are not limited to, all uses that can operate in a location other than on the waterfront or that are not essential to the operation of the marine industry. These facilities include, but are not limited to, residences, offices, restaurants and parking lots. Fill must include the placement of solid material other than pilings or other open support structures upon submerged lands.

If the director determines that the municipally assessed value of the adjacent upland is not an accurate indicator of the value of submerged land, the director may make adjustments in the municipally assessed value so that it more closely reflects the value of comparable waterfront properties in the vicinity or require the applicant to provide an appraisal of the submerged land. The appraisal must be approved by the director.

For offshore projects where municipally assessed value for the adjacent upland or submerged lands appraisals are unavailable or the director determines that such assessment or appraisals do not accurately indicate the value of the submerged land, the director may establish the submerged lands annual rental rate and other public compensation as appropriate by negotiation between the bureau and the applicant. In such cases the annual rent and other public compensation must take into account the proposed use of the submerged lands, the extent to which traditional and customary public uses may be diminished, the public benefit of the project, the economic value of the project and the avoided cost to the applicant. If the State's ability to determine the values listed in this paragraph or to carry out negotiations requires expertise beyond the program's capability, the applicant must pay for the costs of contracting for such expertise;

(2) After October 1, 1990, the director may revalue all existing rents to full fair market rental value. Rents for all uses except slip space may be adjusted annually as needed over a period not to exceed 5 years until the full fair market rental value is reached. After the full fair market rental value is reached, the director may revalue rents for all uses except slip space every 5 years based on changes in municipally assessed value and programmatic cost adjustments to the base rate. Adjustments to the base rate may not exceed 4% per year. Rents for slip space may fluctuate annually depending on the gross income of the facility;

(3) Except as otherwise provided by subsection 13, the director may also lease a buffer zone of not more than 30 feet in width around a permanent structure located on submerged or intertidal land, as long as the lease is necessary to preserve the integrity and safety of the structure and that the Commissioner of Marine Resources consents to that lease;

(4) Any existing or proposed lease may be subleased for the period of the original lease for the purpose of providing berthing space for any boat or vessel;

(5) No portion of an existing or proposed lease may be transferred from a person subleasing that portion to provide berthing space for any boat or vessel except for a transfer to heirs upon death of the sublessee holder or a transfer to the original leaseholder subject to terms agreed to by the lessor and sublessee at the time of the sublease. This subparagraph does not apply to any subleasing arrangements entered into before June 15, 1989; and

(6) The director may grant the proposed lease if the director finds that, in addition to any other findings that the director may require, the proposed lease:

(a) Will not unreasonably interfere with navigation;

(b) Will not unreasonably interfere with fishing or other existing marine uses of the area;

(c) Will not unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and

(d) Will not unreasonably interfere with ingress and egress of riparian owners. [PL 2009, c. 615, Pt. B, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. For dredging, impounded areas and underwater cables and pipelines, the director shall develop terms and conditions the director considers reasonable. [PL 1997, c. 678, §13 (NEW).]

C. The director shall charge an administrative fee of $100 for each lease in addition to any rent. A fee of $200 must be charged for a lease application that is received after work has begun for the proposed project. [PL 2003, c. 254, §1 (AMD).]

D. Except as otherwise provided by subsection 13, the minimum rent to which any lease is subject is $150 per year. [PL 2009, c. 615, Pt. B, §1 (AMD).]

E. [PL 2007, c. 540, §1 (AMD); MRSA T. 12 §1862, sub-§2, ¶E (RP).]

F. Within 15 days of receipt of a copy of an application submitted to the Department of Environmental Protection for a general permit under Title 38, section 480-HH or Title 38, section 636-A, the director shall, if requested by the applicant, provide the applicant a lease option, to be effective on the date of receipt of the application, for use of state-owned submerged lands that are necessary to fulfill the project purposes as identified in the application. Within 30 days of receiving notice and a copy of a general permit granted pursuant to Title 38, section 480-HH or Title 38, section 636-A, the director shall waive the review procedures and standards under this section and issue a submerged lands lease for the permitted activity. The term of the lease must be consistent with that of the permit, including any extension of the permit, and the period of time needed to fully implement the project removal plan approved pursuant to Title 38, section 480-HH or Title 38, section 636-A, as applicable. The director may include lease conditions that the director determines reasonable, except that the conditions may not impose any requirement more stringent than those in a permit granted under Title 38, section 480-HH or Title 38, section 636-A, as applicable, and may not frustrate achievement of the purpose of the project. [PL 2009, c. 270, Pt. B, §1 (NEW).]

In making findings pursuant to this subsection regarding a renewable ocean energy project, the director shall adopt all pertinent findings and conclusions in a permit issued for the project pursuant to chapter 206-A or pursuant to Title 38, chapter 3, subchapter 1, article 5-A or 6 or Title 38, chapter 5, subchapter 1, article 1, subarticle 1-B, as applicable, and may condition issuance of a lease for such a project on receipt of all pertinent approvals by the Department of Environmental Protection or the Maine Land Use Planning Commission, as applicable, and other conditions the director considers reasonable.
[PL 2009, c. 615, Pt. B, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2011, c. 682, §38 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2-A. Lease renewal. A lessee who is in compliance with all terms of that person's lease may apply at any time to renew the lease. The director shall approve the lease renewal if the existing lease complies with or can be amended to comply with all applicable laws, rules and public trust principles in effect at the time of the renewal application. This subsection applies to all leases in effect on the effective date of this subsection and to all leases executed on or subsequent to the effective date of this subsection.
[PL 1997, c. 678, §13 (NEW).]

3. Easements. The director may grant, upon terms and conditions the director considers reasonable, assignable easements for a term not to exceed 30 years for the use of submerged and intertidal lands for the purposes permitted in subsection 2. The grantee shall pay an administrative fee of $100 for each easement at the time of processing and a registration fee of $50 due every 5 years. An administrative fee of $200 must be charged for an easement application that is received after work has begun for the proposed project. The director may refuse to grant an easement for the use of submerged and intertidal lands if the director determines that the easement will unreasonably interfere with customary or traditional public access ways to or public trust rights in, on or over the intertidal or

submerged lands and the waters above those lands. The director may grant an easement for submerged and intertidal lands if a structure:

A. Is for the exclusive benefit of the abutting upland owner for charitable purposes as defined in the United States Internal Revenue Code, Section 501, (c) (3); [PL 1997, c. 678, §13 (NEW).]

B. Occupies a total of not more than 500 square feet of submerged and intertidal land for any lawful purpose and is permanent; or [PL 1997, c. 678, §13 (NEW).]

C. Occupies a total of not more than 2,000 square feet of submerged and intertidal land for the exclusive purpose of commercial fishing activities and is permanent. [PL 1997, c. 678, §13 (NEW).]

[PL 2003, c. 254, §2 (AMD).]

4. Adjustment of terms. The director may adjust from time to time, consistent with the provisions of this section, conditions applicable to any leasehold or easement entered into under this section in any parcel of state-owned submerged or intertidal land. Rent may not be charged for leases entered into before July 1, 1984 if the actual use of the leased land is eligible for an easement under subsection 3.
[PL 1997, c. 678, §13 (NEW).]

5. Review of uses. In the case of easements, the director shall review from time to time the purposes for which the land conveyed has actually been used, and, in the event any such purpose is found to be inconsistent with the criteria set forth in subsection 3 for eligibility for an easement, the easement must terminate and the director may enter into a leasehold agreement with the holder of the easement in accordance with subsection 2.
[PL 1997, c. 678, §13 (NEW).]

6. Constructive easements. The owner of any structure actually upon submerged and intertidal lands on October 1, 1975 is deemed to have been granted a constructive easement for a term of 30 years on the submerged land directly underlying the structure. Beginning on January 1, 1991, the bureau shall undertake a registration program for all structures granted constructive easements. Constructive easements are subject to administrative and registration fees for easements pursuant to subsection 3. The director shall develop procedures, rules and registration forms necessary to accomplish the purposes of this subsection. The bureau shall complete the registration of constructive easements on or before December 31, 1996.
[PL 1997, c. 678, §13 (NEW).]

7. Consultation. The director shall consult with the commissioner, the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and any other agencies or organizations the director considers appropriate in developing and implementing terms, conditions and consideration for conveyances under this section. When rental terms under subsection 13 for a renewable ocean energy project are at issue, the director also shall consult with the Public Utilities Commission. The director may determine to make proprietary conveyances under this section solely on the basis of the issuance of environmental or regulatory permits by other appropriate state agencies.
[PL 2009, c. 615, Pt. B, §1 (AMD).]

8. Rules.
[PL 2001, c. 604, §12 (RP).]

9. Public compensation. Except as otherwise provided by subsection 13, with respect to any lease, including, but not limited to, leases for offshore projects, when the director determines that the public should be compensated for the loss or diminution of traditional and customary public uses resulting from the activities proposed by the lessee, the director may negotiate with the lessee to provide public access improvements such as walkways, boat launching ramps, parking space or other facilities or negotiate a fee in lieu of such improvements as a condition of the lease. The determination of loss

or diminution of traditional and customary public uses and appropriate public compensation must be made in consultation with local municipal officials.
[PL 2009, c. 615, Pt. B, §1 (AMD).]

10. Aquaculture exemption. A lease for the use of lands under this section is not required for the development and operation of any aquaculture facility if the owner or operator of the facility has obtained a lease from the Commissioner of Marine Resources under section 6072. Ancillary equipment and facilities permanently occupying submerged lands on the lease site and not explicitly included in the lease granted by the Commissioner of Marine Resources are not exempt from the requirements of this section.
[PL 1997, c. 678, §13 (NEW).]

11. Revenues. Except as otherwise provided by subsection 13, all revenues from the bureau's activities under this section accrue to the Submerged Lands Fund established in section 1861.
[PL 2009, c. 615, Pt. B, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

12. Annual report dealing with submerged lands. The bureau shall prepare and submit a written report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over submerged lands matters. The report must include the following information:

A. A complete account of the income and expenditures pertaining to submerged lands during the preceding fiscal year; [PL 2013, c. 256, §9 (AMD).]

B. A summary of the bureau's management activities during the preceding fiscal year regarding leases, easements and other appropriate subjects; [PL 2013, c. 256, §10 (AMD); PL 2013, c. 405, Pt. A, §24 (REV).]

C. A summary of any Shore and Harbor Management Fund grants made under section 1863; and [PL 1997, c. 678, §13 (NEW).]

D. A description of the proposed budget, including allocations for the bureau's dedicated funds and any revenues of the bureau from leases and easements for the following fiscal year. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

The joint standing committee of the Legislature having jurisdiction over submerged lands matters shall review the report and submit a written recommendation regarding the bureau's proposed budget to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on or before March 15th of each year.
[PL 2013, c. 256, §§9, 10 (AMD); PL 2013, c. 405, Pt. A, §24 (REV).]

13. Special provisions regarding renewable ocean energy projects. The provisions in this subsection govern renewable ocean energy projects.

A. The Legislature finds that:

(1) The State's coastal waters and submerged lands provide unique and valuable opportunities for development of wind and tidal power and, potentially, other indigenous, renewable ocean energy resources, such as wave power;

(2) Climate change and related degradation or loss of marine resources and related human uses make development of and transition to use of renewable ocean energy resources consistent with sound stewardship of the State's public trust resources;

(3) Proper and efficient functioning of certain generation and associated facilities that use the energy potential of the State's indigenous, renewable ocean energy resources depends upon their deployment in a marine environment and, accordingly, such facilities may to the extent necessary be located in, on or over state-owned submerged lands; and

(4) With appropriate provision for avoidance and minimization of and compensation for harm to existing public trust-related uses and resources, such as fishing and navigation; consideration of potential adverse effects on existing uses of the marine environment; restoration of affected lands upon completion of authorized uses pursuant to permitting criteria; and adequate compensation to the public for use of its trust resources pursuant to state submerged lands leasing criteria, development of these renewable ocean energy resources in appropriate locations promises significant public trust-related benefits to the people of this State for whom the State holds and manages submerged lands and their resources. [PL 2009, c. 615, Pt. B, §1 (NEW).]

B. In accordance with the findings in paragraph A, the following provisions apply to an application for a lease or easement for a renewable ocean energy project.

(1) No more than 30 days prior to filing applications in accordance with this paragraph, an applicant for a lease or easement for a renewable ocean energy project shall participate in a joint interagency preapplication meeting that includes the Department of Marine Resources and is in accordance with permitting procedures of the Department of Environmental Protection or the Maine Land Use Planning Commission, as applicable.

(2) An applicant for a lease or easement for a renewable ocean energy project must file and certify to the director that it has filed completed applications for requisite state permits under chapter 206-A or Title 38, chapter 3, subchapter 1, article 5-A or 6 or Title 38, chapter 5, subchapter 1, article 1, subarticle 1-B, as applicable, prior to or concurrently with submission of its submerged lands lease application under this section and shall provide a copy of any such applications to the director upon request.

(3) The director shall provide notice to the Marine Resources Advisory Council under section 6024 and any lobster management policy council established pursuant to section 6447 in whose or within 3 miles of whose designated lobster management zone created pursuant to section 6446 the proposed development is located. The Marine Resources Advisory Council and any lobster management policy council notified pursuant to this subparagraph may provide comments within a reasonable period established by the director, and the director shall consider the comments in making findings pursuant to subsection 2, paragraph A, subparagraph (6).

(4) The director may issue a lease or easement for a hydropower project, as defined in Title 38, section 632, subsection 3, that uses tidal or wave action as a source of electrical or mechanical power, for a term not to exceed 50 years, as long as the lease term is less than or equal to the term of the license for the project issued by the Federal Energy Regulatory Commission.

(5) If requested by an applicant, and with provision for public notice and comment, the director may issue one or more of the following for a renewable ocean energy project prior to issuance of a 30-year lease for the project:

(a) A lease option, for a term not to exceed 2 years, that establishes that the leaseholder, for purposes of consideration of its application for state permit approvals under chapter 206-A or Title 38, chapter 3, subchapter 1, article 5-A or 6 or Title 38, chapter 5, subchapter 1, article 1, subarticle 1-B, as applicable, has title, right or interest in a specific area of state submerged lands needed to achieve the purposes of the project as described in conceptual plans in the lease application;

(b) A submerged lands lease, for a term not to exceed 3 years, that authorizes the leaseholder to undertake feasibility testing and predevelopment monitoring for ecological and human use impacts as described in conceptual plans in the lease application and conditioned on receipt of requisite federal, state and local approvals; and

(c) A submerged lands lease, for a term not to exceed 5 years, that authorizes the leaseholder to secure requisite federal, state and local approvals and complete preoperation construction, as long as the applicant provides detailed development plans describing all operational conditions and restrictions.

(6) Except as otherwise provided in this paragraph, the annual rent for a wind energy demonstration project for which a general permit has been issued under Title 38, section 480-HH is $10,000 per year for the term of the general permit. The annual rent for a tidal energy demonstration project for which a general permit has been issued under Title 38, section 636-A is $100 per acre of submerged lands occupied by the project for the term of the general project, except that the annual rent may not exceed $10,000. As used in this paragraph, "submerged lands occupied" includes the sum of the area on which turbines, testing and monitoring equipment, anchoring or mooring lines, submerged transmission cables or other structures are placed and any additional area from which the director finds it necessary to exclude transient public trust uses to avoid unreasonable interference with the project's purposes. An annual rent is not required for an offshore wind energy demonstration project located in the Maine Offshore Wind Energy Research Center, as designated by the department under section 1868, subsection 2.

(7) The director shall charge a lessee an annual rent in accordance with a fee schedule, established by the bureau by rule, that balances state goals of assurance of fair compensation for use and mitigation of potential adverse effects on or conflict with existing uses of state-owned submerged lands that are held in trust for the people of the State with state renewable ocean energy-related goals, including state wind energy generation goals established in Title 35-A, section 3404, subsection 2. Rules adopted pursuant to this subparagraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

(8) The director may not require additional public compensation pursuant to subsection 9.

(9) The director may issue a lease for a buffer zone comprising a land or water area around permanent structures located on submerged or intertidal land if:

(a) The director determines such a buffer zone is necessary to preserve the integrity or safety of the structure or fulfill the purposes of the project; and

(b) The director consults with the Commissioner of Marine Resources regarding the need for such a buffer, its location and size and options to minimize its potential effects on existing uses. [PL 2009, c. 615, Pt. B, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2011, c. 682, §38 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

[PL 2009, c. 615, Pt. B, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2011, c. 682, §38 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

14. Prohibition on oil and natural gas exploration, development and production. Notwithstanding any other provision of law to the contrary, the director may not permit, approve or otherwise authorize any oil or natural gas exploration, development or production in, on or under the submerged and intertidal land owned by the State.

As used in this subsection, "development" has the same meaning as in Title 38, section 570-AA, subsection 1; "exploration" has the same meaning as in Title 38, section 570-AA, subsection 2; and "production" has the same meaning as in Title 38, section 570-AA, subsection 3.
[PL 2019, c. 294, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §12 (AMD). PL 2003, c. 254, §§1,2 (AMD). PL 2005, c. 134, §§2,3 (AMD). PL 2007, c. 540, §1 (AMD). PL 2009, c. 270, Pt. B, §1 (AMD). PL 2009, c. 316, §§1-6 (AMD). PL 2009, c. 316, §7 (AFF). PL 2009, c. 615, Pt. B, §1 (AMD). PL

2011, c. 657, Pt. W, §7 (REV). PL 2011, c. 682, §38 (REV). PL 2013, c. 256, §§9, 10 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2019, c. 294, §1 (AMD).

§1863. Shore and Harbor Management Fund

1. Creation of fund. The Shore and Harbor Management Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support shore and harbor management improvement activities. The fund is administered by the director.
[PL 1997, c. 678, §13 (NEW).]

2. Purpose. The purpose of the fund is to support shore and harbor management improvement activities by providing grants to municipalities and funds to state agencies. These activities include but are not limited to the development of harbor management plans and public access facilities. A portion of the fund, not to exceed 25% of available revenues, may be used to support management programs on state-owned coastal islands under the jurisdiction of the bureau.
[PL 2003, c. 673, Pt. J, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Fund sources. Annual revenues, less funds deposited in the Renewable Ocean Energy Trust pursuant to section 1863-A and operating expenses from the submerged and intertidal lands program and the abandoned watercraft program and conveyances of submerged and intertidal lands by the Legislature, must be deposited in the fund.
[PL 2009, c. 615, Pt. B, §2 (AMD).]

4. Administration. The director shall develop criteria for awarding grants under this section. Money in the fund not immediately required pursuant to this section must be invested by the Treasurer of State as authorized by Title 5, section 138. Interest on these investments must be credited to the fund.
[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 401, §I1 (AMD). PL 2003, c. 254, §3 (AMD). PL 2003, c. 673, §J1 (AMD). PL 2009, c. 615, Pt. B, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1863-A. Renewable Ocean Energy Trust

1. Trust established. The Renewable Ocean Energy Trust, referred to in this section as "the trust," is established as a nonlapsing, dedicated fund to be used to protect and enhance the integrity of public trust-related resources and related human uses of the State's submerged lands.
[PL 2009, c. 615, Pt. B, §3 (NEW).]

2. Administration. The Treasurer of State shall administer the trust as provided in this section.
[PL 2009, c. 615, Pt. B, §3 (NEW).]

3. Sources of funds. The following funds must be transferred on receipt to the Treasurer of State for deposit in the trust:

A. Eighty percent of the submerged lands leasing rental payments for renewable ocean energy projects under section 1862, subsection 13 and offshore wind energy demonstration projects and tidal energy demonstration projects for which a general permit has been issued under Title 38, section 480-HH or Title 38, section 636-A, respectively; and [PL 2009, c. 615, Pt. B, §3 (NEW).]

B. The State's share, pursuant to 43 United States Code, Section 1337(p)(2)(B), of federal revenues from alternative energy leasing. [PL 2009, c. 615, Pt. B, §3 (NEW).]

[PL 2009, c. 615, Pt. B, §3 (NEW).]

4. Disbursement of funds; required uses. The Treasurer of State shall annually disburse the funds in the trust for credit to the Ocean Energy Fund established within the Department of Marine Resources, in consultation with the Marine Resources Advisory Council established under section 6024, for use as follows:

A. Fifty percent to fund research, monitoring and other efforts to avoid, minimize and compensate for potential adverse effects of renewable ocean energy projects, as defined in section 1862, subsection 1, paragraph F-1, on noncommercial fisheries, seabirds, marine mammals, shorebirds, migratory birds and other coastal and marine natural resources, including but not limited to development, enhancement and maintenance of map-based information resources developed to guide public and private decision making on siting issues and field research to provide baseline or other data to address siting issues presented by renewable ocean energy projects. The department shall consult with the Department of Inland Fisheries and Wildlife in allocating funds it receives pursuant to this paragraph; and [PL 2011, c. 655, Pt. KK, §12 (AMD); PL 2011, c. 655, Pt. KK, §34 (AFF).]

B. Fifty percent to fund resource enhancement, research on fish behavior and species abundance and distribution and other issues and other efforts to avoid, minimize and compensate for potential adverse effects of renewable ocean energy projects, as defined in section 1862, subsection 1, paragraph F-1, on commercial fishing and related activities. [PL 2009, c. 615, Pt. B, §3 (NEW).]

[PL 2011, c. 655, Pt. KK, §12 (AMD); PL 2011, c. 655, Pt. KK, §34 (AFF).]

SECTION HISTORY

PL 2009, c. 615, Pt. B, §3 (NEW). PL 2011, c. 655, Pt. KK, §12 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF).

§1864. Submerged Lands Advisory Board

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 344, §17 (RP).

§1865. Filled submerged and intertidal lands

1. Legislative intent; purpose. The Legislature finds that the ownership of certain areas along the State's coast and great ponds is uncertain because portions of the submerged and intertidal lands have been filled in so as now not to be subject to tidal action or below water. These lands were filled prior to the enactment of Public Law 1975, chapter 287, the Submerged Lands Act, as recodified by Public Law 1979, chapter 545. It appears that prior to the enactment of the Submerged Lands Act, and to some degree afterwards, these filled-in portions of the submerged or intertidal lands have been sold, leased, taxed and otherwise treated in good faith by municipalities and private citizens as if they were owned in fee by private parties. Due to the lack of readily available documentation of the natural low-water and high-water marks in most areas along the coast and great ponds, the process of setting the boundaries between submerged or intertidal lands and the upland would consume enormous time and expense for the State and the private parties.

The Legislature recognizes that the submerged lands are owned by the State for the benefit of the public. These lands are impressed with a public trust. This ownership and public trust is derived from the Massachusetts Colonial Ordinance of 1641-1647. As a result, submerged land is not, like ordinary private land, held in fee simple absolute but is impressed with the public trust, which gives the public's representatives an interest and responsibility in its development.

The Legislature finds that those portions of the submerged and intertidal lands that have been filled prior to October 1, 1975, the date the Submerged Lands Act was effective, are substantially valueless for trust uses and such lands may be disposed of without impairment of the public trust in what remains.

The public benefit will be promoted by clarifying the status of real estate titles to such filled lands, thereby permitting full use and development.
[PL 1997, c. 678, §13 (NEW).]

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

A. "Filled land" means portions of the submerged and intertidal lands that have been rendered by human activity to be no longer subject to tidal action or below the natural low-water mark on October 1, 1975. [PL 1997, c. 678, §13 (NEW).]

B. "Intertidal land" means all land affected by the tides between natural high-water mark and either 100 rods seaward therefrom or the natural low-water mark, whichever is closer to the natural high-water mark. [PL 1997, c. 678, §13 (NEW).]

C. "Person" means individuals, partnerships, corporations and other private legal entities, but does not include the State and its political or government subdivisions or the Federal Government. [PL 1997, c. 678, §13 (NEW).]

D. "Submerged land" means all land affected by the tides seaward of the natural low-water mark or 100 rods from the natural high-water mark, whichever is closer to natural high-water mark and all land below natural low-water mark under great ponds. [PL 1997, c. 678, §13 (NEW).]
[PL 1997, c. 678, §13 (NEW).]

3. Declaration of clear title. Titles to properties and lands that once were or may have been submerged or intertidal lands subject to the State's ownership in public trust that were filled by October 1, 1975 are declared and released to the owners of any such filled lands by the State free of any claimed ownership in public trust to the extent the areas of these properties and lands were not submerged or intertidal lands on that date.
[PL 1997, c. 678, §13 (NEW).]

4. Confirmation. Any person claiming an interest in such land may seek confirmation from the bureau that particular land is filled land and receive a declaration that may be filed in the appropriate registry of deeds. Such confirmation may not be construed to create any rights of ownership in any person per se but is declaratory of the status of the land as to whether it had been filled by October 1, 1975. The application for confirmation must be filed on a form prescribed by the bureau, which must contain the following information:

A. Name and address of applicant; [PL 1997, c. 678, §13 (NEW).]

B. An accurate legal description of the filled land, proof that the land was filled by October 1, 1975 and sufficient details, such as a survey by a registered land surveyor, to locate the filled land on a map of general acceptability; [PL 1997, c. 678, §13 (NEW).]

C. The acreage of the filled land; [PL 1997, c. 678, §13 (NEW).]

D. The date acquired; [PL 1997, c. 678, §13 (NEW).]

E. Evidence that written notice of the application for confirmation has been sent to any other owners of record; and [PL 1997, c. 678, §13 (NEW).]

F. Other information necessary for the purposes of this section. [PL 1997, c. 678, §13 (NEW).]

A filing fee of $50 must accompany each application to cover administrative costs. The money must be deposited and disbursed in accordance with section 1849 to accomplish the purposes of this section.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

5. Filing. The following provisions apply to filing.

A. The application may be filed with the bureau at any time. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. If the applicant demonstrates that the land is filled land as defined in subsection 2, paragraph A, the director shall issue a declaration to that effect. The director shall respond to the application within 30 days of the date the application is received by the director. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

6. Termination of leases. Any leases entered into by the director pursuant to section 1862 for filled land are terminated. Lessees may not be reimbursed for rental paid under such leases.
[PL 1997, c. 678, §13 (NEW).]

7. Operation of this section; retroactive date. This section does not create a cause of action on behalf of any person against the State for damages or otherwise arising out of state ownership of lands before December 25, 1981. A declaration of confirmation by the bureau pursuant to subsection 4 does not constitute a decision by the State as to which claimant, if any, may have title, and the State, its officers, agents and employees are not liable to any person by reason of having made or having refused to make such a declaration. Failure to apply for or receive confirmation or a declaration under subsection 4 does not affect any rights granted or released by this section. This section may not be construed to affect the rules of law otherwise in force relating to accretion or reliction of filled or other lands along the great ponds or the coast, nor to either convey or release rights or interest acquired by the State in filled lands by gift, purchase or the power of eminent domain or to affect any obligations, rights or liabilities created by the operation of Title 38, sections 480-B to 480-F, 480-Q and 480-R or by permits issued under those sections. This section is retroactive to October 1, 1975.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1866. Abandoned watercraft

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

A. "Abandoned watercraft" means any watercraft that is inoperative and neglected, submerged or partially submerged or that has been left by the owner in coastal waters without intention of removal. This term includes motors, electronic and mechanical equipment and other machinery customarily used in the operation of watercraft. [PL 1997, c. 678, §13 (NEW).]

B. "Coastal waters" means those waters within the jurisdiction of the State under Title 1, section 2, including intertidal land as defined in section 572. [PL 1997, c. 678, §13 (NEW).]

C. "Owner" means the person who claims lawful possession of a watercraft by legal title or equitable interest in the watercraft. [PL 1997, c. 678, §13 (NEW).]

D. "Watercraft" means any type of vessel, boat, barge, float or craft 20 or more feet in length that is used or capable of use as a means of transportation on water. "Watercraft" includes seaplanes. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

2. Eligibility. An abandoned watercraft is subject to removal under this section only under the following conditions.

A. A permit under Title 38, section 9 has not been granted by the municipal board or commission entrusted with harbor management for the area. [PL 1997, c. 678, §13 (NEW).]

B. A landowner has not granted permission to a watercraft owner to abandon a watercraft on that landowner's property. [PL 1997, c. 678, §13 (NEW).]

C. Notice has been given the director within 120 days of the date that the municipal board or commission determines, in its opinion, that the watercraft has been abandoned. [PL 2003, c. 254, §4 (AMD).]

D. [PL 2003, c. 254, §4 (RP).]

Watercraft that have been abandoned prior to July 1, 1993 are not subject to removal under this section.

The municipal board or commission entrusted with harbor management is responsible for the notice requirements under this subsection.
[PL 2003, c. 254, §4 (AMD).]

3. Ownership. The municipal board or commission entrusted with harbor management shall attempt to determine the owner of a watercraft considered by that body to be abandoned.
[PL 1997, c. 678, §13 (NEW).]

4. Responsibility of the director. The director is responsible for the following.

A. After notification under subsection 2, the director shall investigate any report of an abandoned watercraft and give notice to the owner if an owner can be identified. The notice must require the owner to respond within 15 days and to remove the watercraft from the coastal waters within 60 days of notification by the director or, if the watercraft is icebound, within 60 days of ice-out in the body of water where the watercraft is located. If the owner of a watercraft to whom the director has given notice does not respond to the notice and remove the watercraft within the time period specified or the owner can not be identified or contacted, the director may initiate removal of the watercraft. [PL 2003, c. 254, §5 (AMD).]

B. Beginning July 1, 1993 the director shall establish and implement, subject to available funding, a program to remove from coastal waters those abandoned watercraft that have been reported under subsection 3. The program must provide that, if another government agency is responsible for removal of an abandoned watercraft, the director shall notify that agency of the existence of that abandoned watercraft. Funding for removal by the director comes from funds available from the Submerged Lands Fund established under section 1861. [PL 1997, c. 678, §13 (NEW).]

C. The director may authorize a 3rd party to remove abandoned watercraft if the director is satisfied that the work will be completed. Ninety-five percent of the proceeds from the sale of the salvaged watercraft accrue to the 3rd party and 5% accrue to the Submerged Lands Fund established under section 1861. [PL 1997, c. 678, §13 (NEW).]

D. Notwithstanding the time periods for owner removal specified in paragraph A, if the director determines at any time that a watercraft is a health or safety hazard, the director may immediately remove the watercraft from the coastal waters. [PL 1997, c. 678, §13 (NEW).]

E. If the director removes a watercraft from coastal waters under this subsection, the director may sell the watercraft. Any proceeds from the sale must first be applied to the costs to the State directly related to the expense of removal of the watercraft. Any money that remains may be applied to any liens against the watercraft. Money that finally remains must accrue to the Submerged Lands Fund established under section 1861. [PL 1997, c. 678, §13 (NEW).]

F. Abandoned watercraft located on intertidal land may not be removed by the director without the permission of the landowner. [PL 1997, c. 678, §13 (NEW).]

G. The director may adopt rules governing abandoned watercraft in accordance with Title 5, chapter 375. [PL 1997, c. 678, §13 (NEW).]

[PL 2003, c. 254, §5 (AMD).]

5. Method of removal. The method of removal of abandoned watercraft, whether by the owner, by a 3rd party or by the State, must comply with all state and federal environmental laws.

[PL 1997, c. 678, §13 (NEW).]

6. Civil action. If the State is not compensated for removal costs under the provisions of subsection 4, the State may bring a civil action against the owner of the abandoned watercraft to cover any cost of state removal of the abandoned watercraft from coastal waters. The court in its discretion may award an additional 50% of the cost of removal. The penalty is payable to the submerged lands leasing program pursuant to section 1862.

[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2003, c. 254, §§4,5 (AMD).

§1867. Sunken logs on submerged lands owned by State

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

A. "Log" means a portion of the trunk of a felled tree that has not been further processed for any end use. [PL 1997, c. 678, §13 (NEW).]

A-1. "Pulpwood" means a portion of a tree intended for use in the paper-making process. [PL 2001, c. 391, §1 (NEW).]

B. "Salvage" means any activity involved in the retrieval of sunken logs or pulpwood from submerged land. [PL 2001, c. 391, §2 (AMD).]

[PL 2001, c. 391, §§1, 2 (AMD).]

2. Title to sunken logs. The State reserves to itself title and ownership to all logs resting on submerged lands that are owned by the State.

[PL 1997, c. 678, §13 (NEW).]

3. Salvage and sale of sunken logs. The director may conduct a sunken log salvage program under which the director may issue a permit for the salvage of sunken logs on submerged lands owned by the State. The director may sell logs salvaged under the sunken log salvage program. Prior to conducting a log salvage operation on submerged lands, a person must obtain a sunken log salvage permit from the bureau and must obtain all other applicable permits from the appropriate local, state and federal agencies with jurisdiction over this activity. The bureau may not issue a permit for this activity if the director finds that the proposed sunken log salvage operations may unreasonably interfere with customary or traditional public access to or public trust rights or uses in, on or over the intertidal or submerged lands and the waters above those lands.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

4. Rules.

[PL 2001, c. 604, §13 (RP).]

5. Revenues. The director shall charge an application fee of $100 for each permit. The director may establish reasonable prices for the sale of salvaged logs. All revenues from the bureau's activities under this section accrue to the Submerged Lands Fund established in section 1861.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

6. Pulpwood salvage exemption. A person who has been granted a charter or other specific authorization by the Legislature prior to June 30, 1998 to erect and maintain piers and booms to collect and store pulpwood in waters over submerged lands may salvage the pulpwood stored in compliance with that charter and is exempt from subsections 3 and 5 and rules pertaining to pulpwood salvage adopted under section 1803, as long as, prior to conducting a pulpwood salvage operation, that person:

A. Provides documentation satisfactory to the bureau of the legislative charter or approval specifically authorizing pulpwood storage at the proposed salvage site; [PL 2001, c. 391, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. Attests that the salvaged pulpwood is to be processed at a mill owned by that person; [PL 2001, c. 391, §3 (NEW).]

C. Obtains all applicable permits required by local, state and federal agencies having jurisdiction over the salvage activity; and [PL 2001, c. 391, §3 (NEW).]

D. Provides a plan acceptable to the bureau that results in substantial improvements or benefits to public trust rights or uses on that or a related body of water. [PL 2001, c. 391, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

Pulpwood salvaged under a plan approved and implemented in accordance with the terms of this subsection is the property of the person authorized to collect and store pulpwood at the salvage site. A person who salvages pulpwood under this subsection shall comply with the provisions of the approved plan and with all applicable permitting requirements and other legal requirements pertaining to the salvage activity. Pulpwood salvaged under this section may be processed only at a mill owned by the person authorized to collect and store pulpwood at the salvage site.
[PL 2001, c. 604, §14 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 391, §§1-3 (AMD). PL 2001, c. 604, §§13,14 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1868. Identification of offshore wind energy test areas

1. Site identification process. No later than December 15, 2009, following consultation with the Department of Environmental Protection, the Public Utilities Commission, the Department of Inland Fisheries and Wildlife, the Maine Land Use Planning Commission, the Department of Marine Resources, the Maine Historic Preservation Commission and the University of Maine System and opportunity for public comment, the department shall identify and map up to 5 specific offshore wind energy test areas. An offshore wind energy test area identified under this subsection must be a geographic area on state-owned submerged lands suitable for offshore wind energy demonstration projects constructed and operated in accordance with Title 38, section 480-HH. In identifying each such area, the department must consider existing information regarding pertinent ecological, environmental, social and development-related factors, including but not limited to:

A. Potential adverse effects on a protected natural resource, as defined by Title 38, section 480-B, subsection 8, or a scenic resource of state or national significance, as defined by Title 35-A, section 3451, subsection 9; [PL 2009, c. 270, Pt. C, §1 (NEW).]

B. Potential adverse effects on species listed as threatened or endangered under section 6975 or section 12803, subsection 3; avian species, including seabirds, passerines, raptors, shorebirds, water birds and waterfowl; bats; and marine mammals; [PL 2009, c. 270, Pt. C, §1 (NEW).]

C. Potential adverse effects on commercial fishing, recreation, navigation, existing public access ways to intertidal and subtidal areas and other existing uses; [PL 2009, c. 270, Pt. C, §1 (NEW).]

D. Proximity to deep water port facilities, rail transportation, transmission infrastructure facilities and existing ocean-based environmental monitoring devices; [PL 2009, c. 270, Pt. C, §1 (NEW).]

E. Data regarding wind speed, ocean wave height and period, ocean currents and water depth; [PL 2009, c. 270, Pt. C, §1 (NEW).]

F. Geology, including substrate type and other seafloor characteristics; [PL 2009, c. 270, Pt. C, §1 (NEW).]

G. Public support in pertinent coastal communities; and [PL 2009, c. 270, Pt. C, §1 (NEW).]

H. Historic sites and archaeological resources of state or national significance. [PL 2009, c. 270, Pt. C, §1 (NEW).]

[PL 2011, c. 655, Pt. KK, §13 (AMD); PL 2011, c. 655, Pt. KK, §34 (AFF); PL 2011, c. 682, §38 (REV).]

2. Maine Offshore Wind Energy Research Center. The department shall designate one of the areas identified under subsection 1 as the Maine Offshore Wind Energy Research Center for use by offshore wind energy demonstration projects conducted by or in cooperation with the University of Maine System and on terms and in a manner that the University of Maine System considers consistent with and in furtherance of its offshore wind energy research and development-related objectives, including but not limited to any such objectives to be supported with state bond revenues.
[PL 2009, c. 270, Pt. C, §1 (NEW).]

3. Modification of identified offshore wind energy test areas. Following the identification of offshore wind energy test areas under subsection 1, the department may, following notice and opportunity for public comment, add to, remove or other otherwise modify the list of offshore wind energy test areas identified under subsection 1. In making modifications under this subsection, the department is subject to the site identification criteria under subsection 1, except that modifications under this subsection may result in more than 5 identified areas.
[PL 2009, c. 270, Pt. C, §1 (NEW).]

4. Judicial review. The identification of an offshore wind energy test area or areas under subsection 1 or subsection 3 constitutes final agency action.
[PL 2009, c. 270, Pt. C, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 270, Pt. C, §1 (NEW). PL 2011, c. 655, Pt. KK, §13 (AMD). PL 2011, c. 655, Pt. KK, §34 (AMD). PL 2011, c. 682, §38 (REV).

SUBCHAPTER 6

ALLAGASH WILDERNESS WATERWAY

§1871. Declaration of policy

Whereas the preservation, protection and development of the natural scenic beauty and the unique character of our waterways, wildlife habitats and wilderness recreation resources for this generation and all succeeding generations; the prevention of erosion, droughts, freshets and the filling up of waters; and the promotion of peace, health, morals and general welfare of the public are the concern of the people of this State, the Legislature declares it to be in the public interest, for the public benefit and for the good order of the people of this State to establish an area known as the Allagash Wilderness Waterway. [PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1872. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1997, c. 678, §13 (NEW).]

1. Bounds of the watercourse. "Bounds of the watercourse" means the high-water marks of the shorelines of the lakes and ponds, the high-water marks of the intervening and connecting waters and the high-water marks of the banks of the streams and rivers of the watercourse.
[PL 1997, c. 678, §13 (NEW).]

2. Canoe. "Canoe" means a form of small watercraft with no rudder or sails that is long and narrow, sharp on both ends or sharp on one end and blunt on the other end usually propelled by paddles or a small motor.
[PL 1997, c. 678, §13 (NEW).]

3. Control station. "Control station" means a regular stopping place maintained by the bureau where users of the waterway may be registered.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

4. Emergency use. "Emergency use" means a use resulting from unforeseen circumstances that calls for immediate action to protect persons or property.
[PL 1997, c. 678, §13 (NEW).]

5. Herbicide. "Herbicide" means a substance or mixture of substances used to destroy, dessicate, defoliate or prevent the growth of unwanted vegetation.
[PL 1997, c. 678, §13 (NEW).]

6. Lock Dam Lot. "Lock Dam Lot" means a certain lot or parcel of land described as follows:

Beginning at a point on the East town line of Township 7, Range 13 on the south bank of the thoroughfare between Chamberlain and Eagle Lakes, said point beginning 4 miles + 26.25 chains northerly of the southeast corner of the town;

Thence in a generally southwesterly direction a distance of 30 chains, more or less, to a point on the easterly shore of Chamberlain Lake, south of Lock Dam, so-called;

Thence northwesterly by and along the easterly shore of Chamberlain Lake about 13 chains, more or less to a point;

Thence northeasterly a distance of 40 chains, more or less, to a point on the east line of said township;

Thence southerly along said east line of the township to the point of beginning, containing 40 acres, more or less.

The aforesaid parcel of land containing 40 acres is that on which the said Lock Dam and improvements are presently located.
[PL 1997, c. 678, §13 (NEW).]

7. Management plan. "Management plan" means a plan of timber harvesting operations for areas within the Allagash Wilderness Waterway.
[PL 1997, c. 678, §13 (NEW).]

8. Restricted zone. "Restricted zone" means a land area of from 400 feet to 800 feet that extends in all directions from the bounds of the watercourse and includes all land areas within the bounds of the watercourse and all additional areas that may be added by mutual agreement between the director and private property owners.
[PL 1997, c. 678, §13 (NEW).]

9. Telos Dam Lot. "Telos Dam Lot" means a certain lot or parcel of land situated in Township 6, Range 11, WELS, being known as the Telos Dam Lot, being a square lot 20 chains on each side. The aforesaid parcel of land containing 40 acres, more or less, is that on which the said Telos Dam and improvements are presently located.
[PL 1997, c. 678, §13 (NEW).]

10. Timber harvesting operation. "Timber harvesting operation" means the cutting and removal of trees from their growing site and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails, skid roads and winter haul roads and the construction or creation of land management roads.
[PL 1997, c. 678, §13 (NEW).]

11. Visible from the watercourse. "Visible from the watercourse" means able to be seen by a person at any point on the watercourse from Churchill Dam north without the aid of any magnifying devices.
[PL 1997, c. 678, §13 (NEW).]

12. Watercourse. "Watercourse" means the bodies of water consisting of lakes, rivers and streams extending from Telos Lake Dam northerly to the confluence of West Twin Brook and Allagash River, a distance of approximately 85 miles, and bodies of water consisting of lakes and streams extending from where Allagash Stream crosses the west boundary of T. 8, R. 14 easterly to the inlet of Allagash Stream with Chamberlain Lake, a distance of approximately 10 miles. The watercourse includes Telos Lake, Round Pond (T. 6, R. 11), Chamberlain Lake, Eagle Lake, Churchill Lake, the Allagash River, Umsaskis Lake, Long Lake, Harvey Pond, Round Pond (T. 13, R. 12), the Allagash Stream, Allagash Lake and all intervening and connecting bodies of water.
[PL 1997, c. 678, §13 (NEW).]

13. Use. "Use" means an activity of any form, kind or description.
[PL 1997, c. 678, §13 (NEW).]

14. Watercraft. "Watercraft" means any type of vessel, boat, canoe or craft used or capable of being used as a means of transportation on waters, other than a seaplane.
[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1873. Establishment; area

1. Allagash Wilderness Waterway. The Allagash Wilderness Waterway, in this subchapter called the "waterway," is established. The area of the waterway includes the watercourse as defined in section 1872, subsection 12 and all land area and all waters within one mile of the bounds of the watercourse as defined in section 1872, subsection 1.
[PL 1997, c. 678, §13 (NEW).]

2. Watercourse. The watercourse within the waterway is established covering an area as defined in section 1872, subsection 12.
[PL 1997, c. 678, §13 (NEW).]

3. Restricted zone. A restricted zone within the waterway is established, covering an area as defined in section 1872, subsection 8, to preserve, protect and develop the maximum wilderness character of the watercourse. The boundaries of the restricted zone must be determined by the bureau after survey. The bureau shall establish a minimum width of 400 feet from the bounds of the watercourse as the width of the restricted zone if in the bureau's discretion that 400-foot width can preserve, protect and develop the maximum wilderness character of the watercourse. The bureau shall

determine a greater width up to 800 feet as the width of the restricted zone if in the bureau's discretion the greater width is necessary to preserve, protect and develop the maximum wilderness character of the watercourse.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1874. Administration

The bureau shall administer the waterway under this subchapter, with the exception of powers to control activities previously delegated by law to the department's Bureau of Forestry, the Department of Inland Fisheries and Wildlife and the Board of Environmental Protection. The director shall create technical committees as needed to advance the waterway's purposes. [PL 2007, c. 146, §2 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §§23, 24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2007, c. 146, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §§23, 24 (REV).

§1875. Control of water areas; permitted and prohibited uses

1. Power watercraft. Power watercraft may be used in the waterway only as follows.

A. Watercraft equipped with power propulsion of any kind or any other motorized equipment are allowed on Telos Lake, Round Pond (T. 6, R. 11) and Chamberlain Lake as permitted by rule of the bureau. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. Canoes equipped with one motor not to exceed 10 horsepower are allowed in the waterway except on Allagash Lake and Allagash Stream. [PL 1997, c. 678, §13 (NEW).]

C. Except as permitted by paragraphs A and B, watercraft equipped with power propulsion are not allowed in the waterway. [PL 1997, c. 678, §13 (NEW).]
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Landing of aircraft. The landing of aircraft within the waterway is prohibited, except for:

A. Emergency use; [PL 1997, c. 678, §13 (NEW).]

B. Necessary use by state agencies and departments; [PL 1997, c. 678, §13 (NEW).]

C. Use within landing areas and for purposes designated by the bureau; and [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

D. Landing of aircraft when water areas are frozen, except as permitted by rule of the bureau. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Motor-driven snowsleds. The use of motor-driven snowsleds is prohibited within the waterway except as permitted by rule of the bureau.
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1876. Control of land areas

1. Structures. New structures or expansions of existing structures are not permitted within the restricted zone, except those structures essential to state service agencies, those structures determined by the bureau to be essential in maintaining water level controls and temporary structures determined by the bureau to be necessary for watercourse crossing and access. All existing structures must be removed except those determined necessary by the bureau to carry out the intent of this subchapter. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. New construction. New construction within 1/4 mile of the restricted zone may be done only with the prior approval of the bureau. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Camps. Other than structures permitted under subsection 1, camps are prohibited within the restricted zone. Existing commercial sporting camps must be acquired by the bureau and may be leased back to the present owners or others on terms and conditions determined by the bureau. As of July 25, 1984, the bureau may not change the existing type of use of Jalbert's Sporting Camps on Round Pond and Nugents Sporting Camps on Chamberlain Lake or destroy or abandon those camps without legislative approval. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1877. Authority to acquire property by eminent domain or otherwise

The bureau may acquire, on behalf of the State, land, improvements or any interest therein and water and power rights within the boundaries of the waterway or adjacent thereto by purchase, lease or gift and to enter into agreements concerning the same. Any land acquired that is adjacent to the waterway becomes part of the waterway. The bureau is authorized to accept and receive gifts and bequests of money or other property, including funds from the Federal Government, for purposes consistent with the intent of the Legislature in establishing the waterway. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

Within the restricted zone, the bureau may acquire by eminent domain on behalf of the State any land, improvements or any interest therein and water and power rights, specifically excluding Telos Dam Lot and Lock Dam Lot and water and power rights connected therewith; however, the power and authority of the bureau as otherwise provided to accomplish the purposes of this subchapter apply to Telos Dam Lot and Lock Dam Lot. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1878. Manner of acquisition by eminent domain

Acquisition of property by the bureau by eminent domain pursuant to section 1877 must be made in the manner provided in Title 35-A, chapter 65. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1879. Initial plan for acquisition

As soon as possible after availability of funds after December 29, 1966 the bureau shall proceed to acquire title in fee simple to land within the restricted zone. The bureau shall acquire within the restricted zone any other rights the bureau determines necessary or convenient to accomplish the purposes of this subchapter. Nothing contained in this section and no action under this section may limit any of the powers or authority of the bureau under this subchapter. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1880. Control of timber harvesting operations

1. Restricted zone; timber harvesting. Timber harvesting operations are not permitted within the restricted zone, except:

A. By direction of the bureau for the purpose of maintaining healthy forest conditions; or [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. By direction of the bureau for the purpose of correcting situations arising from natural disasters. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

[PL 2003, c. 452, Pt. F, §3 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Waterway outside restricted zone.

[PL 2003, c. 452, Pt. F, §4 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Restricted zone; herbicides. The spraying of herbicides is prohibited within the restricted zone.

[PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Restricted zone; aircraft. A person may not fly an aircraft equipped to spray herbicides lower than 500 feet above ground level over any portion of the restricted zone.

[PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Waterway outside restricted zone. A person may not:

A. Commence a timber harvesting operation in the waterway outside the restricted zone without consultation with or, when required under subsection 6, paragraph B, written approval from the bureau; or [PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. Commence a herbicide application in the waterway outside the restricted zone without written approval from the bureau under subsection 6, paragraph B. [PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

[PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

6. Operations and application outside restricted zone. The following requirements apply to timber harvesting and herbicide application in the waterway outside the restricted zone.

A. Before a timber harvesting operation is commenced in the waterway outside the restricted zone, a management plan must be submitted to the bureau. The plan must contain:

(1) A description of the proposed timber harvesting operation that includes the type of cutting;

(2) The amount of timber proposed to be removed;

(3) The time of year of cutting and removal;

(4) The location of principal haul roads and crossings in the waterway to be used in connection with the proposed timber harvesting operation;

(5) A plan for reforestation;

(6) A stand table indicating species composition, size class and health of the original and residual stands;

(7) The expected date of reentry;

(8) A pesticide or other chemical treatment planned, excluding the use of herbicides before December 1, 1990; and

(9) A plan for mitigating evidence of harvesting.

When a permit is not required under paragraph B, those who are submitting the management plan shall cooperate with the bureau to address any concerns of the bureau. [PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. When the bureau determines that a timber harvesting operation or herbicide application is proposed for an area in the waterway outside the restricted zone and visible from the watercourse, that operation may commence only with approval from the bureau. A request for approval on a form provided by the bureau must be completed and signed by the applicant. This paragraph may not be construed to excuse the applicant from obtaining other permits required by law. [PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

C. The bureau shall, within 30 days of receipt of a form requesting approval, either approve in writing the proposed timber harvesting or herbicide application upon terms and conditions the bureau determines are appropriate and reasonable or disapprove the request, setting forth in writing the reasons for the disapproval. If a decision is not made within the 30 days, the request for the timber harvesting operation or herbicide application is considered approved under the provisions of the management plan submitted. [PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

D. The bureau shall approve a timber harvesting operation or herbicide application when it finds that the management plan provides for the silvicultural alternative that:

(1) Produces the least adverse impact upon the natural character of the area in the waterway outside the restricted zone and visible from the watercourse for which the timber harvesting operation or herbicide application is proposed; and

(2) Is economically feasible, except that an applicant may waive the requirement of a finding of economic feasibility. [PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

E. Notwithstanding the provisions of paragraph D, the bureau may not deny approval for the removal of trees that are dead, dying or damaged by natural causes. [PL 2003, c. 452, Pt. F, §5

(NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

F. Before disapproving a request for approval or imposing terms and conditions under paragraph C, the bureau shall have the request for approval and the management plan reviewed by an experienced professional forester. [PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

[PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

7. Violations. The following penalties apply to violations of this section.

A. Except as otherwise provided in this subsection, a person who violates any provision of this section or rules adopted or permits issued under this section commits a civil violation for which a fine of up to $1,000 for each day of the violation may be adjudged. [PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who intentionally or knowingly falsifies any statement contained in a management plan or application under this section commits a civil violation for which a fine of up to $1,000 may be adjudged. [PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. A person who violates the herbicide provisions of this section is subject to the penalties of Title 22, section 1471-J. [PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

In addition, the bureau may in the name of the State institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this subchapter or of the rules or permits issued under this subchapter as provided in section 1884.

[PL 2003, c. 452, Pt. F, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2003, c. 452, §§F3-5 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1881. Use of roads

1. New roads. The bureau has sole control of access to the waterway from any public road.

[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Existing roads. Existing private roads within the waterway remain privately owned as existing. The bureau may direct the discontinuance and relocation of any portion of such a road that is within the restricted zone at the expense of the bureau. When the bureau directs the discontinuance of a road and the landowner does not request the relocation of the road at the time of the bureau's directive, the bureau is not obligated to relocate that road.

[PL 2001, c. 312, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 312, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1882. Access points and control stations

Except as provided in this section, the bureau may determine the location of access points, control stations and watercourse crossings within the waterway. [PL 2005, c. 598, §1 (RPR); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. Spring, summer and fall motor vehicle access to watercourse. Spring, summer and fall access by motor vehicle to the edge of the watercourse must be maintained at:

A. Chamberlain Thoroughfare Bridge; [PL 2005, c. 598, §1 (NEW).]

B. Churchill Dam; [PL 2005, c. 598, §1 (NEW).]

C. Umsaskis Lake Thoroughfare; [PL 2005, c. 598, §1 (NEW).]

D. Henderson Brook Bridge; [PL 2005, c. 598, §1 (NEW).]

E. Michaud Farm; and [PL 2005, c. 598, §1 (NEW).]

F. Twin Brooks. [PL 2005, c. 598, §1 (NEW).]

[PL 2005, c. 598, §1 (NEW).]

2. Spring, summer and fall access by motor vehicle to existing short trails. Spring, summer and fall access by motor vehicle to short trails existing on the effective date of this subsection and leading to the watercourse must be maintained at:

A. John's Bridge, limited to:

(1) Unloading and access during the months of May and September;

(2) Day use only with a permit from the bureau;

(3) Parking outside the restricted zone; and

(4) No vehicle access to the water's edge; [PL 2005, c. 598, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. Bissonette Bridge road, over the road existing on the effective date of this paragraph to the trail existing on the effective date of this paragraph to the water's edge; [PL 2005, c. 598, §1 (NEW).]

C. Finley Bogan, from the Inn Road to the top of the high bank; [PL 2005, c. 598, §1 (NEW).]

D. Ramsey Ledge Campsite, limited to the motor vehicle parking area behind vegetative screening. Self-contained motor vehicle camping is allowed and canoe access is allowed; and [PL 2005, c. 598, §1 (NEW).]

E. Indian Stream, by the trail existing on the effective date of this paragraph. [PL 2005, c. 598, §1 (NEW).]

[PL 2005, c. 598, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Snowmobile access to watercourse. The bureau shall maintain 19 snowmobile access points to the watercourse. Snowmobiles are prohibited on Allagash Lake and Allagash Stream.

[PL 2005, c. 598, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

4. Permanent watercourse crossings. Notwithstanding section 1876, subsection 1, only the following six bridges within the waterway are permanent watercourse crossings:

A. Henderson Brook Bridge; [PL 2005, c. 598, §1 (NEW).]

B. Reality Bridge, also known as Umsaskis Bridge; [PL 2005, c. 598, §1 (NEW).]

C. Churchill Dam Bridge; [PL 2005, c. 598, §1 (NEW).]

D. John's Bridge; [PL 2005, c. 598, §1 (NEW).]

E. Chamberlain Thoroughfare Bridge; and [PL 2005, c. 598, §1 (NEW).]

F. Allagash Stream Bridge. [PL 2005, c. 598, §1 (NEW).]

Watercourse crossings may not be constructed at the locations of the former Schedule Brook Bridge or the former Bissonette Bridge. Any right or interest granted to any person by the State to construct or maintain a bridge at those sites is extinguished.
[PL 2005, c. 598, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2005, c. 598, §1 (RPR). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1883. Rules

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §15 (RP).

§1884. Enforcement, inspection and penalties for violations

Permits issued by the bureau under this subchapter have the force and effect of law. No timber harvesting operation may be undertaken except in conformance with this subchapter. [PL 2001, c. 604, §16 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

For the purposes of inspection and to ensure compliance with permits issued or adopted by the bureau, authorized bureau staff or consultant personnel may conduct investigations, examinations, tests and site evaluations that are determined to be necessary to verify information presented to the bureau and may obtain access to any lands and structures regulated under this subchapter. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

In addition, the bureau may in the name of the State institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this subchapter or of the permits issued under it or rules adopted under section 1803. This action may include, but is not limited to, proceedings to revoke or suspend any bureau permit or approval taken before the District Court in accordance with Title 4, section 152, subsection 9 and Title 4, chapter 5 or, notwithstanding the provisions of Title 5, section 10051, before the Superior Court, as part of an enforcement action brought by the bureau. [PL 2001, c. 604, §16 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 1999, c. 547, §B28 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 604, §16 (AMD). PL 2003, c. 452, §F6 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1885. Possession of weapons

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §17 (RP).

§1886. Police supervision

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §17 (RP).

§1887. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §17 (RP).

§1888. Employees

The bureau shall fix the duties of and employ permanently or part-time any employees and other personnel, subject to the Civil Service Law, the bureau considers necessary in the discharge of its duties under this subchapter. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1889. Allocation of funds

Except for revenues resulting from an increase in fees in the waterway that, as provided in this chapter, accrue to a dedicated revenue account to be used for capital improvements in the waterway, all money received by the bureau with respect to the operation and management of the waterway must be deposited with the Treasurer of State to be credited to the General Fund. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1890. Appeals

Any applicant for a timber harvesting permit who is aggrieved by a decision of the bureau relating to timber harvesting operations may appeal in accordance with Title 5, chapter 375, subchapter VII. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1890-A. Allagash Wilderness Waterway Advisory Council; established

(REALLOCATED FROM TITLE 12, SECTION 1891)

There is established the Allagash Wilderness Waterway Advisory Council, referred to in this section as "the council," pursuant to Title 5, section 12004-I, subsection 3-D. [PL 2007, c. 695, Pt. A, §12 (RAL).]

1. Duties. The council shall:

A. Meet at least twice annually; [PL 2007, c. 695, Pt. A, §12 (RAL).]

B. Work with the manager of the waterway in developing and maintaining a strategic plan for the waterway and advancing the mission and goals of the waterway; and [PL 2007, c. 695, Pt. A, §12 (RAL).]

C. Report annually to the Director of the Bureau of Parks and Lands regarding the state of the waterway and at other times as it is determined necessary by the council. [PL 2007, c. 695, Pt. A, §12 (RAL); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

[PL 2007, c. 695, Pt. A, §12 (RAL); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Members. The council consists of 7 members including:

A. One representative of the United States Department of the Interior, National Park Service; [PL 2007, c. 695, Pt. A, §12 (RAL).]

B. One public member; [PL 2007, c. 695, Pt. A, §12 (RAL).]

C. One member with knowledge and experience in sustainable forest management who is a private landowner, or an employee of the landowner, whose holdings abut the waterway; [PL 2007, c. 695, Pt. A, §12 (RAL).]

D. One member with knowledge and experience in wilderness recreation; [PL 2007, c. 695, Pt. A, §12 (RAL).]

E. One member with knowledge and experience in natural resources planning and management; [PL 2007, c. 695, Pt. A, §12 (RAL).]

F. One member with knowledge and experience in fisheries or wildlife conservation; and [PL 2007, c. 695, Pt. A, §12 (RAL).]

G. One member with knowledge and experience in cultural and historic preservation. [PL 2007, c. 695, Pt. A, §12 (RAL).]

The members shall annually elect a chair from among the members. The chair is responsible for scheduling, preparing the agenda of and presiding at meetings.
[PL 2007, c. 695, Pt. A, §12 (RAL).]

3. Appointment. The Governor shall appoint the 6 members described in subsection 2, paragraphs B to G. The Governor shall invite the Northeast Regional Director of the National Park Service within the United States Department of the Interior to designate the member described in subsection 2, paragraph A.
[PL 2007, c. 695, Pt. A, §12 (RAL).]

4. Terms. Council members serve terms of 5 years and may serve no more than 2 terms.
[PL 2007, c. 695, Pt. A, §12 (RAL).]

SECTION HISTORY

PL 2007, c. 695, Pt. A, §12 (RAL). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1890-B. Allagash Wilderness Waterway Permanent Endowment Fund

(REALLOCATED FROM TITLE 12, SECTION 1891-A)

The Treasurer of State shall establish a dedicated, nonlapsing unit called the Allagash Wilderness Waterway Permanent Endowment Fund as a separate unit within the Allagash Waterway account and shall manage the account as a state-held trust. Subject to the approval of the Governor, the commissioner may accept funds from any source and may accept gifts in trust to be credited to the Allagash Wilderness Waterway Permanent Endowment Fund, except that a gift may not be accepted with any encumbrances or stipulations as to the use of the gift. Interest earned on investments in the fund must be credited to the fund. With the advice of the Allagash Wilderness Waterway Advisory Council under section 1890-A, the director may expend money from the fund for purposes consistent with section 1871 and an approved waterway management plan. [PL 2019, c. 343, Pt. AA, §1 (AMD).]

SECTION HISTORY

RR 2007, c. 2, §2 (COR). PL 2007, c. 695, Pt. A, §13 (RAL). PL 2019, c. 343, Pt. AA, §1 (AMD).

§1890-C. Reporting

(REALLOCATED FROM TITLE 12, SECTION 1891-B)

The commissioner shall report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over conservation matters regarding the state of the waterway, including its mission and goals, administration, education and interpretive programs, historic preservation efforts, visitor use and evaluation, ecological conditions and any natural character enhancements, general finances, income, expenditures and balance of the Allagash Wilderness Waterway Permanent Endowment Fund, the department's annual budget request for the waterway operation in the coming fiscal year and current challenges and prospects for the waterway. [PL 2007, c. 695, Pt. A, §14 (RAL).]

SECTION HISTORY

PL 2007, c. 695, Pt. A, §14 (RAL).

§1891. Allagash Wilderness Waterway Advisory Council; established

(REALLOCATED TO TITLE 12, SECTION 1890-A)

SECTION HISTORY

PL 2007, c. 146, §3 (NEW). PL 2007, c. 240, Pt. NN, §2 (NEW). PL 2007, c. 695, Pt. A, §12 (RAL).

§1891-A. Allagash Wilderness Waterway Permanent Endowment Fund

(REALLOCATED TO TITLE 12, SECTION 1890-B)

SECTION HISTORY

PL 2007, c. 146, §4 (NEW). PL 2007, c. 240, Pt. NN, §2 (NEW). PL 2007, c. 695, Pt. A, §13 (RAL).

§1891-B. Reporting

(REALLOCATED TO TITLE 12, SECTION 1890-C)

SECTION HISTORY

PL 2007, c. 146, §5 (NEW). PL 2007, c. 240, Pt. NN, §2 (NEW). PL 2007, c. 695, Pt. A, §14 (RAL).

SUBCHAPTER 6-A

MAINE CONSERVATION CORPS

§1891. Maine Conservation Corps

There is established within the bureau the Maine Conservation Corps, referred to in this chapter as "the Corps," to provide job training, education and work opportunities for the economically disadvantaged, to improve public property for the increased use and enjoyment of the public, to provide conservation education, to promote and manage volunteer opportunities related to natural resources and to assist public and nonprofit organizations with projects that serve a valid public purpose and have purposes consistent with this subchapter. [PL 2007, c. 240, Pt. NN, §2 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

REVISOR'S NOTE: §1891. Allagash Wilderness Waterway Advisory Council; established (As enacted by PL 2007, c. 146, §3 is REALLOCATED TO TITLE 12, SECTION 1890-A)

SECTION HISTORY

PL 2007, c. 146, §3 (NEW). PL 2007, c. 240, Pt. NN, §2 (NEW). PL 2007, c. 695, Pt. A, §12 (RAL). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1891-A. Participants

The Corps shall strive to include a diversity of participants. Priority must be given to those whose family income is 150% or less of the nonfarm income official poverty line as defined by the federal Office of Management and Budget and as revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2 and to those who are low-income individuals as defined by the federal Workforce Innovation and Opportunity Act, 29 United States Code, Section 3102. A person is not eligible if that person has left a secondary school for the purpose of participating in the Corps. Corps members may be jointly enrolled in any state or local job training program or human resource development program. [PL 2017, c. 110, §3 (AMD).]

REVISOR'S NOTE: §1891-A. Allagash Wilderness Waterway Permanent Endowment Fund (As enacted by PL 2007, c. 146, §4 is REALLOCATED TO TITLE 12, SECTION 1890-B)

SECTION HISTORY

PL 2007, c. 146, §4 (NEW). PL 2007, c. 240, Pt. NN, §2 (NEW). PL 2007, c. 695, Pt. A, §13 (RAL). PL 2017, c. 110, §3 (AMD).

§1891-B. Projects

1. Types of projects. Projects undertaken by the Corps include, but are not limited to, projects such as:

A. Forestry, nursery and silvicultural operations; [PL 2007, c. 240, Pt. NN, §2 (NEW).]

B. Wildlife habitat conservation, rehabilitation and improvement; [PL 2007, c. 240, Pt. NN, §2 (NEW).]

C. Recreational area development, management and improvement; [PL 2007, c. 240, Pt. NN, §2 (NEW).]

D. Energy conservation projects; [PL 2007, c. 240, Pt. NN, §2 (NEW).]

E. Fish culture and habitat maintenance and improvement and other fisheries or marine resource assistance; [PL 2007, c. 240, Pt. NN, §2 (NEW).]

F. Trail and campsite development and improvement; [PL 2007, c. 240, Pt. NN, §2 (NEW).]

G. Insect, disease, rodents and fire prevention and control; [PL 2007, c. 240, Pt. NN, §2 (NEW).]

H. Erosion, flood, drought and storm damage assistance and control; [PL 2007, c. 240, Pt. NN, §2 (NEW).]

I. Reclamation and improvement of lands disturbed by erosion, mining or other adverse natural or human-made actions; and [PL 2007, c. 240, Pt. NN, §2 (NEW).]

J. Environmental education programs. [PL 2007, c. 240, Pt. NN, §2 (NEW).]
[PL 2007, c. 240, Pt. NN, §2 (NEW).]

2. Eligible sponsors. All projects must be undertaken and operated under the sponsorship and cooperation of a public agency or a nonprofit organization. A sponsoring public agency or organization shall contribute to a project by, at a minimum, providing tools, supplies, equipment and technical supervision and plans necessary for project completion.
[PL 2007, c. 240, Pt. NN, §2 (NEW).]

3. Additional criteria. Projects must be of lasting and worthwhile significance to the people of the State or otherwise serve a valid public purpose and provide meaningful work or service experience to the enrollees.

[PL 2007, c. 240, Pt. NN, §2 (NEW).]

REVISOR'S NOTE: §1891-B. Reporting (As enacted by PL 2007, c. 146, §5 is REALLOCATED TO TITLE 12, SECTION 1890-C)

SECTION HISTORY

PL 2007, c. 146, §5 (NEW). PL 2007, c. 240, Pt. NN, §2 (NEW). PL 2007, c. 695, Pt. A, §14 (RAL).

§1891-C. Limitations

Projects to be carried out by the Corps are limited to projects on publicly owned lands or, if not on public lands, under the sponsorship and supervision of a public agency or nonprofit organization. [PL 2007, c. 240, Pt. NN, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. NN, §2 (NEW).

§1891-D. Administration

The director shall employ a director of the Corps and may employ other personnel as are required to accomplish the purposes of this subchapter. [PL 2007, c. 240, Pt. NN, §2 (NEW).]

The director of the Corps shall work with other agencies and organizations to design the Corps to provide maximum volunteer and work opportunities, job skills training, education, improvements to publicly owned property and assistance with projects conducted by public agencies and nonprofit organizations. [PL 2007, c. 240, Pt. NN, §2 (NEW).]

The director of the Corps shall work with state and local job training agencies, including other service delivery areas and the job service, which may conduct recruitment and referral of individuals interested in participating in the Corps. Agency collaboration with the Corps is on a voluntary basis. [PL 2007, c. 240, Pt. NN, §2 (NEW).]

There is established a dedicated account for the use of the Corps. This account must be used to receive funds contributed by private and public agencies, organizations or individuals and to expend those funds to promote the purposes of this subchapter. Notwithstanding any other provision of law, state agencies may transfer money appropriated from the General Fund into this account for purposes of contributing to projects, services or volunteer stipends that benefit the contributing agency. The Corps may enter into an agreement with a private nonprofit organization designated by the director for the purpose of assisting with the management and operation of the Corps. The designated organization may accept federal and state funds and private contributions, directly or through the Corps, for the purpose of developing and operating programs of the Corps. [PL 2007, c. 240, Pt. NN, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. NN, §2 (NEW).

§1891-E. Corps members

Members of the Corps who are paid wages or a living allowance through the General Fund account of the Corps or through its dedicated account must receive personal liability insurance and workers' compensation insurance, and those who meet the income guidelines in section 1891-A must be compensated at least the minimum wage or an annualized living allowance of at least 75% of the minimum wage times 2,080. Notwithstanding other state laws, Corps members are not considered employees of the State for the purposes of Title 5, Part 20. [PL 2007, c. 240, Pt. NN, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. NN, §2 (NEW).

§1891-F. Prohibition against displacement of other employees or involvement in labor disputes

The assignment of members of the Corps may not result in the displacement of existing employees of the sponsor, including any employees who have been temporarily laid off by the sponsor. For purposes of this section, "displacement" means both total and partial displacement, including a reduction in the number of hours, wages or other benefits of employment. [PL 2007, c. 240, Pt. NN, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. NN, §2 (NEW).

SUBCHAPTER 6-B

STATE ENVIRONMENTAL RESOURCE VOLUNTEER EFFORT

§1891-K. State Environmental Resource Volunteer Effort Program created

There is established within the Corps the State Environmental Resource Volunteer Effort Program, referred to in this subchapter as "SERVE/Maine," to create, promote and manage volunteer and intern opportunities with public agencies that are responsible for protecting, developing, managing or preserving the State's natural resources. [PL 2007, c. 240, Pt. NN, §3 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. NN, §3 (NEW).

§1891-L. Volunteer insurance

SERVE/Maine shall ensure that volunteers are covered by workplace injury and liability insurance. [PL 2007, c. 240, Pt. NN, §3 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. NN, §3 (NEW).

§1891-M. Types of volunteer or intern services

Volunteers and interns may perform work and services that are described in section 1891-B. Volunteers and interns must be placed in federal, state or local public agencies or in nonprofit organizations and perform work or services that benefit the public. The volunteer and intern positions must be sponsored by natural resource-related agencies or organizations. Volunteers or interns may not attempt to influence legislation, engage in protests, petitions, boycotts, strikes, union organizing or political campaigning or support religious activities or engage in religious proselytizing or fund-raising for private nonprofit organizations as SERVE/Maine volunteers or interns. A sponsoring agency must contribute to a volunteer or intern position by providing all necessary supervision, supplies, equipment and plans required for the position. [PL 2007, c. 240, Pt. NN, §3 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. NN, §3 (NEW).

§1891-N. Stipends

Sponsoring natural resource agencies may provide stipends to volunteers and interns not to exceed the minimum wage and may reimburse volunteers or interns for work-related expenses. [PL 2007, c. 240, Pt. NN, §3 (NEW).]

Funds for stipends must be deposited by sponsoring agencies in an account established for the Corps, as authorized by section 1891-D. The Corps will disperse stipends to volunteers and interns eligible for those payments. [PL 2007, c. 240, Pt. NN, §3 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. NN, §3 (NEW).

§1891-O. Monetary contributions to the volunteer and intern program

Private organizations and individuals may donate money to SERVE/Maine for general or specific purposes. The funds must be expended to further the purposes of the program. [PL 2007, c. 240, Pt. NN, §3 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. NN, §3 (NEW).

SUBCHAPTER 7

MAINE TRAILS SYSTEM

§1892. Maine Trails System

The director shall establish trails on state-owned lands and encourage the establishment of trails on private lands by government agencies and private organizations. The director is authorized to negotiate and acquire any interests determined necessary to establish and protect trails and, after consultation with interested parties, to designate certain trails as components of the Maine Trails System. In order to satisfy the purposes of this subchapter, the elements of any trail corridor must include a right-of-way and may include facilities and buffer areas. The director may acquire fee or lesser interest, such as scenic easement, in the rights-of-way and less-than-fee interest in buffer areas adjacent to the rights-of-way in order to protect the trails from incompatible developments. In all cases, such interest must be acquired to ensure both access to the trail and maintenance of appropriate conditions. [PL 1997, c. 678, §13 (NEW).]

If all reasonable efforts to acquire lands or interests therein by negotiation have failed and public exigency requires it, the director, with the consent of the Governor and the commissioner, may utilize the power of eminent domain to acquire any land determined necessary to provide passage via the most direct or practicable connecting trail right-of-way across such lands; however, not more than 25 acres in any one mile may be acquired without consent of the owner and that owner and adjacent landowners may not be precluded from using motorized vehicles across such trails to maintain reasonable access to their fee or other interests in land. The right of eminent domain may not be exercised without prior review by the joint standing committee of the Legislature having jurisdiction over conservation matters. [PL 2009, c. 356, Pt. B, §3 (AMD).]

The director may enter into agreements with private organizations and government agencies to provide for the maintenance of established trails. Local and regional government agencies and private organizations are encouraged to assume the primary responsibility for the establishment, maintenance and administration of local trails. When necessary, the director shall coordinate the efforts of government agencies and private organizations to establish, maintain and administer trails that are regional in character. [PL 1997, c. 678, §13 (NEW).]

The director may adopt rules governing the use of the Maine Trails System as necessary to maintain the purposes of this subchapter and compatibility with federal regulations. [PL 1997, c. 678, §13 (NEW).]

1. Maine Trails System. The Maine Trails System consists of:

A. Trails designated to provide a variety of recreation opportunities. Recreation trails may be limited to foot, horse or other nonmotorized means of transportation or motorized means of transportation or a combination, as determined appropriate by the director; [PL 1997, c. 678, §13 (NEW).]

B. Trails providing for the appreciation of natural and primitive areas and for the conservation of significant scenic, historic, natural or cultural qualities of the areas through which the trails pass and offering primarily the experience of solitude and self-reliance in natural or near-natural surroundings. Rights-of-way and buffer areas may be established and maintained to further that experience, and no use or development is permitted that threatens the primitive character of the land. Nothing in this subchapter may be construed as excluding from a primitive trail system areas of development if such areas are determined by the director to be relatively insignificant compared to the system as a whole or if that development either is not likely to remain or leave a lasting mark or is integral to the trail system itself. Primitive trails may be restricted to foot traffic, including hiking, snowshoeing and skiing, except in those areas where the trails are on existing roads. The Appalachian Trail is included as a primitive trail in the Maine Trails System and other trails may also be included; and [PL 1997, c. 678, §13 (NEW).]

C. Camp sites, shelters and related public-use and management facilities to the extent that they do not interfere with the nature and purposes of the trails they serve. [PL 1997, c. 678, §13 (NEW).]

[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2009, c. 356, Pt. B, §3 (AMD).

SUBCHAPTER 8

OFF-ROAD RECREATIONAL VEHICLE OFFICE

§1893. Off-road Recreational Vehicle Office

1. Office established. There is established within the bureau the Off-road Recreational Vehicle Office, referred to in this subchapter as the "office." The office includes the following.

A. Within available funds, the snowmobile program shall develop and maintain snowmobile trails and provide educational and informational materials for the use of operators of snowmobiles. The bureau may charge a reasonable fee for such services and materials when the money credited to it under chapter 937 is insufficient to satisfy the demand for those services and materials. All fees collected must be deposited in the bureau's Snowmobile Trail Fund. The bureau shall administer the Snowmobile Trail Fund, and the snowmobile program's other activities must be conducted pursuant to subsection 3. The Snowmobile Trail Fund receives funding as provided in chapter 937 and Title 36, section 2903-D, subsection 2. [PL 2003, c. 414, Pt. B, §21 (AMD); PL 2003, c. 614, §9 (AFF).]

B. The bureau shall administer the ATV Recreational Management Fund established under subsection 2 for the purposes given in that subsection and for the acquisition of land to be used for ATV trails. The bureau may adopt rules in accordance with Title 5, chapter 375, subchapter 2 for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 13001, subsection 4. Additional funding for the ATV Recreational Management Fund is as provided in Title 36, section 2903-D, subsection 3. [PL 2003, c. 414, Pt. B, §22 (AMD); PL 2003, c. 614, §9 (AFF).]

[PL 2013, c. 405, Pt. D, §7 (AMD).]

2. ATV Recreational Management Fund. The ATV Recreational Management Fund, referred to in this subsection as "the fund," is established and administered by the department.

A. The fund may be used to conduct research on issues related to the management of ATVs; assist in the formation of nonprofit ATV groups; make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, ATV groups and others to construct and maintain ATV trails, to purchase equipment or to otherwise carry out the purposes of the fund; assist in the design and development of ATV trails; purchase, lease or otherwise acquire interests in land, including, but not limited to, fee or easement interests for ATV trails or sport-riding facilities; provide protection to landowners against ATV-related suit or liability; or otherwise provide for the wise and orderly management of ATVs. [PL 2003, c. 695, Pt. B, §2 (AMD); PL 2003, c. 695, Pt. C, §1 (AFF).]

B. If any money in the fund is not expended during the year in which it is collected, the unexpended balance may not lapse, but must be carried as a continuing account available for the purposes specified until expended. [PL 2003, c. 414, Pt. C, §1 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 695, Pt. B, §2 (AMD); PL 2003, c. 695, Pt. C, §1 (AFF).]

3. Use of fees. This subsection applies to the use of fees credited to the Snowmobile Trail Fund.

A. The bureau is authorized to use the money credited to the Snowmobile Trail Fund to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the construction and maintenance of snowmobile trails and for research, development and planning of snowmobile trails.

(1) For all grants disbursed after July 1, 1984, the bureau shall adopt rules specifying how to apply for the grants, which projects are eligible and the formula for state support.

(2) The bureau may charge a reasonable fee for these services and materials when the money credited to it under this paragraph is insufficient to satisfy the demand for the services and materials. All fees so collected must be deposited in the Snowmobile Trail Fund.

(3) If any of the money is not expended during the year in which the money is collected, the unexpended balance does not lapse, but is carried as a continuing account available for the purposes specified until expended. [PL 2003, c. 414, Pt. C, §1 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The bureau is authorized to use money credited to the Snowmobile Trail Fund for snowmobile trail acquisition, including, but not limited to, the purchase or lease of real estate, grants to snowmobile clubs, municipalities and counties for the acquisition of snowmobile trail maintenance equipment and the acquisition of easements, construction, development, planning and maintenance and for providing educational and informational materials for the use of operators of snowmobiles and for research. [PL 2003, c. 414, Pt. C, §1 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The money distributed to municipalities by the bureau under this subsection may be appropriated by the municipalities for any purpose for which they may lawfully appropriate money. [PL 2003, c. 414, Pt. C, §1 (NEW); PL 2003, c. 614, §9 (AFF).]

D. By June 30th of each fiscal year, the State Controller shall transfer from the Snowmobile Trail Fund to the unappropriated surplus of the General Fund an amount equal to the tax exemption under Title 36, section 1760, subsection 90. [PL 2007, c. 429, §1 (NEW); PL 2007, c. 429, §3 (AFF).]

[PL 2007, c. 429, §1 (AMD); PL 2007, c. 429, §3 (AFF).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 693, §1 (AMD). PL 2001, c. 693, §11 (AFF). PL 2003, c. 414, §§B21,22,C1 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

PL 2003, c. 695, §B2 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2007, c. 429, §1 (AMD). PL 2007, c. 429, §3 (AFF). PL 2013, c. 405, Pt. D, §7 (AMD).

§1893-A. Recreational management areas

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Excavation" means an excavation for borrow, topsoil, clay or silt, whether alone or in combination. [PL 2001, c. 466, §7 (NEW).]

B. "Recreational management area" means an area formerly used for excavation on which trails that have been designed for all-terrain vehicle use are developed and on which recreational use by the public is allowed. [PL 2001, c. 466, §7 (NEW).]

[PL 2001, c. 466, §7 (NEW).]

2. Development of recreational management areas. An owner or operator of an excavation site proposing to develop a recreational management area and requesting a variance from reclamation standards under Title 38, section 490-E shall request the assistance of the office.

Upon receipt of a request for assistance, the office shall assess the affected land for suitability for an all-terrain vehicle trail system. The office shall advise the landowner of funding, technical assistance and other assistance available through the ATV Recreational Management Fund established in section 1893, subsections 2 and 3. When an initial assessment of the affected land indicates the area is appropriate for an all-terrain vehicle trail system, the office may assist the owner or operator in developing a plan and completing a variance application.

[PL 2013, c. 405, Pt. D, §8 (AMD).]

SECTION HISTORY

PL 2001, c. 466, §7 (NEW). PL 2003, c. 414, §B23 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2013, c. 405, Pt. D, §8 (AMD).

§1893-B. Advisory council established

1. Appointment and composition. The Snowmobile Trail Fund Advisory Council, referred to in this section as "the advisory council" and established by Title 5, section 12004-I, subsection 3-B, consists of 11 members. The director or the director's designee serves as an ex officio member and may vote only to break a tie. The other 10 members are appointed by the commissioner as follows:

A. Three members who represent snowmobile clubs that are Snowmobile Trail Fund grantees; [PL 2003, c. 260, §2 (NEW).]

B. Three members who represent municipal Snowmobile Trail Fund grantees; [PL 2003, c. 260, §2 (NEW).]

C. Two members who represent a statewide organization with an interest in snowmobiling; [PL 2003, c. 260, §2 (NEW).]

D. One member who represents snowmobile business interests; and [PL 2003, c. 260, §2 (NEW).]

E. One member who represents landowner interests. [PL 2003, c. 260, §2 (NEW).]

[PL 2003, c. 260, §2 (NEW).]

2. Terms. Members of the advisory council serve for 3 years, except that initially the members appointed under subsection 1, paragraphs A, B and C shall draw lots for 2-year or 3-year terms. Members continue serving until a successor is duly appointed and qualified. A member may not serve more than 2 consecutive 3-year terms. When a vacancy occurs, the commissioner shall fill the vacancy by appointing a member from the same category as the member who vacated the advisory council and that member continues to serve for the remainder of the term. An employee of the department may not

serve as a member of the advisory council prior to the expiration of one year from the employee's last day of employment with the department. A Legislator may not serve as a member of the advisory council.
[PL 2003, c. 260, §2 (NEW).]

3. Compensation. Advisory council members are entitled to reasonable expenses as provided in Title 5, chapter 379, as approved by the director.
[PL 2003, c. 260, §2 (NEW).]

4. Duties. The advisory council shall provide to the director advice and information on the management of the Snowmobile Trail Fund, including, but not limited to:

A. The annual establishment of reimbursement rates for snowmobile club trail grants, municipal snowmobile trail grants and capital equipment grants; and [PL 2003, c. 260, §2 (NEW).]

B. Expenditures that are over $30,000 for the snowmobile program pursuant to section 1893 and are not part of the regular grant program. [PL 2003, c. 260, §2 (NEW).]
[PL 2003, c. 260, §2 (NEW).]

5. Chair; vice-chair. The advisory council shall, during its meeting in August, elect one of its appointed members as chair and one of its appointed members as vice-chair for one-year terms.
[PL 2003, c. 260, §2 (NEW).]

6. Meetings. The advisory council shall hold meetings in August and February. The advisory council may also meet at other times at the call of the chair or the director or the director's designee.
[PL 2003, c. 260, §2 (NEW).]

7. Public meetings; public comment. All meetings of the advisory council are open to the public and must be held in a location that is convenient for public access. Public comment must be accepted at 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.
[PL 2003, c. 260, §2 (NEW).]

8. Public notice. Public notice of all advisory council meetings must be in accordance with Title 1, section 406.
[PL 2003, c. 260, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 260, §2 (NEW).

§1893-C. ATV Trail Advisory Council established

(REPEALED)

SECTION HISTORY

PL 2005, c. 186, §2 (NEW). PL 2015, c. 491, §6 (RP).

SUBCHAPTER 9

PUBLIC FACILITIES FOR BOATS

§1894. Duties of director relating to public facilities for boats

The director shall acquire, construct and maintain, within the funds available, public facilities for boats in the waters of the State, including but not limited to launching ramps, parking sites and access

roads. Waters of the State include any waters within the territorial limits of the State and the marginal sea adjacent to the State. [PL 1997, c. 678, §13 (NEW).]

The director shall decide where to locate the facilities and which facilities the Department of Transportation shall construct. [PL 1997, c. 678, §13 (NEW).]

The director shall decide when hazards to boating exist and mark the waters of the State, within the funds available, by placement of aids to navigation and regulatory markers on the waters consistent with the rules provided in this section and section 1803, subsection 4. [PL 1997, c. 678, §13 (NEW).]

In carrying out the purposes of this subchapter, the bureau and its authorized agents and employees may enter upon any lands or waters in the State to make surveys and examinations it determines necessary or convenient, and such entry is not considered trespass. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

The director may make rules for the uniform marking of the water areas of this State that are not otherwise regulated through the placement of aids to navigation and regulatory markers. No city, county or person may mark the waters of this State in any manner that conflicts with the marking system prescribed by the director. [PL 1997, c. 678, §13 (NEW).]

The director shall remove, within the funds available, minor hazards to boating when the director determines that removal of the minor hazard or obstacle is necessary for the safe passage of watercraft. The bureau and its authorized agents and employees, in carrying out the purpose of this paragraph, may enter upon any lands with the owner's permission, waters and premises in the State for the purpose of removing minor hazards or obstacles as it determines necessary or convenient in the discharge of its duties, and such entry is not considered trespass. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

If, after written request from the governing body of any city or town, the bureau either declines to mark a waterway or is unable to mark a waterway, then the governing body of the city or town may mark hazards to boating on waterways within its jurisdiction. The bureau is deemed to have declined to mark a particular waterway if the bureau does not respond to a request within 30 days. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

The bureau may at any time reverse a decision not to mark a certain waterway or portion of that waterway and replace any existing markings in accordance with rules of uniform marking adopted by the bureau. [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 693, §2 (AMD). PL 2001, c. 693, §11 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1895. Powers of the bureau relating to public facilities for boats

In carrying out the purposes of this subchapter, the bureau has and shall exercise the following powers and authority: [PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

1. Exercise police supervision.

[PL 2001, c. 604, §18 (RP).]

2. Establish rules.

[PL 2001, c. 604, §18 (RP).]

3. Lease and agreements with United States. With the consent of the Governor, to negotiate and execute any lease or other agreement for the administration, maintenance, supervision, use and

development of state boat facilities within the meaning of this subchapter, acquired and owned by the Federal Government, upon such terms and conditions as are considered advantageous to the people of this State and consistent with this subchapter. With the consent of the Governor, the bureau may accept on behalf of the State deeds of gift or other conveyances to lands or interests in lands suitable for administration, maintenance, supervision, use and development as state boat facilities under this subchapter. Such lands or interests in lands, when so acquired, whether title is in the United States or otherwise, are subject to administration, maintenance, supervision, use and development by the bureau under this subchapter during the terms of any such lease or agreement. With respect to such lands or interests in land that are included in any lands or interests in land acquired and owned by the Federal Government and administered under this subchapter, the State shall retain concurrent jurisdiction with the Federal Government. Any civil or criminal process issuing under the authority of this State may be executed on those lands in the same manner and to the same effect as if those lands were privately owned, and exclusive jurisdiction in and to those lands reverts to the State when they cease to be owned by the Federal Government. Such lands are exempt from all taxes and assessments while they are the property of the Federal Government;
[PL 1997, c. 678, §13 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

4. Cooperate with government agencies. To cooperate with federal agencies in the planning, development, maintenance and use of recreation areas and to assist state, county and municipal agencies in the study and planning of their recreation areas and programs; and
[PL 1997, c. 678, §13 (NEW).]

5. Federal funds. To accept and receive funds from the Federal Government for all purposes relating to activities under this subchapter. The Treasurer of State is the appropriate fiscal officer to receive such federal funds. These federal funds must be credited to the Boating Facilities Fund to carry out the purposes of this subchapter.
[PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §18 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§1896. Boating Facilities Fund

There is created within the bureau the Boating Facilities Fund, referred to in this subchapter as the "fund." The fund, as funded under Title 36, section 2903-D, subsection 1, must be available to the director in carrying out the duties of the bureau under this subchapter. This fund is a continuous carrying account. The fund also receives fees collected under subchapter 10 and is available to the director in carrying out the duties specified under subchapter 10. [PL 2015, c. 252, §1 (AMD).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 693, §3 (AMD). PL 2001, c. 693, §11 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2015, c. 252, §1 (AMD).

§1897. Fees

The director may charge reasonable fees for the services provided under this subchapter. Such fees must be used to supervise and manage public facilities for boats. The director may set aside no more than 10% of those fees per year as a reserve fund for repairs and maintenance of those facilities and for marking the waters where in the director's judgment a hazard to boating exists. [PL 1997, c. 678, §13 (NEW).]

When it is essential for public safety, the director may prepare, print and distribute navigation charts and publications and may charge a reasonable fee for them. [PL 1997, c. 678, §13 (NEW).]

When it is in the State's best interest, the director may charge reasonable amounts for the actual costs of providing materials and services associated with the construction and repair of boating facilities. [PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1898. Leases

The director may lease for a period not exceeding 30 years, on conditions the director determines necessary, parking lots and nearby sites for the purpose of having, constructing and maintaining by the lessees restaurants, gift shops, marinas and the like. The income from such leases must be credited to the fund. [PL 1997, c. 678, §13 (NEW).]

The director may lease from individuals, corporate organizations, political subdivisions and quasi-public organizations land or buildings, or both, for indeterminate periods not to exceed 99 years for the purpose of constructing and maintaining boating facilities. [PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1899. Grants-in-aid

The director may make grants-in-aid to political subdivisions and others for the acquisition, construction and maintenance of public boating facilities and supporting facilities on terms the director determines necessary. When such a grant-in-aid is made to others, within the boundaries of an organized town, it must be with the concurrence of the municipal officers of that town. [PL 1997, c. 678, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 678, §13 (NEW).

§1899-A. Violation of rules and regulations

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §19 (RP).

§1899-B. District and Superior Courts have concurrent jurisdiction

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §19 (RP).

§1899-C. Illegal acts

(REPEALED)

SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 604, §19 (RP).

SUBCHAPTER 10

REGULATION OF SWIM AREAS ON INLAND WATERS

§1900. Swim areas

1. Definitions. As used in this subchapter, the following terms have the following meanings.

A. "Camping area" means, in addition to the generally accepted interpretations, lakeshore places, picnic and lunch grounds or other premises where tents or recreational vehicles are permitted and licensed under Title 22, section 2495. [PL 2009, c. 312, §1 (NEW).]

B. "Developed swim area" means an area delineated by line buoys in accordance with the aids to navigation system established pursuant to section 1894. [PL 2009, c. 312, §1 (NEW).]

C. "Qualified entity" means a camping area, recreational camp or governmental entity or governmentally sponsored group. [PL 2009, c. 312, §1 (NEW).]

D. "Recreational camp" means day camps, boys and girls camps and family, hunting, fishing and similar camps licensed under Title 22, section 2495. [PL 2009, c. 312, §1 (NEW).]

E. "Swim line" means a line, rope or a series of buoys used to delineate an area of surface water for the purpose of swimming. [PL 2009, c. 312, §1 (NEW).]

F. "Water safety zone" means the area of water within 200 feet of shoreline, whether the shoreline of the mainland or of an island. [PL 2009, c. 312, §1 (NEW).]

[PL 2009, c. 312, §1 (NEW).]

2. Property rights. Nothing in this subchapter may be construed to affect private property rights or the State's ownership rights over inland waters.

[PL 2009, c. 312, §1 (NEW).]

3. Swim area prohibition. A person may not establish or maintain a swim line or a developed swim area without a permit issued under subsection 4.

A. [PL 2015, c. 252, §2 (RP).]

B. [PL 2015, c. 252, §2 (RP).]

[PL 2015, c. 252, §2 (AMD).]

4. Issuance of permit; revocation. The director may issue a permit to establish and maintain a swim line or a developed swim area within the water safety zone only to a qualified entity and only if the swim line or developed swim area is designed solely to provide recreational swimming opportunities for the public.

A. If the director determines, after notice and an opportunity for hearing, that a swim line or developed swim area is being used for purposes other than to provide recreational swimming opportunities for the public, the director may revoke the permit. [PL 2015, c. 252, §2 (NEW).]

B. If the Commissioner of Inland Fisheries and Wildlife believes that a swim line or a developed swim area is being used for purposes other than to provide recreational swimming opportunities for the public and is interfering with boating or fishing, the commissioner shall notify the director and may request that the permit for the swim line or developed swim area be revoked pursuant to paragraph A. [PL 2015, c. 252, §2 (NEW).]

The length of the area delineated by a swim line or of a developed swim area may not exceed 50% of the entire length of the shore frontage of the property from which the developed swim area or the area delineated by a swim line extends or 200 feet, whichever is greater, except that in no event may the developed swim area or the area delineated by a swim line extend beyond the shore frontage of the property. The length of the developed swim area or of an area delineated by a swim line must be measured parallel to the shore.

[PL 2015, c. 252, §2 (AMD).]

5. Fee; expiration. Permits issued under subsection 4 expire 5 years after the date of issuance. The director shall establish by rule a fee for the permits. All revenues from fees must be deposited in the Boating Facilities Fund created under section 1896.

[PL 2015, c. 252, §2 (AMD).]

6. Enforcement. A municipally appointed inland harbor master, code enforcement officer or law enforcement officer is primarily responsible for the enforcement of this subchapter.
[PL 2009, c. 312, §1 (NEW).]

7. Rules. The director shall adopt rules to implement and carry out the purposes of this subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2009, c. 312, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 312, §1 (NEW). PL 2015, c. 252, §2 (AMD).

PART 3

INLAND FISH AND GAME

CHAPTER 301

GENERAL PROVISIONS

§1901. Definitions

(REPEALED)

SECTION HISTORY

PL 1965, c. 252 (AMD). PL 1965, c. 275 (AMD). PL 1965, c. 448, §§1-A (AMD). PL 1967, c. 404, §3 (AMD). PL 1969, c. 425, §2 (AMD). PL 1971, c. 231, §1 (AMD). PL 1971, c. 267, §1 (AMD). PL 1971, c. 403, §§1,2 (AMD). PL 1975, c. 177 (AMD). PL 1975, c. 516, §§1,2 (AMD). PL 1975, c. 623, §§7-A,7-B (AMD). PL 1977, c. 78, §§44-47 (AMD). PL 1977, c. 503, §4 (AMD). PL 1977, c. 600, §§1,2 (AMD). PL 1979, c. 420, §5 (RP).

§1901-A. Effective date for game laws

(REPEALED)

SECTION HISTORY

PL 1969, c. 170, §§1,2 (NEW). PL 1971, c. 403, §§3,16 (RP).

§1902. Care of walls and fences; closing of gates

(REPEALED)

SECTION HISTORY

PL 1977, c. 694, §244 (AMD). PL 1979, c. 420, §5 (RP).

§1903. Lost persons

(REPEALED)

SECTION HISTORY

PL 1975, c. 771, §141 (AMD). PL 1979, c. 420, §5 (RP).

§1904. Wild aminals in captivity

(REPEALED)

SECTION HISTORY

PL 1967, c. 209 (AMD). PL 1969, c. 115, §§1,2 (AMD). PL 1969, c. 528, §1 (AMD). PL 1971, c. 403, §4 (AMD). PL 1973, c. 188 (AMD). PL 1973, c. 271 (AMD). PL 1975, c. 590, §1 (AMD). PL 1977, c. 694, §§245,246 (AMD). PL 1979, c. 420, §5 (RP). PL 1979, c. 441, §1 (AMD).

§1905. Importation of wild birds and animals; consent of commissioner

(REPEALED)

SECTION HISTORY

PL 1975, c. 590, §2 (AMD). PL 1979, c. 420, §5 (RP).

§1906. Endangered species of fish and wildlife

(REPEALED)

SECTION HISTORY

PL 1971, c. 10 (NEW). PL 1971, c. 622, §34 (AMD). PL 1975, c. 328, §1 (RP).

CHAPTER 303

COMMISSIONER

§1951. Appointment; deputy

(REPEALED)

SECTION HISTORY

PL 1965, c. 353 (AMD). PL 1967, c. 476, §16 (AMD). PL 1969, c. 504, §21 (AMD). PL 1975, c. 497, §1 (AMD). PL 1975, c. 771, §142 (AMD). PL 1977, c. 78, §48 (AMD). PL 1977, c. 674, §11 (RPR). PL 1979, c. 420, §5 (RP).

§1952. Duties and office; sale of confiscated arms and ammunition

(REPEALED)

SECTION HISTORY

PL 1965, c. 138, §1 (AMD). PL 1975, c. 497, §2 (AMD). PL 1977, c. 78, §49 (AMD). PL 1977, c. 362, §1 (AMD). PL 1979, c. 420, §5 (RP).

§1953. Code of operating procedure of warden service

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§1954. Boundary waters with New Hampshire and Canada

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§1955. Advisory council

(REPEALED)

SECTION HISTORY

PL 1975, c. 152 (AMD). PL 1975, c. 771, §143 (AMD). PL 1975, c. 772, §2 (AMD). PL 1977, c. 78, §50 (RPR). PL 1979, c. 198, §1 (AMD). PL 1979, c. 255, §1 (RPR). PL 1979, c. 420, §5 (RP).

§1956. Declaration of emergency

(REPEALED)

SECTION HISTORY

PL 1975, c. 771, §144 (AMD). PL 1977, c. 78, §51 (AMD). PL 1977, c. 694, §247 (RP).

§1957. --Advertising

(REPEALED)

SECTION HISTORY

PL 1977, c. 694, §248 (RP).

§1958. --Annulment

(REPEALED)

SECTION HISTORY

PL 1977, c. 694, §249 (RP).

§1959. Sale of unneeded property

(REPEALED)

SECTION HISTORY

PL 1975, c. 771, §145 (AMD). PL 1977, c. 78, §52 (AMD). PL 1979, c. 420, §5 (RP).

§1960. Rules

(REPEALED)

SECTION HISTORY

PL 1965, c. 208 (AMD). PL 1965, c. 448, §§1-B,1-C (AMD). PL 1967, c. 404, §§4,5 (AMD). PL 1971, c. 166 (AMD). PL 1971, c. 403, §§4-A-4-C,5 (AMD). PL 1973, c. 562, §§1,2 (AMD). PL 1973, c. 690, §1 (AMD). PL 1977, c. 78, §53 (AMD). PL 1977, c. 503, §5 (AMD). PL 1977, c. 694, §250 (RPR). PL 1979, c. 127, §74 (AMD). PL 1979, c. 198, §2 (AMD). PL 1979, c. 420, §5 (RP).

§1960-A. --upland game and fur-bearing animals

(REPEALED)

SECTION HISTORY

PL 1971, c. 231, §2 (NEW). PL 1971, c. 403, §§6,7 (AMD). PL 1973, c. 90, §1 (AMD). PL 1973, c. 280 (AMD). PL 1973, c. 562, §3 (AMD). PL 1973, c. 690, §2 (AMD). PL 1973, c. 739, §2 (AMD). PL 1977, c. 78, §54 (AMD). PL 1977, c. 503, §6 (AMD). PL 1977, c. 694, §251 (RP).

§1961. --Continuation of

(REPEALED)

SECTION HISTORY

PL 1973, c. 170 (AMD). PL 1977, c. 78, §55 (AMD). PL 1977, c. 221 (AMD). PL 1977, c. 694, §§252,253 (AMD). PL 1979, c. 420, §5 (RP).

§1961-A. Filing of regulations

(REPEALED)

SECTION HISTORY

PL 1973, c. 690, §3 (NEW). PL 1977, c. 694, §254 (RPR). PL 1979, c. 420, §5 (RP).

§1962. Defacement of notices

(REPEALED)

SECTION HISTORY

PL 1971, c. 85, §1 (AMD). PL 1977, c. 78, §56 (AMD). PL 1979, c. 420, §5 (RP).

§1963. Biennial revision of fish and game laws

(REPEALED)

SECTION HISTORY

PL 1977, c. 78, §57 (AMD). PL 1979, c. 420, §5 (RP).

§1964. Copies of laws to town clerks and agents

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§1965. Sale of other publications

(REPEALED)

SECTION HISTORY

PL 1965, c. 101 (NEW). PL 1971, c. 403, §8 (AMD). PL 1973, c. 23 (AMD). PL 1979, c. 420, §5 (RP).

§1965-A. Commissioner or agent may establish a line of demarcation

(REPEALED)

SECTION HISTORY

PL 1967, c. 404, §6 (NEW). PL 1979, c. 420, §5 (RP).

§1966. Availablity of financial statement

(REPEALED)

SECTION HISTORY

P&SL 1977, c. 39, §7 (NEW). PL 1979, c. 420, §5 (RP).

CHAPTER 304

SNOWMOBILES

§1971. Definitions

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 356, §1 (AMD). PL 1973, c. 613, §1 (AMD). PL 1979, c. 420, §5 (RP).

§1972. Registration

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 163, §2 (AMD). PL 1971, c. 356, §§2-4 (AMD). PL 1973, c. 613, §§2,3,4 (AMD). PL 1973, c. 788, §45 (AMD). PL 1975, c. 590, §§3,4 (AMD). PL 1975, c. 772, §§3,4 (AMD). PL 1977, c. 503, §7 (AMD). PL 1977, c. 698, §1 (AMD). PL 1979, c. 420, §5 (RP).

§1973. Form

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 356, §5 (AMD). PL 1979, c. 420, §5 (RP).

§1974. Numbers permanent

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1979, c. 52 (AMD). PL 1979, c. 420, §5 (RP).

§1975. Vehicles exempt from registration

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 356, §6 (AMD). PL 1973, c. 613, §5 (AMD). PL 1975, c. 525, §1 (RPR). PL 1979, c. 420, §5 (RP).

§1976. Dealers

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 356, §§7-9 (AMD). PL 1973, c. 613, §6 (AMD). PL 1979, c. 420, §5 (RP).

§1977. Authority under registration

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 356, §§9-A,10,11 (AMD). PL 1971, c. 622, §§34-A,34-B (AMD). PL 1973, c. 613, §§7-9 (AMD). PL 1973, c. 625, §§68,69 (AMD). PL 1975, c. 525, §2 (RPR). PL 1979, c. 201, §§1-3 (AMD). PL 1979, c. 420, §5 (RP).

§1978. Operation

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 142 (AMD). PL 1971, c. 356, §§12,13 (AMD). PL 1971, c. 544, §§30,31 (AMD). PL 1973, c. 613, §§10-15 (AMD). PL 1973, c. 739, §3 (AMD). PL 1975, c. 525, §3 (AMD). PL 1977, c. 564, §52 (AMD). PL 1979, c. 420, §5 (RP).

§1979. Regulatory authority

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 356, §14 (AMD). PL 1973, c. 613, §§16,17 (AMD). PL 1977, c. 694, §255 (RP).

§1980. Reciprocity

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 356, §15 (AMD). PL 1973, c. 613, §18 (AMD). PL 1973, c. 739, §4 (AMD). PL 1975, c. 525, §4 (RPR). PL 1979, c. 420, §5 (RP).

§1981. Application

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1975, c. 525, §5 (RPR). PL 1979, c. 420, §5 (RP).

§1982. Accidents

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 356, §§15-A,16 (AMD). PL 1973, c. 613, §19 (AMD). PL 1979, c. 420, §5 (RP).

§1983. Enforcement

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1979, c. 420, §5 (RP).

§1984. Penalty

(REPEALED)

SECTION HISTORY

PL 1969, c. 414, §1 (NEW). PL 1971, c. 85, §2 (AMD). PL 1973, c. 613, §20 (RPR). PL 1975, c. 525, §6 (RPR). PL 1979, c. 420, §5 (RP).

§1985. Public utility exemption

(REPEALED)

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PL 1969, c. 414, §1 (NEW). PL 1979, c. 420, §5 (RP).

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AIRMOBILES

§1990. Findings and purpose

(REPEALED)

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PL 1973, c. 238 (NEW). PL 1979, c. 238, §§1,9 (RP). PL 1979, c. 420, §5 (RP).

§1991. Definitions

(REPEALED)

SECTION HISTORY

PL 1973, c. 238 (NEW). PL 1979, c. 238, §§1,9 (RP). PL 1979, c. 420, §5 (RP).

§1992. Prohibition

(REPEALED)

SECTION HISTORY

PL 1973, c. 238 (NEW). PL 1973, c. 625, §71 (AMD). PL 1979, c. 238, §§1,9 (RP). PL 1979, c. 420, §5 (RP).

§1993. Penalty

(REPEALED)

SECTION HISTORY

PL 1973, c. 238 (NEW). PL 1979, c. 238, §§1,9 (RP). PL 1979, c. 420, §5 (RP).

§1994. Enforcement

(REPEALED)

SECTION HISTORY

PL 1973, c. 238 (NEW). PL 1979, c. 238, §§1,9 (RP). PL 1979, c. 420, §5 (RP).

§1995. Committee to study airmobiles

(REPEALED)

SECTION HISTORY

PL 1973, c. 238 (NEW). PL 1973, c. 625, §72 (AMD). PL 1979, c. 238, §§1,9 (RP). PL 1979, c. 420, §5 (RP).

CHAPTER 305

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§2001. Appointment; powers and duties; service of process

(REPEALED)

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PL 1965, c. 448, §§1-D,2 (AMD). PL 1967, c. 259 (AMD). PL 1967, c. 404, §§7,8 (AMD). PL 1967, c. 544, §23 (AMD). PL 1969, c. 590, §12 (AMD). PL 1971, c. 403, §9 (AMD). PL 1973, c. 739, §5 (AMD). PL 1973, c. 788, §46 (AMD). PL 1975, c. 516, §3 (AMD). PL 1975, c. 594, §5 (AMD). PL 1975, c. 770, §66 (AMD). PL 1977, c. 78, §58 (AMD). PL 1979, c. 420, §5 (RP).

§2002. Role as state fire wardens

(REPEALED)

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PL 1979, c. 420, §5 (RP).

§2003. Officials with powers of wardens; other offices forbidden

(REPEALED)

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PL 1977, c. 78, §59 (AMD). PL 1979, c. 420, §5 (RP).

§2004. Acceptance of personal recognizances

(REPEALED)

SECTION HISTORY

PL 1967, c. 404, §9 (AMD). PL 1971, c. 622, §35 (AMD). PL 1977, c. 78, §60 (AMD). PL 1979, c. 420, §5 (RP).

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PL 1969, c. 241, §1 (RP).

§2052. Junior Maine guides and trip leaders; curriculum board

(REPEALED)

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PL 1965, c. 448, §3 (AMD). PL 1969, c. 433, §11 (AMD). PL 1971, c. 598, §11 (AMD). PL 1977, c. 503, §8 (AMD). PL 1979, c. 151, §1 (RPR). PL 1979, c. 420, §5 (RP).

§2053. Application for licenses, fees, classification, revocation of license

(REPEALED)

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PL 1965, c. 448, §4 (AMD). PL 1967, c. 310, §§1-3 (AMD). PL 1967, c. 512, §§1-3 (AMD). PL 1967, c. 529, §1 (AMD). PL 1969, c. 198 (AMD). PL 1969, c. 241, §2 (RPR). PL 1969, c. 524 (AMD). PL 1971, c. 409, §3 (AMD). PL 1975, c. 575, §3 (AMD). PL 1975, c. 590, §5 (AMD). PL 1977, c. 694, §256 (AMD). PL 1979, c. 394 (AMD). PL 1979, c. 420, §5 (RP). PL 1979, c. 518, §§1,2 (AMD).

§2054. Trip leaders' permits

(REPEALED)

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PL 1969, c. 425, §56 (NEW). PL 1971, c. 266, §§1,2 (AMD). PL 1979, c. 151, §2 (RPR). PL 1979, c. 420, §5 (RP).

CHAPTER 308

WATERCRAFT REGISTRATION AND SAFETY

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§2061. Definitions

(REPEALED)

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PL 1973, c. 734, §1 (NEW). PL 1977, c. 503, §§8-A (AMD). PL 1979, c. 238, §§2-4,9 (AMD). PL 1979, c. 420, §5 (RP). PL 1979, c. 518, §3 (AMD).

§2062. Local regulation prohibited

(REPEALED)

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§2063. Disposition of revenues

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PL 1973, c. 734, §1 (NEW). PL 1979, c. 127, §75 (AMD). PL 1979, c. 420, §5 (RP).

§2064. Certificate of the commissioner admissible in evidence

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2065. Enforcement

(REPEALED)

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PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2066. Penalties

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PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

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§2067. Division of Watercraft Registration and Safety

(REPEALED)

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PL 1973, c. 734, §1 (NEW). PL 1977, c. 694, §257 (AMD). PL 1979, c. 238, §§5,9 (AMD). PL 1979, c. 420, §5 (RP).

§2068. Regulations; force of law; penalties

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1977, c. 694, §258 (RP).

§2069. Certificate required; display of numbers and validation stickers

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 238, §§6,9 (AMD). PL 1979, c. 420, §5 (RP).

§2070. Application and issuance; fees

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1975, c. 772, §5 (AMD). PL 1977, c. 564, §53 (AMD). PL 1979, c. 53 (AMD). PL 1979, c. 420, §5 (RP).

§2071. Notice of destruction, abandonment, removal, transfer of ownership, change of address

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2072. Motorboats carrying passengers for hire

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SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1977, c. 694, §259 (AMD). PL 1979, c. 420, §5 (RP).

§2073. Operation of watercraft

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SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 238, §§7-9 (AMD). PL 1979, c. 420, §5 (RP).

§2074. Safety equipment and regattas

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2075. Accidents

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2076. Restrictions on power boats; Portage Lake and Quimby Pond

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2077. --Jerry Pond

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2078. -- Ox Brook Lakes

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2079. -- Nesowadnehunk (Sourdnahunk) Lake

(REPEALED)

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PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2080. -- Eagle Lake, Jordan Pond and Long Pond

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PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2081. -- Snow's Pond; use of power boats

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2082. -- Long Pond, Oxford County

(REPEALED)

SECTION HISTORY

PL 1973, c. 734, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2083. -- Lily Pond

(REPEALED)

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PL 1973, c. 734, §1 (NEW). PL 1975, c. 623, §8 (AMD). PL 1979, c. 420, §5 (RP).

§2084. -- Nokomis Pond

(REPEALED)

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PL 1975, c. 78 (NEW). PL 1979, c. 420, §5 (RP).

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§2086. Licenses

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PL 1979, c. 420, §5 (RP). PL 1979, c. 518, §4 (NEW).

§2087. Safety equipment

(REPEALED)

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PL 1979, c. 420, §5 (RP). PL 1979, c. 518, §4 (NEW).

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PL 1979, c. 420, §5 (RP). PL 1979, c. 518, §4 (NEW).

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(REPEALED)

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§2104. Assent to federal laws; wildlife restoration

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PL 1979, c. 420, §5 (RP).

§2105. -- Fish restoration

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§2106. Waters for fish culture; transportation of live game; breeders; scientific purposes

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SECTION HISTORY

PL 1967, c. 404, §12 (AMD). PL 1973, c. 76 (AMD). PL 1975, c. 590, §6 (AMD). PL 1977, c. 694, §§260,261 (AMD). PL 1979, c. 420, §5 (RP). PL 1979, c. 441, §§2,3 (AMD).

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PL 1969, c. 425, §33 (AMD). PL 1975, c. 516, §§5-A (AMD). PL 1977, c. 78, §62 (AMD). PL 1979, c. 420, §5 (RP).

§2108. Designation of spawning beds

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PL 1969, c. 581, §1 (NEW). PL 1977, c. 694, §262 (RPR). PL 1979, c. 420, §5 (RP).

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PL 1979, c. 420, §5 (RP).

§2153. Authority of commissioner over screens

(REPEALED)

SECTION HISTORY

PL 1977, c. 503, §10 (AMD). PL 1979, c. 420, §5 (RP).

§2154. Classification of game management areas

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §8 (AMD). PL 1965, c. 513, §23 (AMD). PL 1967, c. 544, §25 (AMD). PL 1971, c. 403, §11 (AMD). PL 1973, c. 51 (AMD). PL 1973, c. 739, §§5-A (AMD). PL 1975, c. 516, §§5-B (AMD). PL 1979, c. 420, §5 (RP).

§2154-A. State-owned wildlife management areas

(REPEALED)

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PL 1969, c. 425, §34 (NEW). PL 1973, c. 562, §4 (AMD). PL 1977, c. 503, §11 (AMD). PL 1979, c. 420, §5 (RP).

§2155. Use of wildlife management areas

(REPEALED)

SECTION HISTORY

PL 1971, c. 403, §12 (AMD). PL 1971, c. 568 (AMD). PL 1973, c. 562, §5 (AMD). PL 1975, c. 516, §§5-C,5-D (AMD). PL 1977, c. 694, §263 (RPR). PL 1979, c. 420, §5 (RP).

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§2202. Tampering with, injuring or destroying fishways

(REPEALED)

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PL 1971, c. 85, §9 (AMD). PL 1979, c. 420, §5 (RP).

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PL 1979, c. 420, §5 (RP).

§2204. Tampering with, injuring or destroying dams

(REPEALED)

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PL 1965, c. 448, §§8-A (AMD). PL 1971, c. 85, §10 (AMD). PL 1979, c. 420, §5 (RP).

§2205. Bulldozing of rivers, streams and brooks

(REPEALED)

SECTION HISTORY

PL 1971, c. 85, §11 (AMD). PL 1971, c. 545, §4 (RPR). PL 1971, c. 622, §36 (RPR). PL 1975, c. 516, §6 (RP).

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§2207. Permits; standards

(REPEALED)

SECTION HISTORY

PL 1973, c. 786, §1 (NEW). PL 1979, c. 420, §5 (RP).

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(REPEALED)

SECTION HISTORY

PL 1973, c. 786, §1 (NEW). PL 1977, c. 694, §265 (RPR). PL 1979, c. 420, §5 (RP).

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PL 1973, c. 786, §1 (NEW). PL 1977, c. 694, §266 (AMD). PL 1979, c. 420, §5 (RP).

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(REPEALED)

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PL 1973, c. 786, §1 (NEW). PL 1975, c. 388, §2 (AMD). PL 1979, c. 420, §5 (RP).

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(REPEALED)

SECTION HISTORY

PL 1973, c. 786, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2212. Exemptions

(REPEALED)

SECTION HISTORY

PL 1973, c. 786, §1 (NEW). PL 1975, c. 516, §7 (AMD). PL 1975, c. 623, §9 (AMD). PL 1979, c. 420, §5 (RP).

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§2252. -- Game

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PL 1965, c. 226, §61 (AMD). PL 1965, c. 425, §§5-H (AMD). PL 1971, c. 85, §12 (AMD). PL 1971, c. 97, §6 (RP). PL 1971, c. 544, §§32,33 (RP).

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(REPEALED)

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PL 1965, c. 448, §10 (AMD). PL 1975, c. 590, §7 (AMD). PL 1977, c. 78, §63 (AMD). PL 1979, c. 420, §5 (RP).

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PL 1965, c. 448, §11 (AMD). PL 1967, c. 146 (AMD). PL 1967, c. 404, §13 (AMD). PL 1967, c. 494, §§12-A (AMD). PL 1967, c. 544, §26 (AMD). PL 1969, c. 338 (AMD). PL 1971, c. 122 (AMD). PL 1971, c. 409, §§5,7 (RP). PL 1971, c. 622, §37 (AMD).

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PL 1965, c. 448, §12 (AMD). PL 1969, c. 86, §§1,2 (AMD). PL 1969, c. 425, §35 (AMD). PL 1971, c. 231, §3 (AMD). PL 1971, c. 403, §13 (AMD). PL 1971, c. 622, §38 (AMD). PL 1973, c. 562, §8 (AMD). PL 1975, c. 516, §§8-10 (AMD). PL 1977, c. 78, §§64-68 (AMD). PL 1977, c. 694, §267 (AMD). PL 1979, c. 420, §5 (RP).

§2303. Expiration

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SECTION HISTORY

PL 1977, c. 78, §69 (AMD). PL 1979, c. 420, §5 (RP).

§2304. Information on licenses

(REPEALED)

SECTION HISTORY

PL 1973, c. 562, §§8-A (NEW). PL 1979, c. 420, §5 (RP).

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§2353. Closed time on deer in certain counties

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §§12-A,12-B (AMD). PL 1967, c. 192, §1 (AMD). PL 1967, c. 500 (AMD). PL 1969, c. 36 (AMD). PL 1969, c. 425, §36 (AMD). PL 1971, c. 85, §14 (AMD). PL 1971, c. 392, §1 (AMD). PL 1971, c. 403, §§16,17 (AMD). PL 1971, c. 560 (AMD). PL 1973, c. 208, §1 (AMD). PL 1977, c. 43 (AMD). PL 1979, c. 203, §§1,2 (AMD). PL 1979, c. 420, §5 (RP).

§2353-A. Extended deer and bird hunting season

(REPEALED)

SECTION HISTORY

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§2353-B. Closed season

(REPEALED)

SECTION HISTORY

PL 1977, c. 150, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2354. Crop and orchard damage

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SECTION HISTORY

PL 1969, c. 425, §37 (AMD). PL 1971, c. 231, §5 (AMD). PL 1973, c. 63 (AMD). PL 1973, c. 562, §§9-A,9-B (AMD). PL 1975, c. 3 (AMD). PL 1977, c. 364 (AMD). PL 1977, c. 503, §14 (AMD). PL 1979, c. 420, §5 (RP).

§2355. Registration and transportation of deer and bear

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §§13,14 (AMD). PL 1967, c. 404, §15 (AMD). PL 1969, c. 425, §38 (AMD). PL 1971, c. 403, §§18,19 (AMD). PL 1973, c. 562, §§10,11 (AMD). PL 1975, c. 129 (AMD). PL 1975, c. 590, §8 (AMD). PL 1977, c. 78, §71 (AMD). PL 1977, c. 503, §15 (AMD). PL 1979, c. 237, §§1,4 (AMD). PL 1979, c. 352 (AMD). PL 1979, c. 420, §5 (RP). PL 1979, c. 663, §64 (RP).

§2355-A. Closed time on bear

(REPEALED)

SECTION HISTORY

PL 1965, c. 274 (NEW). PL 1967, c. 404, §16 (AMD). PL 1969, c. 289, §1 (AMD). PL 1971, c. 403, §20 (AMD). PL 1971, c. 622, §39 (AMD). PL 1973, c. 257, §§1,2 (AMD). PL 1975, c. 266, §1 (AMD). PL 1975, c. 770, §67 (AMD). PL 1979, c. 420, §5 (RP).

§2355-B. Bag limit on bears

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SECTION HISTORY

PL 1969, c. 289, §2 (NEW). PL 1969, c. 528, §2 (AMD). PL 1979, c. 420, §5 (RP).

§2355-C. Registration of bear

(REPEALED)

SECTION HISTORY

PL 1969, c. 289, §3 (NEW). PL 1975, c. 516, §11 (AMD). PL 1979, c. 237, §§2,4 (RP). PL 1979, c. 420, §5 (RP).

§2355-D. Hunting bear with dogs

(REPEALED)

SECTION HISTORY

PL 1973, c. 181 (NEW). PL 1975, c. 266, §2 (AMD). PL 1979, c. 420, §5 (RP).

§2355-E. Hunting bear near dumps prohibited

(REPEALED)

SECTION HISTORY

PL 1977, c. 503, §§15-A (NEW). PL 1979, c. 420, §5 (RP).

§2355-F. Moose season

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SECTION HISTORY

PL 1979, c. 56 (NEW). PL 1979, c. 420, §5 (RP).

§2356. Closed time on wild hares and rabbits; transportation

(REPEALED)

SECTION HISTORY

PL 1965, c. 20 (AMD). PL 1967, c. 119 (AMD). PL 1967, c. 238 (AMD). PL 1967, c. 404, §§17,18 (AMD). PL 1969, c. 1 (AMD). PL 1969, c. 112 (AMD). PL 1969, c. 590, §13 (AMD). PL 1971, c. 231, §6 (RP).

§2357. Closed time on gray squirrels; bag limit

(REPEALED)

SECTION HISTORY

PL 1969, c. 62 (AMD). PL 1971, c. 231, §6 (RP).

§2358. Hunting and trapping season

(REPEALED)

SECTION HISTORY

PL 1965, c. 5 (AMD). PL 1965, c. 28 (AMD). PL 1965, c. 164 (AMD). PL 1965, c. 448, §15 (AMD). PL 1965, c. 513, §24 (AMD). PL 1967, c. 1 (AMD). PL 1967, c. 38 (AMD). PL 1967, c. 109 (AMD). PL 1967, c. 145 (AMD). PL 1967, c. 363 (AMD). PL 1967, c. 404, §§19-23 (AMD). PL 1967, c. 544, §27 (AMD). PL 1969, c. 216, §§1,2 (AMD). PL 1969, c. 251 (AMD). PL 1969, c. 277 (AMD). PL 1969, c. 281 (AMD). PL 1969, c. 425, §§39-41 (AMD). PL 1971, c. 169 (AMD). PL 1971, c. 204, §§1,2 (AMD). PL 1971, c. 231, §7 (RPR). PL 1971, c. 257 (AMD). PL 1977, c. 78, §72 (AMD). PL 1979, c. 420, §5 (RP).

§2359. Raccoons

(REPEALED)

SECTION HISTORY

PL 1971, c. 231, §8 (RP).

§2360. Special open season on beaver; taking or transportation

(REPEALED)

SECTION HISTORY

PL 1965, c. 146 (AMD). PL 1967, c. 322 (AMD). PL 1969, c. 46 (AMD). PL 1969, c. 255 (AMD). PL 1971, c. 141 (AMD). PL 1971, c. 231, §8 (RP). PL 1971, c. 622, §40 (RP).

§2361. Digging out foxes and skunks

(REPEALED)

SECTION HISTORY

PL 1969, c. 425, §42 (AMD). PL 1971, c. 231, §8 (RP).

§2362. Hunting mink and otter

(REPEALED)

SECTION HISTORY

PL 1967, c. 199, §1 (NEW). PL 1967, c. 254 (NEW). PL 1967, c. 544, §28 (RP). PL 1969, c. 179, §1 (AMD). PL 1971, c. 231, §8 (RP).

§2363. Hunting of mink and otter by Indians

(REPEALED)

SECTION HISTORY

PL 1967, c. 544, §29 (NEW). PL 1969, c. 425, §43 (AMD). PL 1971, c. 231, §8 (RP).

§2364. Hunting mink

(REPEALED)

SECTION HISTORY

PL 1969, c. 179, §2 (NEW). PL 1971, c. 231, §8 (RP).

SUBCHAPTER 2

LICENSES

§2401. Hunting; residents and nonresidents; fees

(REPEALED)

SECTION HISTORY

PL 1965, c. 428, §§1-5 (AMD). PL 1965, c. 448, §16 (AMD). PL 1965, c. 513, §25 (AMD). PL 1967, c. 404, §§24-26 (AMD). PL 1967, c. 529, §§2,3 (AMD). PL 1969, c. 174, §§1-3 (AMD). PL 1969, c. 276, §§1-4 (AMD). PL 1971, c. 409, §1 (RPR). PL 1973, c. 16, §§1,2 (AMD). PL 1973, c. 276 (AMD). PL 1973, c. 562, §12 (AMD). PL 1973, c. 739, §6 (AMD). PL 1975, c. 516, §§12 TO 13-A (AMD). PL 1975, c. 590, §9 (AMD). PL 1975, c. 623, §§8-A,8-B (AMD). PL 1975, c. 772, §6 (AMD). PL 1977, c. 503, §§15-B (AMD). PL 1977, c. 600, §3 (AMD). PL 1979, c. 420, §5 (RP).

§2401-A. Certificate of competency required for certain minors

(REPEALED)

SECTION HISTORY

PL 1965, c. 52 (NEW). PL 1979, c. 420, §5 (RP).

§2401-B. Fishing; residents and nonresidents; fees

(REPEALED)

SECTION HISTORY

PL 1971, c. 409, §2 (NEW). PL 1971, c. 471, §§1,2 (AMD). PL 1971, c. 622, §41 (AMD). PL 1973, c. 66, §1 (AMD). PL 1973, c. 69 (AMD). PL 1973, c. 92 (AMD). PL 1973, c. 244 (AMD). PL 1973, c. 259 (AMD). PL 1973, c. 562, §§13-16 (AMD). PL 1973, c. 625, §§74-76 (AMD). PL 1975, c. 97, §1 (AMD). PL 1975, c. 351, §§1,2 (AMD). PL 1975, c. 590, §§10,11 (AMD).

PL 1975, c. 623, §§8-B-1,8-C (AMD). PL 1975, c. 772, §7 (AMD). PL 1977, c. 78, §§73,74 (AMD). PL 1977, c. 119 (AMD). PL 1977, c. 132 (AMD). PL 1977, c. 167 (AMD). PL 1977, c. 182 (AMD). PL 1977, c. 206 (AMD). PL 1977, c. 336 (AMD). PL 1977, c. 366 (AMD). PL 1977, c. 503, §§16,17,17-A (AMD). PL 1977, c. 600, §4 (AMD). PL 1979, c. 420, §5 (RP).

§2402. Trapping; fees

(REPEALED)

SECTION HISTORY

PL 1971, c. 231, §9 (RPR). PL 1971, c. 403, §§21-25 (AMD). PL 1971, c. 622, §42 (AMD). PL 1973, c. 90, §2 (AMD). PL 1973, c. 562, §§17-19 (AMD). PL 1973, c. 625, §77 (AMD). PL 1973, c. 739, §§7,8 (AMD). PL 1975, c. 147, §1 (AMD). PL 1975, c. 327, §§1,2 (AMD). PL 1975, c. 516, §14 (AMD). PL 1975, c. 590, §12 (AMD). PL 1975, c. 772, §§8,9 (AMD). PL 1979, c. 420, §5 (RP).

§2403. Issuance of license to persons convicted of certain offenses prohibited

(REPEALED)

SECTION HISTORY

PL 1975, c. 81 (NEW). PL 1975, c. 147, §2 (NEW). PL 1975, c. 770, §68 (RP). PL 1979, c. 420, §5 (RP).

§2404. Molesting traps

(REPEALED)

SECTION HISTORY

PL 1975, c. 305 (NEW). PL 1979, c. 339 (AMD). PL 1979, c. 420, §5 (RP).

§2405. Trap restrictions

(REPEALED)

SECTION HISTORY

PL 1975, c. 770, §69 (NEW). PL 1979, c. 420, §5 (RP).

SUBCHAPTER 3

PROHIBITED ACTS

§2451. Snares; swivel guns; poisons; labels; bear traps enclosed

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §17 (AMD). PL 1969, c. 425, §44 (AMD). PL 1971, c. 231, §10 (AMD). PL 1971, c. 403, §§26,27 (AMD). PL 1973, c. 562, §20 (AMD). PL 1977, c. 503, §18 (AMD). PL 1979, c. 420, §5 (RP).

§2452. Use of posions

(REPEALED)

SECTION HISTORY

PL 1969, c. 425, §45 (AMD). PL 1973, c. 739, §9 (RPR). PL 1977, c. 503, §19 (RP).

§2453. Use of liquors or drugs

(REPEALED)

SECTION HISTORY

PL 1969, c. 425, §46 (AMD). PL 1971, c. 85, §15 (AMD). PL 1979, c. 420, §5 (RP).

§2454. Hunting on Sunday

(REPEALED)

SECTION HISTORY

PL 1969, c. 425, §47 (AMD). PL 1975, c. 516, §15 (AMD). PL 1979, c. 420, §5 (RP).

§2455. Night hunting

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §18 (AMD). PL 1969, c. 167 (AMD). PL 1971, c. 85, §16 (AMD). PL 1971, c. 267, §2 (AMD). PL 1971, c. 622, §§43,44 (AMD). PL 1973, c. 562, §21 (AMD). PL 1973, c. 625, §78 (AMD). PL 1975, c. 262 (AMD). PL 1975, c. 516, §§16,17 (AMD). PL 1977, c. 78, §§75,76 (AMD). PL 1977, c. 503, §20 (AMD). PL 1979, c. 420, §5 (RP).

§2455-A. Hunting from public ways

(REPEALED)

SECTION HISTORY

PL 1971, c. 259, §§1,2 (NEW). PL 1973, c. 99 (AMD). PL 1979, c. 420, §5 (RP).

§2456. Hunting from vehicles, aircraft, boats and snowmobiles

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §19 (AMD). PL 1967, c. 36 (AMD). PL 1971, c. 300, §1 (RPR). PL 1975, c. 516, §18 (AMD). PL 1975, c. 772, §10 (AMD). PL 1979, c. 239 (AMD). PL 1979, c. 420, §5 (RP).

§2456-A. Use of helicopter for transporting fishermen

(REPEALED)

SECTION HISTORY

PL 1977, c. 503, §21 (NEW). PL 1979, c. 420, §5 (RP).

§2457. Hunting from railways

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§2458. Silencers; automatics; capacity

(REPEALED)

SECTION HISTORY

PL 1971, c. 403, §28 (AMD). PL 1971, c. 622, §45 (AMD). PL 1973, c. 184 (AMD). PL 1973, c. 335 (AMD). PL 1973, c. 562, §§22,23 (AMD). PL 1979, c. 420, §5 (RP).

§2458-A. Hunting deer with certain weapons

(REPEALED)

SECTION HISTORY

PL 1967, c. 193 (NEW). PL 1979, c. 420, §5 (RP).

§2459. Nets, traps, crossbow, snares and guns larger than 10-gauge

(REPEALED)

SECTION HISTORY

PL 1973, c. 562, §24 (AMD). PL 1979, c. 420, §5 (RP).

§2460. Pole traps

(REPEALED)

SECTION HISTORY

PL 1971, c. 85, §17 (AMD). PL 1979, c. 420, §5 (RP).

§2461. Decoys and blinds in Merrymeeting Bay; speed of powerboats

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§2462. Driving deer

(REPEALED)

SECTION HISTORY

PL 1971, c. 278, §§1,2 (AMD). PL 1979, c. 420, §5 (RP).

§2463. Use of airplane

(REPEALED)

SECTION HISTORY

PL 1967, c. 404, §27 (AMD). PL 1969, c. 425, §48 (AMD). PL 1971, c. 300, §2 (RP).

§2464. Use of dogs, lights, snares and traps

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§2465. Use of artificial lights for lighting game

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §20 (AMD). PL 1969, c. 28 (AMD). PL 1971, c. 564 (AMD). PL 1979, c. 420, §5 (RP).

§2466. Wild birds protected; definition of game birds and migratory birds

(REPEALED)

SECTION HISTORY

PL 1965, c. 76 (AMD). PL 1971, c. 231, §11 (AMD). PL 1973, c. 562, §§25,26 (AMD). PL 1975, c. 516, §19 (AMD). PL 1977, c. 78, §§77,78 (AMD). PL 1977, c. 503, §22 (AMD). PL 1979, c. 420, §5 (RP).

§2466-A. Shooting at or near wildfowl decoys

(REPEALED)

SECTION HISTORY

PL 1967, c. 175 (NEW). PL 1971, c. 42 (AMD). PL 1979, c. 420, §5 (RP).

§2466-B. Protection of raptors; falconry

(REPEALED)

SECTION HISTORY

PL 1973, c. 240 (NEW). PL 1975, c. 590, §13 (AMD). PL 1977, c. 78, §79 (AMD). PL 1977, c. 694, §269 (AMD). PL 1979, c. 420, §5 (RP).

§2467. Moose and caribou

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§2468. Hunter orange clothing

(REPEALED)

SECTION HISTORY

PL 1967, c. 405 (NEW). PL 1969, c. 226 (RPR). PL 1971, c. 242 (AMD). PL 1973, c. 30 (RPR). PL 1977, c. 61 (RPR). PL 1979, c. 420, §5 (RP).

§2469. Discharge of firearm near dwelling

(REPEALED)

SECTION HISTORY

PL 1975, c. 772, §11 (NEW). PL 1979, c. 420, §5 (RP).

§2470. Municipal ordinances prohibited

(REPEALED)

SECTION HISTORY

PL 1977, c. 362, §2 (NEW). PL 1979, c. 420, §5 (RP).

CHAPTER 320

COMMERCIAL SHOOTING AREAS

§2471. Licenses; revocation

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1971, c. 403, §29 (AMD). PL 1975, c. 590, §14 (AMD). PL 1977, c. 694, §270 (AMD). PL 1979, c. 420, §5 (RP).

§2472. Boundaries

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1971, c. 403, §30 (AMD). PL 1979, c. 420, §5 (RP).

§2473. Birds

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1971, c. 403, §31 (AMD). PL 1979, c. 420, §5 (RP).

§2474. Hunting license

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1975, c. 590, §15 (AMD). PL 1979, c. 420, §5 (RP).

§2475. Hunting season

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2476. Duties of operator

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2477. Guides

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1971, c. 403, §32 (RP).

§2478. Schedule of fees

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2479. Regulations

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1977, c. 694, §271 (RP).

§2480. Enforcement

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2481. Bond

(REPEALED)

SECTION HISTORY

PL 1967, c. 86, §1 (NEW). PL 1971, c. 403, §33 (RP).

CHAPTER 321

BOW AND ARROW HUNTING

§2501. Seasons

(REPEALED)

SECTION HISTORY

PL 1965, c. 53, §1 (AMD). PL 1967, c. 192, §2 (AMD). PL 1967, c. 404, §§28,28A (AMD). PL 1969, c. 425, §49 (AMD). PL 1971, c. 392, §§2,3 (AMD). PL 1971, c. 622, §§45-A (AMD). PL 1973, c. 208, §§2,3 (AMD). PL 1977, c. 452 (RPR). PL 1979, c. 420, §5 (RP).

§2502. License; tags

(REPEALED)

SECTION HISTORY

PL 1965, c. 428, §6 (AMD). PL 1967, c. 192, §3 (AMD). PL 1967, c. 404, §§29,30 (AMD). PL 1971, c. 392, §4 (AMD). PL 1971, c. 409, §4 (AMD). PL 1971, c. 622, §46 (AMD). PL 1973, c. 208, §4 (AMD). PL 1975, c. 590, §16 (AMD). PL 1977, c. 452 (RPR). PL 1979, c. 204 (AMD). PL 1979, c. 420, §5 (RP).

§2503. Equipment

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§2504. Applicability of provisions

(REPEALED)

SECTION HISTORY

PL 1977, c. 78, §80 (AMD). PL 1979, c. 420, §5 (RP).

§2505. Registration

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

CHAPTER 323

FISHING REGULATIONS

SUBCHAPTER 1

GENERAL PROVISIONS

§2551. Closing certain areas to fishing

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §§20-A (AMD). PL 1969, c. 32 (AMD). PL 1969, c. 425, §58 (AMD). PL 1969, c. 590, §14 (AMD). PL 1977, c. 150, §2 (AMD). PL 1979, c. 420, §5 (RP).

§2552. Open season

(REPEALED)

SECTION HISTORY

PL 1967, c. 404, §31 (AMD). PL 1969, c. 105 (AMD). PL 1971, c. 403, §34 (AMD). PL 1973, c. 297, §§1,2 (AMD). PL 1973, c. 739, §10 (AMD). PL 1975, c. 314 (AMD). PL 1975, c. 401, §§1-5 (AMD). PL 1975, c. 772, §§12,13 (AMD). PL 1977, c. 269, §§1-5 (AMD). PL 1979, c. 127, §76 (AMD). PL 1979, c. 420, §5 (RP).

§2553. Size, weight and number

(REPEALED)

SECTION HISTORY

PL 1965, c. 192, §§1-3 (AMD). PL 1965, c. 448, §21 (AMD). PL 1967, c. 142 (AMD). PL 1967, c. 330 (AMD). PL 1969, c. 39 (AMD). PL 1969, c. 169 (AMD). PL 1969, c. 317, §§1,2 (AMD). PL 1971, c. 4 (AMD). PL 1971, c. 143, §§1,2 (AMD). PL 1971, c. 403, §§35,36 (AMD). PL 1973, c. 13 (AMD). PL 1975, c. 401, §6 (AMD). PL 1975, c. 516, §20 (AMD). PL 1975, c. 772, §§14-16 (AMD). PL 1979, c. 420, §5 (RP).

§2553-A. Fly fishing in Kennebec River

(REPEALED)

SECTION HISTORY

PL 1965, c. 346 (NEW). PL 1975, c. 772, §17 (RP). PL 1977, c. 283 (NEW). PL 1979, c. 420, §5 (RP).

§2553-B. One-day bass tournaments

(REPEALED)

SECTION HISTORY

PL 1977, c. 387 (NEW). PL 1979, c. 264, §§1,2 (AMD). PL 1979, c. 420, §5 (RP).

§2554. Daily limit and live fish as bait in certain waters

(REPEALED)

SECTION HISTORY

PL 1971, c. 403, §37 (AMD). PL 1979, c. 420, §5 (RP).

§2554-A. Boundary waters between Maine and New Brunswick

(REPEALED)

SECTION HISTORY

PL 1967, c. 246 (NEW). PL 1967, c. 404, §§31-A (NEW). PL 1967, c. 544, §30 (RP). PL 1979, c. 420, §5 (RP).

§2554-B. -- Long Pond, Belgrade Lakes

(REPEALED)

SECTION HISTORY

PL 1967, c. 544, §31 (NEW). PL 1975, c. 772, §18 (RP).

§2555. Ponds

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §22 (AMD). PL 1979, c. 420, §5 (RP).

§2556. Transportation regulated

(REPEALED)

SECTION HISTORY

PL 1975, c. 590, §17 (AMD). PL 1977, c. 78, §81 (AMD). PL 1977, c. 503, §23 (RP).

§2557. Private ponds and the cultivation of useful fish by individuals

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §23 (RPR). PL 1967, c. 494, §13 (AMD). PL 1971, c. 85, §18 (AMD). PL 1971, c. 130 (RPR). PL 1971, c. 622, §47 (AMD). PL 1979, c. 420, §5 (RP).

§2557-A. Free access to waters stocked by State

(REPEALED)

SECTION HISTORY

PL 1965, c. 104 (NEW). PL 1973, c. 562, §§28-A (RP).

§2557-B. Great ponds

(REPEALED)

SECTION HISTORY

PL 1973, c. 530, §1 (NEW). PL 1979, c. 420, §5 (RP).

§2558. Live bait; dealers licensed

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §§23-A-24 (AMD). PL 1969, c. 425, §50 (AMD). PL 1975, c. 590, §18 (AMD). PL 1975, c. 772, §19 (AMD). PL 1979, c. 420, §5 (RP).

§2558-A. Live smelts for bait; dealers licensed

(REPEALED)

SECTION HISTORY

PL 1969, c. 245 (NEW). PL 1975, c. 516, §§20-A,20-B (AMD). PL 1975, c. 590, §19 (AMD). PL 1979, c. 420, §5 (RP).

§2559. Concurrent jurisdiction

(REPEALED)

SECTION HISTORY

PL 1975, c. 516, §20-C (AMD). PL 1975, c. 623, §§9-A,9-B (AMD). PL 1977, c. 78, §82 (AMD). PL 1979, c. 420, §5 (RP).

§2560. Penalties

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §25 (AMD). PL 1967, c. 181 (AMD). PL 1971, c. 85, §19 (AMD). PL 1979, c. 420, §5 (RP).

SUBCHAPTER 2

LICENSES

§2601. Fees; revocation

(REPEALED)

SECTION HISTORY

PL 1965, c. 428, §§7-9 (AMD). PL 1965, c. 448, §§25-A (AMD). PL 1967, c. 404, §§32-36 (AMD). PL 1967, c. 495 (AMD). PL 1967, c. 529, §§4-6 (AMD). PL 1969, c. 168 (AMD). PL 1969, c. 228 (AMD). PL 1969, c. 276, §§5-7 (AMD). PL 1971, c. 409, §§6,7 (RP).

§2602. Duplicates; fees

(REPEALED)

SECTION HISTORY

PL 1969, c. 425, §51 (AMD). PL 1977, c. 78, §83 (AMD). PL 1977, c. 503, §24 (RP). PL 1977, c. 564, §54 (RP).

SUBCHAPTER 3

ICE FISHING

§2651. Restrictions

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §26 (AMD). PL 1969, c. 317, §3 (AMD). PL 1971, c. 5 (AMD). PL 1979, c. 420, §5 (RP).

§2652. Reclaimed waters

(REPEALED)

SECTION HISTORY

PL 1967, c. 404, §37 (AMD). PL 1971, c. 403, §38 (RP).

§2653. Shacks to be removed; name of owner to be affixed

(REPEALED)

SECTION HISTORY

PL 1967, c. 404, §38 (AMD). PL 1979, c. 420, §5 (RP).

SUBCHAPTER 4

MISCELLANEOUS SPECIES

§2701. Eels, suckers, hornpouts, yellow perch, alewives; permits

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §27 (AMD). PL 1967, c. 52 (AMD). PL 1971, c. 403, §39 (AMD). PL 1975, c. 590, §§19-A (AMD). PL 1977, c. 17 (AMD). PL 1977, c. 503, §25 (AMD). PL 1979, c. 127, §77 (AMD). PL 1979, c. 420, §5 (RP).

§2702. Hellgramites

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§2703. Pickerel; daily limit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§2704. Smelts; daily limit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§2705. Salmon eggs for bait

(REPEALED)

SECTION HISTORY

PL 1977, c. 191, §1 (NEW). PL 1979, c. 420, §5 (RP).

SUBCHAPTER 5

PROHIBITED ACTS

§2751. Sale of certain fish

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §§27-A,28 (AMD). PL 1967, c. 404, §39 (AMD). PL 1969, c. 425, §§52-54 (AMD). PL 1971, c. 85, §20 (AMD). PL 1975, c. 590, §20 (AMD). PL 1979, c. 420, §5 (RP).

§2751-A. Importing fish

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §29 (NEW). PL 1971, c. 70 (AMD). PL 1971, c. 85, §21 (AMD). PL 1973, c. 562, §27 (RPR). PL 1977, c. 191, §2 (AMD). PL 1977, c. 503, §26 (AMD). PL 1977, c. 694, §272 (AMD). PL 1979, c. 420, §5 (RP).

§2752. Certain implements and devices prohibited

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §§30,31 (AMD). PL 1967, c. 404, §40 (AMD). PL 1971, c. 85, §§22,23 (AMD). PL 1971, c. 403, §40 (AMD). PL 1979, c. 420, §5 (RP).

§2753. Implements and devices in Washington County waters

(REPEALED)

SECTION HISTORY

PL 1975, c. 343 (AMD). PL 1979, c. 420, §5 (RP).

§2754. Use and possession of gill nets in inland waters

(REPEALED)

SECTION HISTORY

PL 1971, c. 85, §24 (AMD). PL 1979, c. 420, §5 (RP).

§2755. Stocking of lakes and streams without consent

(REPEALED)

SECTION HISTORY

PL 1971, c. 85, §25 (AMD). PL 1979, c. 420, §5 (RP).

§2756. Advance baiting

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §32 (AMD). PL 1971, c. 85, §26 (AMD). PL 1979, c. 420, §5 (RP).

§2757. Municipal ordinances prohibited

(REPEALED)

SECTION HISTORY

PL 1977, c. 362, §3 (NEW). PL 1979, c. 420, §5 (RP).

CHAPTER 325

TRANSPORTATION AND SALE OF GAME

§2801. Sale of deer or parts

(REPEALED)

SECTION HISTORY

PL 1971, c. 85, §27 (AMD). PL 1971, c. 231, §12 (AMD). PL 1975, c. 516, §21 (AMD). PL 1977, c. 78, §84 (AMD). PL 1979, c. 237, §§3,4 (AMD). PL 1979, c. 420, §5 (RP).

§2802. Transportation of game; license

(REPEALED)

SECTION HISTORY

PL 1971, c. 231, §§13,14 (AMD). PL 1977, c. 78, §§85,86 (AMD). PL 1979, c. 420, §5 (RP).

§2803. Use of aircraft

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §33 (AMD). PL 1971, c. 82 (RP).

CHAPTER 327

WILDLIFE BREEDING

§2851. Breeder's license

(REPEALED)

SECTION HISTORY

PL 1967, c. 404, §41 (AMD). PL 1971, c. 403, §§41,42 (AMD). PL 1975, c. 516, §22 (AMD). PL 1975, c. 590, §§21,22 (AMD). PL 1979, c. 420, §5 (RP). PL 1979, c. 441, §4 (RPR).

CHAPTER 329

BOUNTIES

§2901. Bobcat

(REPEALED)

SECTION HISTORY

PL 1965, c. 448, §34 (AMD). PL 1967, c. 198 (AMD). PL 1973, c. 562, §28 (AMD). PL 1975, c. 102 (RP).

§2902. Porcupines

(REPEALED)

SECTION HISTORY

PL 1967, c. 221 (RP).

CHAPTER 331

ACCIDENTS

§2951. Collision with deer or moose; procedure

(REPEALED)

SECTION HISTORY

PL 1975, c. 277 (AMD). PL 1975, c. 772, §§20,21 (AMD). PL 1977, c. 228 (AMD). PL 1977, c. 503, §27 (AMD). PL 1979, c. 420, §5 (RP).

§2952. Collision with wild animal or bird; no damages paid

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §5 (RP).

§2953. Shooting human being while hunting; penalty

(REPEALED)

SECTION HISTORY

PL 1965, c. 374 (AMD). PL 1975, c. 516, §23 (AMD). PL 1975, c. 740, §1 (AMD). PL 1977, c. 694, §273 (AMD). PL 1979, c. 420, §5 (RP).

§2953-A. Shooting domestic animals, dogs, cats or birds; penalty

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SECTION HISTORY

PL 1975, c. 692, §2 (NEW). PL 1975, c. 743, §§5-A (AMD). PL 1977, c. 661, §4 (RP).

§4253. Cultivation of oysters

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

ARTICLE 2

LICENSES AND PERMITS

§4301. Commercial license required

(REPEALED)

SECTION HISTORY

PL 1965, c. 59, §§2,5 (AMD). PL 1975, c. 565, §§11-13 (AMD). PL 1977, c. 661, §4 (RP).

§4301-A. Marine worm digger's license required

(REPEALED)

SECTION HISTORY

PL 1965, c. 59, §§1,5 (NEW). PL 1977, c. 661, §4 (RP).

§4301-B. Marine worm dealer's license

(REPEALED)

SECTION HISTORY

PL 1965, c. 59, §§1,5 (NEW). PL 1967, c. 337, §8 (AMD). PL 1969, c. 408, §§2,3 (AMD). PL 1975, c. 743, §6 (AMD). PL 1977, c. 661, §4 (RP).

§4301-C. Marine worm fund

(REPEALED)

SECTION HISTORY

PL 1965, c. 59, §§1,5 (NEW). PL 1977, c. 534, §1 (AMD). PL 1977, c. 661, §4 (RP).

§4301-D. Marine worm sale and inspection

(REPEALED)

SECTION HISTORY

PL 1977, c. 534, §2 (NEW). PL 1977, c. 661, §4 (RP).

§4302. Wholesale seafood dealer's and processor's license

(REPEALED)

SECTION HISTORY

PL 1969, c. 513, §1 (AMD). PL 1971, c. 248, §1 (AMD). PL 1973, c. 663, §6 (AMD). PL 1975, c. 565, §14 (AMD). PL 1975, c. 743, §7 (AMD). PL 1977, c. 661, §4 (RP).

§4302-A. Special authorization to sell shucked shellfish

(REPEALED)

SECTION HISTORY

PL 1969, c. 513, §2 (NEW). PL 1971, c. 248, §3 (RP).

§4302-B. Fishery inspection regulated

(REPEALED)

SECTION HISTORY

PL 1971, c. 248, §2 (NEW). PL 1973, c. 109, §§1-4 (AMD). PL 1973, c. 657, §§1,2 (AMD). PL 1977, c. 661, §4 (RP).

§4303. Retail dealer's license

(REPEALED)

SECTION HISTORY

PL 1975, c. 565, §15 (AMD). PL 1977, c. 661, §4 (RP).

§4304. Cultivation of clams and mussels

(REPEALED)

SECTION HISTORY

PL 1975, c. 743, §8 (AMD). PL 1977, c. 661, §4 (RP).

§4305. Procedure for licenses authorized by §4304

(REPEALED)

SECTION HISTORY

PL 1975, c. 743, §9 (AMD). PL 1977, c. 661, §4 (RP).

§4306. Interstate transportation

(REPEALED)

SECTION HISTORY

PL 1967, c. 82, §§1-4 (AMD). PL 1975, c. 565, §16 (AMD). PL 1977, c. 661, §4 (RP).

§4307. Intrastate shellfish permit

(REPEALED)

SECTION HISTORY

PL 1967, c. 82, §§5-9 (AMD). PL 1969, c. 408, §8 (AMD). PL 1969, c. 513, §3 (AMD). PL 1971, c. 248, §4 (RP).

§4308. Transplanting of seed clams and quahogs

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4309. Certificate to ship shellfish out of State

(REPEALED)

SECTION HISTORY

PL 1967, c. 82, §§10-14 (AMD). PL 1975, c. 743, §§10-12 (AMD). PL 1977, c. 564, §§62,63 (AMD). PL 1977, c. 661, §4 (RP).

§4310. Certificate to pack or shuck shellfish for interstate shipment

(REPEALED)

SECTION HISTORY

PL 1967, c. 82, §§15-18 (AMD). PL 1971, c. 248, §4 (RP).

§4311. Disposition of license fees

(REPEALED)

SECTION HISTORY

PL 1965, c. 59, §§3-5 (AMD). PL 1975, c. 743, §13 (AMD). PL 1977, c. 661, §4 (RP).

ARTICLE 3

PROHIBITED ACTS

§4351. Violations regarding shellfish cultivation; local enforcement

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4352. Method of taking clams or marine worms

(REPEALED)

SECTION HISTORY

PL 1965, c. 105 (AMD). PL 1969, c. 250 (AMD). PL 1977, c. 661, §4 (RP).

§4353. Shellfish in unlabeled containers

(REPEALED)

SECTION HISTORY

PL 1967, c. 82, §§19-21 (AMD). PL 1967, c. 337, §9 (AMD). PL 1969, c. 408, §4 (AMD). PL 1977, c. 564, §64 (RPR). PL 1977, c. 661, §4 (RP).

SUBCHAPTER 4

LOBSTERS, CRABS AND CRAWFISH

ARTICLE 1

LICENSES AND PERMITS

§4401. Purchase of egg-bearing lobsters; regulations; V-notch lobsters

(REPEALED)

SECTION HISTORY

PL 1967, c. 337, §§10,11 (AMD). PL 1973, c. 180 (AMD). PL 1975, c. 440, §5 (AMD). PL 1975, c. 479, §§1-3 (AMD). PL 1977, c. 661, §4 (RP).

§4402. Removal of lobster meat from shell

(REPEALED)

SECTION HISTORY

PL 1975, c. 565, §17 (AMD). PL 1977, c. 661, §4 (RP).

§4403. Interstate lobster transportation

(REPEALED)

SECTION HISTORY

PL 1975, c. 565, §§18,19 (AMD). PL 1977, c. 661, §4 (RP).

§4404. Lobster and crab fishing

(REPEALED)

SECTION HISTORY

PL 1967, c. 67, §2 (AMD). PL 1973, c. 397 (AMD). PL 1973, c. 784, §1 (AMD). PL 1975, c. 127 (AMD). PL 1975, c. 518, §§1-4 (AMD). PL 1975, c. 565, §20 (AMD). PL 1975, c. 714 (AMD). PL 1975, c. 743, §§13-A,14,15 (AMD). PL 1977, c. 106, §1 (AMD). PL 1977, c. 661, §4 (RP).

§4405. Applicants to describe lobster and crab fishing trap buoys

(REPEALED)

SECTION HISTORY

PL 1967, c. 216, §§1,2 (NEW). PL 1967, c. 507 (AMD). PL 1977, c. 661, §4 (RP).

§4406. Dragging scallops by otter trawl; Penobscot River

(REPEALED)

SECTION HISTORY

PL 1977, c. 393 (NEW). PL 1977, c. 661, §4 (RP).

ARTICLE 2

PROHIBITED ACTS

§4451. Lobsters; length, double gauge measure

(REPEALED)

SECTION HISTORY

PL 1965, c. 30, §1 (AMD). PL 1969, c. 408, §5 (AMD). PL 1973, c. 318, §1 (AMD). PL 1977, c. 661, §4 (RP).

§4452. Sale of crawfish; imitation lobster

(REPEALED)

SECTION HISTORY

PL 1973, c. 763 (RPR). PL 1977, c. 661, §4 (RP).

§4453. Conventional method of capturing lobsters required

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4454. Shipping lobsters in unlabeled containers

(REPEALED)

SECTION HISTORY

PL 1971, c. 217 (AMD). PL 1977, c. 661, §4 (RP).

§4455. Possession of certain lobster meat unlawful

(REPEALED)

SECTION HISTORY

PL 1965, c. 30, §2 (AMD). PL 1975, c. 440, §6 (AMD). PL 1977, c. 661, §4 (RP).

§4456. Possession of foreign lobster meat by wholesale dealer

(REPEALED)

SECTION HISTORY

PL 1969, c. 408, §6 (RP).

§4457. Restrictions on persons raising, possessing or molesting traps

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4458. Hauling lobster pots at night

(REPEALED)

SECTION HISTORY

PL 1967, c. 327 (AMD). PL 1973, c. 341 (AMD). PL 1977, c. 661, §4 (RP).

§4459. Possession of egg-bearing lobsters

(REPEALED)

SECTION HISTORY

PL 1973, c. 318, §2 (AMD). PL 1977, c. 661, §4 (RP).

§4460. Unmarked lobster shipping containers

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4461. Unmarked lobster and crab pots and traps

(REPEALED)

SECTION HISTORY

PL 1975, c. 440, §7 (AMD). PL 1977, c. 661, §4 (RP).

§4462. Setting of traps near weirs

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4463. Lobster traps on trawls; York County

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4464. -- Saco Bay; Cumberland County

(REPEALED)

SECTION HISTORY

PL 1973, c. 342 (AMD). PL 1977, c. 661, §4 (RP).

§4465. -- Certain tidal waters

(REPEALED)

SECTION HISTORY

PL 1967, c. 105 (AMD). PL 1977, c. 661, §4 (RP).

§4465-A. Hancock County

(REPEALED)

SECTION HISTORY

PL 1977, c. 321 (NEW). PL 1977, c. 661, §4 (RP).

§4466. Otter or beam trawls, seining or netting prohibited

(REPEALED)

SECTION HISTORY

PL 1969, c. 221 (NEW). PL 1975, c. 743, §§15-A (AMD). PL 1977, c. 661, §4 (RP).

§4467. Labeling of shrimp

(REPEALED)

SECTION HISTORY

PL 1975, c. 125 (NEW). PL 1977, c. 661, §4 (RP).

§4468. Escape vents on lobster or crab traps

(REPEALED)

SECTION HISTORY

PL 1977, c. 385, §1 (NEW). PL 1977, c. 661, §4 (RP).

SUBCHAPTER 5

ENFORCEMENT AND PENALTIES

ARTICLE 1

GENERAL PROVISIONS

§4501. Prosecution by county attorney

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4502. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4503. Arrest

(REPEALED)

SECTION HISTORY

PL 1965, c. 431, §7 (RPR). PL 1977, c. 661, §4 (RP).

§4504. General Penalty

(REPEALED)

SECTION HISTORY

PL 1973, c. 318, §3 (AMD). PL 1975, c. 743, §16 (AMD). PL 1977, c. 661, §4 (RP). PL 1977, c. 696, §157 (RPR). PL 1979, c. 127, §81 (RP).

§4505. Violations by corporations; proceedings

(REPEALED)

SECTION HISTORY

PL 1971, c. 439, §10 (AMD). PL 1977, c. 78, §106 (AMD). PL 1977, c. 525, §2 (AMD). PL 1977, c. 661, §4 (RP).

§4506. Certificate of commissioner or chief warden admissible in evidence

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4507. Witness compelled to testify

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4508. Recovery and disposition of fines, fees and forfeitures

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4509. State pays costs of imprisonment

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4510. Fees and forms for libel proceedings

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

ARTICLE 2

SEARCHES AND SEIZURES

§4551. Boats, vehicles and persons to stop on request

(REPEALED)

SECTION HISTORY

PL 1965, c. 431, §8 (RPR). PL 1969, c. 408, §7 (AMD). PL 1971, c. 301 (AMD). PL 1973, c. 318, §4 (AMD). PL 1973, c. 459, §2 (AMD). PL 1977, c. 661, §4 (RP).

§4552. Seizure and disposition of equipment and species

(REPEALED)

SECTION HISTORY

PL 1965, c. 431, §9 (AMD). PL 1977, c. 661, §4 (RP).

§4553. Report to commissioner

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §4 (RP).

§4554. Search warrants and authority to search without one

(REPEALED)

SECTION HISTORY

PL 1965, c. 431, §10 (RP).

CHAPTER 419

ATLANTIC STATES MARINE FISHERIES COMPACT

SUBCHAPTER 1

COMPACT

§4601. Purpose -- Article I

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating monopoly.

§4602. Entry into force -- article II

This agreement shall become operative immediately as to those states executing it whenever any 2 or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon coastal waters frequented by anadromous fish, flowing into coastal waters under the jurisdiction of any of the aforementioned states, may become a party hereto as provided. [PL 1987, c. 513, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 513, §1 (AMD).

§4603. Commission -- Article III

Each state joining herein shall appoint 3 representatives to a commission constituted and designated as the Atlantic States Marine Fisheries Commission, as authorized by Title 5, section 12004-K, subsection 6. One shall be the executive officer of the administrative agency of the state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The 2nd shall be a member of the legislature of the state designated by the commission or committee on interstate cooperation of that state, or if there be none, or if the commission on interstate cooperation cannot constitutionally designate the member, that legislator shall be designated by the governor thereof; provided, if it is constitutionally impossible to appoint a legislator as a commissioner from that state, the 2nd member shall be appointed by the governor of that state in that governor's discretion. The 3rd shall be a citizen who shall have a knowledge of and interest in the marine fisheries problem to be appointed by the

governor. This commission shall be a body corporate with the powers and duties set forth herein. [PL 1989, c. 503, Pt. B, §57 (AMD).]

SECTION HISTORY

PL 1983, c. 812, §79 (AMD). PL 1989, c. 503, §B57 (AMD).

§4604. -- powers and duties -- Article IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Atlantic seaboard. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the aforementioned states.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The commission shall have power to recommend to the states party hereto the stocking of the waters of such states with fish and fish eggs or joint stocking by some or all of the states party hereto and when 2 or more of the states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

§4605. -- officers -- Article V

The commission shall elect from its number a chairman and a vice-chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

§4606. -- voting -- Article VI

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The commission shall define what shall be an interest.

§4607. Research; advisory committee -- Article VII

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries Commission cooperating with the research agencies in each state for that purpose. Representatives of the said Fish and Wildlife Service shall attend the meetings of the commission.

An advisory committee to be representative of the commercial fishermen and the salt water anglers and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

§4608. Participation limited -- Article VIII

When any state other than those named specifically in Article II of this compact shall become a party thereto for the purpose of conserving its anadromous fish in accordance with Article II the participation of such state in the action of the commission shall be limited to such species of anadromous fish.

§4609. Rights preserved -- Article IX

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restrictions to conserve its fisheries.

§4610. Continued absence -- Article X

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the governor thereof.

§4611. Annual appropriation -- Article XI

The states party hereto agree to make annual appropriations to the support of the commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wildlife Service of the United States Department of the Interior, provided no state shall contribute less than $200 per year and the annual contribution of each state above the minimum shall be figured to the nearest $100.

Budgets shall be recommended by a majority of the commission and the cost thereof allocated equitably among the states in accordance with their respective interests and submitted to the compacting states.

§4612. Renunciation -- Article XII

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending 6 months' notice in writing of intention to withdraw from the compact to the other states party hereto.

§4613. Regulations; withdrawal -- Article XIII

The State of Maine enters into an amendment of the Atlantic States Marine Fisheries Compact with any one or more of the states of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia and Florida and such other states as may become party to that compact for the purpose of permitting the states that ratify this amendment to establish joint regulations of specific fisheries common to those states through the Atlantic States Marine Fisheries Commission and their representatives on that body. Notice of intention to withdraw from this amendment shall be executed and transmitted by the Governor and shall be in accordance with Article XII, which shall be effective as to this State with those states which similarly ratify this amendment. The states consenting to this amendment agree that any 2 or more of them may designate the Atlantic States Marine Fisheries Commission as a joint regulatory agency with such powers as they may jointly confer from time to time for the regulation of the fishing operations of the citizens and vessels of such designating state with respect to specific fisheries in which such states have a common interest. The representatives of such states on the Atlantic States Marine Fisheries Commission shall constitute a separate section of such commission for the exercise of the additional powers so granted provided that the states so acting shall appropriate additional funds for this purpose. The creation of such section as a joint regulatory agency shall not deprive the states participating therein

of any of their privileges or powers or responsibilities in the Atlantic States Marine Fisheries Commission under the general compact.

SUBCHAPTER 2

PROVISIONS RELATING TO COMPACT

§4651. Ratification

The Governor of this State is authorized and directed to execute a compact on behalf of the State of Maine with any one or more of the states of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida and with such other states as may enter into the compact, legally joining therein in the form substantially as in this chapter. [PL 1965, c. 425, §8 (AMD).]

SECTION HISTORY

PL 1965, c. 425, §8 (AMD).

§4652. Commissioners; vacancies; term; removal

In pursuance of Article III of the compact there are 3 members, in this subchapter called "commissioners," of the Atlantic States Marine Fisheries Commission, in this subchapter called "commission," from the State of Maine. The first commissioner from the State of Maine must be the Commissioner of Marine Resources of the State of Maine ex officio, and the term of any such ex officio commissioner must terminate at the time that commissioner ceases to hold the office of Commissioner of Marine Resources and that commissioner's successor as commissioner must be that commissioner's successor as Commissioner of Marine Resources. The 2nd commissioner from the State of Maine must be a Legislator appointed jointly by the President of the Senate and the Speaker of the House of Representatives. The Legislator appointed as the 2nd commissioner serves until the end of the term of the Legislature in which that person was appointed or until replaced by the President of the Senate and the Speaker of the House of Representatives. The Governor shall appoint a citizen as a 3rd commissioner who must have a knowledge of and interest in the marine fisheries problem. The term of that commissioner is 3 years and that commissioner holds office until a successor is appointed and qualified. Vacancies occurring in the office of that commissioner for any reason or cause must be filled by appointment by the Governor for the unexpired term. The Commissioner of Marine Resources as ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in that commissioner's department or office the power to be present and participate, including voting as that commissioner's representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial 3 members begin at the date of the appointment of the appointive commissioner, provided the compact must then have gone into effect in accordance with Article II of the compact; otherwise the terms begin upon the date upon which the compact becomes effective in accordance with Article II. [PL 1993, c. 707, Pt. EE, §1 (AMD).]

Any commissioner may be removed from office by the Governor upon charges and after a hearing.

SECTION HISTORY

PL 1973, c. 513, §22 (AMD). PL 1975, c. 771, §154 (AMD). PL 1993, c. 707, §EE1 (AMD).

§4653. Powers

There is granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the State of Maine are authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact

in every particular, it being declared to be the policy of the State of Maine to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the State Government or administration of the State of Maine are authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal rights respectively.

§4654. -- supplemental nature

Any powers herein granted to the commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of the State of Maine or by the laws of the states of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida or by the Congress or the terms of said compact.

§4655. Accounts

The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the Legislature of the State of Maine on or before the 10th day of December in each year, setting forth in detail the transactions conducted by it during the 12 months preceding December 1st of that year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the State of Maine which may be necessary to carry out the intent and purposes of the compact between the signatory states.

The State Auditor of the State of Maine is authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items referring to its financial standing as such auditor may deem proper and to report the results of such examination to the Governor.

§4656. Appropriation

Any moneys appropriated by the Legislature for the expenses of the commission shall be paid out of the State Treasury on the audit and warrant of the State Controller, upon vouchers certified by the chairman of the commission in the manner prescribed by law.

CHAPTER 420

SEAFOOD PRODUCTS INSPECTION PROGRAM

§4681. Purpose

(REPEALED)

SECTION HISTORY

PL 1977, c. 249 (NEW). PL 1991, c. 784, §2 (AMD). PL 2005, c. 434, §1 (RP).

§4682. Department of Marine Resources; powers and duties

(REPEALED)

SECTION HISTORY

PL 1977, c. 249 (NEW). PL 1991, c. 784, §2 (AMD). PL 2005, c. 434, §1 (RP).

§4683. Commissioner; powers and duties

(REPEALED)

SECTION HISTORY

PL 1977, c. 249 (NEW). PL 1991, c. 784, §2 (AMD). PL 2005, c. 434, §1 (RP).

§4684. Application

(REPEALED)

SECTION HISTORY

PL 1977, c. 249 (NEW). PL 1991, c. 784, §3 (RP).

§4685. Labeling

(REPEALED)

SECTION HISTORY

PL 1977, c. 249 (NEW). PL 2005, c. 434, §1 (RP).

PART 5

WETLANDS

CHAPTER 421

WETLANDS

§4701. Procedure; hearing

(REPEALED)

SECTION HISTORY

PL 1967, c. 348 (NEW). PL 1969, c. 379, §§1,2 (AMD). PL 1971, c. 336, §§1-3 (AMD). PL 1971, c. 618, §§11,17 (AMD). PL 1973, c. 256 (AMD). PL 1975, c. 595, §1 (RP).

§4702. Permits

(REPEALED)

SECTION HISTORY

PL 1967, c. 348 (NEW). PL 1969, c. 379, §§3,4 (AMD). PL 1971, c. 336, §§4,5 (AMD). PL 1971, c. 618, §§11,17 (AMD). PL 1975, c. 595, §1 (RP).

§4703. Unorganized territory; 2 or more municipalities

(REPEALED)

SECTION HISTORY

PL 1967, c. 348 (NEW). PL 1975, c. 595, §1 (RP).

§4704. Appeal

(REPEALED)

SECTION HISTORY

PL 1967, c. 348 (NEW). PL 1969, c. 379, §5 (AMD). PL 1971, c. 336, §6 (AMD). PL 1975, c. 595, §1 (RP).

§4705. Wetlands Control Board

(REPEALED)

SECTION HISTORY

PL 1967, c. 348 (NEW). PL 1967, c. 544, §32 (AMD). PL 1969, c. 379, §6 (AMD). PL 1971, c. 336, §7 (AMD). PL 1971, c. 618, §§4,17 (RP). PL 1975, c. 595, §1 (RP).

§4706. Application

(REPEALED)

SECTION HISTORY

PL 1967, c. 348 (NEW). PL 1971, c. 618, §§11,17 (AMD). PL 1975, c. 595, §1 (RP).

§4707. Exemptions

(REPEALED)

SECTION HISTORY

PL 1967, c. 348 (NEW). PL 1971, c. 618, §§11,17 (AMD). PL 1975, c. 595, §1 (RP).

§4708. Exception

(REPEALED)

SECTION HISTORY

PL 1967, c. 348 (NEW). PL 1969, c. 379, §7 (AMD). PL 1971, c. 336, §8 (AMD). PL 1975, c. 595, §1 (RP).

§4709. Violation

(REPEALED)

SECTION HISTORY

PL 1967, c. 348 (NEW). PL 1969, c. 379, §8 (RPR). PL 1971, c. 336, §§9,10 (AMD). PL 1975, c. 595, §1 (RP).

SUBCHAPTER 2

ZONING

§4751. Purpose

(REPEALED)

SECTION HISTORY

PL 1971, c. 541 (NEW). PL 2005, c. 330, §1 (RP).

§4752. Definition

(REPEALED)

SECTION HISTORY

PL 1971, c. 541 (NEW). PL 1975, c. 770, §71 (AMD). PL 2005, c. 330, §1 (RP).

§4753. Administration

(REPEALED)

SECTION HISTORY

PL 1971, c. 541 (NEW). PL 1971, c. 618, §§5,17 (AMD). PL 2005, c. 330, §1 (RP).

§4754. Orders

(REPEALED)

SECTION HISTORY

PL 1971, c. 541 (NEW). PL 2005, c. 330, §1 (RP).

§4755. Hearing

(REPEALED)

SECTION HISTORY

PL 1971, c. 541 (NEW). PL 1971, c. 618, §§6,17 (AMD). PL 1973, c. 537, §17 (AMD). PL 2005, c. 330, §1 (RP).

§4756. Recording

(REPEALED)

SECTION HISTORY

PL 1971, c. 541 (NEW). PL 2005, c. 330, §1 (RP).

§4757. Appeal procedure

(REPEALED)

SECTION HISTORY

PL 1971, c. 541 (NEW). PL 1975, c. 770, §72 (AMD). PL 1975, c. 771, §155 (AMD). PL 1977, c. 300, §4 (AMD). PL 1977, c. 694, §276 (AMD). PL 1987, c. 141, §B11 (AMD). PL 2005, c. 330, §1 (RP).

§4758. Violation; penalty

(REPEALED)

SECTION HISTORY

PL 1971, c. 541 (NEW). PL 1977, c. 300, §5 (AMD). PL 2005, c. 330, §1 (RP).

PART 6

REALTY SUBDIVISIONS

CHAPTER 423

MINIMUM LOT SIZE

§4801. Not served by public sewer or water supply

(REPEALED)

SECTION HISTORY

PL 1969, c. 365, §1 (NEW). PL 1971, c. 532, §§1,2,9 (AMD). PL 1973, c. 411, §2 (RP).

§4801-A. Single family residential; smaller lots

(REPEALED)

SECTION HISTORY

PL 1971, c. 532, §§3, 9 (NEW). PL 1973, c. 411, §2 (RP).

§4801-B. Definitions

(REPEALED)

SECTION HISTORY

PL 1971, c. 532, §§3, 9 (NEW). PL 1973, c. 411, §2 (RP).

§4802. Multiple and clustered unit housing; lot size

(REPEALED)

SECTION HISTORY

PL 1969, c. 365, §1 (NEW). PL 1971, c. 532, §§4, 9 (AMD). PL 1973, c. 411, §2 (RP).

§4803. Lesser size lot

(REPEALED)

SECTION HISTORY

PL 1969, c. 365, §1 (NEW). PL 1971, c. 532, §§4, 9 (AMD). PL 1973, c. 411, §2 (RP).

§4804. Exemption

(REPEALED)

SECTION HISTORY

PL 1969, c. 365, §1 (NEW). PL 1971, c. 532, §§5, 9 (RPR). PL 1971, c. 622, §49 (AMD). PL 1973, c. 411, §2 (RP).

§4804-A. Appeal

(REPEALED)

SECTION HISTORY

PL 1971, c. 532, §§6, 9 (NEW). PL 1973, c. 411, §2 (RP).

§4805. Charge for services of department

(REPEALED)

SECTION HISTORY

PL 1969, c. 365, §1 (NEW). PL 1971, c. 532, §§7, 9 (AMD). PL 1973, c. 411, §2 (RP).

§4806. Penalty

(REPEALED)

SECTION HISTORY

PL 1969, c. 365, §1 (NEW). PL 1971, c. 532, §§8, 9 (AMD). PL 1973, c. 411, §2 (RP).

CHAPTER 423-A

MINIMUM LOT SIZE

§4807. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1973, c. 411, §1 (NEW).]

1. Multiple unit housing. "Multiple unit housing" shall mean a structure or structures located on a single lot, which structures are designed or used to house 2 or more families.
[PL 1973, c. 411, §1 (NEW).]

1-A. Engineered disposal system. "Engineered disposal system" means a subsurface wastewater disposal system designed, installed and operated as a single unit to treat and dispose of at least 2,000 gallons of wastewater per day or a system designed to be capable of treating wastewater with significantly high 5-day biochemical oxygen demand and total suspended solid concentrations.
[PL 2003, c. 308, §1 (NEW).]

1-B. First-time subsurface waste disposal system. "First-time subsurface waste disposal system" means the first subsurface waste disposal system designed to serve a specific structure.
[PL 2003, c. 308, §1 (NEW).]

2. Other land use activity. "Other land use activity" includes any commercial or industrial uses or combination of such uses.
[PL 1973, c. 411, §1 (NEW).]

3. Person. "Person" means any individual, corporation, firm, partnership, municipality, quasi-municipal corporation, state or federal agency or any other legal entity.
[PL 1973, c. 411, §1 (NEW).]

4. Single family residential unit. "Single family residential unit" means any structure of any kind, including mobile homes, used or designed to house a single family, and shall include those structures used permanently and seasonally.
[PL 1973, c. 411, §1 (NEW).]

5. Subsurface waste disposal. "Subsurface waste disposal" means any system for disposing of wastes or waste waters on or beneath the surface of the earth including, but not limited to, holding ponds, surface spraying, septic tanks, drainage fields and wells, but shall not include any discharge or the waste treatment system related thereto licensed under Title 38, section 413 or any discharge into a municipal or quasi-municipal sewer system.
[PL 1973, c. 411, §1 (NEW).]

6. Waste. "Waste" means any liquefied sewage, garbage, sewage sludge, chemical, biological or radiological materials, human body wastes, or any other refuse or effluent in a liquid form generated from domestic, commercial or industrial activities, except any wastes containing insufficient liquid to be free flowing and wastes generated from agricultural activities or animal husbandry.
[PL 1973, c. 411, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 411, §1 (NEW). PL 2003, c. 308, §1 (AMD).

§4807-A. Minimum lot size required

In all areas of the State, notwithstanding any other provision of state or local law or regulation, no person shall: [PL 1973, c. 411, §1 (NEW).]

1. Dispose of waste from any single family residential unit by means of subsurface waste disposal unless such lot of land on which such single family residential unit is located contains at least 20,000 square feet; and if the lot abuts a lake, pond, stream, river or tidal area, it shall further have a minimum frontage of 100 feet on such body of water;
[PL 1973, c. 411, §1 (NEW).]

2. Dispose of wastes by means of subsurface waste disposal from any multiple unit housing or any other land use activity which may generate wastes in excess of the waste disposal requirements of normal single family residential units, unless such multiple unit housing or other land use activity is located on a lot of a size and minimum frontage which is greater than the requirements stated in subsection 1 in the same proportion as the actual waste disposal requirements of the multiple unit housing or other land use activities is greater than that of a single family residential unit. For purposes

of computing such proportions, the amount of sewage generated by and the waste disposal requirement of such activities or land uses shall be deemed to be:

A. Single family residential unit, 300 gallons per day; [PL 1973, c. 411, §1 (NEW).]

B. Multiple unit housing, 120 gallons per bedroom; [PL 1973, c. 411, §1 (NEW).]

C. Other land use activity, actual measurement or computation of waste generated or likely to be generated. [PL 1973, c. 411, §1 (NEW).]

[PL 1973, c. 411, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 411, §1 (NEW).

§4807-B. Approval of smaller lots

1. Approval by local plumbing inspector. A lot of less than the size required in section 4807-A may be used for subsurface waste disposal if approved in writing by the local plumbing inspector for the municipality or unorganized territory, as long as:

A. The applicant has submitted a current application for subsurface wastewater disposal, or the equivalent, pursuant to rules adopted by the Department of Health and Human Services; [PL 2003, c. 308, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

B. The subsurface waste disposal meets the criteria for first-time subsurface waste disposal systems as adopted by rule by the Department of Health and Human Services without requiring a variance; and [PL 2003, c. 308, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

C. The subsurface waste disposal is not an engineered disposal system. [PL 2003, c. 308, §2 (NEW).]

[PL 2003, c. 308, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

2. Approval by Department of Health and Human Services. A lot that does not meet the criteria listed in subsection 1 may be used for subsurface waste disposal if the subsurface waste disposal is in compliance with the rules regarding subsurface waste disposal adopted by the Department of Health and Human Services and is approved in writing by the Department of Health and Human Services.
[PL 2003, c. 308, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

3. Review fee. The Department of Health and Human Services or the municipality or unorganized territory may charge a review fee not to exceed $50.
[PL 2003, c. 308, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1973, c. 411, §1 (NEW). PL 1985, c. 481, §A21 (AMD). PL 2003, c. 308, §2 (RPR). PL 2003, c. 689, §B6 (REV).

§4807-C. Approval of lesser frontage

A lot of less than the frontage required in section 4807-A may be used for subsurface waste disposal if approved in writing by the Department of Human Services. Approval must be granted if the applicant for approval demonstrates to the Department of Human Services that such frontage will not cause such lot to be of such configuration as to prevent compliance with the standards in section 4807-B, or not otherwise present any harm to public health, safety or general welfare. [PL 1991, c. 824, Pt. A, §20 (AMD).]

SECTION HISTORY

PL 1973, c. 411, §1 (NEW). PL 1985, c. 481, §A22 (AMD). PL 1991, c. 824, §A20 (AMD).

§4807-D. Exemptions

This chapter as to the use of a lot for single family residential purposes shall not apply to any lot which prior to January 1, 1970, was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with law, prior to January 1, 1970; provided that contiguous lots in the same ownership on or after October 3, 1973 shall be considered as one lot for the purposes hereof. [PL 1973, c. 651 (NEW).]

This chapter shall not apply to any structure in existence and in place on or before October 3, 1973, which then or theretofore disposed of wastes by means of subsurface waste disposal; except that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed by section 4807-A unless permitted pursuant to section 4807-B. [PL 1973, c. 651 (AMD).]

SECTION HISTORY

PL 1973, c. 411, §1 (NEW). PL 1973, c. 651 (AMD).

§4807-E. Appeal

(REPEALED)

SECTION HISTORY

PL 1973, c. 411, §1 (NEW). PL 1977, c. 300, §6 (RP).

§4807-F. Regulations; fees

(REPEALED)

SECTION HISTORY

PL 1973, c. 411, §1 (NEW). PL 1973, c. 712, §2 (RP).

§4807-G. Violations

Each day of violation of any provision of this chapter or the rules enacted under this chapter is considered a separate offense. Alternatively, and in addition to being an offense, any use of land in violation of this chapter is considered to be a nuisance and the Department of Health and Human Services may seek an injunction to prevent or abate a violation of this chapter or rules adopted under this chapter. [PL 1995, c. 462, Pt. A, §31 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1973, c. 411, §1 (NEW). PL 1977, c. 300, §7 (RPR). PL 1995, c. 462, §A31 (AMD). PL 2003, c. 689, §B6 (REV).

PART 7

STATE LEVEL LAND USE CONTROLS

CHAPTER 424

MANDATORY ZONING AND SUBDIVISION CONTROL

§4811. Shoreland areas

(REPEALED)

SECTION HISTORY

PL 1971, c. 535 (NEW). PL 1971, c. 622, §50 (AMD). PL 1973, c. 564, §1 (AMD). PL 1983, c. 458, §2 (AMD). PL 1985, c. 60 (AMD). PL 1985, c. 481, §A23 (RP). PL 1985, c. 737, §A23 (RP).

§4811-A. Definitions

(REALLOCATED FROM TITLE 38, SECTION 436)

SECTION HISTORY

PL 1973, c. 564, §2 (NEW). PL 1983, c. 458, §3 (RPR). PL 1983, c. 796, §3 (AMD). PL 1985, c. 481, §A24 (RAL).

§4811-B. Significant river segments identified

(REALLOCATED TO TITLE 38, SECTION 43)

SECTION HISTORY

PL 1983, c. 458, §4 (NEW). PL 1985, c. 481, §A25 (RAL).

§4812. Municipal control

(REPEALED)

SECTION HISTORY

PL 1971, c. 535 (NEW). P&SL 1973, c. 208, §8 (AMD). PL 1973, c. 564, §3 (RPR). PL 1975, c. 497, §3 (AMD). PL 1985, c. 481, §A26 (RP).

§4812-A. Requirements

(REALLOCATED TO TITLE 38, SECTION 439)

SECTION HISTORY

PL 1973, c. 564, §4 (NEW). PL 1975, c. 293, §4 (AMD). PL 1975, c. 438 (AMD). PL 1985, c. 481, §A27 (RAL).

§4812-B. Federal flood insurance

(REALLOCATED TO TITLE 38, SECTION 440)

SECTION HISTORY

PL 1975, c. 330 (NEW). PL 1975, c. 623, §§15-A,15-B (AMD). PL 1985, c. 481, §A28 (RAL).

§4812-C. Code enforcement officers

(REALLOCATED TO TITLE 38, SECTION 441)

SECTION HISTORY

PL 1983, c. 796, §4 (NEW). PL 1985, c. 481, §A29 (RAL). PL 1985, c. 488, §2 (AMD). PL 1985, c. 737, §A24 (RP).

§4812-D. Shoreland zoning report to Legislature

(REALLOCATED TO TITLE 38, SECTION 449)

SECTION HISTORY

PL 1985, c. 488, §3 (NEW). PL 1989, c. 403, §1 (RAL).

§4813. Municipal failure to accomplish purposes

(REPEALED)

SECTION HISTORY

PL 1971, c. 535 (NEW). PL 1971, c. 618, §§12,17 (AMD). PL 1973, c. 564, §5 (RPR). PL 1975, c. 468, §1 (AMD). PL 1979, c. 128 (AMD). PL 1979, c. 541, §A131 (AMD). PL 1985, c. 481, §A30 (RP).

§4814. Cooperation

(REPEALED)

SECTION HISTORY

PL 1971, c. 535 (NEW). PL 1971, c. 618, §§12,17 (AMD). PL 1973, c. 564, §6 (RPR). PL 1973, c. 681, §3 (AMD). PL 1979, c. 672, §A49 (AMD). PL 1983, c. 306, §1 (AMD). PL 1985, c. 481, §A31 (RP).

§4815. Enforcement

(REPEALED)

SECTION HISTORY

PL 1983, c. 306, §2 (NEW). PL 1983, c. 458, §5 (NEW). PL 1983, c. 796, §5 (RPR). PL 1985, c. 206, §1 (AMD). PL 1985, c. 481, §A32 (RAL). PL 1985, c. 737, §A25 (RP). PL 1987, c. 402, §A93 (AMD).

§4816. Guidelines for shoreland zoning along

(REPEALED)

SECTION HISTORY

PL 1983, c. 458, §5 (NEW). PL 1985, c. 481, §A33 (RP).

§4817. Municipal ordinance review and certification

(REPEALED)

SECTION HISTORY

PL 1983, c. 458, §5 (NEW). PL 1985, c. 481, §A33 (RP).

§4818. Commercial fishing and maritime activity zones

(REPEALED)

SECTION HISTORY

PL 1985, c. 236 (NEW). PL 1989, c. 403, §2 (RP). PL 1989, c. 502, Pt. B, §9 (AMD). PL 2007, c. 466, Pt. A, §33 (RP).

CHAPTER 425

ENVIRONMENTAL PROTECTION

§5001. Department; commissioner

(REPEALED)

SECTION HISTORY

PL 1971, c. 489, §§1,3 (NEW). PL 1971, c. 618, §§7,17 (RP).

PART 8

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

CHAPTER 428

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

§5011. Department; commissioner

There is created and established the Department of Agriculture, Conservation and Forestry to preserve, protect and enhance the land resources of the State of Maine; to encourage the wise use of the scenic, mineral and forest resources of the State of Maine and ensure that coordinated planning for the future allocation of lands for recreational, forest production, mining and other public and private uses is effectively accomplished; and to provide for the effective management of public lands in the State of Maine. The Department of Agriculture, Conservation and Forestry consists of a Commissioner of Agriculture, Conservation and Forestry, referred to in this Part as the "commissioner," appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over conservation matters and to confirmation by the Legislature, to serve at the pleasure of the Governor; and the following entities as previously created or established are incorporated into the Department of Agriculture, Conservation and Forestry: [PL 1995, c. 3, §3 (AMD); PL 2011, c. 657, Pt. W, §§5, 6 (REV).]

1. Forestry. Forestry Department;
[PL 1993, c. 685, Pt. B, §1 (AMD).]

2. Parks and recreation. Parks and Recreation Department;
[PL 1993, c. 685, Pt. B, §1 (AMD).]

3. Forest authority. Maine Forest Authority;
[PL 1993, c. 685, Pt. B, §1 (AMD).]

4. Mining bureau. Maine Mining Bureau;
[PL 1993, c. 685, Pt. B, §1 (AMD).]

5.

[PL 1989, c. 878, Pt. B, §11 (RP).]

6. Allagash waterway. Allagash Wilderness Waterway; and
[PL 1993, c. 685, Pt. B, §1 (AMD).]

7. Land use planning commission. Maine Land Use Planning Commission.
[PL 1993, c. 685, Pt. B, §1 (AMD); PL 2011, c. 682, §38 (REV).]

SECTION HISTORY

PL 1971, c. 491, §§1,3 (NEW). PL 1971, c. 622, §§50-A (RP). PL 1973, c. 460, §16 (NEW). PL 1975, c. 771, §156 (AMD). PL 1977, c. 78, §107 (AMD). PL 1989, c. 878, Pt. B, §11 (AMD). PL 1993, c. 685, §B1 (AMD). PL 1995, c. 3, §3 (AMD). PL 2011, c. 657, Pt. W, §§5, 6 (REV). PL 2011, c. 682, §38 (REV).

§5012. Duties of commissioner

The commissioner is the chief executive officer of the Department of Agriculture, Conservation and Forestry. The commissioner shall coordinate and supervise the activities and programs of the divisions and agencies that are part of the department; undertake comprehensive planning and analysis with respect to the functions and responsibilities of the department; and develop and implement, whenever necessary, procedures and practices to promote economy, efficiency and coordination in and between the various agencies and divisions of the department. The commissioner shall reorganize or combine the divisions of the department or the planning, operations and other functions among the divisions of the department as the commissioner considers necessary to improve the efficiency of

department services. From time to time the commissioner shall recommend to the Governor and Legislature such changes in the laws relating to the organization, functions, services or procedures of the agencies and divisions of the department as the commissioner considers desirable. The commissioner shall prepare a budget for the department and shall organize and maintain the office of the commissioner. [PL 2009, c. 213, Pt. L, §1 (AMD); PL 2011, c. 657, Pt. W, §§5, 7 (REV).]

The commissioner has the power to appoint a deputy commissioner and division heads and other staff of the department, subject to the Civil Service Law, and prescribe their duties as necessary for the proper performance of the duties of the department. [PL 2009, c. 213, Pt. L, §2 (AMD); PL 2011, c. 657, Pt. W, §7 (REV).]

The deputy commissioner and division heads serve at the pleasure of the commissioner, except that dismissal of the Executive Director of the Maine Land Use Planning Commission requires the consent of a majority of the members of that commission. [PL 2009, c. 213, Pt. L, §3 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2011, c. 682, §38 (REV).]

The commissioner may, subject to the approval of the Governor, apply for and accept on behalf of the State any funds, other personal or real property, including grants, bequests, gifts or contributions from any person, corporation or government, including the Government of the United States. Such funds shall be received by the Treasurer of State on behalf of the State and deposited in an appropriate new or existing account in the department. All such funds may, subject to the rules promulgated by the Governor, be expended by the Commissioner of Agriculture, Conservation and Forestry. [PL 1987, c. 308, §7 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

The commissioner may, on behalf of the department, enter into such agreements with any person, corporation or state or local government agency or authority as will promote the objectives of the department. [PL 1987, c. 308, §8 (AMD).]

The commissioner may from time to time make noncash awards for outstanding contributions in the field of natural resource management. [PL 1977, c. 360, §19 (NEW).]

The department may prepare and distribute printed and audio-visual materials on matters within its statutory jurisdiction. There is established within the department a revolving fund for the use of the department to cover the printing and distribution costs of these materials. The commissioner shall fix the prices at which publications of the department may be sold or delivered. The department shall retain, without charge, an appropriate number of each publication for complimentary distribution. The commissioner may fix the price at which United States Geological Survey and other maps, charts and other publications may be sold or delivered, provided that these publications are specifically authorized for resale by the originating agency and are specifically concerned with information on the state's natural resources. Income from the sale of publications that were charged to the revolving fund shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of the revolving funds. [PL 1981, c. 542, §2 (NEW).]

The department shall publish a compendium of laws affecting forestry including, without limitation, laws regarding boundary lines, trespass, timber harvest, wood measurement, forest fire prevention, forest land taxation, shoreland zoning and the site location of development law. The department shall publish the first compendium by January 1, 1989, and subsequent editions by 90 days after the adjournment of the 2nd regular session of the Legislature. The department shall make the compendium available to the public at cost. The department may use the revolving fund established under this section for printing and distribution. [PL 1987, c. 749, §1 (AMD).]

The commissioner may work with representatives from the College of Forest Resources and the College of Business Administration in the University of Maine System, representatives from the forest industry and representatives from the business and finance community to develop curricula for a joint Master of Business Administration and Master of Science in Forestry degree program and to develop initiatives for forest products marketing, including continuing education courses for foresters in

marketing and finance and to establish a faculty position in forest products marketing. [PL 1989, c. 875, Pt. J, §1 (NEW).]

Prior to final negotiations and legislative and administrative review of the sale of state-designated lands or an interest in designated lands that contain significant deer wintering habitat, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over conservation matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding the proposed sale. For purposes of this section, "designated lands" has the same meaning as in section 598-A. [PL 2011, c. 381, §2 (NEW).]

SECTION HISTORY

PL 1973, c. 460, §16 (NEW). PL 1975, c. 771, §157 (AMD). PL 1977, c. 360, §§18,19 (AMD). PL 1981, c. 542, §2 (AMD). PL 1983, c. 819, §§A15,A16 (AMD). PL 1987, c. 308, §§6-8 (AMD). PL 1987, c. 749, §1 (AMD). PL 1989, c. 875, §J1 (AMD). PL 1997, c. 24, §§QQ1,2 (AMD). PL 2009, c. 213, Pt. L, §§1-3 (AMD). PL 2011, c. 381, §2 (AMD). PL 2011, c. 657, Pt. W, §§5-7 (REV). PL 2011, c. 682, §38 (REV).

§5012-A. Dedicated accounts for sales of merchandise and acceptance of donations

The commissioner may create dedicated accounts in which to deposit money received from the sale of general merchandise products such as, but not limited to, t-shirts, audio and video recordings, coffee mugs, tote bags and calendars. Funds received by the commissioner from the sale of general merchandise products must be deposited in a dedicated account to be used only for the purpose of promoting and improving department programs. The commissioner may also accept money, goods and services donated to the department to support specific programs carried out by the department. Any money donated to the department in support of a specific program must be deposited into a dedicated account for the purpose of funding activities carried out by that program. [PL 2005, c. 57, §1 (NEW).]

Merchandise sold by the commissioner must be of good quality and appropriate for sale by the department. To the extent the commissioner needs to contract with vendors to obtain goods or services in order to develop, create or manufacture merchandise for sale, the commissioner shall, to the maximum extent practicable, contract with vendors located in this State. The commissioner shall register with the United States Library of Congress, United States Copyright Office a copyright in any original pictorial, graphic or other artwork or original work of authorship produced by or under the direction of the department as a work made for hire that is used in merchandise sold by the department. The commissioner may use, manage or administer any copyright held by or license to use copyrighted materials obtained by the department and may manage the copying, use and dissemination of copies of copyrighted materials in which the department holds a copyright or license. [PL 2005, c. 57, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 57, §1 (NEW).

§5013. Department organization

The Department of Agriculture, Conservation and Forestry shall be composed of the Maine Land Use Planning Commission and the following divisions: [PL 1973, c. 460, §16 (NEW); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2011, c. 682, §38 (REV).]

1. Maine Land Use Planning Commission. The Maine Land Use Planning Commission as established by Title 5, chapter 379 shall be under the direction and supervision of a director who shall be qualified by experience in planning and administration consistent with section 681. The director shall be appointed by the commissioner, with the consent of a majority of the commission, for a term coterminous with the commissioner, subject to removal for cause by the commissioner with the approval of the Governor;

[PL 1983, c. 812, §80 (AMD); PL 2011, c. 682, §38 (REV).]

2. Division of Forestry. The Division of Forestry, which shall be under the direction and supervision of a director, who shall be qualified by training, experience and skill in forestry. The director shall be appointed by, and serve at the pleasure of, the commissioner;
[PL 1977, c. 674, §14 (RPR); PL 2011, c. 657, Pt. W, §7 (REV).]

3. Division of Parks and Public Lands. The Division of Parks and Public Lands, which is under the direction and supervision of a director, with the assistance of a deputy director. The director and deputy director are appointed by, and serve at the pleasure of, the commissioner; and
[PL 1995, c. 502, Pt. E, §26 (RPR); PL 2011, c. 657, Pt. W, §7 (REV).]

4. Bureau of Public Lands.

[PL 1995, c. 502, Pt. E, §27 (RP).]

5. Division of Geology, Natural Areas and Coastal Resources. The Division of Geology, Natural Areas and Coastal Resources is under the direction and supervision of a director who is appointed by, and serves at the pleasure of, the commissioner.
[PL 2013, c. 405, Pt. C, §11 (AMD).]

Every person appointed as a division director or a director of planning and program services, or in another supervisory capacity in the department, must have experience and skill in the field of the functions of such position. So far as is practicable in the judgment of the commissioner, appointments to such positions must be made by promoting employees of the State serving in positions that are classified and in every instance when a person is promoted from a classified position upon termination of that person's service in such classified supervisory position, the employee, if the employee so requests, must be restored to the classified position from which the employee was promoted or to a position equivalent thereto in salary grade in the same state agency, without impairment of the employee's personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would have entitled the employee, provided that if the employee's service in such unclassified supervisory position has been terminated for cause, the employee's right to be so restored must be determined by the State Civil Service Appeals Board. [PL 2009, c. 213, Pt. L, §4 (AMD); PL 2011, c. 657, Pt. W, §7 (REV).]

SECTION HISTORY

PL 1973, c. 460, §16 (NEW). PL 1973, c. 788, §53 (AMD). PL 1975, c. 521, §2 (AMD). PL 1977, c. 360, §§20-22 (AMD). PL 1977, c. 674, §§14,15 (AMD). PL 1983, c. 812, §80 (AMD). PL 1985, c. 785, §B64 (AMD). PL 1995, c. 502, §§E26,27,32 (AMD). PL 1997, c. 24, §QQ3 (AMD). PL 1999, c. 556, §21 (AMD). PL 2009, c. 213, Pt. L, §4 (AMD). PL 2011, c. 655, Pt. KK, §14 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2011, c. 682, §38 (REV). PL 2013, c. 405, Pt. C, §11 (AMD).

§5014. Delegation of Public Lands Authority

(REPEALED)

SECTION HISTORY

PL 1973, c. 460, §16 (NEW). PL 1975, c. 339, §5 (RP).

§5015. Maine Rivers Protection Fund

There is established within the Department of Agriculture, Conservation and Forestry a Maine Rivers Protection Fund, which shall be funded by donations, bequests, grants, gifts and proceeds from the sale of Maine rivers protection promotion items. The fund shall not lapse. [PL 1985, c. 105, §1 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

Pursuant to the authority established in section 5012, the commissioner may administer a state grant-in-aid program and may promulgate rules therefor under Title 5, chapter 375, subchapter 2. The purpose of the program is to assist local governments, river conservation or management groups and landowners in activities that may include the acquisition, establishment and maintenance of access sites, parking areas, picnic areas, campsites and sanitary facilities; encouraging and securing shoreland gifts and conservation easements; financial support for river runners, litter control, signs and educational materials; the restoration and enhancement of anadromous fisheries; improving the natural productivity of inland fisheries; and supervision of recreational use and other similar or associated activities involving the protection of and public access to the State's rivers. [RR 2019, c. 2, Pt. A, §17 (COR).]

All funds of the Maine Rivers Protection Fund shall be subject to allocation by the Legislature. [PL 1985, c. 105, §1 (NEW).]

Rules adopted under this section shall become effective immediately, but shall be submitted to the Legislature no later than the next regular session for approval or modification. If the Legislature fails to act, those rules shall continue in full force and effect. [PL 1985, c. 105, §1 (NEW).]

SECTION HISTORY

PL 1985, c. 105, §1 (NEW). PL 2011, c. 657, Pt. W, §5 (REV). RR 2019, c. 2, Pt. A, §17 (COR).

§5016. Bureau of Parks and Lands

(REPEALED)

SECTION HISTORY

PL 1995, c. 502, §E28 (NEW). PL 1997, c. 678, §14 (RP).

§5017. Disclosure of interest

An applicant or permit holder who directly or indirectly retains an environmental professional for the purpose of providing information to the department shall disclose to the department if the environmental professional has either a direct or an indirect financial interest in the applicant or permit holder or in the property or activity that is the subject of the permit. [PL 2007, c. 399, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 399, §2 (NEW).

CHAPTER 428-A

VEHICLE RENTAL AGENCY

§5031. Vehicle Rental Agency

(REPEALED)

SECTION HISTORY

PL 1985, c. 453 (NEW). PL 1987, c. 371, §§1-4 (AMD). PL 1991, c. 528, §III22 (RP). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §III22 (RP).

§5032. Termination date

(REPEALED)

SECTION HISTORY

PL 1985, c. 453 (NEW). PL 1987, c. 371, §5 (RP).

CHAPTER 429

ASSESSMENT OF FOREST RESOURCES

§5101. Maine's forests

(REPEALED)

SECTION HISTORY

PL 1979, c. 414 (NEW). PL 1985, c. 488, §4 (RPR). PL 1989, c. 555, §1 (AMD). PL 1989, c. 875, §J2 (RP).

§5101-A. Maine Forests for the Future Program

(REPEALED)

SECTION HISTORY

PL 1985, c. 488, §5 (NEW). PL 1989, c. 555, §§2,3 (AMD). PL 1989, c. 875, §J3 (RP).

§5101-B. Review and coordination

(REPEALED)

SECTION HISTORY

PL 1985, c. 488, §6 (NEW). PL 1989, c. 503, §B58 (AMD). PL 1989, c. 634, §§1,2 (AMD). PL 1989, c. 875, §J4 (RP).

§5102. Assessment of forest resources

(REPEALED)

SECTION HISTORY

PL 1979, c. 414 (NEW). PL 1989, c. 875, §J5 (RP).

§5103. Reports

(REPEALED)

SECTION HISTORY

PL 1979, c. 414 (NEW). PL 1985, c. 488, §7 (RPR). PL 1985, c. 737, §A26 (RPR). PL 1989, c. 555, §4 (AMD). PL 1989, c. 875, §J6 (RP).

§5104. Cooperation

(REPEALED)

SECTION HISTORY

PL 1979, c. 414 (NEW). PL 1985, c. 488, §8 (RP).

§5105. Authority

(REPEALED)

SECTION HISTORY

PL 1979, c. 414 (NEW). PL 1989, c. 875, §J7 (RP).

§5106. Forest Resource Assessment and Marketing Program

(REPEALED)

SECTION HISTORY

PL 1983, c. 537, §1 (NEW). PL 1985, c. 491, §1 (RPR). PL 1989, c. 875, §J8 (RP).

§5107. Enhance education in economics

(REPEALED)

SECTION HISTORY

PL 1989, c. 555, §5 (NEW). PL 1989, c. 875, §J9 (RP).

CHAPTER 430

MAINE CONSERVATION CORPS

SUBCHAPTER 1

MAINE CONSERVATION CORPS PROGRAM

§5151. Maine Conservation Corps Program

(REPEALED)

SECTION HISTORY

PL 1983, c. 543, §1 (NEW). PL 1985, c. 451, §1 (RPR). PL 1985, c. 709, §1 (AMD). PL 1993, c. 410, §O1 (RP).

§5152. Participants

(REPEALED)

SECTION HISTORY

PL 1983, c. 543, §1 (NEW). PL 1985, c. 451, §1 (RPR). PL 1985, c. 709, §2 (AMD). PL 1989, c. 11 (AMD). PL 1993, c. 410, §O1 (RP).

§5153. Projects

(REPEALED)

SECTION HISTORY

PL 1983, c. 543, §1 (NEW). PL 1985, c. 451, §1 (RPR). PL 1985, c. 709, §3 (AMD). PL 1993, c. 410, §O1 (RP).

§5154. Limitations

(REPEALED)

SECTION HISTORY

PL 1985, c. 451, §1 (NEW). PL 1985, c. 709, §4 (AMD). PL 1993, c. 410, §O1 (RP).

§5155. Administration

(REPEALED)

SECTION HISTORY

PL 1985, c. 451, §1 (NEW). PL 1985, c. 709, §5 (AMD). PL 1993, c. 410, §O1 (RP).

§5156. Corps members

(REPEALED)

SECTION HISTORY

PL 1985, c. 451, §1 (NEW). PL 1993, c. 410, §O1 (RP).

§5157. Prohibition against displacement of other employees or involvement in labor dispute (REPEALED)

SECTION HISTORY

PL 1985, c. 709, §6 (NEW). PL 1993, c. 410, §O1 (RP).

SUBCHAPTER 2

STATE ENVIRONMENTAL RESOURCE VOLUNTEER EFFORT

§5161. State Environmental Resource Volunteer Effort (REPEALED)

SECTION HISTORY

PL 1985, c. 451, §1 (NEW). PL 1993, c. 410, §O1 (RP).

§5162. Volunteer insurance (REPEALED)

SECTION HISTORY

PL 1985, c. 451, §1 (NEW). PL 1985, c. 709, §7 (RPR). PL 1993, c. 410, §O1 (RP).

§5163. Types of volunteer or intern services (REPEALED)

SECTION HISTORY

PL 1985, c. 451, §1 (NEW). PL 1993, c. 410, §O1 (RP).

§5164. Stipends (REPEALED)

SECTION HISTORY

PL 1985, c. 451, §1 (NEW). PL 1993, c. 410, §O1 (RP).

§5165. Monetary contributions to the volunteer and intern program (REPEALED)

SECTION HISTORY

PL 1985, c. 451, §1 (NEW). PL 1993, c. 410, §O1 (RP).

CHAPTER 431

MAINE SHORELINE PUBLIC ACCESS PROTECTION PROGRAM

§5201. Findings and declaration of policy

The Legislature finds and declares that public access to the Maine coast is of great importance to people of the State who make their living in the marine and maritime industries and to those who enjoy the natural beauty of our coastal shorelines; that the State of Maine and coastal municipalities own less than 3% of Maine's shoreline, the lowest percentage of publicly owned shoreline of any coastal state in

the United States; that the Maine coast is experiencing intense development pressure that is further limiting public access to the shore; and that the rising costs of coastal shorefront property, together with the diminishing opportunities for access to coastal shoreline, require the establishment of a state program to encourage and support the acquisition of shoreland areas for public uses. [PL 1985, c. 794, Pt. B (NEW).]

SECTION HISTORY

PL 1985, c. 794, §B (NEW).

§5202. Maine Shoreline Public Access Protection Fund

1. Fund established. To accomplish the purposes of this chapter, there is established a nonlapsing Maine Shoreline Public Access Protection Fund, referred to in this chapter as the "fund." All income received by the Department of Agriculture, Conservation and Forestry for the purposes of this chapter shall be recorded on the books of the State in a separate account and shall be deposited with the Treasurer of State to be credited to the fund. These funds shall be made available to the commissioner for the purpose of implementing the Maine Shoreline Public Access Protection Program, established under section 5203.
[PL 1987, c. 402, Pt. A, §94 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

2. Expenditure of funds. All money credited to the fund shall be used to preserve and protect public access to coastal shoreland areas in accordance with the guidelines established by the commissioner pursuant to section 5203. As provided in section 5203, not less than 50% of all revenue available from the fund shall be dispersed to municipalities located in the coastal area, as defined in Title 38, section 1802. No more than 10% of the revenues available in the fund may be used for the development of acquired access areas.
[PL 1987, c. 402, Pt. A, §94 (AMD).]

SECTION HISTORY

PL 1985, c. 794, §B (NEW). PL 1987, c. 402, §A94 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§5203. Program guidelines

1. Program established. There is established, within the Department of Agriculture, Conservation and Forestry, the Maine Shoreline Public Access Protection Program, referred to in this chapter as the "program" for the purposes of encouraging and supporting the acquisition and development of shoreland areas by the State Government and local governments. Any acquisition or development of shoreland areas supported by this program shall be undertaken solely to enhance, preserve or protect public access to coastal shoreland areas. The commissioner shall establish, amend or repeal rules of the department necessary to accomplish the purposes of this chapter.
[PL 1987, c. 402, Pt. A, §95 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

2. Program guidelines. To accomplish the purposes of this chapter, the commissioner shall establish guidelines for the appropriate expenditure of money available in the fund. In establishing these guidelines, the commissioner shall consider, among other things:

A. Access to shoreline for shellfish and marine worm harvesters and for other economic purposes; [PL 1985, c. 794, Pt. B (NEW).]

B. Public access to shoreline for scenic and recreational purposes; [PL 1985, c. 794, Pt. B (NEW).]

C. The purchase of easements and property development rights; [PL 1985, c. 794, Pt. B (NEW).]

D. The establishment and limited development of public access ways and areas; and [PL 1985, c. 794, Pt. B (NEW).]

E. The ability of a municipality or state agency to manage shoreline access in a manner that is consistent with the natural carrying capacity of the area accessed and to provide adequate essential public services. [PL 1985, c. 794, Pt. B (NEW).]

[PL 1985, c. 794, Pt. B (NEW).]

3. Coastal municipality participation. Notwithstanding any guidelines established pursuant to this chapter, at least 50% of all revenue available from the fund shall be dispensed to municipalities located in the coastal area, as defined in Title 38, section 1802, for the acquisition or development of shoreline access areas. The amount granted to such a municipality pursuant to this section shall not exceed 50% of the total cost of the acquisition or development project.

[PL 1985, c. 794, Pt. B (NEW).]

4. Public access. All projects financed through this program shall be made equally open for use by all Maine citizens.

[PL 1985, c. 794, Pt. B (NEW).]

SECTION HISTORY

PL 1985, c. 794, Pt. B (NEW). PL 1987, c. 402, Pt. A, §95 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

PART 9

MARINE RESOURCES

SUBPART 1

ADMINISTRATION

CHAPTER 601

GENERAL PROVISIONS

§6001. Definitions

For the purposes of this Part, the following words shall have the following meanings, unless a different meaning is required by the context. [PL 1977, c. 661, §5 (NEW).]

1. Aquaculture. "Aquaculture" means the culture or husbandry of marine organisms by any person.

[PL 1977, c. 661, §5 (NEW).]

1-A. Alewives.

[PL 2011, c. 598, §2 (RP).]

2. Atlantic salmon. "Atlantic salmon" means the anadromous fish species Salmo salar that customarily migrates from inland waters to the ocean as part of its life cycle.

[PL 1999, c. 401, Pt. BB, §2 (AMD).]

3. Bulk pile. "Bulk pile" means any pile or the contents of any box, barrel or other container.

[PL 1977, c. 661, §5 (NEW).]

4. Buy. "Buy" means to buy or purchase and includes offering to buy.

[PL 1977, c. 661, §5 (NEW).]

5. Car. "Car" means a lobster car, crate, box or other contrivance, whether sunken or floating, that may be used in coastal waters to hold live lobsters.
[PL 1977, c. 661, §5 (NEW).]

6. Coastal waters. "Coastal waters" means all waters of the State within the rise and fall of the tide out to the limits of the exclusive economic zone as shown on the most recently published Federal Government nautical chart, but it does not include areas above any fishway or dam when the fishway or dam is the dividing line between tidewater and fresh water.
[PL 2001, c. 272, §1 (AMD).]

6-A. Commercial fisheries business. "Commercial fisheries business" means an enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities. "Commercial fisheries business" includes, but is not limited to:

A. Licensed commercial fishermen, aquaculturists and fishermen's cooperatives; [PL 2011, c. 266, Pt. B, §4 (NEW).]

B. Persons providing direct services to commercial fishermen, aquaculturists or fishermen's cooperatives, as long as provision of these direct services requires the use of working waterfront property; and [PL 2011, c. 266, Pt. B, §4 (NEW).]

C. Municipal and private piers and wharves operated to provide waterfront access to commercial fishermen, aquaculturists or fishermen's cooperatives. [PL 2011, c. 266, Pt. B, §4 (NEW).]
[PL 2011, c. 266, Pt. B, §4 (NEW).]

7. Commissioner. "Commissioner" means Commissioner of Marine Resources.
[PL 1977, c. 661, §5 (NEW).]

8. Common carrier. "Common carrier" means a vehicle that is:

A. Operating under authority granted by either the Federal Government or the carrier's home state; and [PL 2007, c. 615, §1 (NEW).]

B. Transporting goods for hire and the carrier does not own the marine organisms being transported. [PL 2007, c. 615, §1 (NEW).]
[PL 2007, c. 615, §1 (RPR).]

9. Conservation. "Conservation" means providing for the development and wise utilization of the state's marine resources, protecting the ultimate supply for present and future generations, preventing waste and implementing sound management programs.
[PL 1977, c. 661, §5 (NEW).]

10. Crayfish. "Crayfish" means all species from either fresh or salt water including, but not limited to, the family Palinuridae, including the representative genera Jasus and Palinurus, which have been called by such terms including, but not limited to, rock lobster, spiny lobster, sea crawfish, red lobster, thorny lobster, langoust, langoustini, langostino, crayfish, Sidney crawfish, kreef, Cuban rock lobster, African lobster or African crawfish.
[PL 1989, c. 348, §2 (AMD).]

11. Crew member. "Crew member" means any person assisting in operating or attending gear or operating a boat while fishing.
[PL 1977, c. 661, §5 (NEW).]

12. Dealer. "Dealer" means any person who buys, sells or distributes any marine organism.
[PL 1977, c. 661, §5 (NEW).]

13. Department. "Department" means the Department of Marine Resources.
[PL 1977, c. 661, §5 (NEW).]

13-A. Engage. "Engage" means engage or attempt to engage.
[PL 1979, c. 541, Pt. B, §13 (NEW).]

13-B. Equipment. "Equipment" means a box, trap, crate, net or other device or machinery used to harvest or store marine organisms.
[PL 1989, c. 742, §1 (NEW).]

13-C. Dip net. "Dip net" means a device consisting of a rigid frame filled with netting, firmly attached to a rigid handle and manually operated by a single person.
[PL 1995, c. 536, Pt. A, §1 (NEW).]

13-D. Eel. "Eel" means a member of the species Anguilla rostrata in that stage of its life cycle when it is 6 inches or more in length.
[PL 1995, c. 536, Pt. A, §1 (NEW).]

13-E. Eel pot. "Eel pot" means a cylindrical or rectangular trap with funnels that is baited and used to harvest eels. An eel pot is 50 cubic feet or less in total volume and utilizes wire or slatting no smaller than 1/2 inch square measure.
[PL 1995, c. 536, Pt. A, §1 (NEW).]

13-F. Elver. "Elver" means a member of the species Anguilla rostrata in that stage of its life cycle when it is less than 6 inches in length.
[PL 1995, c. 536, Pt. A, §1 (NEW).]

13-G. Elver fyke net. "Elver fyke net" means a fyke net that is 30 feet or less in length from cod end to either wing tip, is fitted with netting that measures 1/8-inch bar mesh or less, contains a 1/2-inch or less bar mesh excluder panel that covers the entrance of the net, and consists of not more than one funnel end, one cod end and 2 wings.
[PL 1997, c. 575, §1 (AMD).]

13-H. Elver dip net. "Elver dip net" means a dip net with a hoop of not more than 30 inches in diameter and fitted with netting that measures 1/8 inch bar mesh or less.
[PL 1999, c. 7, §1 (AMD).]

13-I. Established base of operations. "Established base of operations" means the location where a vessel has its primary relationship. Among the factors identifying a primary relationship are the locations at which the vessel is primarily moored or docked, where it prepares for expeditions and hires a crew and to which it regularly returns for repairs, supplies and activities relating to its business or trade. The fact that a vessel carries on one or more of these activities at more than one location within this State or at a location or locations outside this State does not prevent the vessel from being considered to have an established base of operations within the State if a substantial portion of these activities are carried on at a location or locations within this State. For purposes of this subsection, "substantial portion" means a period exceeding 30 days in any calendar year.
[PL 2019, c. 225, §2 (AMD).]

14. Establishment. "Establishment" means the premises, buildings, structures, facilities and equipment, including vehicles, used in the buying, selling or processing of marine organisms.
[PL 1977, c. 661, §5 (NEW).]

15. Finfish. "Finfish" means any cold-blooded marine animal having permanent gills and fins.
[PL 1977, c. 661, §5 (NEW).]

15-A. Fishway. "Fishway" means a manmade device, including fish elevators, fishlocks and fish ladders, that is used to enable fish to migrate upstream past dams, waterfalls, rapids or other obstacles.
[PL 1993, c. 498, §1 (NEW).]

16. Fish, the noun. The noun "fish" means all finfish, squid and shrimp, or other marine animal, except lobsters, crabs, shellfish, scallops and marine worms.

[PL 1977, c. 661, §5 (NEW).]

17. Fish, the verb. The verb "fish" means to take or attempt to take any marine organism by any method or means.
[PL 1977, c. 661, §5 (NEW).]

17-A. Freshwater fish. "Freshwater fish" means the following fish species, when found in coastal waters as defined in subsection 6: Brown trout; largemouth bass; smallmouth bass; black crappie; rainbow trout; brook trout; chain pickerel; and landlocked salmon.
[PL 1987, c. 312, §1 (NEW).]

17-B. Fork length. "Fork length" means the greatest dimension between the most anteriorly projecting part of the head and the apex of the V formed by the caudal fin. The measurement is a straight line and is not taken over the curve of the body.
[PL 1987, c. 690, §1 (NEW).]

17-C. Fyke net. "Fyke net" means a funnel-shaped net designed to intercept moving marine organisms and retain marine organisms in a confined space.
[PL 1995, c. 536, Pt. A, §2 (NEW).]

18. Handline. "Handline" means a single line with no more than 5 hooks attached which is hand held.
[PL 1977, c. 661, §5 (NEW).]

19. Hermetically sealed. "Hermetically sealed" means a container which has been made airtight by fusion so that no air, gas or spirits can either enter or escape, whether or not the container is sterilized by heat. It does not include friction cover containers or containers requiring refrigeration.
[PL 1981, c. 433, §1 (AMD).]

20. Hook and line. "Hook and line" means a single line with no more than 5 hooks, including the commonly called rod and reel and handline.
[PL 1977, c. 661, §5 (NEW).]

20-A. Hoop net. "Hoop net" means a stationary cylindrical net fitted with mesh measuring 1/2 inch or greater stretch measure, that is placed at the bottom of a body of water and has a diameter of 6 feet or less as measured at its widest point and has a length of 18 feet or less as measured from the cod end to the hoop that forms the mouth of the net. "Hoop net" includes wings or leads attached to the mouth of the hoop net.
[PL 1995, c. 536, Pt. A, §2 (NEW).]

21. Intertidal zone. "Intertidal zone" means the shores, flats or other land between high and low water mark.
[PL 1977, c. 661, §5 (NEW).]

22. License. "License" means a document issued by the State to a named person authorizing that person to engage in particular activities. License includes a permit, but does not include a certificate or lease.
[PL 1977, c. 661, §5 (NEW).]

23. Lobster. "Lobster" means a crustacean of the genus Homarus americanus.
[PL 1977, c. 661, §5 (NEW).]

24. Lobster trap. "Lobster trap" means a lobster trap, pot or other stationary contrivance or device that may be set on the ocean bottom and used for taking lobsters or crabs.
[PL 1977, c. 661, §5 (NEW).]

24-A. Mahogany quahog. "Mahogany quahog" means a marine mollusk, Artica icelandica.
[PL 1981, c. 297, §1 (NEW).]

25. Marine mollusk. "Marine mollusk" means any marine invertebrate animal of the phylum Mollusca, but shall not include squid or octopi.
[PL 1977, c. 661, §5 (NEW).]

26. Marine organism. "Marine organism" means any animal, plant or other life that inhabits waters below head of tide.
[PL 1997, c. 123, §1 (AMD).]

27. Marine resources. "Marine resources" means all renewable marine organisms and the entire ecology and habitat supporting those organisms.
[PL 1977, c. 661, §5 (NEW).]

28. Marine resources' laws. "Marine resources' laws" means chapter 419 and Part 9 or any other statute authorizing the commissioner or department to undertake any activity, and any regulation authorized by these statutes.
[PL 1977, c. 661, §5 (NEW).]

29. Marine species. "Marine species" means all marine animals except lobster, shellfish, marine worms and elvers.
[PL 1995, c. 536, Pt. A, §3 (AMD); PL 1995, c. 536, Pt. A, §13 (AFF).]

30. Marine worms. "Marine worms" means sand, blood and clam worms.
[PL 1977, c. 661, §5 (NEW).]

30-A. Pacific salmon. "Pacific salmon" means all species of the genus Onchorhynchus.
[PL 1983, c. 662, §1 (NEW).]

31. Parlor section. "Parlor section" means that part of a lobster trap designed or intended to hold or detain lobsters until they are removed by the fisherman.
[PL 1977, c. 661, §5 (NEW).]

32. Permit. "Permit" means license.
[PL 1977, c. 661, §5 (NEW).]

33. Person. "Person" means any individual, firm, corporation or agency or political subdivision of government.
[PL 1977, c. 661, §5 (NEW).]

34. Personal use. "Personal use" means for consumption or use by oneself, by members of the immediate family or by invited guests.
[PL 1977, c. 661, §5 (NEW).]

34-A. Possession. "Possession" means to have in one's custody or control, either personally or by another who is under one's control.
[PL 1985, c. 24, §1 (NEW).]

35. Process, the verb. The verb "process" means handling, storing, cooking, preparing, producing, manufacturing, preserving, packing or other activity which could change the condition or form.
[PL 1977, c. 661, §5 (NEW).]

35-A. Quahog. "Quahog" means a marine mollusk, Mercenaria mercenaria, commonly called hard shelled clams, and Artica icelandica, commonly called mahogany quahogs.
[PL 1981, c. 297, §2 (NEW).]

36. Registered vessel. "Registered vessel" means:

A. A vessel that is owned or operated by a person licensed under this Part; [PL 2005, c. 26, §2 (NEW).]

B. A vessel that is used to bring a marine organism into the State or its territorial waters; [PL 2005, c. 26, §2 (NEW).]

C. A vessel that is registered or has been issued a certificate of number under chapter 935; [PL 2005, c. 26, §2 (NEW).]

D. A vessel documented in accordance with 46 United States Code, Chapter 121 that has designated a Maine port of hail; [PL 2005, c. 26, §2 (NEW).]

E. A vessel that has been issued a certificate of number by the United States Coast Guard under 46 United States Code, Chapter 123 that has identified Maine as the state of principal use; or [PL 2005, c. 26, §2 (NEW).]

F. A vessel that has an established base of operations within this State. [PL 2005, c. 26, §2 (NEW).]

[PL 2005, c. 26, §2 (RPR).]

37. Retail. "Retail" means sale, trade or service directly to the consumer for his personal use.
[PL 1977, c. 661, §5 (NEW).]

37-A. Rigged. "Rigged" means to have on board the equipment necessary to undertake the activity. The commissioner shall determine by rulemaking what equipment is necessary to undertake the activity. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2005, c. 26, §3 (AMD).]

37-B. River herring. "River herring" means the species Alosa pseudoharengus, commonly called alewife, and Alosa aestivalis, commonly called blueback herring.
[PL 2011, c. 598, §3 (NEW).]

38. Scallop. "Scallop" means sea scallop, placopecten magellanicus.
[PL 1977, c. 661, §5 (NEW).]

38-A. Seaweed. "Seaweed" means all marine algae.
[PL 1983, c. 116, §1 (NEW).]

39. Sell. "Sell" means to sell, offer to sell or expose for sale.
[PL 1977, c. 661, §5 (NEW).]

40. Serve. "Serve" means the preparation of a marine organism for retail sale or consumption, but does not include shucking shellfish.
[PL 1977, c. 661, §5 (NEW).]

40-A. Sheldon eel trap. "Sheldon eel trap" means a box trap with a netted wing 10 feet or less in length used to intercept and direct elvers into the trap.
[PL 1997, c. 91, §3 (AMD).]

41. Shellfish. "Shellfish" means clams, quahogs, oysters and mussels and includes shellstock and shucked shellfish.
[PL 1977, c. 661, §5 (NEW).]

42. Shellstock. "Shellstock" means shellfish which have not been removed from their shells.
[PL 1977, c. 661, §5 (NEW).]

43. Ship, the verb. The verb "ship" means to send by a common carrier.
[PL 1977, c. 661, §5 (NEW).]

44. Shucked shellfish. "Shucked shellfish" means shellfish or parts thereof which have been removed from their shells.
[PL 1977, c. 661, §5 (NEW).]

44-A. Single hook. "Single hook" means a hook with no more than one eye and one shank to which one or more points is attached.
[PL 1993, c. 498, §1 (NEW).]

45. Sunrise. "Sunrise" means the time given for sunrise as computed and established for Augusta, Maine, by the Nautical Almanac Office of the United States Naval Observatory for the particular day involved, converted to the legal standard of time in force in the State on that day.
[PL 1977, c. 661, §5 (NEW).]

46. Sunset. "Sunset" means the time given for sunset as computed and established for Augusta, Maine, by the Nautical Almanac Office of the United States Naval Observatory for the particular day involved, converted to the legal standard of time in force in the State on that day.
[PL 1977, c. 661, §5 (NEW).]

47. Suspension. "Suspension" means the revocation of a license, the right to obtain a license and the privilege to undertake the licensed activity, whether the suspension is temporary or permanent.
[PL 1977, c. 661, §5 (NEW).]

48. Take, the verb. The verb "take" means to remove or attempt to remove a marine organism from its natural habitat.
[PL 1977, c. 661, §5 (NEW).]

48-A. Total length. "Total length" means the greatest dimension between the most anteriorly projecting part of the head and the farthest tip of the caudal fin when the caudal rays are squeezed together. The measurement is a straight line and is not taken over the curve of the body.
[PL 1987, c. 690, §1 (NEW).]

48-B. Territorial waters. "Territorial waters" means all waters of the State within the rise and fall of the tide seaward to the 3-nautical-mile line as shown on the most recently published Federal Government nautical chart, but does not include areas above any fishway or dam when that fishway or dam is the dividing line between tidewater and fresh water.
[PL 2001, c. 272, §2 (NEW).]

49. Transfer. "Transfer" means to transport by boat on the water.
[PL 1977, c. 661, §5 (NEW).]

50. Transport, the verb. The verb "transport" means to move an object from one place to another by any means other than to ship.
[PL 1977, c. 661, §5 (NEW).]

51. Tub-trawl. "Tub-trawl" means a single line, with more than 5 hooks, including the commonly called tub-trawl, line trawl or long line.
[PL 1977, c. 661, §5 (NEW).]

52. Tuna. "Tuna" means any finfish commonly known as tuna, including the horse mackerel.
[PL 1977, c. 661, §5 (NEW).]

53. Vehicle. "Vehicle" means a machine or conveyance, including watercraft and aircraft, used to move or transport marine organisms.
[PL 1989, c. 742, §2 (RPR).]

54. Wholesale. "Wholesale" means sale, trade or service that is not directly to a consumer and is not retail.
[PL 1977, c. 661, §5 (NEW).]

55. Whole scallop. "Whole scallop" means a cultured scallop in any form, except when the final product form is the adductor muscle of the scallop only.
[PL 2001, c. 112, §1 (NEW).]

56. Working waterfront or working waterfront property. "Working waterfront" or "working waterfront property " means land, legally filled lands and piers and wharves and other improvements to land adjacent to the navigable coastal waters of the State and used by a commercial fisheries business. [PL 2011, c. 266, Pt. B, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 541, §B13 (AMD). PL 1979, c. 590, §1 (AMD). PL 1981, c. 63 (AMD). PL 1981, c. 297, §§1,2 (AMD). PL 1981, c. 433, §1 (AMD). PL 1983, c. 116, §1 (AMD). PL 1983, c. 662, §1 (AMD). PL 1985, c. 24, §1 (AMD). PL 1987, c. 312, §§1,2 (AMD). PL 1987, c. 690, §1 (AMD). PL 1989, c. 348, §2 (AMD). PL 1989, c. 742, §§1,2 (AMD). PL 1993, c. 498, §1 (AMD). PL 1995, c. 536, §§A1-4 (AMD). PL 1995, c. 536, §A13 (AFF). PL 1997, c. 91, §§1-3 (AMD). PL 1997, c. 123, §1 (AMD). PL 1997, c. 575, §1 (AMD). PL 1999, c. 7, §1 (AMD). PL 1999, c. 401, §BB2 (AMD). PL 2001, c. 112, §1 (AMD). PL 2001, c. 272, §§1,2 (AMD). PL 2003, c. 248, §1 (AMD). PL 2005, c. 26, §§1-3 (AMD). PL 2007, c. 615, §1 (AMD). PL 2011, c. 266, Pt. B, §§4, 5 (AMD). PL 2011, c. 598, §§2, 3 (AMD). PL 2019, c. 225, §2 (AMD).

§6002. Rules of construction

The following rules of construction apply to this Part, unless a different construction is plainly required by the context. [PL 1977, c. 661, §5 (NEW).]

1. Reference to marine organisms. Reference to the taking or possession of any marine organism includes the taking and possession of any part of it.
[PL 1977, c. 661, §5 (NEW).]

2. Application to marine organisms. Marine resources' laws apply only to marine organisms, as distinguished from fresh water organisms, except where jurisdiction over migratory or other organisms is specifically given.
[PL 1977, c. 661, §5 (NEW).]

3. General application. Marine resources' laws shall apply to all registered vessels and to all persons where their activities occur within the State, within the coastal waters of the State or where the product of those activities are brought into the State or its coastal waters. They shall also apply to all residents of the State wherever those activities are conducted, but not within the jurisdiction of another state. These laws do not apply to marine organisms passing through the State under the authority of the laws of the United States. This subsection does not limit section 6859.
[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6003. Coordination of fisheries management

The Commissioner of Marine Resources, in consultation with the Commissioner of Inland Fisheries and Wildlife, may regulate the taking of freshwater fish species in coastal waters. Rules shall be promulgated in accordance with section 6171. Whenever a bag limit on freshwater fish species in coastal waters exists, as defined in section 6001, subsection 17-A, no person may possess more than one day's bag limit, regardless of whether the fish are taken from inland or coastal waters. [PL 1987, c. 312, §3 (NEW).]

SECTION HISTORY

PL 1987, c. 312, §3 (NEW).

§6004. Juvenile violations

Notwithstanding other provisions of law, a person who has not attained 18 years of age and who is convicted of a crime for a violation of a provision of this Part that is not defined as a juvenile crime under Title 15, section 3103, subsection 1 may not be sentenced to imprisonment but may be ordered to serve a period of confinement in a Department of Corrections juvenile correctional facility that may not exceed 30 days, which may be suspended in whole or in part, if the court determines that: [PL 2005, c. 507, §1 (AMD).]

1. Crime. The crime is one that, if committed by a person who has attained 18 years of age, would carry a mandatory term of imprisonment that may not be suspended;
[PL 2005, c. 328, §1 (NEW).]

2. Nature. The aggravated nature and seriousness of the crime warrants a period of confinement; or
[PL 2005, c. 507, §1 (AMD).]

3. History. The record or previous history of the defendant warrants a period of confinement.
[PL 2005, c. 507, §1 (AMD).]

The court is not required to impose a period of confinement notwithstanding that there is a mandatory term of imprisonment applicable to a person who has attained 18 years of age. [PL 2005, c. 507, §1 (AMD).]

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that subchapter. [PL 2019, c. 113, Pt. C, §9 (AMD).]

SECTION HISTORY

PL 2003, c. 410, §1 (NEW). PL 2005, c. 328, §1 (AMD). PL 2005, c. 507, §1 (AMD). PL 2019, c. 113, Pt. C, §9 (AMD).

§6005. Labeling shellfish

A person who is authorized to hold or possess shellfish under chapter 623 may not label shellfish sold alive using the words "product of Maine" or any other similar words or terms that misleadingly suggest the shellfish was taken from the waters of this State unless the shellfish was in fact taken from the waters of the State. [PL 2011, c. 234, §1 (NEW).]

The sale of shellfish labeled in violation of this section is a deceptive business practice in violation of Title 17-A, section 901. A violation of this section that results in a conviction under Title 17-A, section 901 is considered a conviction for a violation of a marine resources law under section 6351, subsection 1, paragraph A. [PL 2011, c. 234, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 234, §1 (NEW).

CHAPTER 603

DEPARTMENT ADMINISTRATION

§6021. Purpose

The Department of Marine Resources is established to conserve and develop marine and estuarine resources; to conduct and sponsor scientific research; to promote and develop the Maine coastal fishing industries; to advise and cooperate with local, state and federal officials concerning activities in coastal waters; and to implement, administer and enforce the laws and regulations necessary for these enumerated purposes, as well as the exercise of all authority conferred by this Part. [PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6021-A. Marine Products Marketing Program

The Marine Products Marketing Program is established to encourage, promote and provide for direct participation of Maine seafood producers in joint public and private market development programs. The commissioner may enter into agreements or cooperative arrangements with any person for the purpose of advertising and increasing the sale and consumption of seafood products. The commissioner may receive, administer and disburse any funds or contributions from these persons, either independently or in conjunction with state funds allocated to the purpose, provided that funds so contributed shall be used only for the purposes of market development programs. [PL 1989, c. 57, §1 (NEW).]

SECTION HISTORY

PL 1989, c. 57, §1 (NEW).

§6022. Commissioner's appointment, duties and powers

1. Appointment and term. The commissioner shall be appointed by the Governor and shall be subject to review by the Joint Standing Committee on Marine Resources and to confirmation by the Legislature. The commissioner shall serve at the pleasure of the Governor.
[PL 1985, c. 481, Pt. A, §34 (AMD).]

2. General powers. The commissioner shall be responsible for the administration and enforcement of all marine resources' laws and shall have all the powers of a marine patrol officer. He shall maintain records of all leases, certificates or licenses issued by the commissioner or required to be filed under section 6027.
[PL 1979, c. 541, Pt. B, §73 (AMD).]

3. Organization and personnel. The commissioner shall organize the department into the administrative units which the commissioner decides are necessary to carry out its duties. The commissioner shall hire all necessary employees of the department subject to the Civil Service Law, except that persons in the following positions shall be appointed by and serve at the pleasure of the commissioner: Deputy Commissioner; Chief, Bureau of Marine Patrol; and Assistant to the Commissioner for Public Information. The Chief of the Bureau of Marine Patrol shall be appointed from among the patrol personnel of the bureau with the rank of sergeant or higher. In the event that the Chief of the Bureau of Marine Patrol is not reappointed, that person shall have the right to be restored to the classified position from which that person shall have been promoted or to a position equivalent thereto in salary grade without impairment of that person's personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would have entitled that person. If that person's service in the position of Chief of the Bureau of Marine Patrol shall be terminated for cause, that person's right to be so restored shall be determined by the State Civil Service Appeals Board.
[PL 1989, c. 348, §3 (AMD).]

4. Warden code. The commissioner shall prepare a written code governing the operating procedures of the Bureau of Marine Patrol services for submission to the Director of Human Resources. The code shall become effective when approved by the Director of Human Resources.
[PL 1985, c. 785, Pt. B, §66 (AMD).]

5. Property. The commissioner may acquire and hold any right or interest in real or personal property on behalf of the State. The commissioner may by sale, lease or otherwise dispose of any such property, or portion of any such property or interest in any such property, subject to the provisions of section 598-A.
[PL 2007, c. 615, §2 (AMD).]

6. Enforcement agreements. The commissioner may enter into reciprocal enforcement agreements with political subdivisions of the State and with other states, regional authorities and the Federal Government. Pursuant to these agreements, the commissioner may designate and deputize federal law enforcement personnel and law enforcement personnel from other states to enforce marine resource laws and rules. In that event, the commissioner shall designate the specific laws and rules to be enforced. Agents so deputized may enforce those laws and rules so designated by the commissioner. Agents so deputized by the commissioner shall have the powers of a marine patrol officer, as defined in section 6025.
[PL 1985, c. 24, §2 (AMD).]

7. Report. The commissioner shall report to the Governor and Legislature every 2 years. This report shall include a detailed statement of the department's actions and functions and a survey of the present state of the state's fishing industries and their anticipated future, including statistics and data. The report may include those recommendations for amendments to the laws and licensing procedures of the marine resources' laws as may be necessary for the operation of the department. The report shall cover the period ending June 30th of each even-numbered year and shall be due within 6 months of the end of the period which it covers.
[PL 1977, c. 661, §5 (NEW).]

8. Pamphlet laws. The commissioner shall publish a pamphlet of the sections of this Part as soon as possible after the adjournment of the first regular session of each Legislature. In addition, the commissioner may publish any other laws or regulations.
[PL 1977, c. 661, §5 (NEW).]

9. Federal expenditures. The commissioner may accept federal funds for use in department programs and to do such acts as are consistent with the powers of the commissioner and as are necessary to carry out federal laws pursuant to which those funds are provided. The commissioner may accept any other funds as may be available to carry out the purposes of the department.
[PL 1977, c. 661, §5 (NEW).]

10. Ecological impact. The commissioner shall advise the United States Army Corps of Engineers, the Department of Transportation, the Department of Environmental Protection and appropriate state agencies on the ecological effects of dredging, filling and depositing of soil or otherwise altering coastal wetlands, whether these actions will affect adversely estuarine or marine fisheries and what mitigation or compensatory measures are available. The commissioner shall also recommend to these agencies whether dredging, filling or otherwise altering coastal wetlands is permitted under current state and federal wetland rules and regulations.
[PL 1989, c. 501, Pt. P, §21 (AMD).]

11. Interagency cooperation. The commissioner shall consult with, offer advice to and cooperate with the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Department of Agriculture, Conservation and Forestry in carrying out the commissioner's duties, and these agencies shall do the same in carrying out their duties. Cooperation includes the exchange of information and the filing of copies of any application, petition, request, report or similar document

that may bear upon the responsibilities of any of these departments. Details of those exchanges must be worked out by the heads of the departments.
[PL 2011, c. 655, Pt. KK, §15 (AMD); PL 2011, c. 655, Pt. KK, §34 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

12. Regulations. The commissioner may make regulations as authorized by marine resources' laws.
[PL 1977, c. 661, §5 (NEW).]

13. State map.

[PL 1989, c. 502, Pt. A, §35 (RP).]

14. Brands, labels and marks. The commissioner may develop, design and register brands, labels or marks, as that term is used in Title 10, section 1521, subsection 3, for identifying marine resource products packed in accordance with official grades and standards established by the department and shall furnish information to packers and shippers as to where these labels and marks may be obtained. A written application to the commissioner requesting permission to use these brands, labels or marks and a written acceptance thereto from the commissioner shall be a condition precedent to the use of these brands, labels or marks. The right to use these brands, labels or marks may be suspended or revoked by the commissioner according to the procedures set forth in section 6101, subsections 6 to 8, whenever it appears on investigation that they have been used to identify marine resource products not conforming to the grades or standards indicated.
[PL 1981, c. 684, §8 (NEW).]

15. Revolving fund. The commissioner may prepare and distribute printed and audio-visual materials on matters within his statutory jurisdiction. There is established within the department a revolving fund to cover the printing and distribution costs of these materials. The commissioner shall fix the prices at which publications of the department may be sold or delivered. The department shall retain, without charge, an appropriate number of each publication for complimentary distribution. Income from the sale of publications that were charged to the revolving fund and any other moneys the commissioner may receive, from whatever source, consistent with the purposes of this section, shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of the fund.
[PL 1983, c. 286, §1 (NEW).]

16. Atlantic salmon powers and responsibilities. The commissioner has the sole authority to introduce Atlantic salmon into the inland waters, other than in commercial aquaculture facilities. The commissioner has the sole authority to limit or prohibit the taking of Atlantic salmon and may adopt rules establishing the time, place and manner of Atlantic salmon fishing in all waters of the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2009, c. 561, §3 (NEW).]

17. Permit banking program. The commissioner may administer a permit banking program in which the department holds federal limited access fishing permits and distributes the rights associated with those permits to eligible residents of the State with the goal of restoring and preserving access to federally managed fisheries. The commissioner may lease fisheries allocations, as required, to fund the costs associated with the permit banking program and may use funds in excess of those needed to administer the program to provide assistance to groundfish sectors consistent with the goals of the program.
[PL 2011, c. 598, §4 (AMD).]

18. Commissioner's authority. The State assents to the provisions of the Federal Aid in Sport Fish Restoration Act, 16 United States Code, Chapter 10B, as amended. The commissioner may perform all acts necessary for the establishment and implementation of cooperative fish restoration and

management projects as defined by that Act and the implementing regulations promulgated under that Act.
[PL 2011, c. 266, Pt. A, §1 (NEW).]

19. Interstate wildlife violator compact. The commissioner may enter into an interstate wildlife violator compact to promote compliance with the laws, regulations and rules that relate to the management of marine resources in the respective member states and may adopt rules, which are routine technical rules as described in Title 5, chapter 375, subchapter 2-A, necessary to implement certain provisions of the compact.
[PL 2013, c. 468, §1 (NEW).]

20. Sale of general merchandise. The commissioner may engage in the selling and marketing of general merchandise products when the express purpose is to accommodate public demand and generate supplemental funds for the Bureau of Marine Patrol.

A. The commissioner may create dedicated accounts for depositing money received from the sale of general merchandise products pursuant to this subsection. [PL 2015, c. 172, §1 (NEW).]

B. Funds received by the commissioner from the sale of general merchandise products pursuant to this subsection must be deposited in a dedicated account to be used only to market, promote and increase public awareness of the Bureau of Marine Patrol and to recruit marine patrol officers. [PL 2015, c. 172, §1 (NEW).]

[PL 2015, c. 172, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 127, §82 (AMD). PL 1979, c. 541, §B73 (AMD). PL 1981, c. 505, §3 (AMD). PL 1981, c. 684, §8 (AMD). PL 1983, c. 286, §1 (AMD). PL 1983, c. 489, §8 (AMD). PL 1985, c. 24, §2 (AMD). PL 1985, c. 481, §A34 (AMD). PL 1985, c. 785, §§B65,66 (AMD). PL 1989, c. 348, §3 (AMD). PL 1989, c. 501, §P21 (AMD). PL 1989, c. 502, §A35 (AMD). PL 2007, c. 615, §2 (AMD). PL 2009, c. 561, §3 (AMD). PL 2011, c. 10, §1 (AMD). PL 2011, c. 266, Pt. A, §1 (AMD). PL 2011, c. 598, §4 (AMD). PL 2011, c. 655, Pt. KK, §15 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 657, Pt. W, §5 (REV). PL 2013, c. 468, §1 (AMD). PL 2015, c. 172, §1 (AMD).

§6023. Deputy commissioner

The commissioner shall designate a deputy commissioner, who shall serve at the pleasure of the commissioner. The deputy commissioner shall be responsible, under the direction of the commissioner, for the administration and enforcement of the marine resources' laws and shall have all the powers of a marine patrol officer. He shall serve as the commissioner in the commissioner's absence or disability or if the office of the commissioner becomes vacant. The commissioner may appoint an appropriate administrative officer in the department to perform the functions of the commissioner if both the commissioner and deputy commissioner are disabled or absent. [PL 1979, c. 541, Pt. B, §73 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 541, §B73 (AMD).

§6024. Advisory council

1. Appointment; composition; term; compensation.

[PL 1989, c. 8, §1 (AMD); PL 1989, c. 503, Pt. B, §§59, 60 (RP).]

1-A. Appointment; composition; term; compensation. The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 15 members. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council are ex officio members of the council. Each other member is appointed by the

Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources matters and to confirmation by the Legislature. Five members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 5 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those 5 members may represent lobster harvesters. The remaining 7 members must include one public member, 4 persons who hold a nonharvesting-related license under this Part, one person representing recreational saltwater anglers and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The composition of the council must reflect a geographical distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council shall serve until a new chair of the Lobster Advisory Council, a new chair of the Sea Urchin Zone Council or a new chair of the Shellfish Advisory Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.
[PL 2019, c. 225, §3 (AMD).]

2. Powers and duties; meetings; officers. The council shall give the commissioner information and advice concerning the administration of the department and carry out other duties specifically delegated by marine resources' laws. The council shall hold regular quarterly meetings with the commissioner, or the commissioner's designee, and may hold special meetings at any time. The council shall elect one of its members as chair, one as vice-chair and one as secretary, all for a term of one year, at the first regular meeting in each year. The officers have the following duties.

A. The chair shall call and preside at all meetings of the council. [PL 1995, c. 382, §3 (AMD).]

B. The vice-chair shall call and preside at all meetings of the council in the chair's absence. [PL 1995, c. 382, §3 (AMD).]

C. The secretary shall cause records to be taken and to be preserved of all meetings of the council. [PL 1977, c. 661, §5 (NEW).]

[PL 1995, c. 382, §3 (AMD).]

3. Quorum. A quorum shall be a majority of the current members of the council.
[PL 1977, c. 661, §5 (NEW).]

4. Council actions. An affirmative vote of a majority of the members present at a meeting or polled shall be required for any action. No action may be considered unless a quorum is present or, if there is no meeting, a quorum responds to a written poll.
[PL 1977, c. 661, §5 (NEW).]

5. Research oversight. The commissioner shall annually report to the council on the research of the department. The report shall include the present research plan and its implementation, any necessary revision of the plan and its necessary extension over the planning period. The council may appoint marine scientists, who are not employees of the department, to advise it in considering the research plan. After completing its review, the council shall report the plan, and any recommendations or comments, to the joint standing committee of the Legislature having jurisdiction over marine resources.
[PL 1985, c. 481, Pt. A, §36 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1977, c. 713, §1 (AMD). PL 1979, c. 127, §83 (AMD). PL 1979, c. 357 (AMD). PL 1983, c. 383, §1 (AMD). PL 1983, c. 812, §81 (AMD). PL 1985, c. 481,

§§A35,36 (AMD). PL 1987, c. 694, §1 (AMD). PL 1989, c. 8, §§1,2 (AMD). PL 1989, c. 503, §§B59-62 (AMD). PL 1989, c. 788, §1 (AMD). PL 1995, c. 382, §§2,3 (AMD). PL 1999, c. 85, §2 (AMD). PL 2007, c. 176, §1 (AMD). PL 2007, c. 240, Pt. QQ, §2 (AMD). PL 2007, c. 615, §3 (AMD). PL 2007, c. 695, Pt. K, §1 (AMD). PL 2009, c. 369, Pt. A, §23 (AMD). PL 2019, c. 225, §3 (AMD).

§6025. Marine patrol officers

1. Appointment. Applicants for the position of a marine patrol officer who qualify under the officer's code and pass the examination administered by the Bureau of Human Resources may be appointed by the commissioner to hold office under Title 5, chapters 51 to 67 and under the officer's code.
[PL 1985, c. 785, Pt. B, §67 (AMD).]

2. Fees and other offices. Except before the District Court, officers are allowed the same fees as sheriffs and their deputies for like service which must be paid to the commissioner for use of the State. Officers may not hold any other state, county or municipal office for which they receive compensation, except elected positions in municipal or county government.
[PL 2001, c. 340, §1 (AMD).]

3. Powers and duties. Officers shall enforce all marine resources' laws and may arrest and prosecute all violators. They may serve all process pertaining to marine resources' laws. They shall have jurisdiction and authority in all areas where the laws for which they have responsibility apply. In addition to their specified powers and duties, the marine patrol officers are vested with the authority to enforce all laws of the State and may arrest for violations of any criminal laws. Any officer may require suitable aid in the execution of the duties of his office. Marine patrol officers may receive complete law enforcement training within one year from the date of employment and in-service training privileges at the Maine Criminal Justice Academy.
[PL 1979, c. 541, Pt. B, §14 (AMD).]

4. Search powers. Any marine patrol officer, in uniform, may search without a warrant and examine any watercraft, aircraft, conveyance, vehicle, box, bag, locker, trap, crate or other receptacle or container for any marine organism when he has probable cause to believe that any marine organism taken, possessed or transported contrary to law is concealed thereon or therein.
[PL 1981, c. 433, §2 (AMD).]

5. Sheriff and police powers as marine patrol officers. A sheriff, deputy sheriff, police officer, constable or inland fisheries and wildlife warden, within their respective jurisdiction, shall be vested with the powers of a marine patrol officer, except the powers provided in sections 6306 and 6434. When an officer acts under this section, the same fees shall be paid for his services to the usual recipient of the officer's fees.
[PL 1979, c. 541, Pt. B, §14 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 541, §B14 (AMD). PL 1981, c. 433, §2 (AMD). PL 1985, c. 785, §B67 (AMD). PL 2001, c. 340, §1 (AMD).

§6025-A. New Hampshire marine patrol

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL CONTINGENCY: See 2003, c. 519, §2)

A member of the New Hampshire marine patrol who, in the course of patrolling the waters of the Piscataqua River or Portsmouth Harbor, observes activity that the officer reasonably suspects may result in loss of life, widespread injury or widespread and severe property damage has authority to enter Maine and has the same authority to investigate, detain and execute an arrest as a Maine marine patrol

officer. When a member of the New Hampshire marine patrol is engaged in Maine in carrying out the purpose of this subsection, that member has all the same privileges and immunities as Maine marine patrol officers in addition to privileges and immunities available under New Hampshire law. [PL 2003, c. 519, §1 (NEW); PL 2003, c. 519, §2 (AFF).]

The commissioner shall immediately notify the Secretary of State of New Hampshire if this section is repealed or amended to significantly alter its application. [PL 2003, c. 519, §1 (NEW); PL 2003, c. 519, §2 (AFF).]

REVISOR'S NOTE: §6025-A. New Hampshire marine patrol (WHOLE SECTION TEXT REPEALED ON CONTINGENCY: See PL 2003, c. 519, §2)

SECTION HISTORY

PL 2003, c. 519, §1 (NEW). PL 2003, c. 519, §2 (AFF).

§6026. False personation

Impersonation of a marine patrol officer shall be a violation of Title 17-A, section 457. [PL 1979, c. 541, Pt. B, §73 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6027. Other governmental units to file documents

Every state department, government agency or official and municipal or political subdivision shall file with the commissioner copies of all leases, permits, grants or licenses issued to carry on activities in the coastal waters. [PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6028. Volunteer marine patrol officers

1. Appointment. The commissioner may appoint volunteer marine patrol officers upon such conditions as the commissioner may determine. Volunteer marine patrol officers shall serve without compensation and may be paid actual automobile costs at the rate paid to state employees.
[PL 1983, c. 449 (NEW).]

2. Powers and duties. Volunteer marine patrol officers shall have the same powers and duties as marine patrol officers specified in section 6025, except that the exercise of these powers and duties shall be limited to marine resources laws set out in chapters 601 to 627, inclusive, and department regulations adopted pursuant to these statutes. Volunteer marine patrol officers shall complete reserve officer training at the Maine Criminal Justice Academy pursuant to Title 25, section 2805-A prior to assuming these duties.
[PL 1983, c. 449 (NEW).]

SECTION HISTORY

PL 1979, c. 541, §B73 (AMD). PL 1983, c. 449 (NEW).

§6029. Search and rescue operations

The Department of Marine Resources may provide search and rescue services in the coastal waters of the State and shall be the responsible state agency for those services, except when they involve lost or downed aircraft. The department shall develop a formal plan for those activities and designate one person within the department as coordinator of search and rescue to work with other search and rescue agencies, both governmental and private. The department shall attempt to establish and train regional

volunteer organizations to assist with search and rescue and include them in plans and joint training exercises as appropriate. [PL 1989, c. 489, §3 (RPR).]

SECTION HISTORY

PL 1987, c. 814, §1 (NEW). PL 1989, c. 489, §3 (RPR).

§6029-A. Safety and security services

1. Enforcement of federal safety and security zones. At the request of and as expressly provided by the United States Coast Guard in accordance with federal law, marine patrol officers may assist the United States Coast Guard in the enforcement of safety and security zones established by the United States Coast Guard Captain of the Port for Maine. Marine patrol officers may take all action necessary to assist the United States Coast Guard in enforcing security and safety zones to the extent authorized by the United States Coast Guard.
[PL 2003, c. 60, §1 (NEW).]

2. Memorandum of agreement. Prior to engaging in the activities authorized under this section, the Bureau of Marine Patrol must enter into a memorandum of agreement with the United States Coast Guard that establishes the appropriate procedures and protocols for enforcement activities authorized under this section. Any funds received from the Federal Government for reimbursement to the State for activities authorized under this section must be deposited in the Bureau of Marine Patrol federal programs account.
[PL 2007, c. 615, §4 (AMD).]

SECTION HISTORY

RR 2003, c. 2, §17 (COR). PL 2003, c. 60, §1 (NEW). PL 2007, c. 615, §4 (AMD).

§6030. Department of Marine Resources Educational Fund

1. Fund. There is established the Department of Marine Resources Educational Fund, referred to in this section as the "fund." The department is authorized to set and receive fees to be deposited in the fund. The fund receives all funds collected by the department from the operation of the Aquarium and Resource Center at West Boothbay Harbor and the Burnt Island Living Lighthouse, including admission fees, the proceeds of sales at the Aquarium and Resource Center at West Boothbay Harbor and the Burnt Island Living Lighthouse and donations, grants or other funds presented to the department for the benefit of the Aquarium and Resource Center at West Boothbay Harbor and the Burnt Island Living Lighthouse and their educational programs. All money deposited in the fund and the earnings on the money remain in the fund to be used for the management and maintenance of the Aquarium and Resource Center at West Boothbay Harbor and the Burnt Island Living Lighthouse and their programs that educate the State's children, teachers and visitors about the State's marine resources. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the same purpose.
[PL 2003, c. 520, §1 (AMD).]

2. Annual report.
[PL 2011, c. 598, §5 (RP).]

SECTION HISTORY

PL 1995, c. 507, §1 (NEW). PL 2003, c. 520, §1 (AMD). PL 2011, c. 598, §5 (AMD).

§6030-A. Burnt Island; Burnt Island Living Lighthouse; rules

The commissioner may adopt such rules as are necessary to protect and preserve Burnt Island and the Burnt Island Living Lighthouse. In addition, the commissioner may adopt such rules as are necessary to provide for the successful implementation of the department-authorized educational and recreational programs that are conducted on the island. The rules may include restrictions on public

access to Burnt Island and the Burnt Island Living Lighthouse as determined reasonably necessary for these purposes. [PL 2005, c. 56, §1 (NEW).]

Rules adopted pursuant to the section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2005, c. 56, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 56, §1 (NEW).

§6031. Governor's Marine Studies Fellowship Program

1. Fellowship program established. There is established within the department the Governor's Marine Studies Fellowship Program to encourage the study of disciplines important to the conservation, management and utilization of marine resources. Those disciplines include, but are not limited to: applied aquaculture research in culture techniques, engineering, disease prevention, diagnosis and treatment and product technology; marine science with focus on research in support of resource management and sustainability, including marine fisheries science and assessment, ecology and life history, water quality and contaminants, coastal oceanography, marine biotechnology and technology development and transfer; and marine resource policy and management. The program must provide support for undergraduate and graduate students at colleges and universities chartered in the State.
[PL 1997, c. 24, Pt. UU, §1 (NEW).]

2. Program administration. The commissioner shall seek the advice and participation of academic and aquaculture and fisheries industry representatives in administering the Governor's Marine Studies Fellowship Program and in the award process. The commissioner shall establish program guidelines that provide for contributing support from academic institutions and aquaculture and fishing industry organizations at a minimum matching level for non-state participation of 2 non-state dollars for each state dollar and may provide for contributions by other interests that wish to provide fellowship support.
[PL 1997, c. 24, Pt. UU, §1 (NEW).]

3. Fund established. There is established within the department the Governor's Marine Studies Fellowship Fund. The commissioner may receive funds from nongeneral fund sources for use in the Governor's Marine Studies Fellowship Program. All money received into the fund must be used for the purposes of the program. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fellowship fund.
[PL 1997, c. 24, Pt. UU, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 24, §UU1 (NEW).

§6032. Marine Recreation Fishing Conservation and Management Fund

(REPEALED)

SECTION HISTORY

PL 1999, c. 85, §3 (NEW). PL 2009, c. 559, §1 (RPR). PL 2009, c. 559, §4 (AFF). PL 2011, c. 421, §1 (RP).

§6032-A. Marine Recreation Fishing Conservation and Management Fund

1. Fund established. The Marine Recreation Fishing Conservation and Management Fund, referred to in this section as "the fund," is established within the department. The commissioner may receive on behalf of the fund funds from any source. All money received into the fund must be used for the purposes of the fund under subsection 2. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fund. Any interest earned on the money in the fund must be credited to the fund.

[PL 2011, c. 598, §6 (NEW).]

2. Uses of fund. The commissioner may authorize the expenditure of money from the fund for research and conservation efforts related to the saltwater recreational fishery.
[PL 2011, c. 598, §6 (NEW).]

SECTION HISTORY

PL 2011, c. 598, §6 (NEW).

§6033. Marine Recreational Fishing Advisory Council

(REPEALED)

SECTION HISTORY

PL 1999, c. 85, §4 (NEW). PL 2009, c. 369, Pt. A, §24 (RP).

§6034. Commercial Fishing Safety Council

1. Appointment; composition. The Commercial Fishing Safety Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-E, consists of 9 members appointed by the commissioner as follows:

A. One member who is a license holder under this Part and a member of the Lobster Advisory Council, recommended by the chair of the Lobster Advisory Council; [PL 2003, c. 90, §2 (NEW).]

B. [PL 2011, c. 128, §1 (RP).]

C. One member who is a license holder under this Part and a member of the Sea Urchin Zone Council or the Scallop Advisory Council, recommended by the chair of the Sea Urchin Zone Council or the Scallop Advisory Council; [PL 2011, c. 128, §1 (AMD).]

D. Three members who are license holders under this Part and who represent commercial marine harvesting activities; [PL 2011, c. 128, §1 (AMD).]

E. An educator experienced in community-based adult education and volunteer safety training or an expert in fishing industry risk analysis and occupational health; [PL 2011, c. 128, §1 (AMD).]

F. [PL 2011, c. 128, §1 (RP).]

G. An expert in marine safety equipment; [PL 2003, c. 90, §2 (NEW).]

H. [PL 2011, c. 128, §1 (RP).]

I. [PL 2011, c. 128, §1 (RP).]

J. A spouse or domestic partner of a license holder under this Part; and [PL 2003, c. 90, §2 (NEW).]

K. A member of the public. [PL 2003, c. 90, §2 (NEW).]

The composition of the council must reflect a geographic distribution along the coast of the State. The council may invite to carry out the duties of the council other participants on an ad hoc basis, including representatives of private or governmental organizations or individuals with expertise or interest in marine, education, labor or health matters.
[PL 2011, c. 128, §1 (AMD).]

2. Term. The term of an appointed member is 3 years, except a vacancy of a member before the expiration of the member's term must be filled in the same manner as the original member for the unexpired portion of the member's term.
[PL 2011, c. 128, §2 (AMD).]

3. Officers. The officers of the council are the chair, vice-chair and secretary. The term of the officers is one year. The Governor shall appoint the first chair of the council. Except for the appointment of the original chair, the council shall elect a member of the council for each officer position at the first regular meeting of each year. The officers have the following duties:

A. The chair shall call and preside at council meetings; [PL 2003, c. 90, §2 (NEW).]

B. The vice-chair shall call and preside at council meetings when the chair is absent; and [PL 2003, c. 90, §2 (NEW).]

C. The secretary shall record all meetings of the council and preserve these records. [PL 2003, c. 90, §2 (NEW).]

[PL 2003, c. 90, §2 (NEW).]

4. Meetings. The council shall hold regular quarterly meetings and may hold special meetings with the commissioner or the commissioner's designee. A member of the council may participate and is deemed present at a meeting of the council or of a subcommittee of the council by telephone, electronically or by any other means by which all members participating in the meeting are able to communicate with each other. The council shall ensure adequate facilities for full attendance at council meetings by the public.

[PL 2003, c. 90, §2 (NEW).]

5. Quorum. A quorum exists when a majority of the members of the council are present, either actually or pursuant to subsection 4.

[PL 2003, c. 90, §2 (NEW).]

6. Council actions. The council may act in the following ways:

A. If a quorum is present, in person or pursuant to subsection 4, by a majority vote of the members present or polled; or [PL 2003, c. 90, §2 (NEW).]

B. If there is no meeting, by written poll of a quorum of members responding. [PL 2003, c. 90, §2 (NEW).]

[PL 2003, c. 90, §2 (NEW).]

7. Duties. The council shall carry out duties specifically delegated to the council by law or by the commissioner and give the commissioner information and advice concerning fishing safety issues, including:

A. Minimum safety equipment, training and operational standards; [PL 2003, c. 90, §2 (NEW).]

B. Community-based education programs that provide practical safety training and fisheries-specific safety training; [PL 2003, c. 90, §2 (NEW).]

C. An outreach program to promote the culture of safety; and [PL 2005, c. 505, §2 (AMD).]

D. Opportunities to minimize the costs and seek alternative funding sources, fees, incentives, grants or partnerships to minimize the financial impact of safety requirements. [PL 2005, c. 505, §2 (AMD).]

E. [PL 2005, c. 505, §2 (RP).]

[PL 2005, c. 505, §2 (AMD).]

8. Report.

[PL 2005, c. 505, §3 (RP).]

9. Compensation. Members of the council are entitled to compensation according to Title 5, chapter 379.

[PL 2007, c. 34, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 90, §2 (NEW). PL 2003, c. 510, §C3 (AMD). PL 2005, c. 505, §§1-3 (AMD). PL 2007, c. 34, §2 (AMD). PL 2009, c. 369, Pt. A, §25 (AMD). PL 2011, c. 128, §§1, 2 (AMD).

§6035. Commercial safety fishing plan

No later than October 1st of each year, the Commercial Fishing Safety Council shall submit a commercial fishing safety plan to the commissioner that includes, but is not limited to, the council's fishing safety initiatives, any revisions to those initiatives and any new initiatives for the department to consider. [PL 2005, c. 505, §4 (AMD).]

SECTION HISTORY

PL 2003, c. 90, §2 (NEW). PL 2005, c. 505, §4 (AMD).

§6036. Marine Fisheries Research and Development Fund

1. Fund established. The Marine Fisheries Research and Development Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund within the department. Unexpended balances in the fund at the end of the fiscal year may not lapse and must be carried forward to the next fiscal year and used for the purposes of this section.
[PL 2003, c. 520, §2 (NEW).]

2. Sources and uses of fund. Revenues from the total gasoline tax revenues credited to the fund under Title 36, section 2903-D may be used for research, development, propagation and management activities of the department. The commissioner may select activities and projects that will be most beneficial to the commercial fisheries of the State as well as the development of sport fisheries in the State. In addition to the revenues derived from the total gasoline tax revenues, the fund may receive money from any source for the purposes of this subsection.
[PL 2003, c. 520, §2 (NEW).]

3. Allocations from fund.
[PL 2013, c. 368, Pt. LLLL, §3 (RP).]

SECTION HISTORY

PL 2003, c. 520, §2 (NEW). PL 2013, c. 368, Pt. LLLL, §3 (AMD).

§6037. Marine Fisheries Stock Enhancement Fund

1. Fund established. The Marine Fisheries Stock Enhancement Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the department to improve the marine economy in this State. Unexpended balances in the fund at the end of the fiscal year do not lapse and must be carried forward to the next fiscal year and used for the purposes of this section.
[PL 2007, c. 240, Pt. VVVV, §1 (NEW).]

2. Uses of fund. Money in the fund must be administered by the department for commercial marine stock enhancement to improve the marine economy in this State through applied research, development, production of harvested marine species, infrastructure, monitoring and assessment. Money in the fund may be used as federal matching funds.
[PL 2007, c. 240, Pt. VVVV, §1 (NEW).]

3. Department may accept contributions to fund. The department may accept money from any public or private source to augment state contributions to the fund.
[PL 2007, c. 240, Pt. VVVV, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. VVVV, §1 (NEW).

§6038. Shellfish Advisory Council

1. Appointment; composition. The Shellfish Advisory Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-G, consists of 14 members who are appointed by the commissioner as follows:

A. Four members who are commercial shellfish license holders. In making the appointments under this paragraph, the commissioner shall consider up to 6 recommendations from associations representing the interests of persons who harvest shellfish commercially; [PL 2019, c. 600, §1 (AMD).]

B. Two members who are shellfish aquaculture lease holders. In making the appointments under this paragraph, the commissioner shall consider up to 3 recommendations from associations representing the interests of persons who raise shellfish under aquaculture leases; [PL 2007, c. 606, Pt. A, §2 (NEW).]

C. One member who is a municipal official involved in pollution permitting or mitigation; [PL 2019, c. 600, §1 (AMD).]

D. Two members who are licensed wholesale seafood dealers who have been issued a shellfish sanitation certificate by the department pursuant to section 6856, subsection 1. In making the appointments under this paragraph, the commissioner shall consider up to 3 recommendations from associations representing the interests of persons who buy and sell shellfish; [PL 2019, c. 600, §1 (AMD).]

E. One public member with knowledge of and interest in coastal water quality; [PL 2007, c. 606, Pt. A, §2 (NEW).]

F. Two members who are municipal shellfish officials, including, but not limited to, a municipal shellfish conservation warden or a member of a municipal shellfish management committee, as described in section 6671, subsection 2; [PL 2019, c. 600, §1 (AMD).]

G. One member who has been issued a shellfish depuration certificate under section 6856, subsection 3 or who is designated by the department as an authorized representative of the holder of the shellfish depuration certificate; and [PL 2019, c. 600, §1 (AMD).]

H. One member who has a demonstrated knowledge of biological science and, at a minimum, a bachelor's degree. The commissioner shall make a reasonable effort to appoint a member who has at least 5 years of relevant experience. [PL 2019, c. 600, §1 (NEW).]

The commissioner shall make appointments so that the composition of the council reflects a geographic distribution along the coast of the State.
[PL 2019, c. 600, §1 (AMD).]

2. Purpose. The council shall make recommendations to the commissioner and the joint standing committee of the Legislature having jurisdiction over marine resources matters concerning:

A. How best to utilize state agencies, municipal governments, the shellfish industry and citizen groups to make improvements to and maintain the quality of the State's coastal waters and to expedite the opening of closed shellfish flats; and [PL 2007, c. 606, Pt. A, §2 (NEW).]

B. Matters of interest to the State's shellfish industry, including, but not limited to, shellfish resource management, public health protection and the activities and recommendations of a multistate organization that promotes shellfish sanitation. [PL 2007, c. 606, Pt. A, §2 (NEW).]

The council is responsible for bringing forward to the commissioner matters of concern to the shellfish industry and for assisting the commissioner with the dissemination of information to members of the shellfish industry.
[PL 2007, c. 606, Pt. A, §2 (NEW).]

3. Term. The term of a member appointed to the council is 3 years, except that a vacancy during an unexpired term must be filled in the same manner as for the original member for the unexpired portion of the member's term. A member may not serve more than 2 consecutive terms.
[PL 2007, c. 606, Pt. A, §2 (NEW).]

4. Officers. The officers of the council are the chair, vice-chair and secretary. The term of the officers is one year. The council shall elect a member of the council for each officer position at the first regular meeting of each year.
[PL 2007, c. 606, Pt. A, §2 (NEW).]

5. Meeting. The council shall meet at least once a year. It may also meet at other times at the call of the chair or the commissioner. In advance of a meeting of a multistate organization that promotes shellfish sanitation, the council shall meet to discuss matters of interest to the shellfish industry, the department and the multistate organization and to make recommendations as necessary.
[PL 2007, c. 606, Pt. A, §2 (NEW).]

6. Compensation. Council members are entitled to expenses according to Title 5, chapter 379, which are paid from the Shellfish Fund established in section 6651.
[PL 2007, c. 606, Pt. A, §2 (NEW).]

REVISOR'S NOTE: §6038. Watercraft Fund (As enacted by PL 2007, c. 615, §5 is REALLOCATED TO TITLE 12, SECTION 6040)

SECTION HISTORY

RR 2007, c. 2, §3 (RAL). PL 2007, c. 606, Pt. A, §2 (NEW). PL 2007, c. 615, §5 (NEW). PL 2019, c. 600, §1 (AMD).

§6039. Halibut Fund

The Halibut Fund, referred to in this section as "the fund," is established within the department.
[PL 2007, c. 615, §6 (NEW).]

1. Sources. The fund is capitalized by fees received through the sale of halibut tags. In addition to those revenues, the commissioner may accept and deposit into the fund money from any other source, public or private. All money in the fund must be used for the purposes set forth in this section.
[PL 2007, c. 615, §6 (NEW).]

2. Purposes. The commissioner shall use the fund for halibut research and for the implementation of management measures needed for the halibut fishery.
[PL 2007, c. 615, §6 (NEW).]

3. Interest and balances credited to fund. Any interest earned on the money in the fund must be credited to the fund. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year and credited to the fund.
[PL 2007, c. 615, §6 (NEW).]

SECTION HISTORY

PL 2007, c. 615, §6 (NEW).

§6040. Watercraft Fund

(REALLOCATED FROM TITLE 12, SECTION 6038)

The Watercraft Fund, referred to in this section as "the fund," is established within the department.
[RR 2007, c. 2, §3 (RAL).]

1. Sources. The fund is capitalized by money collected from boat registrations pursuant to section 10206, subsection 3 and fines. In addition to those revenues, the commissioner may accept and deposit into the fund money from any other source, public or private.

[RR 2007, c. 2, §3 (RAL).]

2. Purposes. The commissioner shall use the fund primarily for the purpose of funding vessel operations and maintenance and safety and enforcement programs.
[RR 2007, c. 2, §3 (RAL).]

3. Interest and balances credited to fund. Any interest earned on the money in the fund must be credited to the fund. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year and credited to the fund.
[RR 2007, c. 2, §3 (RAL).]

SECTION HISTORY

RR 2007, c. 2, §3 (RAL).

§6041. Pelagic and Anadromous Fisheries Fund

The Pelagic and Anadromous Fisheries Fund, referred to in this section as "the fund," is established within the department. Balances in the fund may not lapse and must be carried forward to the next fiscal year. [PL 2009, c. 527, §1 (NEW).]

1. Uses of fund. The commissioner shall use the fund for research directly related to pelagic or anadromous fishery management and the processing of landings data. The commissioner may authorize the expenditure of money in the fund for research and development programs that address the restoration, development or conservation of pelagic or anadromous fish resources.
[PL 2009, c. 527, §1 (NEW).]

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.
[PL 2019, c. 640, §1 (AMD).]

SECTION HISTORY

PL 2009, c. 527, §1 (NEW). PL 2019, c. 332, §1 (AMD). PL 2019, c. 332, §3 (AFF). PL 2019, c. 640, §1 (AMD).

§6042. Maine Working Waterfront Access Protection Program

1. Program established; administration. The Maine Working Waterfront Access Protection Program, referred to in this section as "the program," is established to provide protection to strategically significant working waterfront property whose continued availability to commercial fisheries businesses is essential to the long-term future of the economic sector. The department shall administer the program either directly or by contract with a suitable organization.
[PL 2011, c. 266, Pt. B, §6 (NEW).]

2. Review panel. The department shall organize a review panel to advise the commissioner in the operation of the program, including, but not limited to, evaluating applications and recommending to the department applicants for participation in the program.
[PL 2011, c. 266, Pt. B, §6 (NEW).]

3. Selection criteria. The selection criteria with which to evaluate applications for protection of working waterfront property must include, but are not limited to:

A. The economic significance of the property to the commercial fisheries industry in the immediate vicinity and in the State as a whole; [PL 2011, c. 266, Pt. B, §6 (NEW).]

B. The availability of alternative working waterfront property in the same vicinity; [PL 2011, c. 266, Pt. B, §6 (NEW).]

C. The degree of community support for the proposed protection; [PL 2011, c. 266, Pt. B, §6 (NEW).]

D. The probability of conversion of the working waterfront property to uses incompatible with commercial fisheries businesses; and [PL 2011, c. 266, Pt. B, §6 (NEW).]

E. The utility of the working waterfront property for commercial fisheries business uses in terms of its natural characteristics and developed infrastructure. [PL 2011, c. 266, Pt. B, §6 (NEW).]
[PL 2011, c. 266, Pt. B, §6 (NEW).]

4. Grant agreements. The commissioner shall enter into grant agreements with state agencies and designated cooperating entities for the purpose of receiving grants from the Maine Working Waterfront Access Protection Fund under Title 5, section 6203-B.
[PL 2011, c. 266, Pt. B, §6 (NEW).]

5. Right of first refusal. The commissioner shall retain a permanent right of first refusal on any working waterfront property acquired in fee or protected by working waterfront covenant or other less-than-fee interests under Title 5, section 6203-B. Exercise of the right of first refusal must be at a price determined by an independent professional appraiser based on the value of the working waterfront property to a commercial fisheries business at the time of the exercise of the right. The commissioner may assign this right to a commercial fisheries business or to a local government if, in the commissioner's judgment, such an assignment is consistent with the purposes of this section.
[PL 2011, c. 266, Pt. B, §6 (NEW).]

6. Termination. If the commissioner determines that the public purposes of a grant made under subsection 4 are no longer served, the commissioner may, consistent with the provisions of Title 33, chapter 6-A, terminate a grant agreement made under subsection 4 conditional on repayment of the original grant amount or an amount equal to that proportion of the then-current value of the protected property that represents the ratio of the original grant amount to the original fee interest value at the time of the grant. Any funds recovered under this subsection must be deposited into the Maine Working Waterfront Access Protection Fund under Title 5, section 6203-B and may be expended only for the purposes of this section.
[PL 2011, c. 266, Pt. B, §6 (NEW).]

SECTION HISTORY

PL 2011, c. 266, Pt. B, §6 (NEW).

CHAPTER 605

GENERAL DEPARTMENT ACTIVITIES

SUBCHAPTER 1

GENERAL ACTIVITIES

§6051. General department activities

The department, under the direction of the commissioner, may conduct or sponsor programs for research and development of commercial, marine recreational and anadromous fishery resources and other marine resources of the State which may include biological, chemical, technological, hydrological, processing, depuration, marketing, financial, economic and promotional research and development. The department may carry out these programs within the department, in cooperation with other state agencies, and federal, regional and local governmental entities, or with private institutions or persons. [PL 1987, c. 599, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1987, c. 599, §1 (AMD).

§6052. Specific department activities

The department, under the direction of the commissioner, may also: [PL 1977, c. 661, §5 (NEW).]

1. Extension. Serve as the primary state agency to assist members of the fishing industries by providing technical and managerial assistance, including development of gear and techniques of fishing, within departmental capability;
[PL 1977, c. 661, §5 (NEW).]

2. Education. Conduct educational programs on all educational levels, including the training of teachers, conducting workshops and instructional programs, and developing curriculum, courses and texts for elementary and secondary students; provide access to and information on department facilities for any student; and develop and distribute information concerning marine resources and departmental programs and facilities;
[PL 1977, c. 661, §5 (NEW).]

3. Marketing. Serve as the primary state agency providing promotional and marketing assistance to the commercial fishing industries, including assisting in marketing seafood, stimulating of consumer interest in and consumption of seafood, increasing the sales of seafood domestically and abroad, supporting and expanding existing markets and developing new markets for traditional and underutilized species;
[PL 2017, c. 159, §1 (AMD).]

4. Research. Serve as the primary state agency engaging in research for the conservation of marine resources; and engage in all aspects of marine research, including:

A. Providing information on stock levels and environments of commercially and recreationally valuable marine and anadromous fish organisms; [PL 1987, c. 599, §2 (AMD).]

B. Solving particular problems that relate to the State's commercial, marine recreational and anadromous fishing industry; [PL 1991, c. 285, §1 (AMD).]

C. Providing technical and scientific information and support for all department activities; and [PL 1991, c. 285, §2 (AMD).]

D. Establishing a marine research revolving fund for soliciting and receiving funds for conducting marine research. A marine research fund established under this paragraph may be used only for research purposes set forth under paragraphs A and B and may not be used for research specific to any one company; [PL 2017, c. 284, Pt. QQ, §3 (AMD).]

[PL 2017, c. 284, Pt. QQ, §3 (AMD).]

5. Safety and security services. Provide safety and security services in the coastal waters of the State. The department shall coordinate with other local, state and federal agencies when the department provides such safety and security services; and
[PL 2017, c. 284, Pt. QQ, §4 (AMD).]

6. Implement and manage coastal zone management program. Manage and coordinate implementation and ongoing development and improvement of a state coastal zone management program in accordance with and in furtherance of the requirements of the federal Coastal Zone Management Act of 1972, 16 United States Code, Sections 1451 to 1466 (2012) and the State's coastal management policies established in Title 38, section 1801. The commissioner may:

A. Implement aspects of the state coastal zone management program and be the lead state agency for purposes of federal consistency review under the federal Coastal Zone Management Act of 1972, 16 United States Code, Section 1456 (2012); [PL 2017, c. 284, Pt. QQ, §5 (NEW).]

B. Receive and administer funds from public or private sources for implementation of the state coastal zone management program; and [PL 2017, c. 284, Pt. QQ, §5 (NEW).]

C. Act as the coordinating agency among the several officers, authorities, boards, commissions, departments and political subdivisions of the State on matters relative to management of coastal resources and related human uses in the coastal area. [PL 2017, c. 284, Pt. QQ, §5 (NEW).]

[PL 2017, c. 284, Pt. QQ, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1987, c. 599, §2 (AMD). PL 1991, c. 285, §§1-3 (AMD). PL 2003, c. 60, §§2-4 (AMD). PL 2003, c. 660, §A2 (AMD). PL 2017, c. 159, §1 (AMD). PL 2017, c. 284, Pt. QQ, §§3-5 (AMD).

§6053. General penalty

A violation of any provision of this chapter is a civil violation, unless another penalty has been expressly provided. [PL 2005, c. 92, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 92, §1 (NEW).

SUBCHAPTER 2

LEASES AND SPECIAL LICENSES

§6071. Importing of certain marine organisms

1. Live importing for introduction into coastal waters. Except for Atlantic salmon imported by the commissioner, it is unlawful to import for introduction, possess for purposes of introduction or introduce into coastal waters a live marine organism without a permit issued by the commissioner pursuant to subsection 2.

[PL 2009, c. 561, §4 (AMD).]

2. Permits and regulations on importing for introduction. The commissioner may grant a permit to import for introduction, possess for purposes of introduction or introduce to the coastal waters a live marine organism if the introduction, importation or possession will not endanger the indigenous marine life or its environment. Prior to granting a permit to introduce a nonindigenous organism, that has not been previously introduced under a permit, the commissioner shall hold a hearing. The commissioner may adopt or amend rules governing the importing and introduction of organisms to the coastal waters and the issuing of permits, to the extent required to prevent the introduction of bacteria, fungus, virus or any other infectious or contagious disease or parasite, predator or other organism that may be dangerous to indigenous marine life or its environment.

[PL 1997, c. 153, §1 (AMD).]

2-A. Restricting importation of organism. The commissioner may adopt rules under which the commissioner may restrict the importation of a marine organism from a particular location when the commissioner determines that an organism from that location is or may be diseased or infected in any manner. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

[PL 1997, c. 153, §1 (NEW).]

3. Organism and products embargoed and condemned. The commissioner or the commissioner's agent may indefinitely embargo, condemn or order to be destroyed a marine organism or marine organism product either indigenous or imported if:

A. The organism or product is introduced to coastal waters in violation of this section and the commissioner determines that the organism or product is of unsound quality, contains any filthy, decomposed or putrid substance, may be poisonous or deleterious to health or is otherwise unsafe; [PL 1997, c. 153, §1 (NEW).]

B. The organism or product is intended for introduction to coastal waters and the commissioner determines the organism or product is diseased or otherwise in a condition that if introduced to coastal waters could endanger indigenous marine life or its environment; or [PL 1997, c. 153, §1 (NEW).]

C. Handling of the organism or product could result in the introduction of that organism or product to the coastal waters and the commissioner determines the organism or product is diseased or otherwise in a condition that if introduced to coastal waters could endanger indigenous marine life or its environment. [PL 1997, c. 153, §1 (NEW).]

The commissioner shall cooperate with those state and federal agencies having similar responsibility in the protection of public health and in enforcing the order to embargo, condemn or destroy.

If any marine organisms or marine organism product is embargoed, condemned or ordered destroyed, the commissioner or the commissioner's agent shall, as soon as practical, notify the owner in writing of the amount and kind of marine organisms or marine organism product embargoed, condemned or destroyed.
[PL 1997, c. 153, §1 (AMD).]

4. Salmon imports prohibited. Except as provided in this subsection it is unlawful to import for introduction into any waters of the State any Atlantic salmon, live or as eggs, that originate in any Icelandic or European territorial waters or any other species of salmon, exclusive of rainbow trout, originating west of the North America continental divide. The commissioner may grant an exemption from the provisions of this subsection for a term not to exceed 2 years, renewable upon application, for legitimate aquacultural projects.
[PL 2007, c. 240, Pt. QQ, §3 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1989, c. 205, §1 (AMD). PL 1991, c. 381, §2 (AMD). PL 1991, c. 390, §1 (AMD). PL 1993, c. 562, §1 (AMD). PL 1995, c. 406, §§4,5 (AMD). PL 1997, c. 153, §1 (AMD). PL 1999, c. 401, §BB3 (AMD). PL 2007, c. 240, Pt. QQ, §3 (AMD). PL 2007, c. 695, Pt. C, §2 (AMD). PL 2009, c. 561, §4 (AMD).

§6071-A. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 212, §1 (NEW).]

1. Intertidal zone. "Intertidal zone" means the shores, flats or other land between the high and mean low water mark.
[PL 2007, c. 212, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 212, §1 (NEW).

§6072. Research and aquaculture leases

1. Authority. The commissioner may lease areas in, on and under the coastal waters, including the public lands beneath those waters and portions of the intertidal zone, for scientific research or for

aquaculture of marine organisms. The commissioner may grant a lease to any person. Except as provided in this Part, the commissioner's power to lease lands under this section is exclusive. For the purposes of this section, the deputy commissioner may serve in the place of the commissioner. For the purposes of this section, the commissioner or the deputy commissioner serving in the place of the commissioner may authorize in writing qualified professional department staff to sign lease documents. [PL 2003, c. 247, §2 (AMD).]

1-A. Lease requirement; finfish and suspension culture. Except as provided in paragraphs B and B-1 and sections 6072-A, 6072-B and 6072-C, it is unlawful for a person who does not have a lease issued by the commissioner under this section to construct or operate in the coastal waters of the State a facility for the culture of finfish in nets, pens or other enclosures or for the suspended culture of any other marine organism.

A. [PL 1997, c. 231, §2 (RP).]

B. A person operating a facility in the coastal waters of the State, on or before the effective date of this subsection, for the culture of finfish in nets, pens or other enclosures or for the suspended culture of shellfish that is not leased under this section must register the facility with the commissioner on or before January 1, 1992 on a form specified by the commissioner. A person registering under this paragraph must submit a completed lease application on or before July 1, 1992. A registrant whose application under this paragraph is denied shall immediately cease operations at the facility and remove all related structures from the coastal waters of the State. [PL 1999, c. 567, §1 (AMD).]

B-1. A person operating a facility in the coastal waters of the State for the suspended culture of a marine organism other than shellfish that is not leased under this section must register the facility with the commissioner on or before January 1, 1994 on a form specified by the commissioner. A person registering under this paragraph must submit a completed lease application on or before July 1, 1994. A registrant whose application under this paragraph is denied shall immediately cease operations at the facility and remove all related structures from the coastal waters of the State. [PL 1999, c. 567, §1 (AMD).]

C. The commissioner may not consider an application for a lease under this section on an area registered under paragraph B or B-1 from a person other than the registrant prior to rendering a final decision on any application submitted by a registrant under paragraph B or B-1. [PL 1999, c. 567, §1 (AMD).]

A person who violates this subsection is subject to a civil penalty, payable to the State, of no more than $1,000 for each day of the violation.
[PL 1999, c. 567, §1 (AMD).]

2. Limitations of lease. The commissioner shall determine the provisions of each lease, provided:

A. A lease may not exceed a term of 20 years; [PL 2017, c. 159, §2 (AMD).]

B. [PL 1997, c. 138, §1 (RP).]

C. [PL 1987, c. 453, §1 (RP).]

D. [PL 1981, c. 609, §2 (RP).]

E. Except as provided in subsection 13-A, the lease does not result in a person being a tenant of any kind in leases covering an aggregate of more than 500 acres; and [PL 2005, c. 535, §1 (AMD).]

F. No single lease may exceed 100 acres in size. [PL 1987, c. 453, §1 (NEW).]
[PL 2017, c. 159, §2 (AMD).]

3. Municipal approval. In any municipality with a shellfish conservation program under section 6671, the commissioner may not lease areas in the intertidal zone within the municipality without the consent of the municipal officers.
[PL 1999, c. 267, §1 (AMD).]

4. Applications. The application shall:

A. Be written on forms supplied by the commissioner; [PL 1977, c. 661, §5 (NEW).]

B. Describe the location of the proposed lease area by coordinates or metes and bounds; [PL 1997, c. 138, §2 (AMD).]

C. Identify the species to be cultivated; [PL 1977, c. 661, §5 (NEW).]

D. [PL 1987, c. 453, §1 (RP).]

D-1. Characterize the physical and ecological impact of the project on existing uses of the site and any adverse effects on the existing uses of the area, as defined by regulation promulgated by the Commissioner of Marine Resources; [PL 1987, c. 453, §1 (NEW).]

D-2. [PL 1997, c. 138, §3 (RP).]

E. Describe the degree of exclusive use required by the project; [PL 1977, c. 661, §5 (NEW).]

F. Include written permission of every riparian owner whose land to the low water mark will be actually used; [PL 1987, c. 453, §1 (AMD).]

G. Include a map of the lease area and its adjoining waters and shorelands, with the names and addresses of the known riparian owners as listed in the municipal tax records; [PL 1987, c. 453, §1 (AMD).]

H. Include an environmental evaluation of the site upon which the decision to seek a lease was made. The evaluation shall include, but not be limited to, bottom characteristics, resident flora, fauna and hydrography of the site if appropriate for the proposed lease; [PL 1987, c. 453, §1 (NEW).]

I. Describe the proposed source of organisms to be grown at the site; and [PL 1987, c. 453, §1 (NEW).]

J. Include a nonrefundable application fee of at least $100, but not more than $2,000, the amount to be set by the commissioner depending on the proposed acreage, type of aquaculture proposed and complexity of the application. [PL 2003, c. 660, Pt. A, §4 (AMD).]
[PL 2003, c. 660, Pt. A, §4 (AMD).]

4-A. Application information. A person who applies for a lease in an area for which that person has been issued a limited-purpose lease under section 6072-A or an emergency aquaculture lease under section 6072-B may submit any information utilized in applying for a limited-purpose lease or an emergency lease to meet the application requirements of this section. If the commissioner determines the information is not valid or relevant to a lease application under this section, the commissioner must require a person to submit additional information.
[PL 1997, c. 231, §3 (NEW).]

5. Application review. The commissioner shall review the application and set a hearing date if the commissioner is satisfied that the written application is complete, the application indicates that the lease could be granted and the applicant has the financial and technical capability to carry out the proposed activities. When the commissioner has determined that the application is complete, the commissioner shall forward a copy of the completed application and notice of hearing to the known riparian owners within 1,000 feet of the proposed lease and to the municipality or municipalities in which or adjacent to which the lease is proposed. A municipality must be granted intervenor status upon written request.

[PL 1999, c. 591, §1 (AMD).]

5-A. Department site review. Prior to the lease hearing, the department shall conduct an assessment of the proposed site and surrounding area to determine the possible effects of the lease on commercially and ecologically significant flora and fauna and conflicts with traditional fisheries and all other uses. This information must be provided to the intervenors and made available to the public 30 days before the hearing. As part of the site review, the department shall request information from the municipal harbor master about designated or traditional storm anchorages in proximity to the proposed lease. The commissioner may by rule establish levels of assessment appropriate to the scale or potential environmental risk posed by a proposed lease activity. The rules must provide a method of establishing a baseline to monitor the environmental effects of a lease activity. Rules adopted under this subsection are major substantive rules as defined by Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 660, Pt. A, §5 (AMD).]

6. Hearing procedure. Prior to granting a lease, the commissioner shall hold a hearing. The hearing shall be an adjudicatory proceeding and shall be held in the manner provided under the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV and the specific procedures of this section.

A. Notwithstanding the provisions of Title 5, section 9052, subsection 1, paragraph A, personal notice of the hearing shall be required to be given only to the lessee and the known riparian owners, the municipal officials of the municipality or municipalities in which or adjacent to which the lease is located and any interested parties that have provided a written request for notification. [PL 1987, c. 453, §1 (AMD).]

B. Under the provisions of Title 5, section 9052, the leasing procedure shall require notice to the general public. [PL 1977, c. 661, §5 (NEW).]

C. The Department of Environmental Protection, the Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife must be notified of all lease applications. [PL 1997, c. 138, §5 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

D. [PL 2003, c. 247, §3 (RP).]
[PL 2003, c. 247, §3 (AMD).]

7. Decision.

[PL 1987, c. 453, §1 (RP).]

7-A. Decision. In evaluating the proposed lease, the commissioner shall take into consideration the number and density of aquaculture leases in an area and may grant the lease if the proposed lease meets the following conditions as defined by rule.

A. The lease will not unreasonably interfere with the ingress and egress of riparian owners. [PL 2003, c. 660, Pt. A, §6 (AMD).]

B. The lease will not unreasonably interfere with navigation. [PL 2003, c. 660, Pt. A, §6 (AMD).]

C. The lease will not unreasonably interfere with fishing or other uses of the area. For the purposes of this paragraph, "fishing" includes public access to a redeemable shellfish resource, as defined by the department, for the purpose of harvesting, provided that the resource is commercially significant and subject to a pollution abatement plan that predates the lease application, that includes verifiable activities in the process of implementation and that is reasonably expected to result in the opening of the area to the taking of shellfish within 3 years. [PL 2003, c. 660, Pt. A, §6 (AMD).]

D. The lease will not unreasonably interfere with significant wildlife habitat and marine habitat or with the ability of the lease site and surrounding marine and upland areas to support existing ecologically significant flora and fauna. [PL 2003, c. 660, Pt. A, §6 (AMD).]

E. The applicant has demonstrated that there is an available source of organisms to be cultured for the lease site. [PL 2003, c. 660, Pt. A, §6 (AMD).]

F. The lease does not unreasonably interfere with public use or enjoyment within 1,000 feet of a beach, park or docking facility owned by the Federal Government, the State Government or a municipal governmental agency or certain conserved lands. For purposes of this paragraph, "conserved lands" means land in which fee ownership has been acquired by the municipal government, State Government or Federal Government in order to protect the important ecological, recreational, scenic, cultural or historic attributes of that property.

The Department of Agriculture, Conservation and Forestry shall maintain a list of conserved lands. The commissioner shall request this information from the Department of Agriculture, Conservation and Forestry prior to holding a preapplication proceeding. [PL 2011, c. 655, Pt. II, §4 (AMD); PL 2011, c. 655, Pt. II, §11 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

G. The lease will not result in unreasonable impact from noise or light at the boundaries of the lease site. [PL 2003, c. 660, Pt. A, §6 (AMD).]

H. Upon the implementation of rules, the lease must be in compliance with visual impact criteria adopted by the commissioner relating to color, height, shape and mass. [PL 2003, c. 247, §4 (NEW).]

The commissioner shall adopt rules to establish noise, light and visual impact criteria under paragraphs G and H, which are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 655, Pt. II, §4 (AMD); PL 2011, c. 655, Pt. II, §11 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

7-B. Conditions. The commissioner may establish conditions that govern the use of the leased area and limitations on the aquaculture activities. These conditions must encourage the greatest multiple, compatible uses of the leased area, but must also address the ability of the lease site and surrounding area to support ecologically significant flora and fauna and preserve the exclusive rights of the lessee to the extent necessary to carry out the lease purpose.
[PL 2003, c. 247, §5 (AMD).]

8. Preference. If more than one person applies to lease an area, preference must be given as follows:

A. First, to the person who holds a lease for the area or a portion of the area under section 6072-A and who submitted an application for a lease under this section for the area or a portion of the area before the lease under section 6072-A expired; [PL 2011, c. 93, §1 (AMD).]

A-1. Second, to the person who holds a license for the area or a portion of the area under section 6072-C and who submitted an application for a lease under this section for the area or a portion of the area before the license under section 6072-C expired; [PL 2017, c. 159, §3 (NEW).]

B. Third, to the department; [PL 2017, c. 159, §3 (AMD).]

C. Fourth, to the riparian owner of the intertidal zone in which the leased area is located; [PL 2017, c. 159, §3 (AMD).]

D. Fifth, to a person who fishes commercially and who has traditionally fished in or near the proposed lease area; and [PL 2017, c. 159, §3 (AMD).]

E. Sixth, to the riparian owner within 100 feet of leased coastal waters. [PL 2017, c. 159, §3 (AMD).]
[PL 2017, c. 159, §3 (AMD).]

8-A. Preference for limited-purpose lease areas.

[PL 2011, c. 93, §2 (RP).]

9. Rents. After consulting with the Director of the Bureau of Parks and Lands, the commissioner shall determine the rent that must be paid under each lease. The rent must represent a fair value based upon the use of and any structures in the leased area, but in no instance may the rental fee be set at less than $50 an acre or more than $100 an acre. The commissioner has the discretion to increase the rental fees for categories of leases. These changes may take effect over the term of a lease. The commissioner also may discount a portion of the rental fee during the first 2 years of operation of a new lease. This discounted rate may not be less than $50 an acre.
[PL 2003, c. 660, Pt. A, §7 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

10. Notification of granted leases. After the granting of a lease:

A. [PL 2015, c. 68, §1 (RP).]

B. The department shall notify all riparian owners, intervenors and the municipality in which the lease is located that a lease has been granted. The notice must include a description of the area and how a copy of the lease may be obtained; [PL 2003, c. 247, §6 (RPR).]

C. The lessee shall mark the leased area in a manner prescribed by the commissioner; and [PL 2003, c. 247, §6 (RPR).]

D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the department shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered confidential statistics for the purposes of section 6173. [PL 2013, c. 512, §1 (AMD).]

[PL 2015, c. 68, §1 (AMD).]

11. Monitoring and revocation of leases. The department shall monitor a lease under this section on an annual basis. If aquaculture has been conducted in a manner substantially injurious to marine organisms, if no substantial aquaculture or research has been conducted over the course of the lease or if any condition of the lease has been violated, the commissioner may initiate revocation proceedings and revoke the lease. A lease revocation is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4. The department shall hold a hearing with public notice prior to revoking any lease.
[PL 2003, c. 247, §7 (AMD).]

11-A. Lease assignment. The commissioner shall assign leases in accordance with this subsection.

A. When a lease under this section has been terminated by the lessee or has been revoked by the commissioner and all appeals have been exhausted, the commissioner may lease the same site on the same terms and conditions to a new lessee for the amount of time remaining in the term of the previous lease, subject to the requirements of this section. A lease that has been terminated or revoked may be assigned pursuant to this subsection at any time before its term expires. A lease assignment pursuant to this subsection is not an adjudicatory proceeding. [PL 2009, c. 229, §1 (NEW).]

B. Before assigning a lease pursuant to this subsection, the commissioner shall give notice to the public of the opportunity to submit proposals to assume and operate the lease. The commissioner shall determine that a proposal is eligible for consideration if:

(1) The application is complete, using forms provided by the commissioner;

(2) The change in lessee would not violate any of the standards in subsection 7-A;

(3) The assignment is not intended to circumvent the intent of subsection 8;

(4) The assignment is not for speculative purposes; and

(5) Except as provided in subsection 13-A, the assignment will not cause the assignee to be a tenant of any kind in leases covering an aggregate of more than 500 acres. [PL 2009, c. 229, §1 (NEW).]

C. The commissioner shall consider the eligible proposals under paragraph B and shall either:

(1) Select for assignment the proposal that is best suited to the lease site and in the best interests of the State;

(2) Declare all proposals unsuitable and solicit new proposals; or

(3) Suspend the assignment process for the lease site in question. [PL 2009, c. 229, §1 (NEW).]

D. After a proposal is selected pursuant to paragraph C, but before the lease is assigned, the commissioner shall give notice of the pending assignment to the public, the owners of riparian land within 1,000 feet of the lease site and the municipal officers of the municipality within which the lease is located. The notice must provide an opportunity to submit written comments on the proposed lease assignment within 14 days. The commissioner may decline to assign the lease and may select another proposal for assignment or proceed as described in paragraph C, subparagraph (2) or (3). [PL 2009, c. 229, §1 (NEW).]

E. A decision by the commissioner to assign a lease or to decline to assign a lease to an applicant whose proposal was selected pursuant to paragraph C must be rendered in writing and must include findings of fact and conclusions of law. The decision by the commissioner to assign or not to assign a lease is a final decision. [PL 2009, c. 229, §1 (NEW).]

F. The commissioner shall establish by rule the fee for assigning a lease under this subsection, which may not exceed $5,000, based on the type of aquaculture conducted and the size of the lease. The assignee must pay the fee prior to the execution of the lease. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2009, c. 229, §1 (NEW).]

[PL 2009, c. 229, §1 (NEW).]

12. Renewal. The commissioner shall renew a lease if:

A. The commissioner receives, at least 90 days prior to the expiration of a lease, an application for renewal that includes information on the type and amount of aquaculture to be conducted during the new lease term; [PL 2011, c. 93, §3 (AMD).]

B. The lessee has complied with the lease agreement during the term of the lease; [PL 2003, c. 247, §8 (NEW).]

C. The commissioner determines that renewal of the lease is in the best interest of the State; [PL 2003, c. 247, §8 (NEW).]

D. Except as provided in subsection 13-A, the renewal will not cause the lessee to become a tenant of any kind in leases covering an aggregate of more than 500 acres; and [PL 2005, c. 535, §2 (AMD).]

E. The lease is not being held for speculative purposes. [PL 2003, c. 247, §8 (NEW).]

If a person who holds a lease pursuant to this section applies to renew the lease, the lease remains in effect until the commissioner makes a decision on the renewal application. If the renewal is denied, the lease expires 30 days after the date of the commissioner's decision.

When aquaculture has not been routinely or substantially conducted on a lease that is proposed for renewal, the commissioner may renew the lease, as long as the proposed renewal will continue to meet the criteria for approval in subsection 7-A.

A lease renewal is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4. Public notice must be given as required under subsection 6 and a hearing must be held if it is requested in writing by 5 persons. The commissioner may review multiple leases concurrently during the lease renewal process.

A lease renewal application must include a nonrefundable application fee of no more than $1,500, the amount to be set by the commissioner depending on the type of aquaculture permitted by the lease. [PL 2011, c. 93, §3 (AMD).]

12-A. Transferability. A lease under this section may be transferred to another person for the remaining portion of its term subject to the conditions in this subsection. A lease transfer is not an adjudicatory proceeding.

A. An application to transfer a lease pursuant to this subsection must be made on forms provided by the commissioner. When the commissioner determines that the application is complete, the commissioner shall give notice of the proposed transfer to the public, the owners of riparian land within 1,000 feet of the lease site and the municipal officers of the municipality within which the lease is located. The notice must provide an opportunity to submit written comments on the proposed lease transfer within 14 days. [PL 2009, c. 229, §2 (AMD).]

B. The commissioner may grant lease transfers pursuant to this subsection if the commissioner determines that:

(1) The change in lessee does not violate any of the standards in subsection 7;

(2) The transfer is not intended to circumvent the intent of subsection 8;

(3) The transfer is not for speculative purposes; and

(4) Except as provided in subsection 13-A, the transfer will not cause the transferee to be a tenant of any kind in leases covering an aggregate of more than 500 acres.

A decision by the commissioner on an application to transfer a lease must be rendered in writing and must include findings of fact and conclusions of law. The decision by the commissioner on the transfer application is a final decision. [PL 2009, c. 229, §2 (AMD).]

C. The commissioner shall establish by rule the fee for transferring a lease under this subsection, which may not exceed $5,000, based on the type of aquaculture conducted and the size of the lease. The transferee must pay the fee prior to the execution of the lease. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2009, c. 229, §2 (AMD).]

[PL 2009, c. 229, §2 (AMD).]

12-B. Extension of lease.

[PL 2011, c. 93, §4 (RP).]

12-C. Expansion of lease. A person who holds a lease under this section may apply to the commissioner to expand the contiguous area of the lease by up to 25%, but may not expand by more than 4 acres, once during the duration of the term of the lease pursuant to this subsection.

A. The lease holder shall submit an application written on forms supplied by the commissioner:

(1) Describing the location of the proposed lease expansion area by coordinates or metes and bounds;

(2) Characterizing the physical and ecological impact of the lease expansion on existing uses of the site and any adverse effects on existing uses of the area, as defined by rules adopted by the commissioner;

(3) Including the written permission of every riparian owner whose land to the low-water mark will be used;

(4) Including a map of the lease area and its proposed expansion, and its adjoining waters and shorelands, with the names and addresses of the known riparian owners as listed in the municipal tax records and documentation showing that the lease holder has informed each of those riparian owners of the application and the opportunity for comment as provided in paragraph B;

(5) Including an environmental evaluation of the site upon which the decision to seek an expansion of the lease was made. The evaluation must include, but is not limited to, bottom characteristics, resident flora and fauna and hydrography of the site if appropriate for the proposed lease; and

(6) Including a nonrefundable application fee of at least $100, but not more than $2,000, the amount to be set by the commissioner depending on the proposed acreage, type of aquaculture proposed and complexity of the expansion application. [PL 2017, c. 159, §4 (NEW).]

B. The commissioner shall review the application. When the commissioner has determined that the application for the lease expansion is complete, the commissioner shall provide notice to the municipal officers of the municipality or municipalities in which or adjacent to which the lease expansion is proposed. The commissioner shall publish in a newspaper of general circulation in the municipality or municipalities in which the lease expansion is proposed a summary of the application and notice of the opportunity to submit comments regarding the proposed lease expansion to the commissioner during a period of at least 30 days following the date of publication of the lease expansion summary. [PL 2017, c. 159, §4 (NEW).]

C. The commissioner may conduct an assessment of the proposed lease expansion area to determine possible effects of the lease on commercially and ecologically significant flora and fauna. [PL 2017, c. 159, §4 (NEW).]

D. The commissioner shall consider comments received during the period for comments set pursuant to paragraph B. [PL 2017, c. 159, §4 (NEW).]

E. If the commissioner determines that, based upon the application and comments received, the lease expansion meets the requirements of subsection 7-A, the commissioner may approve the request for the lease expansion. [PL 2017, c. 159, §4 (NEW).]

[PL 2017, c. 159, §4 (NEW).]

13. Regulations. The commissioner may adopt or amend regulations:

A. Establishing minimum standards for maintaining leases; [PL 1981, c. 609, §4 (NEW).]

B. For procedures to issue, transfer, review, assign, expand or revoke leases; [PL 2017, c. 159, §5 (AMD).]

C. For notices and hearings to the extent that those procedures are not established by this section or the Maine Administrative Procedure Act, Title 5, chapter 375; [PL 1987, c. 453, §1 (AMD).]

D. For regulating the harvest of wild organisms to be cultured on aquaculture leases; [PL 1987, c. 453, §1 (NEW).]

E. For establishing and revaluing fees and rents related to aquaculture; [PL 1993, c. 525, §1 (AMD).]

F. For defining application requirements, an application review process and decision criteria; [PL 2003, c. 660, Pt. A, §11 (AMD).]

G. For adding or deleting authorization for the holder of an aquaculture lease to grow specific species and use specific gear on the lease site. A change in authorization is not an adjudicatory

proceeding. The regulations must provide for notice of proposed changes in gear authorization to the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add species or gear must be consistent with the findings made under subsection 7-A when the lease was approved; and [PL 2013, c. 509, §1 (AMD).]

H. For establishing fallowing requirements and procedures. [PL 2003, c. 660, Pt. A, §13 (NEW).]

[PL 2017, c. 159, §5 (AMD).]

13-A. Lease acreage increase; fallowing. The commissioner may require a person to submit an annual fallowing plan and a reassessment schedule for that plan to the commissioner that identifies lease sites that have been actively operated during the lease period and that will be fallowed. The commissioner shall review the plan and reassessment schedule and may approve them, reject them or request changes. Revisions to the plan must be submitted in accordance with the reassessment schedule unless the commissioner authorizes an exception due to extraordinary circumstances.

A. Except as provided in paragraph B, a person may not be a tenant of any kind in leases covering an aggregate of more than 500 acres including fallowed leases at any time. [PL 2005, c. 535, §4 (NEW).]

B. The commissioner may by rule authorize leases in excess of the 500-acre limit if the commissioner determines that the increase is beneficial for the management of aquaculture and is environmentally and economically appropriate. The commissioner may not authorize a person to be a tenant of any kind in leases covering an aggregate of more than 1,500 acres. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2005, c. 535, §4 (NEW).]

For purposes of this subsection, "fallow" means a lease site without cultured organisms. A lease site fallowed pursuant to an enforcement action may not be considered fallowed for the purpose of this subsection.

[PL 2005, c. 535, §4 (RPR).]

14. Conflicts. Whenever a project described in a pending aquaculture lease conflicts or could conflict with a project described in a pending submerged lands act lease, the commissioner and the Commissioner of Agriculture, Conservation and Forestry shall determine which project is in the best interests of the State.

[PL 1977, c. 661, §5 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

15. Rules. The commissioner shall promulgate rules by January 1, 1988, to define a mussel seed size or seed management and harvest season.

[PL 1987, c. 453, §1 (NEW).]

16. Lease-by-rule; small-scale finfish and suspended shellfish operations.

[PL 1997, c. 138, §7 (RP).]

17. Restitution. A person who cuts any lines or marker buoys or intentionally damages approved aquaculture gear commits a civil violation for which a fine of not less than $100 for each violation may be adjudged. In addition, the court shall:

A. Order that person to pay to the owner of the approved aquaculture gear that was cut or damaged an amount equal to twice the replacement value of the gear that was damaged or lost as a result of the cutting or damaging action; and [PL 2005, c. 92, §3 (NEW).]

B. Direct that person to provide the commissioner, upon making full payments as ordered by the court, proof of that payment. [PL 2005, c. 92, §3 (NEW).]

[PL 2005, c. 92, §3 (NEW).]

18. Violation. A person who violates a condition of a lease under this section commits a civil violation for which a fine of not less than $100 for each violation may be adjudged.
[PL 2013, c. 509, §2 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 609, §§1-4 (AMD). PL 1983, c. 301, §§1-4 (AMD). PL 1987, c. 453, §1 (AMD). PL 1987, c. 891 (AMD). PL 1991, c. 381, §§3,4 (AMD). PL 1993, c. 409, §1 (AMD). PL 1993, c. 525, §§1,2 (AMD). PL 1995, c. 383, §§1-3 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 138, §§1-7 (AMD). PL 1997, c. 231, §§2-5 (AMD). PL 1997, c. 609, §§1-3 (AMD). PL 1999, c. 267, §§1,2 (AMD). PL 1999, c. 567, §1 (AMD). PL 1999, c. 591, §§1,2 (AMD). PL 2003, c. 247, §§2-8 (AMD). PL 2003, c. 660, §§A3-14 (AMD). PL 2005, c. 92, §§2,3 (AMD). PL 2005, c. 535, §§1-4 (AMD). PL 2009, c. 229, §§1-3 (AMD). PL 2009, c. 240, §8 (AMD). PL 2011, c. 93, §§1-4 (AMD). PL 2011, c. 655, Pt. II, §4 (AMD). PL 2011, c. 655, Pt. II, §11 (AFF). PL 2011, c. 657, Pt. W, §§5-7 (REV). RR 2013, c. 1, §22 (COR). PL 2013, c. 301, §1 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2013, c. 509, §§1, 2 (AMD). PL 2013, c. 512, §1 (AMD). PL 2015, c. 68, §1 (AMD). PL 2017, c. 159, §§2-5 (AMD).

§6072-A. Limited-purpose lease for commercial or scientific research

1. Authority. The commissioner may issue a limited-purpose lease for areas in, on and under the coastal waters, including the public lands beneath those waters and portions of the intertidal zone, for commercial aquaculture research and development or for scientific research. The commissioner or the deputy commissioner acting on the commissioner's behalf may authorize in writing qualified professional department staff to issue a final decision and sign a lease document on an application for a limited-purpose lease. A decision issued by department staff pursuant to this subsection is a final agency action with respect to that lease application.

A. [PL 2013, c. 509, §3 (RP).]

B. [PL 2013, c. 509, §3 (RP).]
[PL 2013, c. 509, §3 (AMD).]

2. Suspended culture. A person issued a limited-purpose lease under this section may construct or operate in the coastal waters of the State a facility for the culture of finfish in nets, pens or other enclosures or for the suspended culture of any other marine organism.
[PL 1997, c. 231, §6 (NEW).]

3. Limit on duration. A limited-purpose lease may not be issued for a period greater than 3 years.
[PL 1997, c. 231, §6 (NEW).]

4. Size limitation. A limited-purpose lease may not be issued for an area in excess of 4 acres.
[PL 2009, c. 229, §4 (AMD).]

5. Notice of application. Upon determining that an application is complete, the commissioner shall provide notice of a limited-purpose lease application to owners of riparian land within 1,000 feet of the proposed location of the lease and to the municipal officers of the municipality in which the limited-purpose lease activity would take place. The applicant shall provide the names and addresses of known riparian landowners within 1,000 feet of the proposed location of the lease. The names and addresses must be taken from the current property tax roster on file at the local municipal office or with the Department of Administrative and Financial Services, Bureau of Revenue Services for an unorganized territory. The commissioner shall publish a summary of the application in a newspaper of general circulation in the area proposed for a limited-purpose lease. A person may provide, within 30 days of receipt of notice or within 30 days of publication of a limited-purpose lease summary, to the commissioner comments on the proposed limited-purpose lease.
[PL 2003, c. 247, §10 (AMD).]

6. Public hearing. The commissioner may hold a public hearing on the proposed limited-purpose lease. The commissioner shall hold a public hearing if 5 or more persons request a public hearing within the 30-day comment periods provided in subsection 5.
[PL 1997, c. 231, §6 (NEW).]

7. Notice of public hearing. The commissioner shall provide notice of a public hearing to owners of riparian land within 1,000 feet of the proposed location of the lease and to the municipal officers of the municipality in which the limited-purpose lease activity would take place. The commissioner shall publish notice of a public hearing in a newspaper of general circulation in the area proposed for a limited-purpose lease at least 30 days before the hearing.
[PL 2003, c. 247, §11 (AMD).]

8. Rules; general and lease application. The commissioner may adopt rules to implement the provisions of this section. Within 180 days of the effective date of this section, the commissioner shall adopt rules regarding a limited-purpose lease application. The rules must require an applicant to, at a minimum, meet the requirements of section 6072, subsection 2, paragraph E and subsection 4, paragraphs A, B, C, E, F, G and J. The rules must also require an applicant to provide to the department proof of access to the lease area. If access will be across riparian land, the applicant shall provide to the department the written permission of every riparian owner whose land will be used to access the lease area. The commissioner may adopt rules to add or delete authorization for the holder of an aquaculture lease to grow specific species and to use specific gear on the lease site. A change in authorization is not an adjudicatory proceeding. The rules must provide for notice of proposed changes in gear authorization to the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add species or gear must be consistent with the findings made under subsection 13 when the lease was approved.
[PL 2013, c. 509, §4 (AMD).]

9. Application information. A person who applies for a lease in an area for which that person has been issued an emergency aquaculture lease under section 6072-B may submit any information utilized in applying for an emergency aquaculture lease to meet the application requirements of this section. If the commissioner determines the information is not valid or relevant to a lease application under this section, the commissioner must require a person to submit additional information.
[PL 1997, c. 231, §6 (NEW).]

10. Assessment of proposed activities. Within 180 days of the effective date of this section, the commissioner shall by rule establish a method for conducting an assessment of the proposed limited-purpose lease site and surrounding area to determine the possible effects of the proposed limited-purpose lease activity on commercially and ecologically significant flora and fauna and conflicts with traditional fisheries. The rules must establish levels of assessment appropriate to the scale or potential environmental risk posed by a proposed limited-purpose lease activity. The rules must provide a method for establishing a baseline to monitor the environmental effects of a limited-purpose lease activity.
[PL 1997, c. 231, §6 (NEW).]

11. Municipal approval. In any municipality with a shellfish conservation program under section 6671, the commissioner may not issue a limited-purpose lease under this section for the intertidal zone within the municipality without the consent of the municipal officers.
[PL 1997, c. 231, §6 (NEW).]

12. Preference. If more than one person applies to lease an area, preference must be given as follows:

A. First, to the department; [PL 1997, c. 231, §6 (NEW).]

B. Second, to the riparian owner of the intertidal zone in which the leased area is located; [PL 1997, c. 231, §6 (NEW).]

C. Third, to a person who fishes commercially and who has traditionally fished in or near the proposed lease area; and [PL 1997, c. 231, §6 (NEW).]

D. Fourth, to the riparian owner within 100 feet of leased coastal waters. [PL 1997, c. 231, §6 (NEW).]

[PL 1997, c. 231, §6 (NEW).]

13. Decision. The commissioner may grant a lease if a proposed project:

A. Will not unreasonably interfere with the ingress and egress of riparian owners; [PL 1997, c. 231, §6 (NEW).]

B. Will not unreasonably interfere with navigation; [PL 1997, c. 231, §6 (NEW).]

C. Will not unreasonably interfere with fishing or other uses of the area taking into consideration the number and density of aquaculture leases in an area; [PL 1997, c. 231, §6 (NEW).]

D. Will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna; [PL 1997, c. 231, §6 (NEW).]

E. The applicant has demonstrated that there is an available source of organisms to be cultured for the lease site; and [PL 1997, c. 231, §6 (NEW).]

F. The lease does not unreasonably interfere with public use or enjoyment within 1,000 feet of municipally owned, state-owned or federally owned beaches and parks or municipally owned, state-owned or federally owned docking facilities. [PL 1997, c. 231, §6 (NEW).]

The commissioner may by rule develop criteria for an applicant to meet the terms of this subsection.
[PL 1997, c. 231, §6 (NEW).]

14. Fee. The commissioner shall by rule determine the rental fee for a limited-purpose lease.
[PL 1997, c. 231, §6 (NEW).]

15. Conditions. The commissioner may establish conditions that govern the use of the leased area and limitations on the aquaculture activities. These conditions must encourage the greatest multiple, compatible uses of the leased area, but must also address the ability of the lease site and surrounding area to support ecologically significant flora and fauna and preserve the exclusive rights of the lessee to the extent necessary to carry out the lease purpose. The commissioner may grant the lease on a conditional basis until the lessee has acquired all the necessary federal, state and local permits.
[PL 2003, c. 660, Pt. A, §15 (AMD).]

16. Statement of rights conveyed. The commissioner shall include the following statement in a lease issued under this section: "A limited-purpose lease for scientific research or commercial aquaculture research and development conveys only those rights specified in the lease."
[PL 1997, c. 231, §6 (NEW).]

17. Actions required of lease holder.

[PL 2003, c. 247, §12 (RP).]

17-A. Notification of granted leases. After the granting of a limited-purpose lease:

A. The department shall notify all riparian owners, intervenors and the municipality in which the lease is located that a lease has been granted. The notice must include a description of the area and how a copy of the lease may be obtained; [PL 2003, c. 247, §13 (NEW).]

B. The lessee shall mark the leased area in a manner prescribed by the commissioner; [PL 2009, c. 240, §9 (AMD).]

C. The lessee shall annually submit to the commissioner a report for the past year on results of the scientific research or commercial research and development undertaken at the lease site and a plan for the coming year. Results of commercial research and development submitted to the

commissioner are confidential records for the purposes of Title 1, section 402, subsection 3, paragraph A; and [PL 2009, c. 240, §10 (AMD).]

D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the commissioner shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered confidential statistics for the purposes of section 6173. [PL 2013, c. 512, §2 (AMD).]

[PL 2013, c. 512, §2 (AMD).]

18. Scientific lease renewal. A limited-purpose lease for scientific research may be renewed. A scientific research lease renewal is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4, but a public hearing is not mandatory unless it is requested in writing by 25 or more persons. The commissioner may review multiple leases concurrently during the lease renewal process. The commissioner shall renew a limited-purpose lease for scientific research unless the commissioner finds that:

A. The lease holder has not complied with the terms of the limited-purpose lease; [PL 1997, c. 231, §6 (NEW).]

B. Research has not been conducted during the term of the lease; or [PL 1997, c. 231, §6 (NEW).]

C. It is not in the best interest of the State to renew the limited-purpose lease. [PL 1997, c. 231, §6 (NEW).]

[PL 2011, c. 93, §5 (AMD).]

19. Commercial lease not renewable. A limited-purpose lease for commercial aquaculture research and development may not be renewed.

[PL 1997, c. 231, §6 (NEW).]

20. Extension of commercial lease. If a person who holds a limited-purpose lease for commercial aquaculture research and development submits an application under section 6072 for that lease area or a portion of that area before the expiration of that limited-purpose lease, and if the commissioner's decision under section 6072 occurs after the expiration of that limited-purpose lease, the lease remains in effect until the commissioner makes a decision. If the commissioner grants that person a lease under section 6072, that person's limited-purpose lease remains in effect until the effective date of the lease issued under section 6072. If the commissioner denies that person a lease under section 6072, that person's limited-purpose lease remains in effect until 30 days after the commissioner's decision.

[PL 2011, c. 93, §6 (AMD).]

21. Monitoring lease.

[PL 2003, c. 247, §14 (RP).]

22. Monitoring and revocation of leases. The department shall monitor a lease under this section on an annual basis. If aquaculture has been conducted in a manner substantially injurious to marine organisms, if no substantial aquaculture or research has been conducted over the course of the lease or if any condition of the lease has been violated, the commissioner may initiate revocation proceedings and revoke the lease. The department shall hold a hearing with public notice prior to revoking any lease. A lease revocation is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4.

[PL 2003, c. 247, §15 (NEW).]

23. Restitution. A person who cuts any lines or marker buoys or intentionally damages approved aquaculture gear commits a civil violation for which a fine of not less than $100 for each violation may be adjudged. In addition, the court shall:

A. Order that person to pay to the owner of the approved aquaculture gear that was cut or damaged an amount equal to twice the replacement value of the gear that was damaged or lost as a result of the cutting or damaging action; and [PL 2005, c. 92, §4 (NEW).]

B. Direct that person to provide the commissioner, upon making full payments as ordered by the court, proof of that payment. [PL 2005, c. 92, §4 (NEW).]

[PL 2005, c. 92, §4 (NEW).]

24. Violation. A person who violates a condition of a lease under this section commits a civil violation for which a fine of not less than $100 for each violation may be adjudged.

[PL 2013, c. 509, §5 (NEW).]

Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [PL 1997, c. 231, §6 (NEW).]

SECTION HISTORY

PL 1997, c. 231, §6 (NEW). PL 2001, c. 122, §1 (AMD). PL 2003, c. 247, §§9-15 (AMD). PL 2003, c. 660, §A15 (AMD). PL 2005, c. 92, §4 (AMD). PL 2009, c. 229, §4 (AMD). PL 2009, c. 240, §§9-11 (AMD). PL 2011, c. 93, §§5, 6 (AMD). PL 2013, c. 301, §§2, 3 (AMD). PL 2013, c. 509, §§3-5 (AMD). PL 2013, c. 512, §2 (AMD).

§6072-B. Emergency aquaculture lease for shellfish

1. Authority. The commissioner may issue an emergency aquaculture lease for areas in, on and under the coastal waters including the public lands beneath those waters and portions of the intertidal zone for the emergency aquaculture relocation of shellfish from an area for which a lease has been issued pursuant to section 6072 or section 6072-A when the health and safety of those shellfish are threatened.

[PL 1997, c. 231, §6 (NEW).]

2. Limitation. The commissioner may not issue a lease under this section unless:

A. The applicant holds a lease pursuant to section 6072 or 6072-A; [PL 1997, c. 231, §6 (NEW).]

B. The applicant demonstrates to the commissioner that the health and safety of shellfish at the leased area are threatened; and [PL 1997, c. 231, §6 (NEW).]

C. The commissioner determines the relocation of those shellfish to an emergency aquaculture lease area would not threaten the water quality of the receiving waters or the health of marine organisms in those waters. [PL 1997, c. 231, §6 (NEW).]

[PL 1997, c. 231, §6 (NEW).]

3. Permission of intertidal land owners. The commissioner may not grant an emergency aquaculture lease unless the applicant obtains the written permission of every owner of intertidal land in, on or over which the emergency aquaculture activity occurs.

[PL 1997, c. 231, §6 (NEW).]

4. No fee. The commissioner may not charge a fee for an emergency aquaculture lease.

[PL 1997, c. 231, §6 (NEW).]

5. Suspended culture. A person issued an emergency aquaculture lease under this section may construct or operate in the coastal waters of the State a facility for the suspended culture of shellfish.

[PL 1997, c. 231, §6 (NEW).]

6. Limit on duration. An emergency aquaculture lease may not be issued for a period greater than 6 months.

[PL 1997, c. 231, §6 (NEW).]

7. Extension of emergency aquaculture lease. If a person who holds an emergency aquaculture lease submits an application under section 6072 or 6072-A for all or a portion of that lease area before the emergency aquaculture lease expires, and if the commissioner's decision under section 6072 or 6072-A occurs after the expiration of that emergency aquaculture lease, the emergency aquaculture lease remains in effect until the commissioner makes a decision. If the commissioner grants that person a lease under section 6072 or 6072-A, that person's emergency aquaculture lease remains in effect until the effective date of the lease issued under section 6072 or 6072-A. If the commissioner denies that person a lease under section 6072 or 6072-A, that person's emergency aquaculture lease remains in effect until 30 days after the commissioner's decision.
[PL 2011, c. 93, §7 (AMD).]

8. Public notice. Upon granting an emergency aquaculture lease, the commissioner shall provide notice to the municipality in which the emergency aquaculture lease area is located. Within at least 30 days from granting an emergency aquaculture lease, the commissioner shall publish notice of the emergency aquaculture lease in a newspaper of general circulation in the lease area. The notice must describe the area leased and list any restriction in the leased area.
[PL 1997, c. 231, §6 (NEW).]

9. Actions required of lease holder. After being granted an emergency aquaculture lease, a lessee shall:

A. Record the lease in the registry of deeds of each county in which the leased area is located; and [PL 1997, c. 231, §6 (NEW).]

B. Mark the leased area in a manner prescribed by the commissioner. [PL 1997, c. 231, §6 (NEW).]

[PL 1997, c. 231, §6 (NEW).]

10. Conditions. The commissioner may establish conditions that govern the use of the emergency aquaculture lease area and limitations on the aquaculture activities. These conditions must encourage the greatest multiple, compatible uses of the leased area, but must also address the ability of the lease site and surrounding area to support ecologically significant flora and fauna and preserve the exclusive rights of the lessee to the extent necessary to carry out the lease purpose. The commissioner may grant the lease on a conditional basis until the lessee has acquired all the necessary federal, state and local permits. A lease may not be approved unless the commissioner has received certification from the Department of Environmental Protection that the project will not violate the standards ascribed to the receiving waters classification in Title 38, section 465-B.
[PL 1997, c. 231, §6 (NEW).]

11. Rules. The commissioner may adopt rules to establish application requirements, a process for application review and a process for deciding upon lease applications and otherwise implement the provisions of this section.
[PL 1997, c. 231, §6 (NEW).]

Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [PL 1997, c. 231, §6 (NEW).]

SECTION HISTORY

PL 1997, c. 231, §6 (NEW). PL 2011, c. 93, §7 (AMD).

§6072-C. Limited-purpose aquaculture license

1. License required. A person may not engage in the activities authorized under this section without a current limited-purpose aquaculture license or a lease issued under this Part authorizing the activities.
[PL 2001, c. 421, Pt. B, §10 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Licensed activities. The holder of a limited-purpose aquaculture license may place marine organisms on the ocean bottom without gear or utilize approved aquaculture gear in a site in the coastal waters of the State to engage in certain aquaculture activities that meet the criteria established in subsection 2-A and in rules adopted by the commissioner. The license also authorizes unlicensed individuals to assist the license holder in the licensed activities with the written permission of the license holder.

A. [PL 2017, c. 159, §6 (RP).]

B. [PL 2017, c. 159, §6 (RP).]

C. [PL 2017, c. 159, §6 (RP).]

D. [PL 2017, c. 159, §6 (RP).]

E. [PL 2017, c. 159, §6 (RP).]

F. [PL 2017, c. 159, §6 (RP).]

G. [PL 2017, c. 159, §6 (RP).]

[PL 2017, c. 159, §6 (AMD).]

2-A. Criteria. The commissioner, or qualified professional department staff designated in writing by the commissioner, may issue a limited-purpose aquaculture license for certain aquaculture activities if:

A. The proposed activity generates no discharge into coastal waters; [PL 2017, c. 159, §6 (NEW).]

B. The applicant proposes to use aquaculture gear and markings approved by the commissioner in rules adopted pursuant to subsection 8; [PL 2017, c. 159, §6 (NEW).]

C. The gear, excluding mooring equipment, does not cover more than 400 square feet of area and the gear does not present an unreasonable impediment to safe navigation; [PL 2017, c. 159, §6 (NEW).]

D. The proposed activity does not unreasonably interfere with the ingress and egress of riparian owners; [PL 2017, c. 159, §6 (NEW).]

E. The proposed activity does not unreasonably interfere with fishing or other uses of the area, taking into consideration the number and density of aquaculture leases and licensed aquaculture activities in that area; [PL 2017, c. 159, §6 (NEW).]

F. The proposed location, species and activity do not present a risk to public health; [PL 2017, c. 159, §6 (NEW).]

G. The applicant holds no more than 3 other limited-purpose aquaculture licenses issued under this section; and [PL 2017, c. 159, §6 (NEW).]

H. The consent of the riparian owner is obtained if the proposed activity is located above the mean low-water mark. [PL 2017, c. 159, §6 (NEW).]

[PL 2017, c. 159, §6 (NEW).]

3. Eligibility. A limited-purpose aquaculture license may be issued only to an individual who is 12 years of age or older or to a municipal shellfish management committee established pursuant to section 6671 that has met any requirements established under subsection 3-A.

[PL 2019, c. 232, §1 (AMD).]

3-A. Educational courses. Prior to the issuance or renewal of a limited-purpose aquaculture license, the commissioner may require the applicant to complete any educational courses the commissioner determines appropriate. Educational courses may be provided by the department or by any public or private sector association or organization authorized by the commissioner. For any course

provided by the department, the commissioner shall set an enrollment fee sufficient to recover all costs incurred by the department in providing the course.
[PL 2017, c. 159, §6 (NEW).]

4. License limitations. The issuance of a limited-purpose aquaculture license does not constitute the issuance of a lease of an area in, on or under the coastal waters.
[PL 1999, c. 567, §2 (NEW).]

4-A. Preference. If a person applies to lease an area that is the subject of a limited-purpose aquaculture license, the department shall notify the holder of the limited-purpose aquaculture license. If the holder of the limited-purpose aquaculture license documents to the department that that holder wants to lease the area, preference must be given as follows:

A. First, to the person who holds the limited-purpose aquaculture license in the area and who submitted an application for a lease under section 6072 for the area; and [PL 2017, c. 159, §6 (NEW).]

B. Second, to the person who applied to lease the area, but does not hold a limited-purpose aquaculture license in the area. [PL 2017, c. 159, §6 (NEW).]
[PL 2017, c. 159, §6 (NEW).]

5. Application. The application for a limited-purpose aquaculture license must:

A. Be written on forms supplied by the commissioner; [PL 1999, c. 567, §2 (NEW).]

B. Identify the species to be cultivated; [PL 1999, c. 567, §2 (NEW).]

B-1. Identify whether the applicant is growing the organisms for commercial or personal use; [PL 2017, c. 159, §6 (NEW).]

C. Describe the proposed source of organisms to be grown in the approved aquaculture gear; [PL 1999, c. 567, §2 (NEW).]

D. Describe the location of the approved aquaculture gear deployment by coordinates or metes and bounds; [PL 1999, c. 567, §2 (NEW).]

D-1. Identify the shellfish growing area that is subject to the proposed license and its classification; [PL 2017, c. 159, §6 (NEW).]

E. Include a clear set of plans that includes at a minimum:

(1) A location plan with an overhead plan view showing the aquaculture gear deployed at the proposed location. The area occupied by the gear must be drawn to scale on the plan. The location plan must include a north arrow, ebb and flood directions, any federal or local channels and anchorages, any nearby structures and property lines for all riparian owners within 300 feet; and

(2) Two gear drawings, one with an overhead plan view and one with a cross-sectional elevation view of the approved aquaculture gear proposed to be used. The gear drawings must be clearly dimensioned and include, at a minimum, mean high-water and mean low-water marks and the dimensions, profiles and materials used in the construction, deployment and securing of the approved aquaculture gear; [PL 1999, c. 567, §2 (NEW).]

F. Include documentation that riparian landowners within 300 feet of the proposed activity have been notified of the license application and proposed activity; and [PL 1999, c. 567, §2 (NEW).]

G. Include documentation that the municipal harbor master or appropriate municipal officers have been notified of the license application and proposed activity. [PL 1999, c. 567, §2 (NEW).]
[PL 2017, c. 159, §6 (AMD).]

6. Fee. The application fee for a resident limited-purpose aquaculture license is $50 and $300 for a nonresident limited-purpose aquaculture license. The application fee is nonrefundable. All fees collected under this subsection must be deposited in the Aquaculture Research Fund established in section 6081.
[PL 2009, c. 229, §7 (AMD).]

7. Prohibition; molesting gear. A person other than a marine patrol officer, the licensed owner of the gear or the licensed owner's assistant, with written permission from the licensed owner, may not utilize, raise, lift, transfer, possess or in any manner molest any approved aquaculture gear that is deployed under a current limited-purpose aquaculture license.

A. [PL 2001, c. 421, Pt. B, §11 (RP); PL 2001, c. 421, Pt. C, §1 (AFF).]

B. [PL 2001, c. 421, Pt. B, §11 (RP); PL 2001, c. 421, Pt. C, §1 (AFF).]
[PL 2001, c. 421, Pt. B, §11 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

7-A. Prohibition; taking product. A person other than a marine patrol officer or the license holder, or the license holder's assistant with written permission from the license holder, may not take any marine organism grown by the license holder under the license in the area designated on the license and marked in accordance with applicable rules.
[PL 2013, c. 509, §7 (NEW).]

7-B. Prohibition; transporting organisms. A person may not transport organisms grown under a limited-purpose aquaculture license that is designated for personal use to an area that is the subject of a limited-purpose aquaculture license that is designated for commercial use.
[PL 2017, c. 159, §6 (NEW).]

8. Rules. The commissioner shall adopt rules to implement this section, including, but not limited to, rules establishing the type of gear that is approved aquaculture gear for the purposes of a limited-purpose aquaculture license, minimum standards for maintaining gear, methods of gear identification and license application and review procedures. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2017, c. 159, §6 (AMD).]

9. Violation; restitution. A person who violates this section commits a civil violation for which a fine of not less than $100 for each violation may be adjudged. If a person violates subsection 7 by cutting any lines or marker buoys or intentionally damaging approved aquaculture gear, the court shall also:

A. Order that person to pay to the owner of the approved aquaculture gear that was cut or damaged an amount equal to twice the replacement value of the gear that was damaged or lost as a result of the cutting or damaging action; and [PL 2001, c. 421, Pt. B, §12 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

B. Direct that person to provide the commissioner, upon making full payment as ordered by the court, proof of that payment. [PL 2001, c. 421, Pt. B, §12 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]
[PL 2005, c. 92, §5 (AMD).]

10. Reporting requirement; confidentiality. A holder of a limited-purpose aquaculture license shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Information provided in seeding and harvesting reports submitted by a license holder under this subsection is considered confidential information reported to the commissioner pursuant to section 6173.
[PL 2013, c. 509, §8 (NEW).]

SECTION HISTORY

PL 1999, c. 567, §2 (NEW). PL 2001, c. 421, §§B10-12 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 247, §16 (AMD). PL 2005, c. 92, §5 (AMD). PL 2007, c. 212, §2 (AMD). PL 2009, c. 229, §§5-7 (AMD). PL 2013, c. 509, §§6-8 (AMD). PL 2017, c. 159, §6 (AMD). PL 2019, c. 232, §1 (AMD).

§6072-D. Aquaculture Management Fund

1. Fund established. The Aquaculture Management Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund within the department. All income received by the commissioner under this section must be deposited with the Treasurer of State. Any balance remaining in the fund at the end of a fiscal year does not lapse and must be carried forward to the next fiscal year. Any interest earned on assets of the fund is credited to the fund.
[PL 2003, c. 660, Pt. A, §16 (NEW).]

2. Fees. In accordance with the authority of the commissioner to levy lease rents pursuant to section 6072, subsections 9 and 13 and section 6072-A, subsection 14 and application fees pursuant to section 6072, subsections 4, 12 and 12-A, the commissioner shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement a fee structure for lease rents and application fees that are in addition to the minimum lease rents and application fees that are in effect on the effective date of this subsection. Any rent or fee assessed pursuant to this subsection that is in addition to the fees that are in effect on the effective date of this subsection must be credited to the fund. A person who does not pay the rent or fee commits a civil violation for which a fine of not more than $1,000 may be adjudged.
[PL 2003, c. 660, Pt. A, §16 (NEW).]

3. Additional revenues. The commissioner may expend annual revenues that are in excess of the operating expenses of a program under subsection 4 to address matters that the commissioner determines are of an emergency nature to the State's aquaculture industry, to address matters that the commissioner determines are of long-term interest to the State's aquaculture industry and to rebate revenues to all those persons who paid fees under subsection 2. The fund may receive money from any source for the purposes of this subsection.
[PL 2003, c. 660, Pt. A, §16 (NEW).]

4. Uses of fund. The commissioner may make expenditures from the fund to develop and manage effective and cost-efficient water quality licensing and monitoring criteria, analyze and evaluate monitoring data, process lease applications and make information about aquaculture available to the public.
[PL 2003, c. 660, Pt. A, §16 (NEW).]

5. Reports. The commissioner shall report annually to the Aquaculture Advisory Council under section 6080 on all expenditures made from the fund in the previous fiscal year and a summary of work accomplished and planned.
[PL 2011, c. 598, §7 (AMD).]

SECTION HISTORY

PL 2003, c. 660, §A16 (NEW). PL 2011, c. 598, §7 (AMD).

§6073. Exclusivity; prohibition or interference

1. Exclusivity. Each lease for aquaculture shall be exclusive for the species and to the extent provided by the commissioner in the lease.
[PL 1977, c. 661, §5 (NEW).]

2. Prohibition on interference. It shall be unlawful to interfere with the rights provided in a lease.
[PL 1977, c. 661, §5 (NEW).]

2-A. Cultchless American oysters; possession. Prior to the point of retail sale, a person may not possess a cultchless American oyster grown in the State unless that person:

A. Is a grower licensed under section 6863, an employee of a licensed grower or an agent of a licensed grower; or [PL 1991, c. 876, §1 (NEW).]

B. Is in the possession of a bill of sale or a bill of lading that includes the license number of the grower. [PL 1991, c. 876, §1 (NEW).]

[PL 1991, c. 876, §1 (NEW).]

2-B. Marking. In the coastal waters of the State, a person may not mark or designate an area as a sea farm, aquaculture lease or other similar designation unless that area is currently leased for aquaculture or is under consideration by the department for a lease through the aquaculture lease application process.

[PL 2007, c. 212, §3 (NEW).]

3. Penalty. Any person who violates subsection 2-A or who knowingly and willfully violates subsection 2 is guilty of a Class D crime, except that, notwithstanding Title 17-A, sections 4-A, 1704 and 1705, the court shall impose a fine of not less than $1,000 and restitution may be ordered made to the owner of the lease in an amount set by the court pursuant to Title 17-A, chapter 69.

[PL 2019, c. 113, Pt. C, §10 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1991, c. 284 (AMD). PL 1991, c. 876, §1 (AMD). PL 1995, c. 157, §1 (AMD). PL 2007, c. 212, §3 (AMD). PL 2019, c. 113, Pt. C, §10 (AMD).

§6073-A. Season and minimum size exemption; aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement regarding the time of taking or possessing, minimum or maximum length or other minimum or maximum size requirement for any marine organism cultivated on the leased area. The exemption applies only to those organisms actually cultivated on the leased area, except that upon harvest of finfish from the leased area pursuant to an aquaculture lease, any finfish of a species that was not cultivated on the leased area but occurred in the enclosure must also be harvested and retained for appropriate disposal by the holder of a lease. Such finfish may not be sold and may not be released or disposed of into the waters of the State and must be reported to the department at the same time as reports of the harvest are filed. The commissioner shall require a system of identification of organisms exempted under this section. [PL 2007, c. 522, §1 (AMD).]

SECTION HISTORY

PL 1991, c. 381, §5 (NEW). PL 1999, c. 156, §1 (AMD). PL 1999, c. 575, §1 (AMD). PL 2005, c. 92, §6 (AMD). PL 2007, c. 522, §1 (AMD).

§6073-B. Harvester license exemption; aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement under sections 6421, 6501, 6601, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6801-A and 6803 to hold a separate license for the removal, possession or transport of the cultured organisms from the leased area or the licensed gear, except that, beginning May 1, 2018, a person may not sell organisms cultured on the lease site or under the limited-purpose aquaculture license without a license issued under section 6810-B. [PL 2017, c. 296, §1 (AMD); PL 2017, c. 296, §10 (AFF).]

REVISOR'S NOTE: §6073-B. Harvester license exemption; scallop aquaculture (As enacted by PL 2007, c. 607, Pt. A, §1 is REALLOCATED TO TITLE 12, SECTION 6073-C)

SECTION HISTORY

PL 2007, c. 522, §2 (NEW). PL 2007, c. 607, Pt. A, §1 (NEW). PL 2017, c. 296, §1 (AMD). PL 2017, c. 296, §10 (AFF).

§6073-C. Harvester license exemption; scallop aquaculture

(REALLOCATED FROM TITLE 12, SECTION 6073-B)

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement under sections 6701, 6702 and 6703 to hold a separate license for the removal, possession or transport of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only, except that, beginning May 1, 2018, a person may not sell organisms cultured on the lease site or under the limited-purpose aquaculture license without a license issued under section 6810-B. This exemption does not apply to scallops in any other form. [PL 2017, c. 296, §2 (AMD); PL 2017, c. 296, §10 (AFF).]

SECTION HISTORY

RR 2007, c. 2, §4 (RAL). PL 2017, c. 296, §2 (AMD). PL 2017, c. 296, §10 (AFF).

§6073-D. Season and size exemption

A person who is in possession of a marine organism raised by means of aquaculture and lawfully obtained under the laws of the State is exempt from any requirement regarding the time of taking or possessing, minimum or maximum length or other minimum or maximum size requirement, except that this section does not apply to the requirements for lobsters, sturgeon and striped bass. This exemption applies to aquaculture products that do not meet the legal size or season requirements for wild-caught marine organisms of the same species. [PL 2009, c. 229, §8 (NEW).]

The person possessing the marine organism must maintain sufficient documentation to prove the aquacultural origin of the marine organism, including, but not limited to, documents indicating the point of origin, quantity and dates of production or purchase of all cultured marine organisms exempted by this section, and the holder must present the documentation for inspection to department personnel upon request. A consumer in possession of such a marine organism may present a valid sales receipt to satisfy this requirement. It is prima facie evidence of possession of a marine organism in violation of the law if the person possessing the marine organism cannot present sufficient evidence to prove its aquacultural origin. [PL 2009, c. 229, §8 (NEW).]

This section does not exempt the possessor of the marine organism from any requirement to hold a lease or license pursuant to section 6072, 6072-A, 6072-B, 6072-C or 6085 to engage in the culture of marine organisms. [PL 2019, c. 310, §4 (AMD).]

SECTION HISTORY

PL 2009, c. 229, §8 (NEW). PL 2017, c. 94, §4 (AMD). PL 2019, c. 310, §4 (AMD).

§6074. Special license

The commissioner may issue a special license for research, aquaculture or education that exempts the holder from one or more marine resources' laws as to the time, place, length, condition, amount and manner of taking or possessing a marine organism. Except as provided in subsection 8, the commissioner may not issue a special license unless the application for that license is approved by the advisory council. [PL 1995, c. 567, §1 (AMD).]

1. Exception. A special license does not permit the holder to sell or, beyond the state limits, to ship or transport any marine organism that is less than the minimum size established by statute. This subsection does not apply to:

A. [PL 1999, c. 156, §2 (RP).]

B. Any species grown in a hatchery for stock enhancement or resale for purposes of cultivation or stock enhancement; or [PL 2013, c. 301, §4 (AMD).]

C. Scallop spat collected under the authority of a special license and sold for the purpose of placement on a lease site authorized pursuant to section 6072 or 6072-A or under the authority of a license issued pursuant to section 6072-C. For purposes of this paragraph, until September 1, 2015, "scallop spat" means scallops less than 40 millimeters in the longest diameter and, beginning September 1, 2015, "scallop spat" means scallops less than 25 millimeters in the longest diameter. [PL 2013, c. 301, §4 (NEW).]

[PL 2013, c. 301, §4 (AMD).]

2. Application. The application shall include a description of the proposed project including the objectives, the location and the estimated time of completion of the project. The application shall also include a list of the sections of law or regulation for which exemptions are required, and the specific reasons for each requested exemption.

[PL 1977, c. 661, §5 (NEW).]

3. Filing fee. Each application must include a nonrefundable filing fee of $100. The fee may be waived for research activity by institutions or organizations financed in whole or part by state funding. A filing fee may not be required from a municipality applying for a special license for using a hydraulic dredge under section 6623.

[PL 2003, c. 513, Pt. N, §1 (AMD).]

4. Limitation. The special license shall authorize only the individual named in the license to undertake the licensed activities. Any individual engaged in handling or harvesting marine organisms in the licensed project shall be listed on the license or supplemental license. The commissioner may, at any time, place conditions or limitations on the licensed activities which shall become part of the license.

[PL 1977, c. 713, §2 (AMD).]

5. Fees. At the time of the initial issuance of a special license, and each year upon renewal, an annual fee must be paid. The annual fee for a special license for no more than 2 individuals is $50. An annual fee for a special license for more than 2 individuals but no more than 10 individuals is $100. Additional individuals may be included in a special license in groups up to 10 for an additional $100 per group. The fee may be waived for research activity by institutions or organizations financed in whole or in part by state funding. A license fee may not be required from a municipality for a special license for using a hydraulic dredge under section 6623. A license fee may not be required for employees of the department when they are acting in their capacity as employees under the direction of the commissioner or the commissioner's designated representative.

[PL 2003, c. 513, Pt. N, §2 (AMD).]

6. Renewal.

A. The initial issuance of each special license must specify the number of times the license may be renewed after the initial issuance. Each license may be renewed at least 4 times. The commissioner, with the advice and consent of the advisory council, may authorize renewals if the necessary investment in the research or aquaculture requires additional renewals. [PL 2003, c. 513, Pt. N, §3 (AMD).]

B. The commissioner shall annually renew the license on request for the authorized number of renewals, unless the license holder has not complied with the conditions of the license or the commissioner finds that renewal is not in the best interest of the State. Renewals do not require a new application or filing fee and do not require the advice and consent of the advisory council. [PL 2003, c. 513, Pt. N, §3 (AMD).]

[PL 2003, c. 513, Pt. N, §3 (AMD).]

7. Transportation permit. A transportation permit is required for a special license holder to ship, transport or sell any marine organism raised or harvested under a special license. The commissioner may place conditions or limitations on the activities authorized by this permit to the extent necessary to provide proper controls and to comply with federal or state health or sanitation standards. The commissioner shall annually renew the permit on request unless the permit holder has not complied with the conditions of the permit or unless the permit holder no longer holds a special license.
[PL 2019, c. 501, §6 (AMD).]

8. Council approval not required. Approval by the advisory council is not required for a special license issued by the commissioner to the following:

A. An employee of the department when the employee is acting under the direction of the commissioner or the commissioner's designated representative; [PL 1995, c. 567, §2 (NEW).]

B. A person who operates an aquarium; [PL 1995, c. 567, §2 (NEW).]

C. A person who operates a festival; [PL 1995, c. 567, §2 (NEW).]

D. A person who undertakes a public service activity; [PL 2003, c. 104, §1 (AMD).]

E. A municipality that operates a hydraulic or mechanical soft-shell clam dredge for municipal transplanting projects under section 6623; or [PL 2003, c. 104, §1 (AMD).]

F. A teacher who is providing a primary, secondary or postsecondary school program for educational purposes only. [PL 2013, c. 301, §5 (AMD).]

[PL 2013, c. 301, §5 (AMD).]

9. Penalty. An individual who fails to comply with the conditions or limitations on the licensed activity under this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2003, c. 513, Pt. N, §4 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1977, c. 713, §2 (AMD). PL 1979, c. 412 (AMD). PL 1979, c. 622, §§1,2 (AMD). PL 1981, c. 189 (AMD). PL 1983, c. 662, §§2-4 (AMD). PL 1989, c. 204, §§1,2 (AMD). PL 1995, c. 567, §§1,2 (AMD). PL 1999, c. 156, §§2,3 (AMD). PL 2003, c. 104, §§1,2 (AMD). PL 2003, c. 513, §§N1-4 (AMD). PL 2013, c. 301, §§4, 5 (AMD). PL 2019, c. 501, §6 (AMD).

§6074-A. Spat collection license

1. Definition. As used in this section, "spat" means sea scallops, Placopectin magellanicus, or blue mussels, Mytilus edulis, in the post-larval stage that have gone through metamorphosis and settled on a substrate. The commissioner may, by rule, add additional species to this definition.
[PL 2015, c. 199, §1 (NEW); PL 2015, c. 199, §2 (AFF).]

2. License required. A person may not engage in the activities authorized under this section without a current spat collection license issued by the commissioner. A person who holds a lease issued under section 6072 or 6072-A or a license issued under section 6072-C is exempt from the requirement to obtain a spat collection license to collect spat on the lease site or in connection with the license issued under section 6072-C if the species is commercially cultured and listed on that person's lease or license.
[PL 2015, c. 199, §1 (NEW); PL 2015, c. 199, §2 (AFF).]

3. Licensed activity. The holder of a spat collection license may take, possess or sell the spat of marine organisms identified on the spat collection license.
[PL 2015, c. 199, §1 (NEW); PL 2015, c. 199, §2 (AFF).]

4. Type and amount of gear. The commissioner shall specify on a spat collection license the method of taking and the type and amount of gear authorized by the license.

[PL 2015, c. 199, §1 (NEW); PL 2015, c. 199, §2 (AFF).]

5. Eligibility. A spat collection license may be issued only to an individual who is a resident of the State.
[PL 2015, c. 199, §1 (NEW); PL 2015, c. 199, §2 (AFF).]

6. Rules. The commissioner shall adopt rules that define the maximum size of spat for each species that a holder of a spat collection license is authorized to take. The commissioner may adopt rules to limit the amount of spat collected and the type and amount of gear that may be used for spat collection for each species. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 199, §1 (NEW); PL 2015, c. 199, §2 (AFF).]

7. License holder exempted. The holder of a spat collection license is exempt from the requirement to hold a license under this Part for harvesting the species identified on the spat collection license up to the maximum size of spat that is specified for that species in rule. The holder of a spat collection license is exempt from the time restrictions on taking and possessing and minimum size requirements for that species up to the maximum size of spat that is specified for that species in rule.
[PL 2015, c. 199, §1 (NEW); PL 2015, c. 199, §2 (AFF).]

8. Fees. The fee for a spat collection license is $75. All fees collected under this subsection accrue to the Aquaculture Management Fund established in section 6072-D.
[PL 2015, c. 199, §1 (NEW); PL 2015, c. 199, §2 (AFF).]

9. Reporting. The commissioner may require the holder of a spat collection license to report annually on the quantity of spat collected and whether the spat was used for aquaculture or stock enhancement activities.
[PL 2015, c. 199, §1 (NEW); PL 2015, c. 199, §2 (AFF).]

10. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 and not more than $500 may be adjudged.
[PL 2015, c. 199, §1 (NEW); PL 2015, c. 199, §2 (AFF).]

SECTION HISTORY

PL 2015, c. 199, §1 (NEW). PL 2015, c. 199, §2 (AFF).

§6075. Pathology program

1. Purposes. The purposes of this section are to increase the availability of pathological assessment of shellfish stock to be introduced into the State for culturing purposes, of culturing facilities and areas and of shellstock to be exported to other states and countries. This shall be provided as a service to protect the state's waters and other resources, and to support the shellfish industries of the State.
[PL 1983, c. 559, §1 (NEW).]

2. Responsibilities. The department shall be the state agency responsible for carrying out necessary shellfish pathology services related to the importation and exportation of shellfish.
[PL 1983, c. 559, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 559, §1 (NEW).

§6076. Marine Shellfish Toxins Monitoring Program

1. Purpose. A comprehensive Marine Shellfish Toxins Monitoring Program is established to protect the public health while providing for the harvest of susceptible species of marine mollusks in areas not shown to be affected by contamination.
[PL 1989, c. 205, §2 (AMD).]

2. Responsibilities. The department is the state agency responsible for implementing the program. [PL 2011, c. 527, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 784, §1 (NEW). PL 1989, c. 205, §2 (AMD). PL 2011, c. 527, §1 (AMD).

§6077. Aquaculture monitoring program

The department may establish and maintain an information base pertaining to the siting, development and operation of finfish aquaculture facilities within the State. [PL 2003, c. 660, Pt. A, §17 (AMD).]

1. Coordination. The commissioner shall coordinate the data collection efforts of the department with those of other state agencies that regulate or assist the finfish aquaculture industry. All agencies of the State shall cooperate with the department in the establishment of the information system and shall provide all available information requested by the commissioner.
[PL 1991, c. 381, §6 (NEW).]

2. Data requirements. The commissioner may collect information in site-specific categories, including, but not limited to, those listed in this subsection, to allow effective enforcement of all laws pertaining to finfish aquaculture at individual facilities:

A. Geophysical site characteristics, including currents and bathymetry; [PL 1991, c. 381, §6 (NEW).]

B. Benthic habitat characteristics and effects, including changes in community structure and function; [PL 1991, c. 381, §6 (NEW).]

C. Water column effects, including water chemistry and plankton; [PL 1991, c. 381, §6 (NEW).]

D. Feeding and production data sufficient to estimate effluent loading; [PL 1991, c. 381, §6 (NEW).]

E. Smolt and broodstock introduction and transfer data; [PL 1991, c. 381, §6 (NEW).]

F. Disease incidence and use of chemical therapeutics; and [PL 1991, c. 381, §6 (NEW).]

G. Other ancillary information as the commissioner may find necessary. [PL 1991, c. 381, §6 (NEW).]

[PL 2003, c. 660, Pt. A, §18 (AMD).]

3. Data collection; authority. The commissioner may require persons holding licenses related to finfish aquaculture under this Title to report information in the categories listed in subsection 2. Personnel retained by leaseholders to perform tasks required for data collection as specified in subsection 2 and this subsection must be reviewed and approved by the commissioner for acceptable professional qualifications and experience prior to performing any data collection services. Routine notations of site operation do not require approved personnel.
[PL 2003, c. 660, Pt. A, §18 (AMD).]

4. Confidentiality. Notwithstanding section 6173 and except as provided in paragraphs A and B, information obtained by the department under this section is a public record as provided by Title 1, chapter 13, subchapter I.

In addition to remedies provided under Title 1, chapter 13, subchapter I, the Superior Court may assess against the department reasonable attorney's fees and other litigation costs reasonably incurred by an aggrieved person who prevails in the appeal of the department's denial for a request for information.

A. Information submitted to the department under this section may be designated by the submittor as proprietary information and being only for the confidential use of the department, its agents and employees, other agencies of State Government, as authorized by the Governor, employees of the

United States Environmental Protection Agency, the United States Army Corps of Engineers, the United States Fish and Wildlife Service, the National Marine Fisheries Services, the United States Department of Agriculture, the Attorney General and employees of the municipality in which the aquaculture facility is located. The designation must be clearly indicated on each page or other portion of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the submittor and the general nature of the information. Upon a request for information, the scope of which includes information so designated, the commissioner shall notify the submittor. Within 15 days after receipt of the notice, the submittor shall demonstrate to the satisfaction of the department that the designated information should not be disclosed. Unless such a demonstration is made, the information must be disclosed and becomes a public record. The department may grant or deny disclosure for the whole or any part of the designated information requested and within 15 days shall give written notice of the decision to the submittor and the person requesting the designated information. A person aggrieved by a decision of the department may appeal to the Superior Court. Information that has been designated by the submittor as proprietary information may not be disclosed in a manner or form that permits identification of any person or vessel, except when required by court order or when specifically permitted under this section. All information provided by the department to the municipality under this paragraph is confidential and not a public record under Title 1, chapter 13. If a request for the information is submitted to the municipality, the municipality shall submit that request to the commissioner to be processed by the department as provided in this paragraph. [PL 2009, c. 240, §12 (AMD).]

B. The commissioner may not release the designated information prior to the expiration of the time allowed for the filing of an appeal or to the rendering of the decision on any appeal. [PL 1991, c. 381, §6 (NEW).]

C. Any information that is collected by any other state or federal agency or information required by the department for the purpose of obtaining a permit, license, certification or other approval may not be designated or treated as designated information under paragraph A. [PL 1991, c. 381, §6 (NEW).]

D. The commissioner may adopt rules to carry out the purposes of this section. The rules must be consistent with the provisions of Title 1, chapter 13, subchapter I. [PL 1991, c. 381, §6 (NEW).]

E. It is unlawful to disclose designated information to any person not authorized by this section.

(1) Any person who solicits, accepts or agrees to accept, or who promises, offers or gives any pecuniary benefit in return for the disclosure of designated information is guilty of a Class D crime.

(2) A person who knowingly discloses designated information, knowing that the disclosure is not authorized, commits a civil violation for which a penalty of not more than $5,000 may be assessed.

(3) In any action under this paragraph, the court shall first declare that the information is proprietary information. [PL 2009, c. 240, §13 (AMD).]

F. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submittor and would make available information not otherwise publicly available. [PL 2009, c. 240, §14 (NEW).]

[PL 2009, c. 240, §§12-14 (AMD).]

SECTION HISTORY

PL 1991, c. 381, §6 (NEW). PL 2003, c. 247, §17 (AMD). PL 2003, c. 660, §§A17,18 (AMD). PL 2009, c. 240, §§12-14 (AMD).

§6078. Salmon Aquaculture Monitoring, Research and Development Fund

(REPEALED)

SECTION HISTORY

PL 1991, c. 381, §7 (NEW). PL 1993, c. 562, §2 (AMD). RR 1995, c. 2, §§21,22 (COR). PL 1995, c. 176, §1 (RP). PL 1995, c. 176, §3 (AFF). PL 1995, c. 609, §2 (RPR). PL 1997, c. 189, §1 (AMD). PL 1999, c. 156, §4 (AMD). PL 2003, c. 247, §18 (RP).

§6078-A. Aquaculture Monitoring, Research and Development Fund

1. Fund established. The Aquaculture Monitoring, Research and Development Fund, referred to in this section as "the fund," is established. In addition to the fees derived pursuant to rules adopted under subsection 6, the commissioner may receive on behalf of the fund funds from any source. All income received by the commissioner under this section must be deposited with the Treasurer of State, tracked according to its source and credited to the fund. Any balance remaining in the fund at the end of a fiscal year does not lapse but must be carried forward to the next fiscal year. Any interest earned on assets of the fund is credited to the fund. All records related to harvests submitted by aquaculture lease holders are considered proprietary information for the purposes of section 6077, subsection 4.
[PL 2013, c. 301, §6 (AMD).]

2. Fees.

[PL 2005, c. 92, §7 (RP).]

3. Expenditures; purpose. The commissioner may make expenditures from the fund to develop effective and cost-efficient water quality licensing and monitoring criteria, analyze and evaluate monitoring data and process lease applications. The commissioner shall expend the fund amounts in proportion to the amounts of revenue from finfish sources and shellfish sources. The commissioner may contract for services privately or under memoranda of agreement with other state agencies.
[PL 2011, c. 344, §18 (AMD).]

4. Additional revenues.

[PL 2005, c. 92, §8 (RP).]

5. Reports.
[PL 2011, c. 598, §8 (RP).]

6. Rules. The commissioner may adopt rules pursuant to this section only after consultation with the aquaculture industry that clearly establish the recommended framework for lease rents, application fees and production fees as well as the related personnel or contracting costs funded by the recommended fee increases. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 247, §19 (NEW).]

SECTION HISTORY

PL 2003, c. 247, §19 (NEW). PL 2003, c. 660, §§A19,20 (AMD). PL 2005, c. 92, §§7,8 (AMD). PL 2009, c. 240, §15 (AMD). PL 2011, c. 344, §18 (AMD). PL 2011, c. 598, §8 (AMD). PL 2013, c. 301, §6 (AMD).

§6079. Aquacultural use of antibiotics; notice

(REPEALED)

SECTION HISTORY

PL 1991, c. 381, §7 (NEW). PL 1997, c. 231, §7 (AMD). PL 2009, c. 229, §9 (RP).

§6080. Aquaculture Advisory Council

1. Appointment; composition. The Aquaculture Advisory Council, referred to in this section as the "council" and established by Title 5, section 12004-I, subsection 57-C, consists of 5 members. The commissioner or the commissioner's designee is a nonvoting, ex officio member of the council. The commissioner shall appoint 4 members from the State's aquaculture industry. No more than 2 of the appointed members may represent similar segments of the State's aquaculture industry.
[PL 2011, c. 598, §9 (REEN).]

2. Term. Council members serve for 3 years and continue serving until a successor is duly appointed and qualified. In the case of a vacancy, the commissioner shall promptly fill the vacancy.
[PL 2011, c. 598, §9 (REEN).]

3. Purpose. The council shall make recommendations to the commissioner concerning expenditures from the Aquaculture Management Fund for the purposes described under section 6072-D and concerning other matters of interest to the aquaculture industry.
[PL 2011, c. 598, §9 (REEN).]

4. Chair and officers. The council annually shall choose one of its members to serve as chair for a one-year term. The council may select other officers and designate their duties.
[PL 2011, c. 598, §9 (REEN).]

5. Meetings. The council shall meet at least once each year. It may also meet at other times at the call of the chair or the chair's designee or the commissioner or the commissioner's designee. The council may conduct a meeting by means of a conference call linking 2 or more members of the council.
[PL 2011, c. 598, §9 (REEN).]

6. Repeal.
[PL 1999, c. 156, §5 (RP).]

SECTION HISTORY

RR 1995, c. 2, §23 (COR). PL 1995, c. 609, §3 (NEW). PL 1997, c. 189, §2 (AMD). PL 1999, c. 156, §5 (AMD). PL 2003, c. 247, §20 (AMD). PL 2005, c. 92, §9 (AMD). PL 2011, c. 344, §19 (RP). PL 2011, c. 598, §9 (REEN).

§6081. Aquaculture Research Fund

The Aquaculture Research Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund within the department. In addition to the fees derived from the limited-purpose aquaculture license, the commissioner may receive on behalf of the fund funds from any source. The commissioner shall use all money received into the fund for research and management related to the aquaculture industry. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fund.
[PL 1999, c. 567, §3 (NEW).]

SECTION HISTORY

PL 1999, c. 567, §3 (NEW).

§6082. Confidentiality provisions for aquaculture information from other jurisdictions

Information obtained from other state, federal or foreign government agencies about aquaculture operations in other states, foreign countries or the exclusive economic zone that is designated as confidential by the jurisdiction from which it is obtained and that must remain confidential as a condition of receipt must be kept confidential by the department. Such information is not a public record as defined in Title 1, section 402, subsection 3. This section does not apply to aquaculture operations conducted in Maine. [PL 2007, c. 212, §4 (NEW).]

SECTION HISTORY

PL 2007, c. 212, §4 (NEW).

§6083. Lease option

1. Lease option. A person may apply for a lease option that conveys the right to file an application for an aquaculture lease under section 6072, 6072-A or 6072-B for a particular area of the submerged lands of the State and for a defined period of time. The department may not accept an application for an aquaculture lease pursuant to section 6072, 6072-A or 6072-B or an application for a limited-purpose aquaculture license pursuant to section 6072-C in an area that is under a lease option, except as described in subsection 2.
[PL 2009, c. 229, §10 (NEW).]

2. Other claims of preference. A lease option under this section does not supersede the provisions for application preference in section 6072, subsection 8 and section 6072-A, subsection 12. Competing aquaculture lease applications from persons claiming preference under section 6072, subsection 8 or section 6072-A, subsection 12 must be evaluated by the department to determine if the claim of preference is valid and, if it is found to be valid, the holder of the lease option may cancel the lease option and receive a fee refund prorated for the remainder of the term of the lease option.
[PL 2009, c. 229, §10 (NEW).]

3. Issuance criteria. The applicant for a lease option under this section must demonstrate that the site is being assessed in good faith for its suitability for aquaculture and that there is a reasonable likelihood that an application for an aquaculture lease will be filed during the term of the lease option. The area proposed for lease option may not contain an existing aquaculture lease or license or include an area that is part of an aquaculture lease or license application under consideration by the department.
[PL 2009, c. 229, §10 (NEW).]

4. Fee. The fee for issuance of a lease option under this section may be up to $500 for the first acre plus up to $50 for each additional acre, the amount to be established in rules adopted by the commissioner. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2009, c. 229, §10 (NEW).]

SECTION HISTORY

PL 2009, c. 229, §10 (NEW).

§6084. Nonpayment of aquaculture lease fees

If a holder of an aquaculture lease or license under this subchapter fails to pay any related fees or charges, the commissioner may refuse to renew or issue any marine resources license or permit to the holder of the aquaculture lease or license. [PL 2009, c. 229, §11 (NEW).]

SECTION HISTORY

PL 2009, c. 229, §11 (NEW).

§6085. Marine organism aquaculture license

1. License required. The commissioner may require a license for aquaculture of marine organisms in facilities that are not located in the coastal waters of the State but are located in the State.
[PL 2019, c. 310, §5 (REEN).]

2. Licensed activities. The holder of a license under this section may possess marine organisms the holder has raised by means of aquaculture. The holder of such a license is exempt from any requirement regarding the time of taking or possessing, minimum or maximum length or other minimum or maximum size requirement for any marine organism the holder has raised by means of aquaculture.

[PL 2019, c. 310, §5 (REEN).]

3. Permit denial. The commissioner may refuse to issue a license under this section if the commissioner finds that the aquaculture activity presents an unreasonable risk to indigenous marine life or its environment. In determining whether or not to refuse to issue a license, the commissioner shall consider factors, including, but not limited to:

A. Risk of accidental or intentional introduction of marine organisms or marine organism products into the coastal waters of the State; [PL 2019, c. 310, §5 (REEN).]

B. Risk of the introduction or spread of disease within the State; and [PL 2019, c. 310, §5 (REEN).]

C. Interference with the enforcement of possession, size or season limits for wild marine organisms. [PL 2019, c. 310, §5 (REEN).]

[PL 2019, c. 310, §5 (REEN).]

4. Monitoring and revocation. The commissioner shall monitor licensed facilities under this section on an annual basis. If the commissioner determines following an annual review or at any other time that the licensed aquaculture activity presents an unreasonable risk to indigenous marine life or its environment, the commissioner may revoke the license after the licensee has been given an opportunity for a hearing before the department.

[PL 2019, c. 310, §5 (REEN).]

5. Reporting. The commissioner may require the holder of a license under this section to file periodic reports regarding the aquaculture practices and production of the facility. Information obtained pursuant to this provision is considered fisheries statistics for the purposes of section 6173, except that information about marine organism health reported pursuant to section 6071 may not be considered fisheries statistics.

[PL 2019, c. 310, §5 (REEN).]

6. Fee. The commissioner may charge a fee for a license under this section not to exceed $1,000, the amount to be established in rules adopted by the commissioner depending on the type and amount of aquaculture. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 310, §5 (REEN).]

SECTION HISTORY

PL 2009, c. 229, §12 (NEW). PL 2017, c. 94, §5 (RP). PL 2019, c. 310, §5 (REEN).

§6085-A. Land-based aquaculture; reporting

(REPEALED)

SECTION HISTORY

PL 2017, c. 94, §6 (NEW). PL 2019, c. 310, §6 (RP).

§6086. Abandoned aquaculture equipment and stock

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

A. "Abandoned aquaculture equipment" or "equipment" means any equipment associated with the operation of an aquaculture lease or license pursuant to section 6072, 6072-A, 6072-B or 6072-C that has been left by the aquaculture lease or license holder in coastal waters without intention of removal. "Abandoned aquaculture equipment" includes, but is not limited to, rafts, pens, barges, skiffs, nets, lines, mooring systems, cages, trays, racks, upwellers and other equipment used in the operation of an aquaculture site. [PL 2009, c. 229, §13 (NEW).]

B. "Abandoned aquaculture stock" or "stock" means cultured marine organisms, including, but not limited to, fish, shellfish, sea urchins and algae, that have been left by the owner in coastal waters without intention of removal. [PL 2009, c. 229, §13 (NEW).]

[PL 2009, c. 229, §13 (NEW).]

2. Eligibility. Abandoned aquaculture equipment or abandoned aquaculture stock is subject to removal under this section only if:

A. The aquaculture lease or license holder has indicated in writing to the department that the holder wishes to terminate the aquaculture lease or license with which the abandoned equipment or stock is associated; the department has revoked the lease pursuant to section 6072, subsection 11 or section 6072-A, subsection 22; or the term of the lease or license has expired; [PL 2009, c. 229, §13 (NEW).]

B. The equipment or stock remains in the area of the lease or license site and the equipment or stock is not legally permitted to remain by another authority, such as a municipal mooring permit; and [PL 2009, c. 229, §13 (NEW).]

C. The aquaculture lease or license holder has not entered into an agreement with the department to accomplish timely removal of the equipment or stock. [PL 2009, c. 229, §13 (NEW).]

[PL 2009, c. 229, §13 (NEW).]

3. Responsibility of the department. The department's duties with respect to abandoned aquaculture equipment and abandoned aquaculture stock are as set out in this subsection.

A. The department shall investigate reports of abandoned aquaculture equipment or abandoned aquaculture stock and review terminated, expired or revoked aquaculture leases and licenses to determine if there is abandoned aquaculture equipment or abandoned aquaculture stock and give notice to the aquaculture lease or license holder. The department shall also give notice to any person who has declared to the department, in writing, a property interest in the equipment or stock and to any person the lease or license holder has, in writing, identified as having a property interest in the equipment or stock. The notice must require the lease or license holder and anyone with a property interest to respond within 15 days and to remove the equipment or stock from the coastal waters within 60 days of notification by the department or, if the equipment or stock is icebound, within 60 days of ice-out in the body of water where the equipment or stock is located. If the persons to whom the department has given notice cannot be contacted or do not respond to the notice and remove the equipment or stock within the time period specified, the department may initiate removal of the equipment or stock. [PL 2009, c. 229, §13 (NEW).]

B. The department may authorize a 3rd party to remove abandoned aquaculture equipment or abandoned aquaculture stock if the department is satisfied that the work will be completed. [PL 2009, c. 229, §13 (NEW).]

C. Notwithstanding the time periods for removal by a lease or license holder or person with a property interest specified in paragraph A, if the department determines at any time that abandoned aquaculture equipment or abandoned aquaculture stock is a human health or safety hazard or is an immediate threat to the marine environment, the department may immediately remove the equipment or stock from the coastal waters. [PL 2009, c. 229, §13 (NEW).]

D. If the department removes abandoned aquaculture equipment or abandoned aquaculture stock from coastal waters under this subsection, the department may sell the equipment or stock. Any proceeds from the sale must first be applied to the costs to the State directly related to the expense of removal of the equipment or stock. Any money that remains may be applied to any liens against the equipment or stock. Money that finally remains must accrue to the Aquaculture Management Fund established under section 6072-D. [PL 2009, c. 229, §13 (NEW).]

E. Abandoned aquaculture equipment or abandoned aquaculture stock located on intertidal land may not be removed by the department without the permission of the landowner unless the department determines that the equipment or stock is a human health or safety hazard or is an immediate threat to the marine environment. [PL 2009, c. 229, §13 (NEW).]

F. The department may adopt rules governing abandoned aquaculture equipment and abandoned aquaculture stock, including, but not limited to, rules requiring the disclosure of property interests in abandoned aquaculture equipment and abandoned aquaculture stock. Rules adopted under this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2009, c. 229, §13 (NEW).]

[PL 2009, c. 229, §13 (NEW).]

4. Civil action. If the State is not compensated for removal costs under the provisions of subsection 3, the State shall first attempt to recover the removal costs by claiming these expenses against any bond the aquaculture lease or license holder held during the term of the aquaculture lease or license. If the department is unsuccessful in recovering the removal costs in that manner, the State may bring a civil action against the owner of the equipment or stock to cover any cost of removal of the equipment or stock from coastal waters. The court in its discretion may award an additional 50% of the cost of removal. The penalty is payable to the Aquaculture Management Fund established under section 6072-D.

[PL 2009, c. 229, §13 (NEW).]

SECTION HISTORY

PL 2009, c. 229, §13 (NEW).

§6087. Seaweed Fisheries Advisory Council

1. Appointment; composition. The Seaweed Fisheries Advisory Council, established by Title 5, section 12004-I, subsection 57-H and referred to in this section as "the council," consists of 7 members appointed by the commissioner as follows:

A. Two members who process seaweed or hold either a seaweed permit or seaweed buyer's license; [PL 2017, c. 52, §2 (NEW).]

B. Two members who are seaweed aquaculture lease holders or their designees; [PL 2017, c. 52, §2 (NEW).]

C. One member of the scientific community; [PL 2017, c. 52, §2 (NEW).]

D. One member who harvests seaweed; and [PL 2017, c. 52, §2 (NEW).]

E. One member of the public. [PL 2017, c. 52, §2 (NEW).]

The commissioner shall make appointments so that the composition of the council reflects the diversity of the State's seaweed operations.

[PL 2017, c. 52, §2 (NEW).]

2. Purpose. The council shall:

A. Make recommendations to the commissioner on all matters concerning the health of the seaweed resource, its ecosystem and the industry it supports; and [RR 2017, c. 1, §4 (COR).]

B. Make recommendations to the commissioner regarding expenditures from the Seaweed Management Fund as described in section 6806. [PL 2017, c. 52, §2 (NEW).]

[RR 2017, c. 1, §4 (COR).]

3. Term. The term of a member appointed to the council is 3 years, except that a vacancy during an unexpired term must be filled in the same manner as for the original member for the unexpired portion of the member's term. A member may not serve more than 2 consecutive terms.

[PL 2017, c. 52, §2 (NEW).]

4. Officers. The officers of the council are the chair, vice-chair and secretary. The term of the officers is one year. The council shall elect a member of the council for each officer position at the first regular meeting of each year.
[PL 2017, c. 52, §2 (NEW).]

5. Meeting. The council shall meet at least once a year. It may also meet at other times at the call of the commissioner.
[PL 2017, c. 52, §2 (NEW).]

SECTION HISTORY

RR 2017, c. 1, §4 (COR). PL 2017, c. 52, §2 (NEW).

§6088. Municipal fees

If a person submits an application to the commissioner for a lease or license under this subchapter and the municipality provides the commissioner with information necessary for the completion of that lease or license application, the municipality may not charge that person a fee of more than $50 for the administrative costs associated with providing that information to the commissioner on that person's behalf. [PL 2019, c. 112, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 112, §1 (NEW).

SUBCHAPTER 3

INSPECTION AND QUALITY CONTROL

§6101. Voluntary fish products inspection program

1. Purpose. The purpose of this section shall be to increase the availability of fishery product inspection services to Maine processors and packers in order to improve the marketing of fishery products.
[PL 1989, c. 57, §2 (AMD).]

2. Program. The department is the state agency that is responsible for cooperating with the Federal Government in developing and administering a voluntary fishery product inspection program. Notwithstanding section 6103, the commissioner may enter into agreements with the United States Department of Commerce, National Oceanic and Atmospheric Administration and seafood producers for the issuance of certificates of compliance necessary to meet international regulations and obtain reimbursement from the United States Department of Commerce, National Oceanic and Atmospheric Administration for the costs incurred by the department for the inspection and certification program.
[PL 2011, c. 567, §1 (AMD).]

3. Regulations. The commissioner may adopt or amend regulations not inconsistent with the National Shellfish Sanitation Program and National Marine Fisheries Services regulations for the voluntary inspection of fishery products.
[PL 1989, c. 57, §2 (AMD).]

4. Sardines. The program shall exclude sardines and other fish inspected by the Maine Sardine Council.
[PL 1977, c. 661, §5 (NEW).]

5. Labeling. All products inspected under this section shall be accurately labeled to provide the public with information about the contents and quality of the fishery product. The commissioner may adopt regulations to insure proper and complete labeling.
[PL 1977, c. 661, §5 (NEW).]

6. Misleading labeling prohibited. It shall be unlawful to sell any article inspected under this section under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size. Established trade names approved by the commissioner are permitted. It shall be unlawful to sell any article not inspected under this section under any name or other marking or labeling which is false and misleading when the mark or label is intended to represent the contents as having been inspected and graded.
[PL 1977, c. 661, §5 (NEW).]

7. Preventing misleading labeling. If the commissioner has reason to believe that a violation of subsection 6 is occurring, he may order the withholding of an inspection or grading label or mark.
[PL 1977, c. 661, §5 (NEW).]

8. Procedure. The commissioner shall give notice of his withholding order and may give an opportunity for a hearing on the order. The order shall be effective on service or receipt of the notice. The notice shall contain a statement of the violation, the order and any opportunity for a hearing, and shall be personally served on or mailed to the violator. Any hearing shall be requested in writing within 10 days, unless a longer period is mutually agreed to in writing. Notice of the hearing shall be given immediately to the violator.

If a hearing is held, it shall be conducted in the Augusta area. At the hearing, the violator shall be entitled to present any evidence concerning the violation and surrounding circumstances. All decisions of the commissioner shall be in writing. All decisions of the commissioner under this section may be reviewed in the manner provided under the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII.
[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1989, c. 57, §2 (AMD). PL 2011, c. 567, §1 (AMD).

§6102. Mandatory quality control program

The commissioner may, in accordance with the most modern public health and food protection practices, establish and maintain effective surveillance and inspection of all segments of the state's fishing industries. He may establish a program to carry out this responsibility. The program may include provisions similar to those of section 6856, shellfish sanitation and certificate, and section 6101, voluntary fish products inspection program, including any additional inspection, licensing and certification requirements that are necessary to insure proper sanitation and quality control. The commissioner may adopt or amend regulations prescribing the minimum standards for establishments and for sanitation and quality control of the processing of any marine organism or its products. Each set of regulations shall be based on the particular operational requirements of the species or phase of industry being regulated, and shall conform to the latest state or federal sanitation standards. [PL 1981, c. 705, Pt. C, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 672, §A50 (AMD). PL 1981, c. 705, §C1 (AMD).

§6103. Implementation of fishery product or shellfish inspection programs

The Commissioner of Agriculture, Conservation and Forestry and the Commissioner of Marine Resources shall cooperate in developing and implementing any fishery product or shellfish inspection programs. Those programs must meet the standards established by the Commissioner of Agriculture,

Conservation and Forestry under the Maine Food Law. [PL 2005, c. 434, §2 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

SECTION HISTORY

PL 1981, c. 705, §C2 (NEW). PL 1989, c. 57, §3 (AMD). PL 1991, c. 784, §4 (AMD). PL 2005, c. 434, §2 (AMD). PL 2011, c. 657, Pt. W, §6 (REV).

SUBCHAPTER 3-A

SURIMI OR SURIMI PRODUCTS

§6111. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 254 (NEW).]

1. Surimi. "Surimi" means an intermediate manufactured seafood product derived from minced fish meat, washed to remove water-soluble protein, blood or other undesirable components and mixed with additives, containing sugars or sodium, or both, to enhance its frozen storage and functional characteristics.
[PL 1985, c. 622, §1 (RPR).]

2. Surimi-based analogue.

[PL 1985, c. 622, §2 (RP).]

SECTION HISTORY

PL 1985, c. 254 (NEW). PL 1985, c. 622, §§1,2 (AMD).

§6112. Labeling of food products containing surimi

A food product may not be sold in this State consisting of or containing surimi unless the packaging containing the food product is clearly and conspicuously labeled or, if there is no packaging, unless a sign is conspicuously displayed, indicating that the product is "imitation lobster," "imitation crab," "imitation" followed by the name of the seafood imitated, "processed seafood," "surimi," "lobster-processed seafood salad," "crab-processed seafood salad" or other terms as approved by the Department of Marine Resources through rules adopted in accordance with Title 5, chapter 375, subchapter II. Any term approved by that department is sufficient to notify the public that the product contains surimi. [PL 1991, c. 378 (AMD).]

SECTION HISTORY

PL 1985, c. 254 (NEW). PL 1985, c. 622, §3 (RPR). PL 1991, c. 378 (AMD).

§6113. Serving food containing surimi

No food containing surimi or a surimi product may be served in any eating establishment in the State whether for consumption on or off the premises, unless on the menu and all notices advertising the food it is clearly and conspicuously labeled as "imitation lobster," "imitation crab," "imitation" followed by the name of the seafood imitated, "processed seafood," "surimi," "lobster-processed seafood salad," "crab-processed seafood salad" or other terms as approved by the Department of Marine Resources through rules adopted in accordance with Title 5, chapter 375, subchapter II. Any term approved by that department shall be sufficient to notify the public that the product contains surimi. [PL 1985, c. 622, §4 (RPR).]

SECTION HISTORY

PL 1985, c. 254 (NEW). PL 1985, c. 622, §4 (RPR).

§6114. Violation; enforcement

1. Forfeiture. A violation of this subchapter is a civil violation for which a forfeiture not to exceed $100 may be adjudged.
[PL 2001, c. 421, Pt. B, §13 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1985, c. 254 (NEW). PL 2001, c. 421, §B13 (AMD). PL 2001, c. 421, §C1 (AFF).

SUBCHAPTER 4

FISHWAYS

§6121. Fishways in existing dams or artificial obstructions

1. Commissioner's authority. In order to conserve, develop or restore anadromous fish resources, the commissioner and the Commissioner of Inland Fisheries and Wildlife may require a fishway to be erected, maintained, repaired or altered by the owners, lessors or other persons in control of any dam or other artificial obstruction within coastal waters frequented by river herring, shad, salmon, sturgeon or other anadromous fish species.
[PL 2013, c. 358, §1 (AMD).]

2. Examination of dams. The commissioner and the Commissioner of Inland Fisheries and Wildlife shall annually examine all dams and other artificial obstructions to fish passage within the coastal waters in order to determine whether fishways are necessary, sufficient or suitable for the passage of anadromous fish.
[PL 2013, c. 358, §1 (AMD).]

3. Initiation of fishway proceedings. The commissioner and the Commissioner of Inland Fisheries and Wildlife shall initiate proceedings to consider construction, repair or alteration of fishways in existing dams or other artificial obstructions whenever the commissioners determine that either of the following conditions may exist:

A. Fish passage at the dam or obstruction in issue, whether alone or in conjunction with fish passage at other upriver barriers, will improve access to sufficient and suitable habitat anywhere in the watershed to support a substantial commercial or recreational fishery for one or more species of anadromous fish; or [PL 1983, c. 388, §1 (RPR).]

B. Fish passage at the dam or obstruction in issue is necessary to protect or enhance rare, threatened or endangered fish species. [PL 1983, c. 388, §1 (RPR).]

[PL 2013, c. 358, §1 (AMD).]

4. Adjudicatory proceedings.

A. A fishway proceeding is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4, but a hearing may not be required unless requested in accordance with paragraph B. Notice of the proceeding must be given in accordance with Title 5, section 9052 and the following requirements:

(1) Personal notice must be given to the dam owner, lessee or other person in control of the dam or artificial obstruction, informing that person that a proceeding has been undertaken and of that person's right to request a hearing; and

(2) Notice to the public, in newspapers of general circulation in the areas affected, notifying the public of the initiation of the proceedings and of the public's opportunity to request a hearing. [PL 2013, c. 358, §1 (AMD).]

B. If any interested person requests a public hearing, the commissioner and the Commissioner of Inland Fisheries and Wildlife shall, within 30 days, either notify the petitioners in writing of the commissioners' denial stating the reasons or schedule a public hearing. The commissioners shall hold a public hearing whenever:

(1) The commissioners are petitioned by 50 or more Maine residents; or

(2) The owner, lessee or other person in control of the dam or artificial obstruction requests a public hearing. [PL 2013, c. 358, §1 (AMD).]

C. The commissioner and the Commissioner of Inland Fisheries and Wildlife shall accept testimony from the dam owner, lessee or other person in control of the dam or artificial obstruction on alternate fishway designs to those proposed by the commissioners for that dam or artificial obstruction. [PL 2013, c. 358, §1 (AMD).]

[PL 2013, c. 358, §1 (AMD).]

5. Decision. In the event the commissioner and the Commissioner of Inland Fisheries and Wildlife decide that a fishway should be constructed, repaired, altered or maintained, their final orders must be issued with specific plans and descriptions of the fishway construction, alteration, repair or maintenance requirements, the conditions of the use of the fishway and the time and manner required for fishway operation. The commissioners may issue a decision requiring the owners, lessees or other persons in control of the dam or obstruction to construct, repair, alter or maintain a fishway. Such a decision must be supported by a finding based on evidence submitted to the commissioners that either of the following conditions exist:

A. One or more species of anadromous or migratory fish can be restored in substantial numbers to the watershed by construction, alteration, repair or maintenance of a fishway, and habitat anywhere in the watershed above the dam or obstruction is sufficient and suitable to support a substantial commercial or recreational fishery for one or more species of anadromous or migratory fish; or [PL 1983, c. 388, §1 (RPR).]

B. The construction, alteration, repair or maintenance of a fishway is necessary to protect or enhance rare, threatened or endangered fish species. [PL 1983, c. 388, §1 (RPR).]

In the event that the commissioners decide that no fishway should be constructed, the commissioners shall specify in that decision a period immediately subsequent to that decision during which no fishway may be required to be constructed. That period may not exceed 5 years.

[PL 2013, c. 358, §1 (AMD).]

6. Compliance.

A. The owner, lessee or other person in control of the dam or other artificial obstruction is jointly and severally liable for the costs of fishway design, construction, repair, alteration or maintenance and for full compliance with a decision issued pursuant to subsection 5. If the owner, lessee or other person in control of the dam or other artificial obstruction refuses to comply or does not fully comply with the commissioners' decision, the commissioners shall initiate a civil action to enjoin the owner, lessee or person in control of the dam to comply fully with the commissioners' order or to restrain the violation of an order. In the proceeding, the court shall not review the legality of the commissioners' order, except when the owner, lessee or person in control of the dam or artificial obstruction has brought a timely petition for judicial review pursuant to Title 5, chapter 375, subchapter 7. [PL 2013, c. 358, §1 (AMD).]

B. The court may render judgment against and order the sale of the dam or other artificial obstruction, the land on which it stands and a right-of-way to the dam or artificial obstruction in order to secure the costs of fishway construction, repair, alteration or maintenance and costs of the court-ordered sale and the costs incurred by the department for fishway design. The purchaser of

the dam or other obstruction is subject to the commissioners' decision. [PL 2013, c. 358, §1 (AMD).]

[PL 2013, c. 358, §1 (AMD).]

7. Privileged entry. The commissioner and the Commissioner of Inland Fisheries and Wildlife, the commissioners' agents or subcontractors are privileged to enter upon any private land in order to examine, at least annually, fishways in dams or other artificial obstructions and the examination of dams provided in subsection 2. The commissioners shall notify the landowner, lessee or other person in control of the dam when the examination will take place and the time required to complete the examination. The commissioner and the Commissioner of Inland Fisheries and Wildlife shall make every effort to preserve private land and shall restore surrounding lands to the grade and condition existing prior to entry, if economically feasible.

[PL 2013, c. 358, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 127, §84 (AMD). PL 1983, c. 388, §1 (RPR). PL 2001, c. 190, §§1,2 (AMD). PL 2011, c. 598, §10 (AMD). PL 2013, c. 358, §1 (AMD).

§6122. Construction of new dams or other artificial obstructions

1. Notice required. Prior to construction or prior to authorizing construction of a new dam or other obstruction in the coastal waters, the owner, lessee or other person in control of the dam or other artificial obstruction shall provide written notice to the commissioner, supplying information on construction plans, proposed location and date of construction of the dam or other artificial obstruction.

[PL 1983, c. 388, §2 (RPR).]

2. Initiation of fishway proceedings. Within 30 days of receipt of the construction notice, the commissioner shall review the plans in order to determine whether fishway construction or alteration of proposed fishway construction plans may be required pursuant to the criteria set forth in section 6121, subsection 3. If the commissioner determines that such construction or alteration may be necessary, he shall initiate fishway proceedings and follow the procedures prescribed in section 6121.

[PL 1983, c. 388, §2 (RPR).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1983, c. 388, §2 (RPR).

§6123. Obstructing fishways

A person who tampers with, damages, destroys or closes to fish migration or introduces foreign objects into any fishway without the authority of the commissioner commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged. [PL 1999, c. 771, Pt. B, §1 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 771, §B1 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§6124. Violations; penalty

A person who improperly operates a fishway required pursuant to this subchapter commits a civil violation for which a forfeiture equivalent to the value of the fish killed but not more than $10,000 for each day of that violation may be adjudged. [PL 1999, c. 771, Pt. B, §2 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1989, c. 275, §1 (NEW). PL 1999, c. 771, §B2 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§6125. Rules

The Department of Marine Resources and the Department of Inland Fisheries and Wildlife shall jointly make rules defining "fish kill." [PL 1989, c. 275, §1 (NEW).]

SECTION HISTORY

PL 1989, c. 275, §1 (NEW).

SUBCHAPTER 5

MISCELLANEOUS ACTIVITIES

§6131. River herring fishing rights

The commissioner is authorized to develop, manage or lease river herring fishing rights as follows. [PL 2011, c. 598, §11 (AMD).]

1. River herring rights. The commissioner shall grant the right, exclusive or otherwise, to take river herring to any municipality entitled to those rights on January 1, 1974 and may grant the right to take river herring to any other municipality provided:

A. Any municipality that has had the right to take river herring, exclusive or otherwise, or is granted that right by the commissioner, shall take action through its legislative body and file a copy of this action with the commissioner prior to April 20th or lose that right for the remaining part of that year; [PL 2011, c. 598, §11 (AMD).]

B. Municipal rights that are not exercised for 3 consecutive years lapse; [PL 2009, c. 17, §1 (AMD).]

C. At its annual meeting the municipality may determine by vote:

(1) Whether river herring fishing will be operated by the municipality through the municipal officers or a committee; and

(2) Whether the municipal rights to take river herring will be sold by the municipal officers or committee; and [PL 2011, c. 598, §11 (AMD).]

D. Harvesting plans must be developed as follows.

(1) Any municipality engaged in harvesting river herring shall submit a written harvesting plan to the commissioner prior to April 20th of each calendar year. All harvesting plans must set forth in detail the exact conditions under which river herring may be taken, all in accordance with good conservation practices.

(2) The commissioner, after consultation with the appropriate municipal officers, shall approve or modify the harvesting plan as the commissioner determines necessary for the conservation of river herring and other anadromous fish, and shall file a copy of the approved plan with the clerk of the municipality. [PL 2011, c. 598, §11 (AMD).]

[PL 2009, c. 17, §1 (AMD); PL 2011, c. 598, §11 (AMD).]

2. Limitations. The following limitations apply to any grant.

A. It is unlawful to take river herring from 6 a.m. each Thursday morning until 6 a.m. Sunday morning. Municipalities that make other provisions for escape of spawning river herring that are approved by the commissioner are exempt from this limit. [PL 2011, c. 598, §11 (AMD).]

B. It is unlawful for any municipality or purchaser or lessee of the municipal right to take river herring in any manner except as provided in the approved river herring harvesting plan. [PL 2011, c. 598, §11 (AMD).]

[PL 2011, c. 598, §11 (AMD).]

3. Closed period in rivers and streams not under lease agreement. In any river or stream not managed under a lease agreement, there is a 72-hour closed period on the taking of river herring and obstruction of the watercourse to allow the free passage of fish from 6 a.m. on Thursday to 6 a.m. the following Sunday.
[PL 2011, c. 598, §11 (AMD).]

4. Violation of harvesting plan. If the commissioner determines after investigation that the municipality is not following its river herring harvesting plan, the commissioner shall notify the municipality. Any municipality that fails to take corrective action within 48 hours of notification loses its river herring fishing privilege for that calendar year. Upon further notification by the commissioner of loss of river herring fishing privileges, the municipality or its agents shall cease all fishing activity and immediately remove all traps, weirs, seines or other river herring fishing gear from their river herring waters.
[PL 2011, c. 598, §11 (AMD).]

5. Leasing of rights. The commissioner:

A. When the commissioner decides to manage or lease any river herring fishing rights when a municipality has had those rights and has failed to act as provided in subsection 1, shall so notify the clerk of the municipality in writing. After the notice, the commissioner may lease any of those rights to any person, as the commissioner determines is in the best interest of the State. All leases must be in writing and signed by the commissioner and the lessee and must set forth in detail the exact conditions under which the river herring may be taken, all in accordance with good conservation practices; and [PL 2011, c. 598, §11 (AMD).]

B. May manage or lease river herring fishing rights in any river or stream where a municipality does not have those rights. The commissioner may lease any of those rights to any person, as the commissioner determines is in the best interest of the State. All leases must be in writing and approved and signed by the commissioner and the lessee and must set forth in detail the exact conditions under which the river herring may be taken, all in accordance with good conservation practices. [PL 2011, c. 598, §11 (AMD).]
[PL 2011, c. 598, §11 (AMD).]

6. Violation of terms. It is unlawful for any person holding such a lease to violate any of its terms or to cause the same to be done.
[PL 2011, c. 598, §11 (AMD).]

7. Molesting equipment. It is unlawful to molest the fishing equipment of any lease holder or to interfere with the fishing rights granted by the lease.
[PL 2011, c. 598, §11 (AMD).]

8. Migratory Fish Fund. All fees received by the commissioner from river herring leasing rights are allocated to the Migratory Fish Fund, as established. Expenditures from the Migratory Fish Fund must be made:

A. To build fishways for river herring and other migratory fish; [PL 2011, c. 598, §11 (AMD).]

B. For construction of other facilities for improving the environment of river herring and other migratory fish; [PL 2011, c. 598, §11 (AMD).]

C. For general propagation and conservation of river herring and other migratory fish; [PL 2011, c. 598, §11 (AMD).]

D. For research to enhance the fishing industry based on river herring and other migratory fish; and [PL 2011, c. 598, §11 (AMD).]

E. For management measures required to maintain or enhance river herring populations or populations of other migratory fish. [PL 2011, c. 598, §11 (AMD).]

The Migratory Fish Fund does not lapse.
[PL 2011, c. 598, §11 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 433, §3 (AMD). PL 1987, c. 513, §2 (AMD). PL 1993, c. 731, §1 (AMD). PL 2009, c. 17, §§1-4 (AMD). PL 2011, c. 598, §11 (AMD).

§6132. Natural Fish Die-off Clean-up Program

Upon the request of any affected municipality, the Department of Marine Resources shall assess the extent and severity of public nuisance and potential threats to public health posed by natural fish die-offs. The department shall provide technical advice and, subject to the limits of available funding, financial assistance to the affected municipalities in the conduct of any cleanup or other mitigating measures. [PL 1987, c. 459 (AMD).]

SECTION HISTORY

PL 1985, c. 786 (NEW). PL 1987, c. 459 (AMD).

§6133. Inspection of documents and watercraft

1. Inspection powers. Marine patrol officers may stop and board any watercraft at any time to inspect its documents, licenses and permits of the occupants of the watercraft and to conduct a safety inspection.
[PL 1987, c. 713, §1 (NEW).]

2. Rules. The commissioner shall adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, which:

A. Specify safety requirements for watercraft subject to inspection. Requirements may be incorporated by reference to other state or federal watercraft safety laws, rules or regulations; and [PL 1987, c. 713, §1 (NEW).]

B. Define the procedure for a safety inspection. [PL 1987, c. 713, §1 (NEW).]
[PL 1987, c. 713, §1 (NEW).]

3. Failure to submit to inspection. Failure of an owner, operator or occupant of watercraft to submit to the inspection authorized by this section is a Class E crime and shall be grounds for the suspension, pursuant to chapter 617, of licenses issued under this Part to the person failing to submit.
[PL 1987, c. 713, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 713, §1 (NEW).

§6134. River herring passage; fishways on the St. Croix River

By May 1, 2013, the commissioner and the Commissioner of Inland Fisheries and Wildlife shall ensure that the fishways on the Woodland Dam and the Grand Falls Dam located on the St. Croix River are configured or operated in a manner that allows the unconstrained passage of river herring. [PL 2013, c. 47, §1 (NEW).]

1. Woodland Dam.
[PL 2013, c. 47, §1 (RP).]

2. Grand Falls Dam.
[PL 2013, c. 47, §1 (RP).]

SECTION HISTORY

PL 1995, c. 48, §1 (NEW). PL 2007, c. 587, §1 (RPR). PL 2011, c. 598, §12 (AMD). PL 2013, c. 47, §1 (RPR).

§6135. Maine Groundfish Fund

The Maine Groundfish Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund within the department. Unexpended balances in the fund at the end of the fiscal year may not lapse and must be carried forward to the next fiscal year and used for the purposes of this section. [PL 2003, c. 673, Pt. GGG, §1 (NEW).]

The fund may receive money from any source for the purposes of this section. Revenues may be used for support of the groundfish industry including research, development and economic assistance to maintain access, capacity and infrastructure along the entire coast. The commissioner shall select activities and projects that will be most beneficial to the commercial groundfish industry of the State. [PL 2003, c. 673, Pt. GGG, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 673, §GGG1 (NEW).

§6136. Maine Coast Environmental Trust Fund

1. Creation of trust fund. There is established the Maine Coast Environmental Trust Fund, referred to in this section as "the trust," as an Other Special Revenue Funds account within the Department of Marine Resources.
[PL 2005, c. 641, §1 (NEW).]

2. Purpose of trust. The purpose of the trust is to protect and improve the quality of the State's marine environment by providing grants to qualifying organizations for activities to advance scientific research concerning the nature, magnitude and effect of pollution of the State's estuarine, near-shore and off-shore marine environments and the means to abate pollution or preserve and enhance estuarine, near-shore and off-shore marine habitats.
[PL 2005, c. 641, §1 (NEW).]

3. Sources for trust. Money obtained from the following sources must be paid to the Treasurer of State for the benefit of the trust:

A. Gifts, bequests and donations to the trust from private individuals or corporations desiring to protect and improve the marine environment through applied research; [PL 2005, c. 641, §1 (NEW).]

B. Grants to the trust from private or public foundations desiring to protect and improve the marine environment through applied and basic research; [PL 2005, c. 641, §1 (NEW).]

C. Funds stipulated for deposit in the trust as part of the terms of settlement of legal actions against corporations, partnerships or individuals for violations of environmental laws, rules or regulations; [PL 2005, c. 641, §1 (NEW).]

D. Funds for research received under any federal oil spill trust fund; [PL 2005, c. 641, §1 (NEW).]

E. Revenues that may be from time to time realized through public bond issues; [PL 2005, c. 641, §1 (NEW).]

F. Federal grants and loans; and [PL 2005, c. 641, §1 (NEW).]

G. Appropriations and transfers authorized by the Legislature. [PL 2005, c. 641, §1 (NEW).]
[PL 2005, c. 641, §1 (NEW).]

4. Use and administration of trust. Trust funds must be used to provide grants to meet the purposes of this section. The department shall administer the trust as follows.

A. Unless otherwise specified by the source of a contribution to the trust, 50% of a contribution to the trust must be deposited in a principal account and maintained as a permanent endowment. The

income earned on funds held in this account, combined with the remaining 50% of funds contributed to the trust, must be deposited in an operating account and made available for disbursement as grants to accomplish the purposes of this section and as expenditures for purposes of administering the trust. [PL 2005, c. 641, §1 (NEW).]

B. An executive agency is not eligible to receive funding from the trust unless the agency jointly undertakes a research proposal with another entity that is not an executive agency. [PL 2005, c. 641, §1 (NEW).]

C. The department shall give preference to institutions, organizations and entities located and operated in the State. [PL 2005, c. 641, §1 (NEW).]

D. Principal, or interest earned from principal, with special instructions from contributors must be awarded in accordance with the contributors' instructions. [PL 2005, c. 641, §1 (NEW).]

E. All money in the trust not immediately required for payment, pursuant to the provisions of this section, must be invested by the Treasurer of State as authorized by Title 5, section 138, except that the securities in which the trust money is invested must remain part of the trust until exchanged for other securities and the income from all investments must remain a part of the trust unless prohibited by federal law. [PL 2005, c. 641, §1 (NEW).]

[PL 2005, c. 641, §1 (NEW).]

5. Amendment and termination of trust. The department shall make recommendations as follows.

A. [PL 2011, c. 598, §13 (RP).]

B. In the event the department determines that the provisions of the trust should be amended, the department shall make appropriate recommendations to the Legislature. [PL 2011, c. 598, §13 (AMD).]

C. The department may recommend that the trust be terminated if termination is determined to be appropriate. In the event that the Legislature terminates the trust, the principal and operating funds must be disbursed in a manner consistent with the purpose of the trust. [PL 2011, c. 598, §13 (AMD).]

[PL 2011, c. 598, §13 (AMD).]

SECTION HISTORY

PL 2005, c. 641, §1 (NEW). PL 2011, c. 598, §13 (AMD).

§6137. Atlantic Salmon Commission

(REPEALED)

SECTION HISTORY

PL 2007, c. 240, Pt. QQ, §4 (NEW). PL 2009, c. 561, §5 (RP).

§6138. Members; appointment; composition; term; compensation; meetings

(REPEALED)

SECTION HISTORY

PL 2007, c. 240, Pt. QQ, §5 (NEW). PL 2009, c. 561, §6 (RP).

§6139. Sea Run Fisheries and Habitat Advisory Council

(REPEALED)

SECTION HISTORY

PL 2007, c. 240, Pt. QQ, §6 (NEW). PL 2019, c. 225, §4 (RP).

§6140. Atlantic salmon license

1. License required. Except as otherwise provided in this section, a person may not fish for Atlantic salmon from any state waters without a current Atlantic salmon license.
[PL 2007, c. 240, Pt. QQ, §7 (NEW).]

2. Licensed activity. The holder of an Atlantic salmon license may fish for Atlantic salmon in inland and coastal waters of the State.
[PL 2007, c. 240, Pt. QQ, §7 (NEW).]

3. License fees. The following provisions govern license fees.

A. The fee for an Atlantic salmon license is $15 for a resident. [PL 2007, c. 240, Pt. QQ, §7 (NEW).]

B. The fee for an Atlantic salmon license for any nonresident is as follows:

(1) For a season license for a nonresident 16 years of age or older, $30;

(2) For a 3-day license for a nonresident 16 years of age or older, $15. This license may not be exchanged for a season license; and

(3) For a license for a nonresident under 16 years of age, $5. [PL 2007, c. 240, Pt. QQ, §7 (NEW).]

C. Members of Indian tribes in this State and residents of this State under 16 years of age are exempt from any fee. [PL 2007, c. 240, Pt. QQ, §7 (NEW).]
[PL 2007, c. 240, Pt. QQ, §7 (NEW).]

4. Atlantic salmon; possession, buying or selling. A person may not possess, buy or sell Atlantic salmon unless each fish is clearly identified by one of the following methods:

A. Tagged with a New Brunswick, Quebec, Nova Scotia, Prince Edward Island or Newfoundland-Labrador Atlantic salmon tag if imported from those Canadian provinces; [PL 2007, c. 240, Pt. QQ, §7 (NEW).]

B. Identified by a sales receipt less than 24 hours old; [PL 2007, c. 615, §7 (AMD).]

C. For wholesale and retail seafood dealers, identified by a bill of sale indicating numbers of fish purchased, dates of purchase and point of origin of all fish purchased ; or [PL 2007, c. 615, §7 (AMD).]

D. Tagged with a tag that conforms to rules adopted by the commissioner and identifies the fish as having been legally obtained from a private fee pond licensed pursuant to section 12508. Fish obtained in this manner may not be resold. [PL 2007, c. 615, §7 (NEW).]
[PL 2007, c. 615, §7 (AMD).]

5. Exceptions. This section does not apply to a person holding a lease that allows that person to engage in the aquaculture of Atlantic salmon in this State while conducting authorized activities on that person's lease site.
[PL 2007, c. 240, Pt. QQ, §7 (NEW).]

6. Agent's fee. Any clerk or agent appointed by the department to issue an Atlantic salmon license shall retain $2 for each license issued.
[PL 2007, c. 240, Pt. QQ, §7 (NEW).]

7. Use of license fees. All license fees must be used by the commissioner for purposes of conservation and management of the Atlantic salmon in this State.
[PL 2007, c. 240, Pt. QQ, §7 (NEW).]

8. Duplicates. The department or its agents shall issue a duplicate license to any person whose license was accidentally lost or destroyed. The fee for a replacement license is $1.

[PL 2007, c. 240, Pt. QQ, §7 (NEW).]

9. Fishing in inland waters. When fishing in inland waters, the holder of a license authorized under this section is subject to all the provisions of Part 13.
[PL 2007, c. 240, Pt. QQ, §7 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. QQ, §7 (NEW). PL 2007, c. 615, §7 (AMD).

§6140-A. Atlantic salmon; method of fishing; season

Unless more restrictive rules are adopted by the department, the following restrictions apply to methods of fishing and the season for Atlantic salmon. [PL 2019, c. 225, §5 (AMD).]

1. Catch and release only. All fishing for Atlantic salmon is catch and release, except for Atlantic salmon lawfully raised by means of aquaculture.
[PL 2007, c. 240, Pt. QQ, §8 (NEW).]

2. Method of fishing. A person may not fish for Atlantic salmon in waters of the State by any means other than hook and line with an unweighted artificial fly.
[PL 2007, c. 240, Pt. QQ, §8 (NEW).]

3. Closed season. A person may not fish for Atlantic salmon from waters of the State by any means from October 16th to April 30th.
[PL 2007, c. 240, Pt. QQ, §8 (NEW).]

4. Open season. The department may establish by rule an open season during which a person may fish for Atlantic salmon. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 225, §6 (AMD).]

SECTION HISTORY

PL 2007, c. 240, Pt. QQ, §8 (NEW). PL 2019, c. 225, §§5, 6 (AMD).

§6140-B. Unlawful fishing, possession or sale of Atlantic salmon

1. Prohibition. A person may not fish for Atlantic salmon in violation of the provisions of this Part.
[PL 2007, c. 240, Pt. QQ, §9 (NEW).]

2. Possession of parts prohibited. A person may not possess any part of an Atlantic salmon taken from the inland or coastal waters of this State.
[PL 2007, c. 240, Pt. QQ, §9 (NEW).]

3. Sale of Atlantic salmon prohibited. A person may not sell or offer for sale any Atlantic salmon taken from waters of the State, except Atlantic salmon lawfully raised by means of aquaculture.
[PL 2007, c. 240, Pt. QQ, §9 (NEW).]

4. Exemptions. The following are exempt from the possession prohibitions of this section:

A. Atlantic salmon imported from outside the State; [PL 2007, c. 240, Pt. QQ, §9 (NEW).]

B. Atlantic salmon imported by taxidermists solely for taxidermy purposes; and [PL 2007, c. 240, Pt. QQ, §9 (NEW).]

C. Atlantic salmon raised by means of aquaculture, except that Atlantic salmon raised in a hatchery for the purpose of restoration are not exempt. [PL 2013, c. 301, §7 (AMD).]

[PL 2013, c. 301, §7 (AMD).]

5. Incidental catch. An individual engaged in recreational or commercial fishing for species other than Atlantic salmon does not commit a violation of this section as long as any incidental catch of an Atlantic salmon results in an immediate liberation alive into the adjacent waters of the State.
[PL 2007, c. 240, Pt. QQ, §9 (NEW).]

6. Penalty. A person who violates this section commits a Class E crime, and the court shall impose an additional fine of $500, none of which may be suspended, for each Atlantic salmon unlawfully possessed.
[PL 2007, c. 240, Pt. QQ, §9 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. QQ, §9 (NEW). PL 2013, c. 301, §7 (AMD).

CHAPTER 606

FISHERIES MANAGEMENT RESEARCH

SUBCHAPTER 1

LOBSTER RESEARCH

§6141. Lobster research program

The commissioner shall establish a program of lobster research within the Bureau of Resource Management. The purpose of this program is to develop reliable scientific information for use in management decisions. [PL 1995, c. 665, Pt. M, §1 (AMD).]

1. Research. The lobster research program shall include investigation of lobster population dynamics, reproductive behavior and migration patterns. Specific attention shall be given to evaluating the impacts of the State's v-notch program on the reproductive potential of lobster stocks.
[PL 1985, c. 677, §1 (NEW).]

2. Policy investigations. The commissioner shall develop in the lobster research program the capacity to systematically analyze the effects of conservation and management options. The analysis includes both the biological and economic components of the fishery. Options for policy analysis include, without limitation, changes in the lobster measures, seasons, limitations on effort and limitations on entry to the fishery. Analysis of these options shall be conducted cooperatively with the industry and the Lobster Advisory Council.
[PL 1985, c. 677, §1 (NEW).]

3. Data collection. The commissioner shall continue the lobster fisheries data collection project undertaken by the department since 1967. Continuity of data collection shall be ensured.
[PL 1985, c. 677, §1 (NEW).]

4. Cooperation. The commissioner shall cooperatively develop and coordinate the lobster research program with the University of Maine and the lobster industry.
[PL 1985, c. 677, §1 (NEW).]

5. Report.
[PL 2011, c. 598, §14 (RP).]

6. Funds. All federal and state funds obtained and used by the department for lobster research shall be utilized to achieve the objectives of this subchapter.
[PL 1985, c. 677, §1 (NEW).]

SECTION HISTORY

PL 1985, c. 677, §1 (NEW). PL 1987, c. 694, §2 (AMD). PL 1995, c. 665, §M1 (AMD). PL 2011, c. 598, §14 (AMD).

CHAPTER 607

REGULATIONS

SUBCHAPTER 1

REGULATION POWERS

§6171. Conservation and propagation of marine organisms

1. Commissioner's powers. The commissioner may investigate conditions affecting marine resources and, with the advice and consent of the advisory council, may adopt or amend such regulations as he deems necessary to promote the conservation and propagation of marine organisms. [PL 1977, c. 661, §5 (NEW).]

2. Limitations. A regulation authorized under this section may only limit the taking of marine organisms by one or more of the following:

A. Time; [PL 1977, c. 661, §5 (NEW).]

B. Method; [PL 1977, c. 661, §5 (NEW).]

C. Number; [PL 1977, c. 661, §5 (NEW).]

D. Weight; [PL 1977, c. 661, §5 (NEW).]

E. Length; or [PL 1977, c. 661, §5 (NEW).]

F. Location. [PL 1977, c. 661, §5 (NEW).]

[PL 1985, c. 703, §1 (AMD).]

2-A. Management plans. The commissioner may adopt a management plan or other policy on the conservation or regulation of marine organisms only after prior notice and public hearing and with the advice and consent of the Marine Resources Advisory Council under section 6024.

A. A management plan is a guidance document, which must seek to:

(1) Establish management goals and a long-term vision for the relevant fishery;

(2) Ensure the long-term viability of the resource and the relevant fishery;

(3) Provide for the rebuilding of any depleted fisheries;

(4) Provide for future opportunities and access to the relevant fishery;

(5) Provide the greatest overall benefit to the State, including biological, economic and social considerations; and

(6) Preserve the legacy of the seafood industry in the State and its benefits to the people of the State. [PL 2013, c. 287, §1 (NEW).]

B. A management plan must include, to the degree possible:

(1) Clearly articulated management goals and objectives;

(2) A description of the biology of the relevant species;

(3) A description of the relevant fishery;

(4) Any available information regarding stock status;

(5) Current management measures;

(6) Any recommendations to achieve goals and objectives;

(7) Findings of current research and future research needs; and

(8) An ecosystem-based characterization of each species under consideration. [PL 2013, c. 287, §1 (NEW).]

C. A management plan must be developed with advice and input from the advisory council for the species for which the plan is developed, if such an advisory council exists. [PL 2013, c. 287, §1 (NEW).]

[PL 2013, c. 287, §1 (RPR).]

3. Emergency rules. The commissioner may adopt or amend rules under the emergency procedures provided in Title 5, chapter 375 in the following circumstances:

A. Immediate action is necessary to protect or conserve any marine organism from unusual damage or imminent depletion; [PL 2015, c. 80, §1 (NEW).]

B. An unusually large concentration of fishermen might deplete the supply of any marine organism; [PL 2015, c. 391, §1 (AMD).]

C. Immediate action is necessary to comply with changes to federal or interstate fisheries management plans; or [PL 2015, c. 391, §1 (AMD).]

D. Immediate action is necessary pursuant to section 6302-B, subsection 4 to prohibit elver fishing. [PL 2015, c. 391, §2 (NEW).]

[PL 2015, c. 391, §§1, 2 (AMD).]

4. Procedure. The procedures of subchapter II shall be used in adopting or amending regulations authorized by this section.

[PL 1977, c. 661, §5 (NEW).]

5. Rules to limit taking of marine organisms. The commissioner may adopt rules that limit the taking of a marine organism for the purpose of protecting another marine organism.

A. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 574, §1 (NEW).]

B. If the commissioner determines that for biological reasons a rule adopted under this section must take effect prior to final adoption under paragraph A, the commissioner may adopt the rule as a routine technical rule pursuant to Title 5, chapter 375, subchapter 2-A. A rule adopted under this paragraph is effective until 90 days after the adjournment of the next regular session of the Legislature. Rules adopted pursuant to this paragraph must also be submitted to the Legislature under paragraph A. The commissioner may not adopt rules under Title 5, section 8054 pursuant to this paragraph. [PL 2011, c. 598, §15 (AMD).]

[PL 2011, c. 598, §15 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 404 (AMD). PL 1983, c. 680, §1 (AMD). PL 1985, c. 703, §1 (AMD). PL 1997, c. 123, §2 (AMD). PL 2007, c. 157, §1 (AMD). PL 2007, c. 574, §1 (AMD). PL 2011, c. 598, §15 (AMD). PL 2013, c. 287, §1 (AMD). PL 2015, c. 80, §1 (AMD). PL 2015, c. 391, §§1, 2 (AMD).

§6171-A. Protection of public health and safety and prevention of gear conflicts

1. Commissioner's powers. The commissioner may investigate conditions affecting public safety, public health or property and conflicts among harvesters of marine organisms. The commissioner, with the advice and consent of the Marine Resources Advisory Council, may adopt or amend such rules as the commissioner considers necessary to:

A. Protect public health; [PL 2009, c. 528, §1 (NEW).]

B. Protect public safety; [PL 2009, c. 528, §1 (NEW).]

C. Prevent property damage; or [PL 2009, c. 528, §1 (NEW).]

D. Prevent gear conflicts and promote the optimum development of marine organisms. [PL 2009, c. 528, §1 (NEW).]

Rules adopted in accordance with this subsection may include, but are not limited to, rules governing area closures when necessary to address conflicts among persons who fish commercially that may cause a threat of harm to a person.
[PL 2009, c. 528, §1 (RPR).]

2. Limitations. The limitations of section 6171, subsection 2 also apply to rules to prevent gear conflicts.
[PL 2009, c. 528, §1 (RPR).]

3. Considerations. In adopting rules to prevent gear conflicts, the commissioner shall consider:

A. Traditional uses of the marine organisms; [PL 2009, c. 528, §1 (RPR).]

B. Total economic benefits to the area in which the organisms are harvested; and [PL 2009, c. 528, §1 (RPR).]

C. Promotion of the optimum economic and biological management of marine resources. [PL 2009, c. 528, §1 (RPR).]

In each case, the commissioner shall accommodate the needs of all interested parties to the maximum extent possible, through provisions for joint use, alternate use or other methods.
[PL 2009, c. 528, §1 (RPR).]

4. Procedure.
[PL 1987, c. 100, §1 (RP).]

4-A. Emergency rules. The commissioner may adopt or amend rules on an emergency basis if immediate action is necessary to protect the public health or public safety or to prevent property damage or serious economic harm to the area in which marine resources are harvested.
[PL 2009, c. 528, §1 (RPR).]

5. Emergency regulations.
[PL 1987, c. 100, §2 (RP).]

5-A. Procedure. The procedures of subchapter 2 must be used in adopting or amending rules authorized by this section.
[PL 2009, c. 528, §1 (RPR).]

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2009, c. 528, §1 (NEW).]

SECTION HISTORY

PL 1981, c. 427 (NEW). PL 1983, c. 645, §1 (AMD). PL 1987, c. 100, §§1-3 (AMD). PL 2009, c. 528, §1 (RPR).

§6171-B. Sustainable development of emerging fisheries

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

A. "Emerging fishery" means the commercial fishing for any marine organism, except herring and groundfish species, that requires a commercial fishing license issued under section 6501. [PL 2003, c. 248, §2 (AMD).]

B. "Endorsement" means an authorization, identified on a commercial fishing license issued under section 6501, to harvest, possess, transport and sell a specific marine organism for which there is an emerging fishery. [PL 1999, c. 297, §1 (NEW).]

[PL 2003, c. 248, §2 (AMD).]

2. Determination of sustainability. The commissioner may investigate conditions affecting marine resources and, with the advice and consent of the Marine Resources Advisory Council, may require a person to hold an endorsement to participate in an emerging fishery if the commissioner determines that a marine organism or its habitat is under increasing pressure that could impact its sustainability. The commissioner shall ensure that emerging fisheries do not develop at a rate that is not sustainable on a long-term basis.

Harvesters involved in an emerging fishery may petition the commissioner to investigate the sustainability of that emerging fishery.

[PL 1999, c. 297, §1 (NEW).]

3. Eligibility for endorsements. The commissioner may limit the number of endorsements issued to control the number of individuals engaged in commercial harvesting in an emerging fishery, based on criteria established by rule. The commissioner may require the collection and timely reporting of any biological or environmental data as a condition of the endorsement. The commissioner's authority to limit the number of endorsements issued for a specific marine organism is limited to a period of 3 years from the date of the issue of the first endorsement, renewable for one 3-year extension.

[PL 1999, c. 297, §1 (NEW).]

4. Endorsement required. Notwithstanding section 6501, a person may not fish for, take, possess, ship, transport or sell a marine organism for which an endorsement is required pursuant to subsection 2 unless that person holds a current commercial fishing license with an endorsement for that organism, except that a license with an endorsement is not required for that person to fish for, take, possess or transport the organism only for personal use.

A fee may not be charged for an endorsement required pursuant to this section.

[PL 1999, c. 297, §1 (NEW).]

5. Incidental harvest. Notwithstanding subsection 4, the taking or possession at sea of a marine organism for which an endorsement is required is not prohibited if the taking is incidental to the harvesting of another organism.

[PL 1999, c. 297, §1 (NEW).]

6. Rule-making authority. The commissioner may adopt rules to establish eligibility for endorsements, the number of endorsements issued and reporting requirements. Rules authorized by this section must be adopted and amended in accordance with the procedures outlined in subchapter II and are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[PL 1999, c. 297, §1 (NEW).]

7. Report. The commissioner, within 24 months of the issuance of the first endorsement for a marine organism, shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding the status of the emerging fishery, management goals and objectives and control of access to the emerging fishery. In the report, the commissioner shall consider:

A. The long-term sustainability of the resource; [PL 1999, c. 297, §1 (NEW).]

B. The impact of harvesting on other fisheries; and [PL 1999, c. 297, §1 (NEW).]

C. The department's ability to enforce and administer the management program. [PL 1999, c. 297, §1 (NEW).]

[PL 1999, c. 297, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 297, §1 (NEW). PL 2003, c. 248, §2 (AMD).

§6171-C. Protection of public health

(REPEALED)

SECTION HISTORY

PL 2005, c. 44, §1 (NEW). PL 2009, c. 528, §2 (RP).

§6172. Contaminated or polluted flats

1. Commissioner's powers. The commissioner may examine the coastal waters and the intertidal zone and classify coastal waters or intertidal zone areas as closed if the commissioner determines that any marine organisms are or may become contaminated or polluted and may classify coastal waters or intertidal areas as open if the commissioner determines that the marine organisms no longer present a risk to public health. The commissioner may classify areas through text descriptions and maps as the commissioner determines necessary, setting forth standards for closure of contaminated or polluted areas and for opening areas determined to no longer present a risk to public health, giving consideration to established state water quality standards, the most recently adopted federal sanitation standards or other state or federal public health standards, the most recent generally accepted research data and known sources of pollution in any area, in a manner to protect the public health and safety while allowing reasonable use of the State's marine organisms.

[PL 2011, c. 527, §2 (AMD).]

1-A. Federal waters. The commissioner may classify an area through text descriptions and maps to close waters under the jurisdiction of the Federal Government to the harvesting of a marine organism that the commissioner determines is or may become contaminated or polluted and to open waters under the jurisdiction of the Federal Government to the harvesting of marine organisms that the commissioner determines no longer present a risk to public health.

[PL 2011, c. 527, §2 (AMD).]

1-B. Advisory council.

[PL 2011, c. 527, §2 (RP).]

2. Emergency rules.

[PL 2011, c. 527, §2 (RP).]

3. Repeal.

[PL 2011, c. 527, §2 (RP).]

4. Procedure.

[PL 2011, c. 527, §2 (RP).]

5. Private property; right of entry. The commissioner's authority to enter privately owned land or buildings to carry out the purposes of this section is prescribed as follows:

A. The commissioner, upon presentation of credentials, may enter privately owned land at reasonable times with the owner's permission. If entry to the land is denied by the owner, the commissioner may seek a search warrant to inspect the land for sources of pollution under this section. A warrant may not be issued to search a domicile or residential building or ancillary structures; and [PL 1991, c. 242, §1 (NEW).]

B. The commissioner may enter a privately owned domicile, building or structure only with the owner's permission and only in the presence of the owner or the owner's agent. [PL 1991, c. 242, §1 (NEW).]

For the purposes of this subsection, "commissioner" means the Commissioner of Marine Resources or an employee of the department authorized by the commissioner to inspect coastal waters and intertidal zones for sources of pollution.
[PL 1991, c. 242, §1 (NEW).]

6. Effective immediately upon signature. The classification of an area as open or closed under this section is effective immediately upon signature by the commissioner or the commissioner's authorized designee.
[PL 2011, c. 527, §2 (NEW).]

7. Notification. Notification of the classification of a shellfish area as open or closed and any information concerning the opening or closing of a shellfish area under this section must be placed on the department's publicly accessible website and must be provided to the municipal office of each municipality in the affected area and to the Bureau of Marine Patrol.
[PL 2011, c. 527, §2 (NEW).]

8. Enforcement. Upon notification as described in subsection 7, marine patrol officers shall take action to prevent the taking of shellfish from a closed area, including the embargo of contaminated shellfish under section 6856, subsection 6 and the arrest or summons of any person taking or attempting to take shellfish from an area classified as closed unless that person holds a valid depuration certificate pursuant to section 6856, subsection 3.
[PL 2011, c. 527, §2 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 649, §1 (AMD). PL 1983, c. 301, §§5,6 (AMD). PL 1985, c. 268, §1 (AMD). PL 1989, c. 205, §3 (AMD). PL 1991, c. 242, §1 (AMD). PL 1991, c. 390, §2 (AMD). PL 1997, c. 93, §1 (AMD). PL 2005, c. 44, §2 (AMD). PL 2009, c. 528, §3 (AMD). PL 2011, c. 527, §2 (AMD).

§6173. Confidentiality of statistics

1. Collection and reporting of statistics. The commissioner may, with the advice and consent of the advisory council, adopt rules to collect pertinent data with respect to the fisheries, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight, areas in which fishing was conducted, time of fishing, number of hauls and the estimated processing capacity of, and the actual processing capacity utilized by United States fish processors. The commissioner may collect statistics from any source and may require reporting of these statistics. The information collected by or reported to the commissioner is confidential and may not be disclosed in a manner or form that permits identification of any person or vessel, except when required by court order or when specifically permitted under this section. The commissioner may share data collected under this section with the National Marine Fisheries Service or successor organization for research or fisheries management purposes as long as federal laws and regulations protect the confidentiality of the shared data. The commissioner may share landings data collected under this subsection with the Bureau of Marine Patrol when necessary for the enforcement of reporting requirements under this section. The commissioner shall adopt rules to carry out the purposes of this section. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2013, c. 49, §1 (AMD).]

2. Renewal of licenses. If a holder of a license issued under this Part fails to provide information required under this section, the commissioner may refuse to renew that holder's license until the holder complies with the requirements of this section.
[PL 2003, c. 170, §1 (NEW).]

3. Equipment required. The commissioner may require a person licensed under chapter 625 to purchase specific equipment that is necessary to comply with rules regarding electronic reporting adopted pursuant to this section as a condition of engaging in the licensed activities.
[PL 2015, c. 201, §1 (NEW).]

4. Reimbursement for equipment provided. If the holder of a license issued under chapter 625 fails to pay a fee or charge for equipment that is necessary to comply with rules regarding electronic reporting adopted pursuant to this section and that was provided by the department and either not returned to the department by the license holder or returned in poor condition, the commissioner may refuse to renew or issue any marine resources license or permit to that license holder.
[PL 2015, c. 201, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1983, c. 9 (RPR). PL 1985, c. 268, §2 (AMD). PL 2003, c. 170, §1 (RPR). PL 2013, c. 49, §1 (AMD). PL 2015, c. 201, §1 (AMD).

§6173-A. Maine Working Waterfront Access Pilot Program; confidentiality for proprietary information

Except as provided in subsections 1 and 2, information obtained by the department under this section is a public record as provided by Title 1, chapter 13, subchapter 1. [PL 2005, c. 683, Pt. F, §1 (NEW).]

1. Confidential information. Information submitted to the department under the provisions of the Maine Working Waterfront Access Protection Program established by section 6042 may be designated by the submittor as proprietary information and as being only for the confidential use of the department, its agents and employees, other agencies of State Government, as authorized by the Governor, and the Attorney General. The designation must be clearly indicated on each page or other unit of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the submittor and the general nature of the information. Upon a request for information the scope of which includes information so designated, the commissioner shall notify the submittor. Within 15 days after receipt of the notice, the submittor shall demonstrate to the satisfaction of the department that the designated information should not be disclosed because the information is proprietary information. Unless such a demonstration is made, the information must be disclosed and becomes a public record. The department may grant or deny disclosure for all or any part of the designated information requested and within 15 days shall give written notice of the decision to the submittor and the person requesting the designated information. A person aggrieved by a decision of the department under this subsection may appeal to the Superior Court.
[PL 2011, c. 266, Pt. B, §7 (AMD).]

2. Release information. The commissioner may not release information designated under subsection 1 prior to the expiration of the time allowed for the filing of an appeal or to the rendering of the decision on any appeal.
[PL 2005, c. 683, Pt. F, §1 (NEW).]

3. Nonconfidential information. Any information that is collected by any other local, state or federal agency or information required by the department for the purpose of obtaining a permit, license,

certification or other approval may not be designated or treated as confidential information under subsection 1.
[PL 2005, c. 683, Pt. F, §1 (NEW).]

4. Definition. For the purposes of this section, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submittor and would make available information not otherwise publicly available.
[PL 2005, c. 683, Pt. F, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 683, §F1 (NEW). PL 2011, c. 266, Pt. B, §7 (AMD).

§6173-B. Special licenses; mandatory quality control program; shellfish sanitation and depuration certificates; confidentiality of proprietary information

Except as provided in subsections 1 and 2, information obtained by the department under this section is a public record as provided by Title 1, chapter 13, subchapter 1. [PL 2013, c. 512, §3 (NEW).]

1. Confidential information. Information submitted to the department pursuant to provisions regarding special licenses for research, aquaculture or education under section 6074, surveillance and inspection of all segments of the State's fishing industries under section 6102 or the shellfish sanitation certificate and the depuration certificate under section 6856 may be designated by the submittor as proprietary information and as being only for the confidential use of the department, its agents and employees, other agencies of State Government, as authorized by the Governor, and the Attorney General. The designation must be clearly indicated on each page or other unit of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the submittor and the general nature of the information. Upon a request for information the scope of which includes information so designated, the commissioner shall notify the submittor. Within 15 days after receipt of the notice, the submittor shall demonstrate to the satisfaction of the department that the designated information should not be disclosed because the information is proprietary information. Unless such a demonstration is made, the information must be disclosed and becomes a public record. The department may grant or deny disclosure for all or any part of the designated information requested and within 15 days shall give written notice of the decision to the submittor and the person requesting the designated information. A person aggrieved by a decision of the department under this subsection may appeal to the Superior Court.
[PL 2013, c. 512, §3 (NEW).]

2. Release information. The commissioner may not release information designated under subsection 1 prior to the expiration of the time allowed for the filing of an appeal or to the rendering of the decision on any appeal.
[PL 2013, c. 512, §3 (NEW).]

3. Definition. For purposes of this section, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submittor and would make available information not otherwise publicly available.
[PL 2013, c. 512, §3 (NEW).]

SECTION HISTORY

PL 2013, c. 512, §3 (NEW).

§6174. Rules as law; proof of rules; penalty

1. Rules as law. All rules adopted by the commissioner have the force of law.
[PL 2003, c. 248, §3 (AMD).]

2. Proof of rules. A certified copy of a rule is admissible in court to prove the rule and is prima facie evidence that the rule was properly adopted. A rule must be personally certified by the commissioner, deputy commissioner or Chief of the Bureau of Marine Patrol and must be accompanied by a signed statement that it was in force on the date of the alleged violation. The certified copy is admissible in evidence on the testimony of a marine patrol officer that the patrol officer received the certified rule after requesting it by telephone or otherwise from the department. No further foundation is necessary for the admission of the certified copy.
[PL 2003, c. 248, §3 (AMD).]

3. Penalty. Whoever violates a rule commits a civil violation for which a fine of not less than $100 for each violation may be adjudged.
[PL 2003, c. 248, §3 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2003, c. 248, §3 (AMD).

§6175. Alternative bait

The commissioner may adopt rules to regulate the use of alternative bait in marine fisheries. For the purposes of this section, "alternative bait" means any bait that does not naturally originate from the ocean. Rules adopted pursuant to this section must be adopted in accordance with the procedures in subchapter 2 and are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2005, c. 203, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 203, §1 (NEW).

§6176. Commercial fishing safety

The commissioner may adopt commercial fishing safety rules recommended by the Commercial Fishing Safety Council. Rules authorized by this section must be adopted and amended in accordance with the procedures outlined in subchapter 2 and are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2005, c. 505, §5 (NEW).]

SECTION HISTORY

PL 2005, c. 505, §5 (NEW).

SUBCHAPTER 2

REGULATION PROCEDURE

§6191. Rulemaking

1. Procedures. In adopting or amending any rule, the commissioner shall use the procedures required for rulemaking under the Maine Administrative Procedure Act and the additional requirements of this subchapter.
[PL 2011, c. 527, §3 (AMD).]

2. Other requirements.

A. A public hearing may be held but is not required unless it is requested by an interested person.
[PL 1977, c. 661, §5 (NEW).]

B. The person conducting the hearing shall record and retain all relevant evidence provided at the hearing. [PL 1977, c. 661, §5 (NEW).]

C. A rule may not be adopted or amended without the advice and consent of the advisory council, except as provided in section 6192, subsection 2. [PL 2011, c. 527, §4 (AMD).]

[PL 2011, c. 527, §4 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2003, c. 248, §4 (AMD). PL 2007, c. 692, §1 (AMD). PL 2011, c. 527, §§3, 4 (AMD).

§6192. Emergency rulemaking

1. Procedures. In an emergency adoption of a rule or amendment to a rule, the commissioner may modify the procedures required under the Maine Administrative Procedure Act and section 6191 in the following manner.

A. In an emergency adoption of a rule or amendment to a rule relating to the public health and safety, including rules authorized under section 6171-A, prior public notice and hearing is not required. [PL 2011, c. 527, §5 (AMD).]

B. In an emergency adoption of a rule or amendment to a rule authorized by section 6171 or 6171-A, the rule is effective immediately, as provided in subsection 4. A public hearing must be held in the affected area after the rule takes effect if requested of the commissioner in writing by 5 persons. The hearing must be held within 30 days of the commissioner receiving the written request. Notice of that hearing must be published once, not less than 5 days prior to the hearing, in a newspaper of general circulation in the affected area. In an emergency adoption of a rule or amendment to a rule relating to gear conflicts, as authorized by section 6171-A, the commissioner shall decide within 5 business days after the hearing whether to continue or repeal an emergency closure. The commissioner's findings of fact must include the justification for the repeal or continuance of the closure, an analysis of the objections expressed at the public hearing and the date for the end of the closure. Emergency rules under this paragraph may be repealed by the Marine Resources Advisory Council. [PL 2009, c. 528, §4 (AMD).]

C. [PL 2009, c. 528, §4 (RP).]

D. Within 48 hours after the adoption of an emergency rule or an emergency amendment to a rule authorized under section 6171-A, subsection 1, paragraph B or C, the commissioner shall hold a public meeting in the area affected by the emergency rule. A public meeting convened pursuant to this paragraph is not a public hearing for purposes of the Maine Administrative Procedure Act. [PL 2009, c. 528, §4 (NEW).]

[PL 2011, c. 527, §5 (AMD).]

2. Advisory council. The advice and consent of the advisory council is not required prior to an emergency adoption of a rule or amendment to a rule.

[PL 2003, c. 248, §5 (AMD).]

3. Effective period. Any emergency rule is effective only for 90 days, or any lesser period of time specified in the rule. After the expiration of the emergency period, the rule may be adopted only as provided by section 6191.

[PL 2011, c. 527, §6 (AMD).]

4. Effective date. Except as provided in this subsection, emergency rules become effective immediately upon publication in a newspaper of general circulation in the area of the State affected, as long as those rules are submitted to the Attorney General and filed with the Secretary of State as required under the Maine Administrative Procedure Act within the next business day following publication.

[PL 2011, c. 527, §7 (AMD).]

5. Repeal. Emergency rules may be repealed in the same manner as they are adopted. [PL 2003, c. 248, §5 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 649, §2 (AMD). PL 1983, c. 645, §2 (AMD). PL 1987, c. 100, §4 (AMD). PL 1993, c. 42, §1 (AMD). PL 2003, c. 248, §5 (AMD). PL 2005, c. 44, §3 (AMD). PL 2009, c. 528, §4 (AMD). PL 2011, c. 527, §§5-7 (AMD).

§6193. Exemption from requirement to supply copies

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 790, §A11 (AMD). PL 2011, c. 527, §8 (RP).

§6194. Shellfish area closure status notification

(REPEALED)

SECTION HISTORY

PL 2007, c. 692, §2 (NEW). PL 2011, c. 527, §9 (RP).

CHAPTER 609

ENFORCEMENT

§6201. Prosecution by district attorney

Each district attorney shall prosecute all violations of marine resources' laws occurring within his county when requested by the commissioner, a marine patrol officer or other person authorized to enforce any provision of marine resources' laws. [PL 1979, c. 541, Pt. B, §73 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 541, §B73 (AMD).

§6202. Jurisdiction

The District Court shall have concurrent original jurisdiction with the Superior Court in all prosecutions under the marine resources' laws. [PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6203. Court procedure

The provisions of Titles 14 and 15 relating to court procedure shall apply in all prosecutions under the marine resources' laws. [PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6204. General penalty

A violation of any provision of marine resources' laws is a Class D crime, unless another penalty has been expressly provided. Except as otherwise specifically provided, these crimes are strict liability crimes as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. F, §7 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2003, c. 248, §6 (AMD). PL 2003, c. 452, §F7 (AMD). PL 2003, c. 452, §X2 (AFF).

§6205. Certificate as evidence

A certificate of the commissioner, deputy commissioner or Chief of the Bureau of Marine Patrol stating what the records of the department show shall be admissible as evidence in all courts as proof of the department records. A certificate stating that the records do not show that a person held a license shall be prima facie evidence that the person did not hold the license on the date specified in the certificate. The certified copy shall be admissible in evidence on the testimony of a officer that he received the certificate after requesting it by telephone or otherwise from the department. No further foundation shall be necessary for the admission of the certificate. [PL 1979, c. 541, Pt. B, §73 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 541, §B73 (AMD).

§6206. Fees and forms for libel proceedings

This section applies to the libel proceedings authorized in section 6207. [PL 1977, c. 661, §5 (NEW).]

1. Fees. The fees to be taxed on the libel proceedings shall be as follows:

A. For the libel and order of notice, $5; [PL 1977, c. 661, §5 (NEW).]

B. For the entry of the libel, $2; [PL 1977, c. 661, §5 (NEW).]

C. For the hearing, $5; [PL 1977, c. 661, §5 (NEW).]

D. For posting the notices, and the officer's return of service, $10; [PL 1977, c. 661, §5 (NEW).]

E. For the delivery or restoration of the items, $10; and [PL 1977, c. 661, §5 (NEW).]

F. For all the officer's travel in connection with the entire proceeding, as provided under Title 5, section 8. [PL 1977, c. 661, §5 (NEW).]

[PL 1977, c. 661, §5 (NEW).]

2. Forms. These forms, with such changes as adapt them to the particular court, locality and circumstances of the case, shall be sufficient in law:

A. Form of libel:

STATE OF MAINE

County of . . . . SS To the Honorable

Clerk . . . ., Judge of . . . .
Justice of the Peace

Court.

Your libelant, ... of . . . ., Maine, a warden,

states that on the . . . . day of . . . ., 19 . ., at . . . .

in this county, he seized certain fish, shellfish, lobsters, or other marine species, or parts thereof, or certain equipment, described as follows:

. . . . . .

. . . . . .

. . . . . .

That the items seized and described were either taken, bought, sold, shipped, transported, possessed or used in violation of a provision of the Maine Revised Statutes, Title 12, chapters 601 to 627, or in violation of a regulation authorized by those chapters. The specific violation of statute or regulation is

. . . . . .

. . . . . .

Wherefore he prays for a decree of forfeiture of these items in accordance with the provisions of the Maine Revised Statutes, Title 12, section 6207.

Signed at . . . . . .,

in this county, this .... day of ...., 19..

(Signed)....

Warden [PL 1987, c. 736, §7 (AMD).]

B. Form for order of notice:

STATE OF MAINE

(L.S.)

County of . . . . SS

To all persons interested in the libel of ..... made part of this order of notice:

You are hereby notified to appear before me at the time and place appointed for the hearing in this order of notice, and show cause, why the items described in the libel should not be declared forfeited to the State.

It is ordered that the hearing be held on ....., 19.., at ..... (a.m., p.m.) at ..... in ..... of ..... (county).

It is further ordered that a true copy of this libel and this order of notice, attested by a warden, be posted in two conspicuous places in the ..... of .....(county), municipality where said items were seized, at least 10 days before the day of hearing.

. . . . . .

Ordered this ..... day of ....., 19.. by me ....., Judge of the ..... Court.

.....
Judge

[PL 1977, c. 661, §5 (NEW).]

C. Form for officer's return of service:

STATE OF MAINE

..... SS ....., 19..

I have this day made service of the within libel and order of notice, by posting a true copy of each, attested by me, in two conspicuous places in ....., as follows: one at ....., and one at ....., in accordance with said order of notice.

The fees which may be taxed for my services, if any, are as follows:

Posting notices and return of service, ... $10.00

Travel . . . . . .

. . . . . .

Total $.....

.... Date

(Signed) .....
Warden

D. Form for order of forfeiture:

STATE OF MAINE

(LS)

..... SS

To ...., a warden or any warden:

Whereas it appears that the libel and notice were properly made, which libel and order of notice are made a part of this order of forfeiture,

And whereas it appears that service was properly made,

And whereas hearing was held at the time and place, fixed in the order of notice,

And whereas one ..... of ..... did appear and claim the ..... by filing a written claim and after a full hearing it appeared to me that the claimant was not therefore entitled to any item claimed, judgement is rendered against the claimant and for the State. The state's costs are taxed as ..... dollars and ..... cents.

(Or in substitute of the above paragraph the following paragraph if it is applicable:)

(And whereas no person appeared at said hearing or filed a written claim;)

It is therefor ordered by me, that all items described in the libel be forfeited to the State.

You are hereby ordered to turn the forfeited items over to the Commissioner of Marine Resources.

Dated, this ..... day of ..... A.D. 19.. [PL 1977, c. 661, §5 (NEW).]

(Signed).....
Judge

[PL 1987, c. 736, §7 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1987, c. 736, §7 (AMD).

§6207. Seizure and disposition of equipment and organisms

Any marine organism that is taken, bought, sold, shipped, transported or found in the possession of any person in violation of any provision of marine resources laws and all currency that is used in violation of any provision of marine resources laws is contraband and is subject to forfeiture in accordance with this section and section 6206. All equipment and vehicles used or possessed in violation of any provision of marine resources laws are contraband and are subject to forfeiture. [PL 2019, c. 163, §1 (AMD).]

1. May be seized without warrant; marine patrol officer's duty to libel; contents of libel. Whenever a marine patrol officer seizes any organism or equipment and does not return them to the owner, he shall within a reasonable time file a libel with a judge. He shall insert the following information in the libel:

A. The description of the items seized by him; [PL 1977, c. 661, §5 (NEW).]

B. A statement of the date and place of seizure; [PL 1977, c. 661, §5 (NEW).]

C. A statement of the violation that causes the seizure; and [PL 1977, c. 661, §5 (NEW).]

D. A prayer for a decree of forfeiture of those items. [PL 1977, c. 661, §5 (NEW).]

[PL 1979, c. 541, Pt. B, §73 (AMD).]

2. Items which need not be libeled. The following items need not be libeled:

A. If the aggregate value of all items seized is less than $200, unless there is reasonable doubt as to their ownership; and [PL 2013, c. 468, §2 (AMD).]

B. All marine organisms of illegal size, shellfish taken from polluted areas, shellfish or shellfish products embargoed, condemned or ordered destroyed by the commissioner, female egg-bearing lobsters, V-notched female lobsters, lobsters which have been mutilated so that their size cannot be determined, female lobsters which have been mutilated so as to obliterate a V-notch, female lobsters which have had the eggs removed by other means than natural hatching, and any other marine organism, the possession of which is unlawful throughout the State. [PL 1981, c. 433, §4 (AMD).]

[PL 2013, c. 468, §2 (AMD).]

3. Order of notice; contents. The judge to whom the libel is directed shall fix a time for the hearing of the libel. He shall issue an order of notice to all persons interested, in which order of notice he shall insert the following:

A. A citation to all persons interested to appear at the time and place appointed for the hearing and show cause, if any, why the items described in the libel should not be declared forfeited to the State; [PL 1977, c. 661, §5 (NEW).]

B. The time and the place fixed for the hearing; and [PL 1977, c. 661, §5 (NEW).]

C. An order that a true copy of the libel and the order of the notice, attested by the marine patrol officer, be mailed to the person from whom the items were seized at that person's last known address and posted in 2 conspicuous places in the municipality, or place where the items were seized, at least 10 days before the day set for the hearing. [PL 2013, c. 468, §3 (AMD).]

[PL 2013, c. 468, §3 (AMD).]

4. Sale or disposition of marine organisms prior to libel. Any marine organism seized pursuant to this section may be sold prior to being libeled under this section by any marine patrol officer. The proceeds of the sale must be libeled in accordance with this section.

A. The officer may sell organisms at public or private sale and hold any proceeds of the sale until the libel is completed. [PL 2013, c. 468, §4 (RPR).]

B. [PL 2013, c. 468, §4 (RP).]

C. All money received from the sale of marine organisms sold in accordance with this subsection must be in the form of a certified or cashier's check made out to the Department of Marine Resources. [PL 2013, c. 468, §4 (NEW).]

[PL 2013, c. 468, §4 (RPR).]

5. Items or proceeds forfeited if no court appearance. If no claimant appears at the time of the hearing on the libel, on return of service of the officer in compliance with the order of notice, the judge shall declare the items forfeited to the State.

A. If the items have been sold in accordance with subsection 4, the officer shall turn the proceeds over to the commissioner, who shall deposit them in the Marine Science, Management and Enforcement Fund established under subsection 12. [PL 2013, c. 468, §5 (AMD).]

[PL 2013, c. 468, §5 (AMD).]

6. Duty of claimant to file written claim on or before hearing day; contents. Any person who claims title or the right to possession of any item listed in the libel shall file a written claim with the judge on or before the day set for hearing. The claim shall contain the following:

A. A statement of his claimed title or right and its foundation; [PL 1977, c. 661, §5 (NEW).]

B. A statement of the specific items claimed; [PL 1977, c. 661, §5 (NEW).]

C. A statement of the date and place of the seizure, and the name of the officer by whom they were seized; [PL 1977, c. 661, §5 (NEW).]

D. A statement that the items claimed were not held in possession or use, with his knowledge or consent, in violation of any provision of marine resources' laws; [PL 1977, c. 661, §5 (NEW).]

E. He shall state his business and his place of residence; and [PL 1977, c. 661, §5 (NEW).]

F. He shall sign and make oath to the claim before the judge. [PL 1977, c. 661, §5 (NEW).]

[PL 1977, c. 661, §5 (NEW).]

7. Claimant admitted as party; hearing. If any person makes claim as provided in subsection 6, the judge shall admit him as a party to the process, shall proceed to determine the truth of the allegations in the claim and libel and shall hear any relevant evidence offered by the libelant or the claimant.

[PL 1977, c. 661, §5 (NEW).]

8. Court order if claimant found entitled to any item claimed. If the judge upon hearing is satisfied that any item listed in the claimant's claim was not, with the claimant's knowledge or consent, used or possessed in violation of any provision of marine resources' laws, and that the claimant has title or is entitled to possession of that item, he shall give the claimant an order in writing. The judge shall direct the order to the libelant commanding him to deliver the item to the claimant, or, if the item has been sold, to deliver the proceeds of the sale to the claimant, within 48 hours after the demand.

[PL 1977, c. 661, §5 (NEW).]

9. Forfeiture; executions for cost; appeal; recognizance. If the judge finds that the claimant is not entitled to any item claimed, the judge shall render judgment against the claimant for the State for costs to be taxed as in civil cases before the judge. The judge shall issue an execution for the costs as in civil cases. The judge shall declare the articles forfeited to the State. If the items have been sold in accordance with subsection 4, the officer shall turn the proceeds of the sale over to the commissioner,

who shall deposit them in the Marine Science, Management and Enforcement Fund established under subsection 12.

A. The claimant may appeal to the Superior Court next to be held within the county where the judge's court is located, and, if the claimant appeals, the judge may order the claimant to recognize with sureties as on appeals in civil cases. [PL 2013, c. 468, §6 (AMD).]

B. The judge may order that the items or proceeds of sale remain in the custody of the officer pending the appeal. [PL 1977, c. 661, §5 (NEW).]

[PL 2013, c. 468, §6 (AMD).]

10. Disposition of forfeited items. The officer shall turn over any articles declared forfeited to the commissioner who shall dispose of them.

[PL 1977, c. 661, §5 (NEW).]

11. Report to commissioner. The officer making any seizure under this section shall, within 10 days thereafter, report to the commissioner all the particulars of the seizure, the sale or other disposition, the court action taken and all expenses involved.

[PL 1979, c. 541, Pt. B, §73 (AMD).]

12. Science, management and enforcement fund. The Marine Science, Management and Enforcement Fund, referred to in this subsection as "the fund," is established within the department. The fund receives all funds deposited by the commissioner pursuant to this section. All money received by the fund must be used to fund scientific research, management or enforcement activities related to marine resources. Unexpended balances in the fund at the end of a fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fund. Any interest earned on the money in the fund must be credited to the fund. To the extent practicable, funds received from the sale of items or articles forfeited under this section as a result of a violation of law relating to a particular species must be used for scientific research, management or enforcement activities related to that species.

[PL 2013, c. 468, §7 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 541, §B73 (AMD). PL 1981, c. 433, §4 (AMD). PL 1989, c. 742, §3 (AMD). PL 2013, c. 468, §§2-7 (AMD). PL 2019, c. 163, §1 (AMD).

§6208. Marine resources' citation form

1. Form. The commissioner shall designate the Uniform Summons and Complaint as the citation form to be used by the Bureau of Marine Patrol, except that the commissioner may permit the use of any citation forms approved by the Chief Judge of the District Court before May 1, 1991 that are in current stock as of May 1, 1991 until those stocks are depleted.

[PL 1991, c. 459, §1 (AMD).]

2. Responsibility for issuance and disposition. Responsibility for issuance and disposition is as follows.

A. The commissioner is responsible for all marine resources' citation forms approved by the Chief Judge of the District Court prior to May 1, 1991. The Department of Public Safety is responsible for all Uniform Summons and Complaint forms issued by the Bureau of Marine Patrol. The commissioner or the commissioner's designee is responsible for the further issuance of Uniform Summons and Complaint books to individual law enforcement officers and the proper disposition of those books. [PL 1991, c. 459, §1 (AMD).]

B. [PL 1991, c. 459, §1 (RP).]

[PL 1991, c. 459, §1 (AMD).]

3. Illegal disposition; prohibited act. It is unlawful and official misconduct for any marine patrol officer or other public employee to dispose of an official citation form or Uniform Summons and Complaint, except in accordance with law and as provided for in any applicable official policy or procedure of the Bureau of Marine Patrol.
[PL 1991, c. 459, §1 (AMD).]

4. When a lawful complaint. If the citation provided for in this section or a Uniform Summons and Complaint is duly sworn to as required by law and otherwise legally sufficient in respect to the form of a complaint and charging an offense, it may be filed in a court having jurisdiction and constitutes a lawful complaint for the purpose of the commencement of any criminal prosecution or civil violation proceeding.
[PL 1991, c. 459, §1 (AMD).]

5. When a lawful summons. A citation as provided for in this section or a Uniform Summons and Complaint, when served upon a person by a law enforcement officer, acts as a summons to appear in court or to otherwise respond in accordance with law on or before the date specified in the summons. Any person who fails to appear in court as directed by the summons or to otherwise respond in accordance with law on or before the date specified in the summons commits a Class E crime. Upon that person's failure to appear or to respond in accordance with law, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or to respond resulted from just cause.
[PL 1991, c. 459, §1 (AMD).]

6. Refusal to sign; prohibited act. Any person who refuses to sign a citation or Uniform Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime.
[PL 1991, c. 459, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 481, §A37 (NEW). PL 1987, c. 513, §3 (AMD). PL 1991, c. 459, §1 (AMD).

§6209. Commissioner to keep records

The commissioner shall collect and maintain criminal history record information pertinent to violations of chapters 601 to 627. He may collect and maintain other records and information pertinent to other functions of the department, including the enforcement of civil violations. [PL 1987, c. 281, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 281, §1 (NEW).

§6210. Procedure for administrative assessment of penalty for pecuniary gain

The department in an adjudicatory proceeding may impose an administrative penalty for a violation of section 6575-K or section 6864, subsection 7-A equal to the pecuniary gain from that violation in accordance with this section. [PL 2013, c. 485, §1 (AMD).]

1. Definition. As used in this section, unless the context otherwise indicates, "pecuniary gain" means the amount of money or the value of property at the time a person violates section 6575-K or section 6864, subsection 7-A that the person derives from the violation.
[PL 2013, c. 485, §1 (AMD).]

2. Initiation and notice. If the Chief of the Bureau of Marine Patrol delivers to the commissioner a written statement under oath that the chief has probable cause to suspect that a violation of section 6575-K or section 6864, subsection 7-A has been committed, the commissioner shall immediately examine the statement and determine whether to conduct an adjudicatory proceeding for the purpose of imposing an administrative penalty under this section. If the commissioner determines that the

imposition of a penalty is necessary, the commissioner shall immediately notify the person who is alleged to have violated the law in accordance with Title 5, section 9052. The notice must state that the person may request a hearing in writing within 10 days of the notice. The notice is deemed received 3 days after the mailing.
[PL 2015, c. 172, §2 (AMD).]

3. Hearing. If a hearing is requested pursuant to subsection 2, it must be held within 30 business days after receipt by the commissioner of the request for a hearing, except that a hearing may be held more than 30 business days after the request if the delay is requested by the person requesting the hearing and mutually agreed to in writing. The hearing must be held in accordance with the Maine Administrative Procedure Act, except that:

A. Notwithstanding Title 5, section 9057, issues of the hearing are limited to whether the person requesting the hearing committed a violation of section 6575-K or section 6864, subsection 7-A; and [PL 2013, c. 485, §1 (AMD).]

B. Notwithstanding Title 5, section 9061, the decision of the presiding officer under Title 5, section 9062 must be made not more than 10 business days after completion of the hearing. The presiding officer must be the commissioner or the commissioner's designee. [PL 2013, c. 468, §8 (NEW).]

Any decision to impose an administrative penalty under this section must be based on evidence in the record of the pecuniary gain, which may include evidence of the fair market value of any elvers illegally possessed by the person at the time the violation was committed. The penalty may be based on evidence of the amount of money or value of property the person received for elvers sold in violation of section 6575-K or section 6864, subsection 7-A.
[PL 2013, c. 485, §1 (AMD).]

4. Appeal. A decision of the commissioner or the commissioner's designee to assess an administrative penalty for pecuniary gain pursuant to this section may be appealed to the Superior Court if the appeal is filed with the court within 30 days of the decision.
[PL 2013, c. 468, §8 (NEW).]

5. Request for hearing on penalty amount; place of hearing. The license holder may request a hearing regarding the amount of the administrative penalty assessed under this section. A hearing must be requested in writing within 10 days from the receipt of the notice of the penalty. The hearing must be held within 10 days of the request unless a longer period of time is mutually agreed to by the commissioner or the commissioner's designee and the license holder who requests the hearing in writing. The hearing must be conducted in the Augusta area.
[PL 2013, c. 468, §8 (NEW).]

6. Disposition of penalty. The commissioner shall deposit any payments for administrative penalties collected pursuant to this section into the Eel and Elver Management Fund established under section 6505-D.
[PL 2013, c. 468, §8 (NEW).]

7. Renewal of licenses. If a holder of a license issued under section 6302-A, 6505-A or 6864 fails to make payment of a pecuniary gain penalty assessed under this section, the commissioner may refuse to renew that holder's license until the holder complies with the payment requirements.
[PL 2015, c. 172, §3 (NEW).]

SECTION HISTORY

PL 2013, c. 468, §8 (NEW). PL 2013, c. 485, §1 (AMD). PL 2015, c. 172, §§2, 3 (AMD).

CHAPTER 611

SALMON COMMISSION

§6251. Commission; members; compensation; chairman

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 433, §5 (AMD). PL 1983, c. 812, §§82,83 (AMD). PL 1985, c. 481, §A38 (RP).

§6251-A. Atlantic Sea Run Salmon Commission

(REPEALED)

SECTION HISTORY

PL 1985, c. 481, §A39 (NEW). PL 1985, c. 785, §B68 (AMD). PL 1987, c. 526, §§3-6 (AMD). PL 1995, c. 406, §6 (RP).

§6252. Purchase of lands and rights; dams and other structures

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1985, c. 481, §A40 (RP).

§6252-A. Powers

(REPEALED)

SECTION HISTORY

PL 1985, c. 481, §A41 (NEW). PL 1995, c. 406, §6 (RP).

§6253. Conservation regulations

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 433, §6 (AMD). PL 1983, c. 680, §2 (AMD). PL 1985, c. 481, §A42 (RP).

§6254. Head of tide; Union River

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1995, c. 406, §6 (RP).

§6255. Atlantic salmon license

(REPEALED)

SECTION HISTORY

PL 1983, c. 680, §3 (NEW). PL 1985, c. 268, §§3,4 (AMD). PL 1985, c. 703, §§2-4 (AMD). PL 1987, c. 690, §§2-4 (AMD). PL 1989, c. 463 (AMD). PL 1993, c. 419, §1 (AMD). PL 1995, c. 406, §6 (RP).

§6256. Registration of Atlantic salmon

(REPEALED)

SECTION HISTORY

PL 1985, c. 703, §5 (NEW). PL 1987, c. 690, §§5-8 (AMD). PL 1995, c. 406, §6 (RP).

SUBPART 2

LICENSING

CHAPTER 615

GENERAL LICENSE PROVISIONS

§6301. General provisions

1. Resident license. Any individual who has been domiciled in Maine for the 6 months preceding the date of application is eligible for a resident license. A corporation is eligible for a resident license if it has been created and exists under the laws of Maine and it has existed in Maine during the 6 months preceding the date of application. A firm or partnership is eligible if all of its officers or partners have been domiciled in Maine for the 6 months preceding the date of application.

For the purposes of this chapter, a resident is a person who:

A. If registered to vote, is registered in Maine; [PL 1991, c. 692 (NEW).]

B. If licensed to drive a motor vehicle, has made application for a Maine motor vehicle operator's license; [PL 1991, c. 692 (NEW).]

C. If the owner of one or more motor vehicles located within the State, has registered at least one of the motor vehicles in Maine; and [PL 1991, c. 692 (NEW).]

D. If required to file a Maine income tax return on the previous April 15th, filed a Maine income tax return. [PL 1991, c. 692 (NEW).]

[PL 1991, c. 692 (AMD).]

2. Expiration. A license or certificate issued by the commissioner expires on December 31st of the year in which it is issued, except that:

A. A depuration certificate issued under section 6856 expires on April 30th of each year; [PL 1993, c. 80, §1 (NEW).]

B. A shellfish license issued under section 6601 expires on April 30th of each year; [PL 1993, c. 497, §1 (AMD).]

C. A marine worm digger's license issued under section 6751 expires on April 30th of each year; [PL 1995, c. 492, §1 (AMD).]

D. A shellfish sanitation certificate issued under section 6856 expires on May 31st of each year; [PL 2005, c. 434, §3 (AMD).]

E. A marine worm dealer's license issued under section 6853 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

F. A marine worm dealer's supplemental license issued under section 6853 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

G. A retail seafood license issued under section 6852 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

H. A wholesale seafood license with a lobster permit issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

I. A wholesale seafood license issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

J. A wholesale seafood license with a sea urchin buyer's permit issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

K. A wholesale seafood license with a sea urchin processor's permit issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

L. A wholesale seafood supplemental license issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

M. A shellfish transportation license issued under section 6855 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

N. A shellfish transportation supplemental license issued under section 6855 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

O. A lobster meat permit issued under section 6857 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

P. A lobster transportation license issued under section 6854 expires on March 31st of each year; [PL 1999, c. 491, §1 (AMD); PL 1999, c. 491, §9 (AFF).]

Q. A lobster transportation supplemental license issued under section 6854 expires on March 31st of each year; [PL 2009, c. 523, §1 (AMD); PL 2009, c. 561, §7 (AMD).]

R. A wholesale seafood license with a shrimp permit issued under section 6851 expires on March 31st of each year; [PL 2011, c. 420, Pt. A, §9 (RPR).]

S. An enhanced retail certificate issued under section 6852, subsection 2-A expires on March 31st of each year; [PL 2011, c. 598, §16 (AMD).]

REVISOR'S NOTE: Paragraph S as enacted by PL 2009, c. 523, §3 is REALLOCATED TO TITLE 12, SECTION 6301, SUBSECTION 2, PARAGRAPH V

T. A seaweed buyer's license issued under section 6803-A expires on March 31st of each year; [RR 2009, c. 2, §23 (COR).]

U. [PL 2015, c. 68, §2 (RP).]

V. **(REALLOCATED FROM T. 12, §6301, sub-§2, ¶S)** A lobster processor license issued under section 6851-B expires on March 31st of each year; [PL 2017, c. 296, §3 (AMD).]

W. A commercial green crab only license issued under section 6808 expires on April 30th of each year; and [PL 2017, c. 296, §4 (AMD).]

X. An aquaculture license issued under section 6810-B expires on April 30th of each year. [PL 2017, c. 296, §5 (NEW).]

[PL 2017, c. 296, §§3-5 (AMD).]

3. Nontransferable. A license or certificate shall not be transferable.
[PL 1977, c. 661, §5 (NEW).]

4. Supplemental license. A supplemental license may only be issued for an establishment or vehicle which is owned, leased or rented by the license holder.
[PL 1977, c. 661, §5 (NEW).]

5. Information. When application information concerning any person, establishment or vehicle named in a license or certificate changes, the holder shall immediately notify the commissioner in writing within 3 business days or the license or certificate shall become void.
[PL 1977, c. 661, §5 (NEW).]

6. Ownership identified. If a license issued under chapter 625 is issued to a firm, corporation or partnership, the individual who owns the highest percentage of that firm, corporation or partnership must be identified on the license application. When 2 or more individuals own in equal proportion the highest percentages of a firm, corporation or partnership, each of those owners must be identified.
[PL 2013, c. 282, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1985, c. 52, §1 (AMD). PL 1991, c. 692 (AMD). PL 1993, c. 80, §1 (AMD). PL 1993, c. 497, §§1,2 (AMD). PL 1995, c. 492, §§1-3 (AMD). PL 1995, c. 492, §5 (AFF). PL 1999, c. 491, §§1,2 (AMD). PL 1999, c. 491, §9 (AFF). PL 2005, c. 434, §3 (AMD). RR 2009, c. 2, §§22-24 (COR). PL 2009, c. 523, §§1-3 (AMD). PL 2009, c. 561, §§7-11 (AMD). PL 2011, c. 420, Pt. A, §9 (AMD). PL 2011, c. 598, §16 (AMD). PL 2013, c. 282, §1 (AMD). PL 2013, c. 492, §§1-3 (AMD). PL 2015, c. 68, §2 (AMD). PL 2017, c. 296, §§3-5 (AMD).

§6302. General exceptions

Notwithstanding any licensing provision, a license or certificate is not required for a person to: [PL 1997, c. 544, §1 (AMD).]

1. Personal use. Possess or transport any marine organism that has been lawfully acquired and is for personal use. A receipt or bill of sale is required for lawful acquisition;
[PL 1997, c. 544, §1 (AMD).]

2. Common carrier. Carry any marine organism by a common carrier; or
[PL 2009, c. 523, §4 (AMD).]

3. Hermetically sealed containers. Buy, sell, ship or transport within or beyond the state limits or possess any marine organism that is in a hermetically sealed container.
[PL 2009, c. 523, §5 (AMD).]

4. Retail sale of certain seafood products.

[PL 2009, c. 523, §6 (RP).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1997, c. 544, §1 (AMD). PL 2009, c. 523, §§4-6 (AMD).

§6302-A. Taking of marine organisms by federally recognized Indian tribes

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; [PL 2011, c. 598, §17 (AMD).]

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 [PL 2011, c. 598, §17 (AMD).]

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671. [PL 1997, c. 708, §1 (NEW); PL 1997, c. 708, §3 (AFF).]

[PL 2019, c. 640, §2 (AMD).]

2. Tribal exemption; sustenance or ceremonial tribal use. Notwithstanding any other provision of law, 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 may at any time take, possess, transport and distribute:

A. Any marine organism, except lobster, for sustenance use if the tribal member holds a valid sustenance fishing license issued by the tribe, nation or band or the agent of the band. A sustenance fishing license holder who fishes for sea urchins may not harvest sea urchins out of season; [PL 2011, c. 598, §17 (AMD).]

B. Lobsters for sustenance use, if the tribal member holds a valid sustenance lobster license issued by the tribe, nation or band or the agent of the band. The sustenance lobster license holder's traps must be tagged with sustenance use 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; however, a sustenance lobster license holder may not harvest lobsters for sustenance use with more than 25 traps; and [PL 2011, c. 598, §17 (AMD).]

C. Any marine organism for noncommercial use in a tribal ceremony within the State, if the member holds a valid ceremonial tribal permit issued to the tribal member by the Joint Tribal Council of the Passamaquoddy Tribe or the governor and council at either Passamaquoddy reservation, by the Penobscot Reservation Tribal Council, by the Aroostook Band of Micmacs Tribal Council or its agent or by the Houlton Band of Maliseet Indians Tribal Council or its agent. [PL 2013, c. 254, §2 (AMD).]

For purposes of this subsection, "sustenance use" means all noncommercial consumption or noncommercial use by any person within Passamaquoddy Indian territory, as defined in Title 30, section 6205, subsection 1, Penobscot Indian territory, as defined in Title 30, section 6205, subsection 2, Aroostook Band Trust Land, as defined in Title 30, section 7202, subsection 2, or Houlton Band Trust Land, as defined in Title 30, section 6203, subsection 2-A, or at any location within the State by a tribal member, by a tribal member's immediate family or within a tribal member's household. The term "sustenance use" does not include the sale of marine organisms.

A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who takes a marine organism under a license or permit issued pursuant to this subsection must comply with all laws and rules applicable to a person who holds a state license or permit that authorizes the taking of that organism, except that a state law or rule that sets a season for the harvesting of a marine organism does not apply to a member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who takes a marine organism for sustenance use or for noncommercial use in a tribal ceremony. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians issued a license or permit under this subsection is exempt from paying elver gear fees under section 6505-B or trap tag fees under section 6431-B and is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of

Maliseet Indians who fishes for or takes lobster under a license or permit issued pursuant to this subsection must comply with the closed periods under section 6440.
[PL 2013, c. 254, §2 (AMD).]

3. Lobster, sea urchin, scallop and elver licenses; limitations. Pursuant to subsection 1:

A. The Passamaquoddy Tribe and Penobscot Nation may each issue to members of its tribe or nation, as the case may be, up to 24 commercial lobster and crab fishing licenses in any calendar year, including all licenses equivalent to Class I, Class II or Class III licenses and student licenses, but not including apprentice licenses. Licenses issued under this paragraph are subject to the eligibility requirements of section 6421, subsection 5; [PL 2011, c. 598, §17 (AMD).]

A-1. The Aroostook Band of Micmacs or its agent may issue to members of the band up to 10 commercial lobster and crab fishing licenses in any calendar year, including all licenses equivalent to Class I, Class II or Class III licenses and student licenses, but not including apprentice licenses. Licenses issued under this paragraph are subject to the eligibility requirements of section 6421, subsection 5; [PL 2011, c. 598, §17 (NEW).]

A-2. The Houlton Band of Maliseet Indians or its agent may issue to members of the band up to 10 commercial lobster and crab fishing licenses in any calendar year, including all licenses equivalent to Class I, Class II or Class III licenses and student licenses, but not including apprentice licenses. Licenses issued under this paragraph are subject to the eligibility requirements of section 6421, subsection 5; [PL 2013, c. 254, §3 (NEW).]

B. The Passamaquoddy Tribe may not issue to members of the tribe more than 24 commercial licenses for the taking of sea urchins in any calendar year. Sea urchin licenses must be issued by zone in accordance with section 6749-P; [PL 2011, c. 598, §17 (AMD).]

C. The commissioner shall adopt rules authorizing the Penobscot Nation to issue to members of the nation commercial sea urchin licenses if the commissioner determines that sea urchin resources are sufficient to permit the issuance of new licenses. The commissioner may not authorize the Penobscot Nation to issue more than 24 commercial sea urchin licenses to members of the nation in any calendar year; [PL 2011, c. 598, §17 (AMD).]

C-1. The commissioner shall adopt rules authorizing the Aroostook Band of Micmacs or its agent to issue to members of the band commercial sea urchin licenses if the commissioner determines that sea urchin resources are sufficient to permit the issuance of new licenses. The commissioner may not authorize the Aroostook Band of Micmacs or its agent to issue more than 24 commercial sea urchin licenses to members of the band in any calendar year; [PL 2011, c. 598, §17 (NEW).]

C-2. The commissioner shall adopt rules authorizing the Houlton Band of Maliseet Indians or its agent to issue to members of the band commercial sea urchin licenses if the commissioner determines that sea urchin resources are sufficient to permit the issuance of new licenses. The commissioner may not authorize the Houlton Band of Maliseet Indians or its agent to issue more than 24 commercial sea urchin licenses to members of the band in any calendar year; [PL 2013, c. 254, §3 (NEW).]

D. The Penobscot Nation may not issue to members of the nation more than 20 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses to members of the nation for the taking of scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses; [PL 2011, c. 598, §17 (AMD).]

D-1. The Aroostook Band of Micmacs or its agent may not issue to members of the band more than 10 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Aroostook Band of Micmacs or its agent to issue additional commercial licenses to members of the band for the taking of scallops if the commissioner

determines that scallop resources are sufficient to permit the issuance of new licenses; [PL 2011, c. 598, §17 (NEW).]

D-2. The Passamaquoddy Tribe may not issue to members of the tribe more than 20 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Passamaquoddy Tribe to issue additional commercial licenses to members of the tribe for the taking of scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses; [PL 2013, c. 8, §1 (NEW).]

D-3. The Houlton Band of Maliseet Indians or its agent may not issue to members of the band more than 10 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Houlton Band of Maliseet Indians or its agent to issue additional commercial licenses to members of the band for the taking of scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses; [PL 2013, c. 254, §3 (NEW).]

E. The Penobscot Nation may not issue to members of the nation commercial licenses for the taking of elvers in any calendar year that exceed the following limits:

(1) Eight licenses that allow the taking of elvers with 2 pieces of gear; and

(2) Forty licenses that allow the taking of elvers with one piece of gear.

The commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses to members of the nation for the taking of elvers if the commissioner and the Penobscot Nation determine that elver resources are sufficient to permit the issuance of new licenses; [PL 2015, c. 391, §3 (AMD).]

E-1. The Passamaquoddy Tribe may issue to members of the tribe commercial licenses for the taking of elvers with one piece of gear; [PL 2015, c. 391, §4 (AMD).]

F. The Aroostook Band of Micmacs or its agent may not issue to members of the band more than 8 commercial licenses for the taking of elvers in any calendar year, except that the commissioner shall by rule allow the Aroostook Band of Micmacs or its agent to issue additional commercial licenses for the taking of elvers to members of the band if the commissioner determines that elver resources are sufficient to permit the issuance of new licenses; and [PL 2013, c. 8, §1 (AMD).]

G. The Houlton Band of Maliseet Indians or its agent may not issue to members of the band more than 16 commercial licenses for the taking of elvers in any calendar year except that the commissioner shall by rule allow the Houlton Band of Maliseet Indians or its agent to issue additional commercial licenses for the taking of elvers to members of the band if the commissioner determines that elver resources are sufficient to permit the issuance of new licenses. [PL 2015, c. 391, §5 (RPR).]

The Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs, Houlton Band of Maliseet Indians and Department of Marine Resources shall report on the status of the sea urchin, scallop and elver fisheries to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of each even-numbered year.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 391, §§3-5 (AMD).]

4. Sea urchin and scallop handfishing and tender licenses; limitations. The Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or its agent or Houlton Band of Maliseet Indians or its agent may not issue a license or permit pursuant to subsection 1 or 2:

A. For the harvesting of sea urchins or scallops by hand unless the license or permit applicant meets the diver competency requirements of section 6531; and [PL 1997, c. 708, §1 (NEW); PL 1997, c. 708, §3 (AFF).]

B. For the tending of a person who fishes for or takes scallops or sea urchins by diving unless the applicant meets the safety training requirements of section 6533. [PL 1997, c. 708, §1 (NEW); PL 1997, c. 708, §3 (AFF).]

[PL 2013, c. 254, §4 (AMD).]

5. Notification. Subsections 1 and 2 do not apply to a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs unless a copy of that member's tribal license or permit is filed with the commissioner by the tribal licensing agency or its agent or a tribal official in accordance with section 6027.

[PL 2013, c. 8, §1 (AMD).]

6. License suspension. If a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs issued a license or permit under this section is convicted or adjudicated of a violation for which a license suspension is mandatory under chapter 617, the commissioner shall suspend that member's license or permit for the specified period. If a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs issued a license or permit under this section is convicted or adjudicated of a violation for which the commissioner may suspend a license, the commissioner may suspend that member's license or permit in accordance with chapter 617.

[PL 2013, c. 8, §1 (AMD).]

7. Enforcement. A violation of a marine resources law or rule by a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs who is issued a license or permit pursuant to this section must be enforced pursuant to chapter 609. A member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs who is issued a license or permit pursuant to this section must possess and exhibit that license or permit in accordance with section 6305 and must comply with the provisions of section 6306 regarding inspections and searches by marine patrol officers for violations related to licensed or permitted activities.

[PL 2013, c. 8, §1 (AMD).]

8. Resident of the State defined. For the purposes of this section, "resident of the State" means a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs who is eligible to obtain a state resident license under section 6301, subsection 1.

[PL 2013, c. 8, §1 (AMD).]

9. Political subdivision. Nothing in this section may be construed to indicate that the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs is a political subdivision of the State.

[PL 2013, c. 8, §1 (AMD).]

10. Agent. For purposes of this section, an agent of the Aroostook Band of Micmacs is any entity authorized by the Aroostook Band of Micmacs Tribal Council to act on its behalf under this section and an agent of the Houlton Band of Maliseet Indians is any entity authorized by the Houlton Band of Maliseet Indians Tribal Council to act on its behalf under this section. The Aroostook Band of Micmacs Tribal Council shall certify to the department any agent it has designated to act on its behalf under this section. The Houlton Band of Maliseet Indians Tribal Council shall certify to the department any agent it has designated to act on its behalf under this section.

[PL 2013, c. 8, §1 (AMD).]

11. Renewal of licenses. If a holder of a license issued under this section fails to provide information required under section 6173, the license may not be renewed until the holder complies with the requirements of that section.
[PL 2013, c. 8, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 708, §1 (NEW). PL 1997, c. 708, §3 (AFF). PL 1999, c. 491, §3 (AMD). PL 1999, c. 491, §9 (AFF). PL 2001, c. 421, §B14 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2009, c. 396, §1 (AMD). PL 2011, c. 137, §1 (AMD). PL 2011, c. 266, Pt. A, §2 (AMD). PL 2011, c. 598, §17 (AMD). PL 2013, c. 8, §1 (AMD). PL 2013, c. 9, §1 (AMD). PL 2013, c. 254, §§1-4 (AMD). PL 2013, c. 485, §2 (AMD). PL 2013, c. 588, Pt. E, §5 (AMD). PL 2015, c. 391, §§3-5 (AMD). PL 2019, c. 640, §2 (AMD).

§6302-B. Elver quota for federally recognized Indian tribes in the State

If the commissioner adopts an elver individual fishing quota system pursuant to section 6505-A, subsection 3-A, this section governs the allocation of the elver quota to federally recognized Indian tribes in the State. [PL 2013, c. 485, §3 (NEW).]

1. Annual allocation. In accordance with section 6505-A, the commissioner shall annually allocate 21.9% of the overall annual quota of elver fishery annual landings to the federally recognized Indian tribes in the State. If the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians reach an agreement regarding the division of this 21.9% portion of the overall annual quota among them and communicate in writing that agreement to the commissioner prior to March 1st of the year in which the quota is allocated, the commissioner shall allocate that portion of the quota in accordance with that agreement. If no agreement is reached, the commissioner shall allocate that portion of the quota in accordance with the following:

A. To the Passamaquoddy Tribe, 14% of the overall annual quota; [PL 2013, c. 485, §3 (NEW).]

B. To the Penobscot Nation, 6.4% of the overall annual quota; [PL 2013, c. 485, §3 (NEW).]

C. To the Houlton Band of Maliseet Indians, 1.1% of the overall annual quota; and [PL 2013, c. 485, §3 (NEW).]

D. To the Aroostook Band of Micmacs, 0.4% of the overall annual quota. [PL 2013, c. 485, §3 (NEW).]

In making any allocations under this subsection, the commissioner shall reserve a portion no greater than 10% of each allocation in order to ensure that the quota is not exceeded.
[PL 2013, c. 485, §3 (NEW).]

2. Individual allocations. The following provisions govern the allocation of the quotas established under subsection 1 to members of each of the federally recognized Indian tribes.

A. The commissioner may enter into an agreement with a federally recognized Indian tribe in the State that does not provide for individual allocations of the quota established under subsection 1 to members of that tribe, nation or band. If the commissioner enters into an agreement pursuant to this paragraph, the following provisions apply.

(1) An elver transaction card under section 6305 must be issued to each person to whom the tribe, nation or band issues a license under section 6302-A, subsection 3.

(2) The holder of a license issued under section 6302-A, subsection 3 must meet the reporting requirements established by rule pursuant to section 6173.

(3) The quota established under subsection 1 applies to all elvers taken under licenses issued by the tribe, nation or band under section 6302-A, subsection 3.

(4) When the quota established under subsection 1 is reached, the department shall notify the tribe, nation or band. The commissioner may use the data collected from the elver transaction cards issued under subparagraph (1) to determine whether the overall annual quota established under subsection 1 has been reached. When the quota established under subsection 1 is reached, the holder of a license issued by the tribe, nation or band under section 6302-A, subsection 3 may not thereafter take, possess or sell elvers. Taking, possessing or selling elvers after the quota established under subsection 1 is reached is deemed a violation by the license holder of the prohibition on fishing in excess of the person's individual quota in section 6505-A, subsection 3-A. [PL 2019, c. 642, §1 (AMD).]

B. This paragraph governs the allocation of the quotas established in subsection 1 to members of a federally recognized Indian tribe in the State when the commissioner has not entered into an agreement with members of the tribe, nation or band under paragraph A that applies to members of that tribe, nation or band.

(1) If there is no agreement under paragraph A between the commissioner and the Passamaquoddy Tribe, the Passamaquoddy Tribe shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph E-1 a specific amount of the quota allocated to the Passamaquoddy Tribe under subsection 1, paragraph A and shall provide documentation to the department of that allocation for each individual license holder. The Passamaquoddy Tribe shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department.

(2) If there is no agreement under paragraph A between the commissioner and the Penobscot Nation, the Penobscot Nation shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph E a specific amount of the quota allocated to the Penobscot Nation under subsection 1, paragraph B and shall provide documentation to the department of that allocation for each individual license holder. The Penobscot Nation shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department.

(3) If there is no agreement under paragraph A between the commissioner and the Houlton Band of Maliseet Indians, the Houlton Band of Maliseet Indians shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph G a specific amount of the quota allocated to the Houlton Band of Maliseet Indians under subsection 1, paragraph C and shall provide documentation to the department of that allocation for each individual license holder. The Houlton Band of Maliseet Indians shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department.

(4) If there is no agreement under paragraph A between the commissioner and the Aroostook Band of Micmacs, the Aroostook Band of Micmacs shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph F a specific amount of the quota allocated to the Aroostook Band of Micmacs under subsection 1, paragraph D and shall provide documentation to the department of that allocation for each individual license holder. The Aroostook Band of Micmacs shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department. [PL 2015, c. 391, §6 (NEW).]

The department shall issue an elver transaction card under section 6305 to a person licensed by the Passamaquoddy Tribe under section 6302-A, subsection 3, paragraph E-1, the Penobscot Nation under section 6302-A, subsection 3, paragraph E, the Houlton Band of Maliseet Indians under section 6302-A, subsection 3, paragraph G or the Aroostook Band of Micmacs under section 6302-A, subsection 3,

paragraph F only upon receipt of adequate documentation specifying the individual quota allocated to that person by the tribe, nation or band under this subsection.
[PL 2019, c. 642, §1 (AMD).]

3. Overage. If the total weight of elvers sold by persons licensed by the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians exceeds the quota allocated under subsection 1 to that tribe, nation or band, the commissioner shall deduct the amount of the overage from any future allocation to that tribe, nation or band. If the overage exceeds the overall annual quota allocated to that tribe, nation or band for the following year, the overage must be deducted from the overall annual quota allocations to that tribe, nation or band in subsequent years until the entire overage has been accounted for.
[PL 2013, c. 485, §3 (NEW).]

4. Emergency prohibition. The commissioner may adopt emergency rules to prohibit the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs or the Houlton Band of Maliseet Indians from fishing for elvers under a license issued under this Title if the commissioner finds that the tribe, nation or band has authorized fishing for elvers in a way that the commissioner determines will cause the tribe, nation or band to exceed the annual allocation set forth in subsection 1.
[PL 2015, c. 391, §7 (NEW).]

SECTION HISTORY

PL 2013, c. 485, §3 (NEW). PL 2015, c. 391, §§6, 7 (AMD). PL 2019, c. 642, §1 (AMD).

§6303. Application

1. Forms. Application shall be made on forms furnished by the commissioner.
[PL 1977, c. 661, §5 (NEW).]

2. Misrepresentation or error. Any license issued through misrepresentation or misstatement shall be void. Any license issued through error shall be void after notice to the holder.
[PL 1977, c. 661, §5 (NEW).]

3. Satisfactory answers. Failure or refusal to satisfactorily answer any question on or about the application shall be a basis for denying the application.
[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6304. Fees

1. One-half fee after September 30th.

[PL 1993, c. 499, §1 (RP).]

2. Duplication. Licenses that have been lost or destroyed must be reissued at a cost of $6.
[PL 2009, c. 213, Pt. G, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1993, c. 499, §1 (AMD). PL 2003, c. 20, §WW1 (AMD). PL 2009, c. 213, Pt. G, §1 (AMD).

§6304-A. Coastal Fisheries, Research Management and Opportunity Fund

The Coastal Fisheries, Research Management and Opportunity Fund, referred to in this section as "the fund," is established within the department. For each license or permit issued under this Part, 30% of the fee charged must be deposited into the fund. The fund must be used to fund scientific research, management or enforcement activities related to marine resources. Unexpended balances in the fund

at the end of a fiscal year do not lapse but must be carried forward to the next fiscal year. Any interest earned by the fund must be credited to the fund. [PL 2017, c. 284, Pt. EEEEE, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 284, Pt. EEEEE, §1 (NEW).

§6305. Possession of license, photo identification and transaction card

1. Exhibit on demand. When any person is engaged in an activity that is licensed under marine resources' laws, that person shall have that license in that person's actual possession and shall, on the request of a marine patrol officer or other authorized person, exhibit that person's license.
[PL 2013, c. 468, §9 (AMD).]

1-A. Photo identification. When a person is engaged in an activity for which a license is required under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A, that person shall have a government-issued identification card with that person's photograph and date of birth in that person's actual possession and shall, on the request of a marine patrol officer or other authorized person, present the government-issued identification card with that person's photograph and date of birth.
[PL 2013, c. 468, §9 (AMD).]

1-B. Elver transaction card. When a person is engaged in an activity for which a license is required under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A, that person shall have the elver transaction card issued by the department under section 6505-A to that person in that person's actual possession and shall, on the request of a marine patrol officer or other authorized person, present the elver transaction card.
[PL 2013, c. 468, §9 (NEW).]

2. Prima facie evidence. A failure to exhibit a license and an elver transaction card if an elver transaction card is required within a reasonable time, when requested, is prima facie evidence that the person is not licensed.
[PL 2013, c. 468, §9 (AMD).]

3. Crew members. If crew members are included in the license for any operation, any bona fide crew member may carry out that operation if the license is in that crew member's possession.
[PL 2013, c. 468, §9 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2013, c. 49, §2 (AMD). PL 2013, c. 468, §9 (AMD).

§6306. Consent to inspection; violation

1. Consent to inspection. Any person who signs an application for a license or aquaculture lease or receives a license or aquaculture lease under this Part has a duty to submit to inspection and search for violations related to the licensed activities by a marine patrol officer under the following conditions.

A. Watercraft or vehicles and the equipment located on watercraft or vehicles used primarily in a trade or business requiring a license or aquaculture lease under this Part may be searched or inspected at any time. [PL 2009, c. 229, §14 (AMD).]

B. Any other location where activities subject to this Part are conducted may be inspected or searched during the hours when those activities occur. [PL 1987, c. 713, §2 (NEW).]

C. A location specified in paragraph B may be inspected at any time if a marine patrol officer has a reasonable suspicion of a violation of this Part. [PL 1987, c. 713, §2 (NEW).]

D. No residential dwelling may be searched without a search warrant unless otherwise allowed by law. [PL 1987, c. 713, §2 (NEW).]
[PL 2009, c. 229, §14 (AMD).]

2. Seizure of evidence. Any person who signs an application for a license or aquaculture lease or receives a license or aquaculture lease under this Part has a duty to permit seizure of evidence of a violation of marine resources laws found during an inspection or search.
[PL 2009, c. 229, §14 (AMD).]

3. Refusal. Refusal to permit inspection or seizure is a basis for suspension of any or all licenses under this chapter or revocation of aquaculture leases.
[PL 2009, c. 229, §14 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1987, c. 713, §2 (AMD). PL 1989, c. 348, §4 (AMD). PL 2009, c. 229, §14 (AMD).

§6307. Misstatement or misrepresentation

It shall be unlawful to intentionally or knowingly make a misstatement or misrepresentation on an application for a license or certificate. [PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6308. Compliance with support orders; license qualifications and conditions

In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by the various acts of the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees must also comply with the requirements of Title 19-A, section 2201. [PL 1997, c. 537, §4 (AMD); PL 1997, c. 537, §62 (AFF).]

SECTION HISTORY

PL 1993, c. 410, §V2 (NEW). PL 1995, c. 694, §D9 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 537, §4 (AMD). PL 1997, c. 537, §62 (AFF).

§6309. Licensees not in compliance with a court order of support; enforcement of parental support obligations

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

A. "Compliance with a support order" means that the support obligor has obtained or maintained health insurance coverage if required by a support order and is:

(1) No more than 60 days in arrears in making any of the following payments:

(a) Payments in full for current support;

(b) Periodic payments on a support arrearage pursuant to a written agreement with the Department of Health and Human Services; and

(c) Periodic payments as set forth in a support order; and

(2) No more than 30 days in arrears in making payments as described in subparagraph (1) if the obligor has been in arrears for more than 30 days in making payments as described in subparagraph (1) at least 2 times within the past 24 months. [PL 2003, c. 396, §3 (RPR); PL 2003, c. 689, Pt. B, §6 (REV).]

B. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary

support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief. [PL 2003, c. 396, §3 (RPR).]
[PL 2003, c. 396, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

2. Noncompliance with a support order. An applicant for the issuance or renewal of a license or an existing licensee regulated by the department under this subpart who is not in compliance with a support order is subject to the requirements of Title 19-A, section 2201.
[PL 2003, c. 396, §4 (AMD).]

SECTION HISTORY

PL 1993, c. 410, §V2 (NEW). PL 1995, c. 694, §D10 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 537, §5 (AMD). PL 1997, c. 537, §62 (AFF). PL 2003, c. 396, §§3,4 (AMD). PL 2003, c. 689, §B6 (REV).

§6310. Appeal of license denial; illness or medical condition

1. Appeal of license denial. A person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person does not meet the eligibility requirements of section 6421, subsection 5, paragraph A; a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person does not meet the eligibility requirements of section 6749-O, subsection 2-A; or a person who is denied a hand fishing scallop license or a scallop dragging license because that person does not meet the eligibility requirements of section 6706, subsection 2 may appeal to the commissioner under this section for a review of that license denial.
[PL 2011, c. 266, Pt. A, §3 (AMD).]

2. Criteria for license issuance on appeal. The commissioner may issue a license on appeal only if the criteria in this subsection are met.

A. A Class I, Class II or Class III lobster and crab fishing license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for a license in 1997, 1998 or 1999, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person may not request an appeal under this subparagraph after December 31, 2001; or

(2) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for a license in licensing year 2000 or in subsequent years, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition. [PL 2013, c. 319, §1 (AMD).]

B. A handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for that license, and the person documents that the person harvested sea urchins while in possession of the same license within one year prior to the onset of the illness or medical condition. The person shall provide the

commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition. [PL 2013, c. 319, §1 (AMD).]

C. A hand fishing scallop license or a scallop dragging license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for that license, and the person documents that the person harvested scallops while in possession of the same license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition. [PL 2013, c. 319, §1 (AMD).]

For the purposes of this subsection, "family member" means a spouse, brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent.
[PL 2013, c. 319, §1 (AMD).]

3. Appeals process. A person appealing a license denial under this section must request the appeal in writing. The commissioner shall hold a hearing on the appeal if a hearing is requested in writing within 10 days of the initial request for appeal. If a hearing is requested, it must be held within 30 days of the request unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in subsection 2 that might justify issuing a license to the person, and the commissioner may request any additional information the commissioner considers necessary. Any medical information provided as part of the appeal is a confidential record for the purposes of Title 1, section 402, subsection 3, paragraph A.
[PL 1999, c. 643, §1 (NEW).]

4. Issuance on appeal. Issuance of a license on appeal is at the discretion of the commissioner, except that a license may not be issued unless the criteria in subsection 2 are met. Decisions of the commissioner must be in writing.
[PL 1999, c. 643, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 643, §1 (NEW). PL 2009, c. 188, §1 (AMD). PL 2009, c. 188, §3 (AFF). PL 2011, c. 266, Pt. A, §§3, 4 (AMD). PL 2013, c. 319, §1 (AMD).

§6310-A. Appeal of license denial; Armed Forces or Coast Guard service

1. Appeal of license denial. A person who is denied a license for a limited entry fishery because that person does not meet the eligibility requirements due to service in the United States Armed Forces or the United States Coast Guard precluding that person from participating in the fishery may appeal to the commissioner under this section for a review of that license denial. A license may be granted by the commissioner under this section only if the person:

A. Documents that the person harvested the relevant species while in possession of a fishing license for that species within one year prior to entering the service; [PL 2013, c. 319, §2 (NEW).]

B. [PL 2017, c. 161, §1 (RP).]

C. Has not been dishonorably discharged from service; and [PL 2013, c. 319, §2 (NEW).]

D. Requests an appeal under this section within one year of discharge from service. [PL 2013, c. 319, §2 (NEW).]

[PL 2017, c. 161, §1 (AMD).]

2. Limited entry fishery. For purposes of this section, "limited entry fishery" means a fishery in which licenses are limited to individuals who have held a license in the previous year or a fishery that is otherwise restricted by a limited entry system.

[PL 2013, c. 319, §2 (NEW).]

3. Appeals process. A person appealing a license denial under this section must request the appeal in writing. The commissioner shall hold a hearing on the appeal if a hearing is requested in writing within 10 days of the initial request for appeal. If a hearing is requested, it must be held within 30 days of the request unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in subsection 1 that might justify issuing a license to the person, and the commissioner may request any additional information the commissioner considers necessary.

[PL 2013, c. 319, §2 (NEW).]

4. Issuance on appeal. Issuance of a license on appeal is at the discretion of the commissioner, except that a license may not be issued unless the criteria in subsection 1 are met. Decisions of the commissioner must be in writing.

[PL 2013, c. 319, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 319, §2 (NEW). PL 2017, c. 161, §1 (AMD).

§6310-B. Continued eligibility for lobster and crab fishing licenses following successful appeal

A person who, upon appeal pursuant to section 6310-A, is issued a Class I, II or III lobster and crab fishing license shall submit landings data for the following 2 license years in accordance with rules adopted pursuant to section 6173. During the 2nd license year following the successful appeal in which that person holds a Class I, II or III lobster and crab fishing license, the person shall provide landings reports indicating a minimum of 50 landings days and sales of lobster to an individual licensed under section 6851 during that license year. If a person fails to meet the requirements of this section, the person is no longer eligible for a Class I, II or III lobster and crab fishing license and the commissioner shall revoke the license in accordance with the provisions of sections 6352 and 6353. [PL 2017, c. 161, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 161, §2 (NEW).

§6311. Active duty military members

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

A. "Active duty for a period of more than 30 days" has the same meaning as in 10 United States Code, Section 101(d)(2). [PL 2013, c. 319, §3 (NEW).]

B. "Limited entry fishery" means a fishery in which licenses are limited to individuals who have held a license in the previous year or a fishery that is otherwise restricted by a limited entry system. [PL 2013, c. 319, §3 (NEW).]

[PL 2013, c. 319, §3 (AMD).]

2. Partial waiver of lobster apprentice requirements. Notwithstanding Title 37-B, section 390-A or any other provision of this Part, the commissioner shall waive a portion of the number of days and

hours of practical lobster fishing experience required under the apprentice program established pursuant to section 6422, subsection 1 for a person who is a member of the National Guard or the Reserves of the United States Armed Forces if:

A. The person was under an order to active duty for a period of more than 30 days; [PL 2005, c. 111, §2 (NEW).]

B. The period of active duty conflicts with the requirements of the apprentice program; and [PL 2005, c. 111, §2 (NEW).]

C. The person was licensed pursuant to section 6421, subsection 1, paragraphs D and E. [PL 2005, c. 111, §2 (NEW).]

This waiver does not apply to the 2-year minimum required under section 6422, subsection 2.
[PL 2005, c. 111, §2 (NEW).]

3. Waiver of licensing requirements. Notwithstanding Title 37-B, section 390-A or any other provision of this Part, the commissioner shall waive the licensing eligibility requirements applicable to a limited entry fishery for a person who is a member of the National Guard or the Reserves of the United States Armed Forces and was under an order to active duty for a period of more than 30 days. This subsection does not apply to a person who did not possess a license for that limited entry fishery at the time of or in the calendar year prior to that person's being called to active duty. The waiver must be available for a period of up to 10 consecutive years of service, with no license fees being assessed during that time. For years consecutively served beyond 10 years, licensing eligibility requirements, other than licensing fees, must be waived.
[PL 2013, c. 319, §3 (AMD).]

4. Limited application. This section applies only if the member's service is in support of:

A. An operational mission for which members of the Reserves of the United States Armed Forces have been ordered to active duty without volunteering for that mission; [PL 2013, c. 319, §3 (AMD).]

B. Forces activated during a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or the United States Congress; or [PL 2013, c. 319, §3 (AMD).]

C. A response to a precipitating event for which the member was drafted or enlisted during a period of an active draft. [PL 2013, c. 319, §3 (NEW).]
[PL 2013, c. 319, §3 (AMD).]

SECTION HISTORY

PL 2005, c. 111, §2 (NEW). PL 2013, c. 319, §3 (AMD).

§6311-A. Student licenses after military service

An individual who is eligible for a student lobster and crab fishing license under section 6421, subsection 1, paragraph E either when enlisted in the United States Armed Forces or United States Coast Guard or when ordered to active duty in the National Guard or the Reserves of the United States Armed Forces may, upon that individual's return from service, have that individual's eligibility regarding age extended by the number of years that individual was not able to purchase a student license due to this service, for a period of up to 10 years. In order to extend eligibility under this section, that individual must initiate the license application within one year of that individual's return from service.
[PL 2013, c. 319, §4 (NEW).]

SECTION HISTORY

PL 2013, c. 319, §4 (NEW).

§6312. Saltwater recreational fishing registry

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

A. [PL 2011, c. 421, §2 (RP).]

B. [PL 2011, c. 421, §2 (RP).]

C. "Registry" means the registry for persons engaged in saltwater recreational fishing established under subsection 2. [PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

[PL 2011, c. 421, §2 (AMD).]

2. Saltwater recreational fishing registry established. The commissioner shall administer and maintain a registry of persons who engage in saltwater recreational fishing in the coastal waters of the State. The registry must at a minimum contain the name, address, date of birth and telephone number for each person registered. Only an individual may register.

[PL 2011, c. 421, §2 (AMD).]

3. Registration required. Unless the registry is suspended by rule under subsection 16, a person may not engage in saltwater recreational fishing in the coastal waters of the State or land or possess fish taken from the coastal waters of the State without registering pursuant to this section except that the following persons are exempt from this prohibition :

A. A person under 16 years of age; [PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

B. A passenger on board a vessel captained by an individual who possesses a valid recreational fishing operator's license pursuant to subsection 5; [PL 2011, c. 421, §2 (AMD).]

C. A person renting a smelt fishing camp from an operator that possesses a valid recreational fishing operator's license pursuant to subsection 5; [PL 2011, c. 421, §2 (AMD).]

D. [PL 2011, c. 421, §2 (RP).]

E. [PL 2011, c. 421, §2 (RP).]

F. [PL 2011, c. 421, §2 (RP).]

G. A resident fishing on July 4th, Labor Day weekend or Memorial Day weekend; [PL 2011, c. 421, §2 (AMD).]

H. A person who has employed the guiding services of an individual who possesses a current guide license for tidewater fishing as provided by rule pursuant to section 12853 and a valid recreational fishing operator's license pursuant to subsection 5; [PL 2011, c. 421, §2 (NEW).]

I. A person fishing from a dock, pier or wharf that is owned by an individual who possesses a valid recreational fishing operator's license pursuant to subsection 5; [PL 2011, c. 421, §2 (NEW).]

J. A person who holds and presents upon demand a current and valid registration or license to engage in saltwater recreational fishing by a state that has been designated as an exempted state under 50 Code of Federal Regulations, Section 600.1415; [PL 2011, c. 421, §2 (NEW).]

K. A person registered on the National Saltwater Angler Registry through the United States Department of Commerce, National Oceanic and Atmospheric Administration; [PL 2011, c. 421, §2 (NEW).]

L. A member of the Passamaquoddy Tribe, if the Passamaquoddy Tribe certifies to the commissioner that it will collect the registry data required under subsection 2 from tribal members who engage in saltwater recreational fishing and report the data to the commissioner; [PL 2011, c. 421, §2 (NEW).]

M. A member of the Penobscot Nation, if the Penobscot Nation certifies to the commissioner that it will collect the registry data required under subsection 2 from members of the Penobscot Nation who engage in saltwater recreational fishing and report the data to the commissioner; [PL 2011, c. 421, §2 (NEW).]

N. A member of the Houlton Band of Maliseet Indians, if the Houlton Band of Maliseet Indians certifies to the commissioner that it will collect the registry data required under subsection 2 from band members who engage in saltwater recreational fishing and report the data to the commissioner; and [PL 2011, c. 421, §2 (NEW).]

O. A member of the Aroostook Band of Micmacs, if the Aroostook Band of Micmacs certifies to the commissioner that it will collect the registry data required under subsection 2 from band members who engage in saltwater recreational fishing and report the data to the commissioner. [PL 2011, c. 421, §2 (NEW).]

Registration does not authorize a person to sell fish taken pursuant to the registry.

A person who has indicated on a valid freshwater fishing license issued under Part 13 whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register under this subsection. The Department of Inland Fisheries and Wildlife shall provide registry data from persons exempted under this subsection regarding saltwater recreational fishing by these persons to the department at a time and manner as determined by the department.

A person who has indicated on a valid commercial fishing license issued under this Part whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register under this subsection. The department shall collect data regarding saltwater recreational fishing by these persons exempted under this subsection.
[PL 2011, c. 421, §2 (AMD).]

4. Striped bass endorsement.

[PL 2011, c. 421, §2 (RP).]

5. Recreational fishing operator's license. The following persons are eligible to hold a recreational fishing operator's license issued by the commissioner:

A. A captain of a vessel licensed to carry passengers for hire for saltwater recreational fishing; [PL 2011, c. 421, §2 (AMD).]

B. A person operating a business that rents smelt fishing camps for saltwater recreational smelt fishing; [PL 2011, c. 421, §2 (AMD).]

C. A person who owns a private dock, pier or wharf and makes that wharf available to customers for the purpose of recreational fishing as part of a commercial enterprise; and [PL 2011, c. 421, §2 (NEW).]

D. An individual who possesses a current guide license for tidewater fishing as provided by rule pursuant to section 12853. [PL 2011, c. 421, §2 (NEW).]

A person who holds a recreational fishing operator's license shall collect data from persons who engage in saltwater recreational fishing and report the data to the commissioner as specified by the commissioner by rule.

There is no fee for a recreational fishing operator's license.
[PL 2011, c. 421, §2 (AMD).]

6. Agent fee.
[PL 2011, c. 421, §2 (RP).]

7. Native American.

[PL 2011, c. 421, §2 (RP).]

8. Penalty. A person who violates this section commits a civil violation for which a fine of not less than $100 may be adjudged.
[PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

9. Suspension. A person on the registry is subject to the applicable suspension provisions under chapter 617.
[PL 2011, c. 421, §2 (AMD).]

10. Collaboration on outreach efforts. The commissioner shall work with fishing and hunting groups and interested parties in the commissioner's efforts to notify and educate the public about the registry.
[PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

11. Report. The commissioner shall report registry information to the United States Department of Commerce, National Oceanic and Atmospheric Administration in a form and manner as required by the National Oceanic and Atmospheric Administration.
[PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

12. Rules. The commissioner may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.
[PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

13. Registration expiration. A registration issued under this section is valid until December 31st of the year in which it was issued. If applicable federal requirements allow, the commissioner may by rule extend the period for which a registration is valid.
[PL 2011, c. 421, §2 (NEW).]

14. Registry procedures. A person may register pursuant to this section through an agent appointed by the Department of Inland Fisheries and Wildlife to issue licenses under section 12501, through a publicly accessible online electronic system for registration operated by the department or at the department through a department employee.
[PL 2011, c. 421, §2 (NEW).]

15. Agent fees. A fee may not be charged for registering under this section. A person registering through an agent under section 12501 may be charged an agent fee of $2 if the only transaction conducted by that person is registering on the registry. A person registering on a publicly accessible online electronic system for registration may be charged an agent fee of $1. A person registering at the department with a department employee may be charged an agent fee of $1.
[PL 2011, c. 421, §2 (NEW).]

16. Termination of registry requirement. If the Marine Recreational Information Program administered by the United States Department of Commerce, National Oceanic and Atmospheric Administration does not receive funding to conduct surveys and perform data analysis, the department by rule shall suspend the registry. If the department suspends the registry, a person is not required to register under this section in order to engage in saltwater recreational fishing.
[PL 2011, c. 421, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 559, §2 (NEW). PL 2009, c. 559, §4 (AFF). PL 2011, c. 421, §2 (AMD).

CHAPTER 617

LICENSE SUSPENSION

SUBCHAPTER 1

SUSPENSION PROCEEDINGS

ARTICLE 1

SUSPENSION ON CONVICTION

§6351. Suspension based on criminal conviction or civil adjudication

1. Grounds for suspension. Any of the following is grounds for suspension of a license, the right to obtain a license or a certificate issued under this Part:

A. A conviction for a violation of a marine resources law; [PL 2001, c. 421, Pt. B, §15 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

B. A conviction for a violation of Title 17-A, chapter 31; [PL 2001, c. 421, Pt. B, §15 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

B-1. A conviction for a violation of Title 17-A, chapter 15; [PL 2009, c. 394, §1 (NEW).]

B-2. A conviction for a violation of Title 17-A, section 802 that is directly related to an activity for which a lobster and crab fishing license is required; [PL 2017, c. 197, §1 (NEW).]

B-3. A conviction for a violation of Title 17-A, section 805 that is directly related to an activity for which a lobster and crab fishing license is required; [PL 2017, c. 197, §1 (NEW).]

C. A conviction for a criminal offense against a marine patrol officer while that officer is engaged in the performance of official duty; [PL 2009, c. 394, §1 (AMD).]

D. A civil adjudication of having violated a marine resources law; or [PL 2009, c. 394, §1 (AMD).]

E. A suspension authorized under section 6409 or 6410. [PL 2009, c. 394, §1 (NEW).]
[PL 2017, c. 197, §1 (AMD).]

2. Suspension procedure. In order to suspend a license or certificate because of a conviction or adjudication, the commissioner shall follow the procedures of this article.
[PL 2001, c. 421, Pt. B, §15 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

3. Denial of license. An applicant for any license or certificate as set out in this chapter may be denied a license or certificate in the same manner as provided for in this section.
[PL 2009, c. 394, §2 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1995, c. 218, §1 (AMD). PL 2001, c. 421, §B15 (RPR). PL 2001, c. 421, §C1 (AFF). PL 2009, c. 394, §§1, 2 (AMD). PL 2017, c. 197, §1 (AMD).

§6352. Notice

The commissioner shall give notice of a suspension or a revocation and may give an opportunity for a hearing to the holder. [PL 2009, c. 151, §1 (RPR).]

1. Time of notice. Notice must be given within 60 days of the conviction or adjudication pursuant to section 6351 and must be mailed to the last known address as provided in the department's marine resources licensing and enforcement database or be served in hand.
[PL 2009, c. 151, §1 (RPR).]

2. Nature of notice. The notice must contain:

A. A statement of the conviction or adjudication pursuant to section 6351; [PL 2009, c. 151, §1 (NEW).]

B. The reason and statutory grounds for the suspension or revocation; [PL 2009, c. 151, §1 (NEW).]

C. The effective date of the suspension or revocation; and [PL 2009, c. 151, §1 (NEW).]

D. The opportunity for a hearing, should one exist. [PL 2009, c. 151, §1 (NEW).]
[PL 2009, c. 151, §1 (RPR).]

3. Hearing.
[PL 2009, c. 151, §1 (RP).]

4. Receipt date. The notice is deemed received 3 days after the mailing.
[PL 2009, c. 151, §1 (NEW).]

5. Effective date of suspension or revocation. A suspension or revocation is effective on the date specified by the commissioner on the notice, which may not be less than 10 days after the mailing of the notice of suspension or revocation by the commissioner.
[PL 2009, c. 151, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 433, §7 (AMD). PL 1991, c. 390, §3 (AMD). PL 2009, c. 151, §1 (RPR).

§6353. Hearing

1. Request for hearing; place of hearing. A hearing must be requested in writing within 10 days from the effective date of the suspension. If requested, it must be held within 10 days of the request unless a longer period of time is mutually agreed to in writing. The hearing must be conducted in the Augusta area.
[PL 2009, c. 151, §2 (RPR).]

2. Evidence. At the hearing, the holder or the department may present any evidence concerning the violation.
[PL 2009, c. 151, §3 (AMD).]

3. Decisions. Decisions of the commissioner must be in writing. The commissioner may reinstate the license or certificate or reduce the suspension period if the commissioner is satisfied that to do so would be in the best interests of justice, except that the commissioner may not reduce suspensions set by statute.
[PL 1991, c. 390, §4 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1991, c. 390, §4 (AMD). PL 2009, c. 151, §§2, 3 (AMD).

ARTICLE 2

SUSPENSION WITHOUT CONVICTION

§6371. Administrative suspension

1. Suspension for refusal to allow inspection. Refusal to allow inspection or seizure under section 6306 is grounds for suspension of any licenses issued under marine resources laws. In order to suspend a license because of a refusal to allow inspection or seizure, the commissioner shall follow the procedures of section 6372.

[PL 2001, c. 421, Pt. B, §16 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Suspension for refusal to allow a shellfish inspection by a department shellfish inspector. Refusal to allow a shellfish inspection under section 6856 is grounds for suspension of any licenses or certificates issued under marine resources laws. In order to suspend a license or certificate under this subsection, the commissioner shall follow the procedures of section 6372.
[PL 2011, c. 598, §18 (AMD).]

3. Suspension for violations. Except as provided in subsections 1 and 2, the commissioner may suspend any licenses or certificates issued under this Part on the following grounds:

A. Violation of any section of marine resources laws or rules adopted under this Part; [PL 2017, c. 197, §2 (NEW).]

B. The commission of conduct as provided in subsection 4; or [PL 2017, c. 197, §2 (NEW).]

C. Setting fire to, sinking or damaging a vessel used to carry out the activities authorized under a lobster and crab fishing license to such an extent that the vessel cannot be used to carry out those activities by the person who has that vessel named on the person's lobster and crab fishing license. [PL 2017, c. 197, §2 (NEW).]

[PL 2017, c. 197, §2 (RPR).]

4. Suspensions for certain violations of Title 17-A. Conduct that would constitute a violation of any of the following provisions is grounds for suspension under section 6374 of any licenses or certificates issued under this Part:

A. Title 17-A, section 353, when the offense is directly related to an activity for which a lobster and crab fishing license is required; [PL 2017, c. 197, §3 (NEW).]

B. Title 17-A, section 359, when the offense is directly related to an activity for which a lobster and crab fishing license is required; [PL 2017, c. 197, §3 (NEW).]

C. Title 17-A, section 751, when the offense is committed against a marine patrol officer while that officer is engaged in the performance of official duty; [PL 2017, c. 197, §3 (NEW).]

D. Title 17-A, section 752-A, when the offense is committed against a marine patrol officer while that officer is engaged in the performance of official duty; [PL 2017, c. 197, §3 (NEW).]

E. Title 17-A, section 753, when the offense is directly related to an investigation by the Bureau of Marine Patrol; [PL 2017, c. 197, §3 (NEW).]

F. Title 17-A, section 754, when the offense is directly related to an investigation by the Bureau of Marine Patrol; [PL 2017, c. 197, §3 (NEW).]

G. Title 17-A, section 802, when the offense is directly related to an activity for which a lobster and crab fishing license is required; [PL 2017, c. 197, §3 (NEW).]

H. Title 17-A, section 805, when the offense is directly related to an activity for which a lobster and crab fishing license is required; or [PL 2017, c. 197, §3 (NEW).]

I. Title 17-A, section 207, 209, 210, 210-A or 211, when the offense is committed against a marine patrol officer or a family member of a marine patrol officer as a result of the marine patrol officer performing what the license holder knows or has reason to know are the marine patrol officer's official duties. As used in this paragraph, "family member" means a spouse, brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent. [RR 2017, c. 1, §5 (COR).]

[RR 2017, c. 1, §5 (COR).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 547, §B29 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 421, §B16 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2009, c. 561, §12 (AMD). PL 2011, c. 311, §1 (AMD). PL 2011, c. 598, §18 (AMD). RR 2017, c. 1, §5 (COR). PL 2017, c. 197, §§2, 3 (AMD).

§6372. Procedure for suspending on refusal to allow inspection

Notwithstanding the Maine Administrative Procedure Act, the procedure for suspending a license for refusal to allow inspection or seizure under section 6306 or refusal to allow inspection under section 6852, subsection 2-A or section 6856 is as follows. [PL 2011, c. 598, §19 (AMD).]

1. Initiation and suspension. A marine patrol officer may deliver to the commissioner a written statement under oath that a person has refused to allow inspection or seizure under section 6306. The commissioner, on receipt of the affidavit, shall immediately notify the person in writing that his license has been suspended.
[PL 1979, c. 541, Pt. B, §73 (AMD).]

2. Notice. The notice shall state that there is an opportunity for a hearing, if it is requested in writing within 10 days of the notice.
[PL 1977, c. 661, §5 (NEW).]

3. Hearing. Any hearing shall be held within 3 business days after receipt of the request for the hearing. A hearing may be held more than 3 business days after the request if the request states in writing that the delay was voluntarily requested by the license holder. The hearing shall be held in accordance with the following provisions of the Maine Administrative Procedure Act, Title 5, chapter 375:

A. Evidence, Title 5, section 9057, except the issues are limited to whether the licensee had a license and whether the licensee refused inspection; [PL 2009, c. 151, §4 (AMD).]

B. Notice, Title 5, section 9058; [PL 1977, c. 661, §5 (NEW).]

C. Record, Title 5, section 9059; [PL 1977, c. 661, §5 (NEW).]

D. Decisions, Title 5, section 9061, except the decision shall be made not more than one business day after completion of the hearing; and [PL 1977, c. 661, §5 (NEW).]

E. Presiding officer, Title 5, section 9062, subsections 3 and 4, except the presiding officer shall be the commissioner or deputy commissioner. [PL 1977, c. 661, §5 (NEW).]
[PL 2009, c. 151, §4 (AMD).]

4. Stay. Upon written request, the commissioner may delay the suspension pending the determination of the original hearing or the appeal, if he finds that suspension will cause undue hardship.
[PL 1979, c. 541, Pt. B, §15 (AMD).]

5. Appeal. The decision of the commissioner may be appealed to the Superior Court, if it is filed with the court within 30 days of the decision.
[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 541, §B15 (AMD). PL 2009, c. 151, §4 (AMD). PL 2011, c. 311, §2 (AMD). PL 2011, c. 598, §19 (AMD).

§6373. Procedure for suspending for violation of a shellfish provision

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 547, §B30 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2011, c. 311, §3 (RP).

§6374. Procedure for suspending without criminal conviction or civil adjudication

The procedure for suspending a license or certificate under section 6371, subsections 3 and 4 is governed by this section. [PL 2017, c. 197, §4 (AMD).]

1. Initiation and notice. If the Chief of the Bureau of Marine Patrol delivers to the commissioner a written statement under oath that the chief has probable cause to suspect that a violation of marine resources law or conduct described in section 6371, subsection 4 has been committed, the commissioner shall immediately examine the affidavit and determine if a suspension is necessary. If the commissioner determines based on a preponderance of the evidence that a suspension is necessary, the commissioner shall immediately notify in writing the person who violated the law or engaged in the conduct. The notice must state that there is an opportunity for a hearing, if the person requests the hearing in writing within 10 days of the notice. The notice is deemed received 3 days after the mailing. The commissioner may suspend the license or certificate of a person who has been notified pursuant to this subsection but who does not request a hearing within the allowed time.
[PL 2017, c. 197, §4 (AMD).]

2. Hearing. A hearing requested under subsection 1 must be held within 30 business days after receipt by the commissioner of a request for hearing except that a hearing may be held more than 30 business days after the request if the delay is requested by the person requesting the hearing. If the hearing is continued, it must be held no later than 60 days after the original notice, and any further continuance must be with the consent of both parties. The hearing must be held in accordance with the Maine Administrative Procedure Act, except that:

A. Notwithstanding Title 5, section 9057, issues of the hearing are limited to whether the person requesting the hearing had a license or certificate and whether that person committed a violation of marine resources law or conduct described in section 6371, subsection 4; and [PL 2017, c. 197, §4 (AMD).]

B. Notwithstanding Title 5, section 9061, the decision of the presiding officer under Title 5, section 9062 must be made not more than 10 business days after completion of the hearing. [PL 2011, c. 311, §4 (NEW).]

If the presiding officer of the hearing finds that a violation of marine resources law or conduct described in section 6371, subsection 4 has been committed, the presiding officer shall immediately notify the commissioner of the finding.
[PL 2017, c. 197, §4 (AMD).]

3. Finding of violation and suspension. The commissioner may suspend the license or certificate of the person requesting the hearing under subsection 2 if the presiding officer of the hearing finds that a violation of marine resources law or conduct described in section 6371, subsection 4 has been committed. Except as provided in this subsection and subsection 3-A, the length of the suspension of the license or certificate may not exceed:

A. One year from the date of a first finding of a violation or finding that conduct described in section 6371, subsection 4 has been committed; [PL 2017, c. 197, §4 (AMD).]

B. Two years from the date of a 2nd finding of a violation or finding that conduct described in section 6371, subsection 4 has been committed; or [PL 2017, c. 197, §4 (AMD).]

C. Three years from the date of a 3rd or subsequent finding of a violation or finding that conduct described in section 6371, subsection 4 has been committed. [PL 2017, c. 197, §4 (AMD).]

The commissioner may suspend any license or certificate for a period of time not to exceed the maximum amount of time allowable for a criminal conviction or civil adjudication of the same violation.
[PL 2017, c. 197, §4 (AMD).]

3-A. Finding of violation and suspension; specific violations. The length of a suspension of a license or certificate under this section for the following violations or conduct is:

A. Not less than 2 years and not more than 6 years from the date of a first finding of a violation, not less than 2 years and not more than 10 years from the date of a 2nd violation and permanent for a 3rd violation of section 6434; [PL 2017, c. 197, §4 (NEW).]

B. Not less than 3 years and not more than 10 years from the date of a first finding of a violation and permanent for a 2nd violation of section 6431-F, subsection 4; [PL 2017, c. 197, §4 (NEW).]

C. Not less than 3 years and not more than 10 years from the date of a first finding of a violation and permanent for a 2nd violation of section 6432, subsection 2, paragraph B; [PL 2017, c. 197, §4 (NEW).]

D. Not less than 4 years from the date of a finding of a violation of section 6438-A; [PL 2019, c. 163, §2 (AMD).]

E. Permanent for conduct that is grounds for suspension under section 6371, subsection 3, paragraph C; and [PL 2019, c. 163, §2 (AMD).]

F. Permanent for a first finding of a violation of section 6505-A, subsection 1-D. [PL 2019, c. 163, §3 (NEW).]

[PL 2019, c. 163, §§2, 3 (AMD).]

4. Prohibition against multiple suspensions. If the commissioner suspends a license or certificate under this section, the commissioner may not suspend the license or certificate because of a criminal conviction or civil adjudication for the same violation.
[PL 2011, c. 311, §4 (NEW).]

5. Appeal. A decision of the commissioner to suspend a license or certificate pursuant to this section may be appealed to the Superior Court if it is filed with the court within 30 days of the decision.
[PL 2011, c. 311, §4 (NEW).]

6. Request for hearing on suspension length; place of hearing. The license or certificate holder may request a hearing regarding the length of suspension under this section. A hearing must be requested in writing within 10 days from the effective date of the suspension. The hearing must be held within 10 days of the request unless a longer period of time is mutually agreed to in writing. The hearing must be conducted in the Augusta area.
[PL 2011, c. 311, §4 (NEW).]

7. Vessel monitoring following suspension or revocation. The commissioner may require a person whose lobster and crab fishing license was suspended or revoked pursuant to subsection 3-A or section 6402, 6402-D, 6402-E or 6404 or section 6371, subsection 3, paragraph C to install equipment that allows the department to track the geographic location of the vessel listed on that person's lobster and crab fishing license for a period immediately following the reinstatement of the license not to exceed the duration of the license suspension. Costs associated with equipment required to be installed under this subsection must be paid by the license holder.
[PL 2017, c. 197, §4 (NEW).]

SECTION HISTORY

PL 2011, c. 311, §4 (NEW). PL 2011, c. 598, §20 (AMD). PL 2013, c. 468, §10 (AMD). PL 2015, c. 172, §§4, 5 (AMD). PL 2017, c. 197, §4 (AMD). PL 2019, c. 163, §§2, 3 (AMD).

SUBCHAPTER 2

SUSPENSION PENALTIES

§6401. Suspension or revocation based on conviction or adjudication

1. Violation of marine resources laws. Notwithstanding specific penalties authorized under this Part, the commissioner may suspend any licenses or certificates issued under this Part if a person is convicted or adjudicated in court of violating any section of the marine resources laws.
[PL 2013, c. 468, §11 (AMD).]

2. Length of suspension. The suspension of a license or certificate may not exceed:

A. One year from the date of the first conviction or adjudication; [PL 2001, c. 421, Pt. B, §17 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

B. Two years from the date of the 2nd conviction or adjudication; and [PL 2001, c. 421, Pt. B, §17 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

C. Three years from the date of the 3rd or subsequent conviction or adjudication. [PL 2001, c. 421, Pt. B, §17 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]
[PL 2001, c. 421, Pt. B, §17 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

3. Applicable standards. Any conviction or adjudication occurring more than 7 years before the last conviction or adjudication may not be counted in determining lengths of suspension.
[PL 2001, c. 421, Pt. B, §17 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Revocation following 6 or more violations. The commissioner may permanently revoke any licenses or certificates of a license holder or certificate holder following the conviction or adjudication of the license holder or certificate holder for a 6th or subsequent violation of marine resources laws.
[PL 2013, c. 468, §11 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1985, c. 43 (AMD). PL 2001, c. 421, §B17 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2013, c. 468, §11 (AMD).

§6402. Suspension or revocation based on conviction of molesting

Notwithstanding section 6401, subsection 2, the commissioner shall suspend the lobster and crab fishing license of a license holder or the nonresident lobster and crab landing permit of a permit holder convicted of violating section 6434 for not less than 2 years and not more than 6 years from the date of a first conviction and not less than 2 years and not more than 10 years from the date of a 2nd conviction. For a 3rd or subsequent conviction, the commissioner shall permanently revoke the person's license or permit. [PL 2017, c. 197, §5 (AMD).]

1. Convictions for cutting lobster trap lines. A person convicted under section 6434 of molesting lobster gear by cutting a lobster trap line shall, upon making full payment as ordered by the court under section 6434, subsection 4, paragraph A, provide the commissioner with proof of that payment. If the commissioner does not receive that proof within 3 years after the date of conviction, the commissioner shall continue that license suspension until such time as that proof is received.
[PL 2017, c. 197, §5 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1993, c. 543, §1 (AMD). PL 2007, c. 201, §1 (AMD). PL 2009, c. 151, §5 (AMD). PL 2009, c. 394, §3 (AMD). PL 2009, c. 561, §13 (AMD). PL 2017, c. 197, §5 (AMD).

§6402-A. Suspension based on conviction of dragging in cable area

For any person convicted in court of violating section 6954 or 6954-A, the commissioner shall suspend the license authorizing the activity in which the person was engaged at the time of the violation. The suspension shall be for one year from the date of the conviction. [PL 1987, c. 1, §1 (AMD).]

SECTION HISTORY

PL 1983, c. 179, §1 (NEW). PL 1987, c. 1, §1 (AMD).

§6402-B. Suspension based on 2 or more convictions of possessing illegal lobsters

Notwithstanding section 6401, subsection 2, the commissioner shall suspend the lobster and crab fishing license of any license holder or the nonresident lobster and crab landing permit of a permit holder convicted of a 2nd or subsequent offense of possessing a lobster in violation of section 6431, 6436, 6438-A or 6952-A if the conviction of the 2nd or subsequent offense involved possession of 5 or more illegal lobsters. If the 2nd offense occurs on the same day as the first offense, the commissioner may waive the mandatory suspension. [PL 2009, c. 394, §4 (AMD).]

1. Second offense. For a 2nd conviction the commissioner shall suspend the license for at least one year from the date of conviction and may suspend the license for up to 3 years.
[PL 1995, c. 315, §1 (NEW).]

2. Third or subsequent offense. For a 3rd or subsequent conviction, the commissioner shall suspend the license for 3 years from the date of conviction and may permanently revoke the license holder's license.
[PL 1995, c. 315, §1 (NEW).]

3. Offenses after July 1, 1994.
[PL 2009, c. 394, §4 (RP).]

SECTION HISTORY

PL 1993, c. 550, §1 (NEW). PL 1995, c. 315, §1 (AMD). PL 2007, c. 201, §2 (AMD). PL 2009, c. 394, §4 (AMD).

§6402-C. Suspension based on 2 or more convictions of dragging within the prohibited area surrounding aquaculture operations

For any person convicted of a 2nd or subsequent offense of section 6957, subsection 1, the commissioner shall suspend the license authorizing the activity in which the person was engaged at the time of the violation. The suspension is for 5 years from the date of conviction. [PL 1995, c. 169, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 169, §1 (NEW).

§6402-D. Suspension or revocation based on conviction of fishing over trap limit

Notwithstanding section 6401, subsection 2, the commissioner shall suspend the lobster and crab fishing license or nonresident lobster and crab landing permit of a person convicted of a violation of section 6431-F, subsection 4 for not less than 3 years and not more than 10 years from the date of a first conviction. For a 2nd conviction, the commissioner shall permanently revoke the person's license or permit. [PL 2017, c. 197, §6 (NEW).]

SECTION HISTORY

PL 2017, c. 197, §6 (NEW).

§6402-E. Suspension or revocation based on conviction of fishing sunken trap or trawl

Notwithstanding section 6401, subsection 2, the commissioner shall suspend the lobster and crab landing license or nonresident lobster and crab landing permit of a person convicted of a violation of section 6432, subsection 2, paragraph B for not less than 3 years and not more than 10 years from the date of a first conviction. For a 2nd conviction, the commissioner shall permanently revoke the person's license or permit. [PL 2017, c. 197, §6 (NEW).]

SECTION HISTORY

PL 2017, c. 197, §6 (NEW).

§6403. Suspension based on refusing inspection or seizure

The commissioner may suspend any and all licenses issued under this Part if the license holder refuses to allow inspection or seizure under section 6306. This suspension may not exceed one year. [PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6404. Revocation based on conviction of scrubbing lobsters

The commissioner may permanently revoke the lobster and crab fishing license, wholesale seafood license and the commercial fishing license of any license holder or the nonresident lobster and crab landing permit of a permit holder convicted in court of violating section 6438-A. [PL 2017, c. 197, §7 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1995, c. 468, §2 (AMD). PL 2007, c. 201, §3 (AMD). PL 2015, c. 172, §6 (AMD). PL 2017, c. 197, §7 (AMD).

§6404-A. Suspension or revocation based on conviction of molesting elver gear

The commissioner shall suspend or revoke the elver fishing license of any license holder convicted of violating section 6575-D. [PL 2013, c. 49, §3 (AMD).]

1. First offense. For a first offense, the commissioner shall suspend the license holder's license for 3 years.
[PL 2011, c. 549, §1 (NEW).]

2. Second offense. For a 2nd offense, the commissioner shall permanently revoke the license holder's license.
[PL 2011, c. 549, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 536, §A5 (NEW). PL 2001, c. 421, §B18 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2011, c. 549, §1 (AMD). PL 2013, c. 49, §3 (AMD).

§6404-B. Suspension based on conviction of fishing on closed days for sea urchin fishing

The commissioner shall suspend the sea urchin fishing license of any license holder convicted in court of violating section 6749 or any rule adopted under section 6749. The suspension must be for one year from the date of conviction. [PL 2003, c. 510, Pt. B, §4 (AMD).]

SECTION HISTORY

PL 1999, c. 244, §1 (NEW). PL 2001, c. 327, §2 (AMD). PL 2003, c. 510, §B4 (AMD).

§6404-C. Suspension based on conviction of sea urchin fishing in zone for which person is not licensed

The commissioner shall suspend the sea urchin fishing license of any license holder convicted in court of violating section 6749-P. The suspension must be for one year from the date of conviction. [PL 1999, c. 244, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 244, §1 (NEW).

§6404-D. Suspension based on conviction of sea urchin fishing in a closed area

The commissioner shall suspend the sea urchin fishing license of any license holder convicted in court of violating section 6749-N. The suspension must be for one year from the date of conviction. [PL 2001, c. 327, §3 (NEW).]

SECTION HISTORY

PL 2001, c. 327, §3 (NEW).

§6404-E. Suspension based on 3 or more convictions of possessing small sea urchins

The commissioner shall suspend the sea urchin fishing license of any license holder convicted in court of a 3rd or subsequent offense of possessing sea urchins smaller than the minimum size established pursuant to section 6749-A. The suspension must be for at least one year from the date of conviction and may be up to 3 years. Any conviction occurring more than 5 years before the last conviction may not be counted in determining the suspension. [PL 2003, c. 200, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 200, §1 (NEW).

§6404-F. Suspension based on 3 or more convictions of possessing oversize sea urchins

The commissioner shall suspend the sea urchin fishing license of any license holder convicted in court of a 3rd or subsequent offense of possessing sea urchins larger than the maximum size established pursuant to rule. The suspension must be for at least one year but not more than 3 years from the date of conviction. Any conviction occurring more than 5 years before the last conviction may not be counted in determining the suspension. [PL 2007, c. 615, §8 (NEW).]

SECTION HISTORY

PL 2007, c. 615, §8 (NEW).

§6404-G. Suspension based on 2 or more convictions of scallop fishing in a conservation area

The commissioner shall suspend the license authorizing the activity in which the person was engaged at the time of the violation for any person adjudicated of a 2nd or subsequent violation of section 6626. The suspension must be for one year from the date of adjudication. [PL 2009, c. 72, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 72, §1 (NEW).

§6404-H. Suspension or revocation based on conviction of an elver fishing license offense

The commissioner shall suspend or revoke a person's eligibility for the elver lottery under section 6505-A, subsection 2-C if the person is convicted of an offense in violation of section 6505-A, subsection 1. [PL 2017, c. 250, §1 (AMD).]

1. First offense. For a first offense, the commissioner shall suspend the person's eligibility for the elver lottery under section 6505-A, subsection 2-C for one year.
[PL 2017, c. 250, §1 (AMD).]

2. Second offense. For a 2nd offense, the commissioner shall permanently revoke the person's eligibility for the elver lottery under section 6505-A, subsection 2-C.
[PL 2017, c. 250, §1 (AMD).]

SECTION HISTORY

PL 2011, c. 549, §2 (NEW). PL 2013, c. 49, §4 (AMD). PL 2017, c. 250, §1 (AMD).

§6404-I. Suspension or revocation based on conviction of untagged elver gear

The commissioner shall suspend or revoke the elver fishing license of any license holder convicted of violating section 6505-B. [PL 2013, c. 49, §5 (AMD).]

1. First offense. For a first offense, the commissioner shall suspend the license holder's license for one year.
[PL 2011, c. 549, §2 (NEW).]

2. Second offense. For a 2nd offense, the commissioner shall permanently revoke the license holder's license.
[PL 2011, c. 549, §2 (NEW).]

SECTION HISTORY

PL 2011, c. 549, §2 (NEW). PL 2013, c. 49, §5 (AMD).

§6404-J. Suspension or revocation based on conviction of fishing during closed season or a closed period

The commissioner shall suspend or revoke the elver fishing license of any license holder convicted of violating section 6575 or 6575-A. [PL 2013, c. 49, §6 (AMD).]

1. First offense. For a first offense, the commissioner shall suspend the license holder's license for one year.
[PL 2011, c. 549, §2 (NEW).]

2. Second offense. For a 2nd offense, the commissioner shall permanently revoke the license holder's license.
[PL 2011, c. 549, §2 (NEW).]

SECTION HISTORY

PL 2011, c. 549, §2 (NEW). PL 2013, c. 49, §6 (AMD).

§6404-K. Suspension or revocation based on conviction of a violation of an elver dealer's license

The commissioner shall suspend or revoke the elver dealer's license of any elver dealer's license holder convicted of violating section 6864. [PL 2013, c. 49, §7 (AMD).]

1. First offense. For a first offense, the commissioner shall suspend the license holder's license for one year.
[PL 2011, c. 549, §2 (NEW).]

2. Second offense. For a 2nd offense, the commissioner shall permanently revoke the license holder's license.
[PL 2011, c. 549, §2 (NEW).]

SECTION HISTORY

PL 2011, c. 549, §2 (NEW). PL 2013, c. 49, §7 (AMD).

§6404-L. Suspension or revocation based on interstate wildlife violator compact

The commissioner may suspend or revoke the license, privilege or right of any person to fish for, take, possess or transport any marine organism to the extent that the license, privilege or right has been

suspended or revoked by another member state of an interstate wildlife violator compact entered into by the commissioner pursuant to section 6022, subsection 19. [PL 2013, c. 468, §12 (NEW).]

SECTION HISTORY

PL 2013, c. 468, §12 (NEW).

§6404-M. Suspension or revocation based on conviction of a violation of an elver individual fishing quota

The commissioner shall suspend or revoke the elver fishing license of any license holder convicted of violating section 6575-K. [PL 2013, c. 485, §4 (NEW).]

1. First offense. For the first offense, the commissioner shall suspend the license holder's license for one year.
[PL 2013, c. 485, §4 (NEW).]

2. Second offense. For a 2nd offense, the commissioner shall permanently revoke the license holder's license.
[PL 2013, c. 485, §4 (NEW).]

SECTION HISTORY

PL 2013, c. 485, §4 (NEW).

§6404-N. Revocation based on conviction of failing to record the sale of elvers with an elver transaction card

The commissioner shall permanently revoke the elver fishing license, elver dealer's license or elver exporter's license of any license holder convicted of violating section 6505-A, subsection 1-D. [PL 2019, c. 163, §4 (NEW).]

SECTION HISTORY

PL 2019, c. 163, §4 (NEW).

§6405. Trap removal

Any person whose lobster and crab fishing license has been suspended shall, within 5 days of suspension, remove from the water all of his lobster traps or cars, except cars numbered with another valid license number. The commissioner may extend the time period if adverse weather conditions or other circumstances beyond the control of the license holder prevent removal within that time period. [PL 1977, c. 713, §3 (AMD).]

During the removal period, the license holder shall not sell, lease or otherwise transfer ownership of the holder's lobster traps or cars or give written permission to another person to raise, lift or transfer those traps or cars. The commissioner may allow another licensed person, subject to any conditions or limitations, to assist the license holder in removing his traps or cars, if that assistance is required because of personal hardship or a large number of traps. [PL 1979, c. 283, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1977, c. 713, §3 (AMD). PL 1979, c. 283, §1 (AMD).

§6406. Engaging in activities while under suspension

1. Prohibited acts. It is unlawful for any person whose license or right to obtain a license is under suspension to:

A. Engage in any licensed activity; [PL 1989, c. 455, §1 (RPR).]

B. Give another person permission to raise, lift, transfer or possess lobster traps or cars marked with the suspended person's lobster and crab fishing license number or lobster traps with buoys that carry the color design on file with the suspended license; [PL 1991, c. 302, §1 (AMD).]

C. Assist a holder of a Class II lobster and crab fishing license as a crew member; or [PL 1991, c. 302, §1 (AMD).]

D. [PL 1989, c. 455, §1 (RP).]

E. For any violation occurring on or after the effective date of this paragraph, assist any license holder as a crew member in any activity authorized by the suspended license. [PL 1991, c. 302, §1 (NEW); PL 1991, c. 302, §2 (AFF).]

[PL 2009, c. 151, §6 (AMD).]

2. Penalty. Violation of this section is a Class D crime, except that the court shall impose a fine of not less than $500 nor more than $2,000.

[PL 2009, c. 394, §5 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 283, §2 (AMD). PL 1989, c. 455, §1 (RPR). PL 1991, c. 302, §1 (AMD). PL 1991, c. 302, §2 (AFF). PL 2009, c. 151, §6 (AMD). PL 2009, c. 394, §5 (AMD).

§6407. Conviction or adjudication; juvenile offense; failure to appear

Under this chapter: [PL 1977, c. 661, §5 (NEW).]

1. Conviction or adjudication. A conviction of a crime is considered a conviction and an adjudication of a civil violation is considered an adjudication during the pendency of appeal;

[PL 2013, c. 492, §4 (AMD).]

2. Juvenile offense. A conviction of a juvenile offense is considered a conviction; and

[PL 2013, c. 492, §4 (AMD).]

3. Failure to appear. Failure to appear in court when properly summoned is considered a conviction.

[PL 2013, c. 492, §4 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2013, c. 492, §4 (AMD).

§6408. Suspension of lobster and crab fishing license

A person whose Class I, Class II or Class III lobster and crab fishing license has been suspended for more than one year must appear in person before the commissioner prior to being issued a Class I, Class II or Class III lobster and crab fishing license pursuant to section 6421, subsection 5, paragraph D. [PL 1999, c. 643, §2 (NEW).]

REVISOR'S NOTE: §6408. Suspension of license for failure to appear, answer or pay (REALLOCATED TO TITLE 12, SECTION 6409)

SECTION HISTORY

RR 1999, c. 2, §13 (RAL). PL 1999, c. 643, §2 (NEW). PL 1999, c. 743, §1 (NEW).

§6409. Suspension of license for failure to appear, answer or pay

(REALLOCATED FROM TITLE 12, SECTION 6408)

If a license is suspended pursuant to Title 14, section 3142, the suspension remains in effect and that person is ineligible to obtain or hold a license until the person pays the fine. Except for a limited

entry fishery, as defined in section 6310-A, subsection 2, upon payment of the fine and on condition of payment of a $25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain or hold a license reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain or hold a license to be reinstated, the person must purchase the license and pay the $25 administrative fee to the department by no later than the end of the calendar year following the year in which the fine is paid. For the purposes of this section, "fine" has the same meaning as in Title 14, section 3141, subsection 1. [PL 2019, c. 642, §2 (AMD).]

SECTION HISTORY

RR 1999, c. 2, §13 (RAL). PL 2009, c. 561, §14 (AMD). PL 2019, c. 642, §2 (AMD).

§6410. Suspension of license for failure to comply with court order of support

If a person's eligibility to obtain or hold a license or registration is suspended pursuant to Title 19-A, section 2201, the suspension remains in effect until the person is in compliance with a court order of support. Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of a $25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain or hold a license reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain or hold a license to be reinstated, the person must purchase the license and pay the $25 administrative fee to the department by no later than the end of the calendar year following the year in which the person is in compliance with the court order of support. [PL 2019, c. 642, §3 (AMD).]

SECTION HISTORY

PL 2003, c. 520, §3 (NEW). PL 2009, c. 561, §15 (AMD). PL 2019, c. 642, §3 (AMD).

§6411. Refusal to renew or reissue license for failure to file or failure to pay state tax obligations

If a person's eligibility to obtain a license is suspended pursuant to Title 36, section 175, the suspension is in effect until the State Tax Assessor issues a certificate of good standing. Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of a $25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain a license reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain a license to be reinstated, the person must purchase the license and pay the $25 administrative fee to the department by no later than the end of the calendar year following the year in which the person is issued a certificate of good standing. [PL 2019, c. 642, §4 (AMD).]

SECTION HISTORY

PL 2009, c. 561, §16 (NEW). PL 2019, c. 642, §4 (AMD).

§6412. Suspension of license or certificate for failure to comply with reporting requirements

1. Authority to suspend. The commissioner, in accordance with this section, may suspend a license or certificate issued under this Part if the holder of the license or certificate fails to comply with reporting requirements established by section 6864, subsection 8 or by rule pursuant to section 6173. A license or certificate suspended under this section remains suspended until the suspension is rescinded by the commissioner. The commissioner shall rescind a suspension when:

A. The commissioner determines and provides notice to the holder of the suspended license or certificate that the holder has come into compliance with the reporting requirements established by section 6864, subsection 8 or by rule pursuant to section 6173; and [PL 2013, c. 468, §13 (AMD).]

B. The holder pays to the department a $25 administrative fee. [PL 2013, c. 282, §2 (NEW).]

When a suspension is rescinded, the license or certificate is reinstated. Until the suspension is rescinded, the holder of the suspended license or certificate is not eligible to hold, apply for or obtain that license or certificate.
[PL 2013, c. 468, §13 (AMD).]

1-A. Process for suspension for failing to comply with daily reporting by elver dealers. If the commissioner determines that a person licensed under section 6864 has failed to comply with the daily reporting requirement under section 6864, subsection 8, the commissioner shall notify the person at the telephone number provided on the person's license application or at another telephone number provided in writing by the dealer for this purpose. If the license holder has not complied with the reporting requirements within 24 hours of the requirement to submit the report, the commissioner shall serve a notice of suspension in hand to the license holder or mail the notice to the license holder. If the notice is mailed to the license holder, the notice is deemed received 3 days after the mailing. The notice must:

A. Describe the information that the license holder is required to provide that the department has not received; and [PL 2013, c. 468, §13 (NEW).]

B. State that, unless all the information described in paragraph A is provided to the department or the license holder requests a hearing, the license will be suspended 12 hours after the license holder's receipt of the notice. [PL 2013, c. 468, §13 (NEW).]

Notwithstanding subsection 4, if the license holder has not complied with the reporting requirements or requested a hearing within 12 hours after receipt of the notice, the commissioner shall suspend the license.
[PL 2013, c. 468, §13 (NEW).]

2. Process for suspension for failing to comply with weekly reporting. If the commissioner determines that a person who holds a license or certificate under this Part has failed to comply with a weekly reporting requirement established by rule pursuant to section 6173, the commissioner shall notify the person at the telephone number provided on the application for the license or certificate and by e-mail if an e-mail address is provided on the application. If the license or certificate holder has not complied with the reporting requirements within 2 days after the commissioner has provided the notice, the commissioner shall mail a notice of suspension to the license or certificate holder. The notice is deemed received 3 days after the mailing. The notice must:

A. Describe the information that the license or certificate holder is required to provide pursuant to this Part that the department has not received; and [PL 2013, c. 282, §2 (NEW).]

B. State that, unless all the information described in paragraph A is provided to the department or the license or certificate holder requests a hearing, the license or certificate will be suspended in 3 business days after the license or certificate holder's receipt of the notice. [PL 2013, c. 282, §2 (NEW).]

If the license or certificate holder has not complied with the reporting requirements or requested a hearing within 3 business days after receipt of the notice, the commissioner shall suspend the license or certificate.
[PL 2013, c. 468, §13 (AMD).]

3. Process for suspension for failing to comply with monthly reporting. If the commissioner determines that a person who holds a license or certificate under this Part has failed to comply with a monthly reporting requirement established by rule pursuant to section 6173, the commissioner shall notify the person by mailing the notice to the person at the last known address provided in the department's marine resources licensing and enforcement database, or by serving the notice in hand. If the license or certificate holder has not complied with the reporting requirements within 45 days after the commissioner has provided the notice, the commissioner shall mail a notice of suspension to the license or certificate holder. The notice is deemed received 3 days after the mailing. The notice must:

A. Describe the information that the license or certificate holder is required to provide pursuant to this Part that the department has not received; and [PL 2013, c. 282, §2 (NEW).]

B. State that, unless all the information described in paragraph A is provided to the department or the license or certificate holder requests a hearing, the license or certificate will be suspended in 3 business days after the license or certificate holder's receipt of the notice. [PL 2013, c. 282, §2 (NEW).]

If the license or certificate holder has not complied with the reporting requirements or requested a hearing within 3 business days after receipt of the notice, the commissioner shall suspend the license or certificate.
[PL 2015, c. 172, §7 (AMD).]

4. Hearing. A license or certificate holder receiving a written notice of suspension pursuant to this section may request a hearing on the suspension by contacting the department within 3 business days of receipt of the notice. If a hearing is requested, the suspension is stayed until a decision is issued following the hearing. The hearing must be held within 3 business days of the request, unless another time is agreed to by both the department and the license or certificate holder. The hearing must be conducted in the Augusta area. The hearing must be held in accordance with:

A. Title 5, section 9057, regarding evidence, except the issues are limited to whether the license or certificate holder has complied with reporting requirements established by rule pursuant to section 6173; [PL 2013, c. 282, §2 (NEW).]

B. Title 5, section 9058, regarding notice; [PL 2013, c. 282, §2 (NEW).]

C. Title 5, section 9059, regarding records; [PL 2013, c. 282, §2 (NEW).]

D. Title 5, section 9061, regarding decisions, except the deadline for making a decision is one business day after completion of the hearing; and [PL 2013, c. 282, §2 (NEW).]

E. Title 5, section 9062, subsections 3 and 4, regarding a presiding officer's duties and reporting requirements, except that notwithstanding Title 5, section 9062, subsection 1, the presiding officer must be the commissioner or the commissioner's designee. [PL 2013, c. 282, §2 (NEW).]

[PL 2013, c. 282, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 282, §2 (NEW). PL 2013, c. 468, §13 (AMD). PL 2015, c. 172, §7 (AMD).

§6413. Reduction in trap limit after certain suspensions

The commissioner may reduce the number of trap tags a person whose lobster and crab fishing license has been suspended pursuant to section 6374, subsection 3-A may purchase in the year following the suspension, except that if the person holds a Class I, Class II or Class III lobster and crab fishing license the person must be allowed to purchase at least 300 trap tags. For each following year, the license holder may purchase up to an increase of 100 trap tags each year as long as the total number purchased does not exceed the number of traps allowed under the lowest trap limit for the license or established by rule for the zones identified on that person's license pursuant to section 6446, subsection 1-A. [PL 2017, c. 197, §8 (NEW).]

SECTION HISTORY

PL 2017, c. 197, §8 (NEW).

CHAPTER 619

LOBSTER AND CRAB FISHING LICENSES

SUBCHAPTER 1

LICENSES

§6421. Lobster and crab fishing licenses

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

A. Class I lobster and crab fishing license; [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Class II lobster and crab fishing license; [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Class III lobster and crab fishing license; [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. Apprentice lobster and crab fishing license; [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

E. Student lobster and crab fishing license; [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

F. Noncommercial lobster and crab fishing license; [PL 2007, c. 201, §4 (AMD).]

F-1. Nonresident lobster and crab landing permit; or [PL 2007, c. 201, §5 (NEW).]

G. Other license issued under this Part authorizing the activities. [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2007, c. 201, §§4, 5 (AMD).]

2. Licensed activity. The holder of a Class I, Class II, Class III, apprentice or student lobster and crab fishing license may fish for, take, possess, ship or transport within the State lobsters or crabs and sell lobsters or crabs the license holder has taken. The license does not authorize the license holder to remove lobster meat from the shell or to take, possess, transport or ship lobster parts or meat. The holder of a Class II or Class III license is liable for the licensed activities under this subsection of all unlicensed crew members assisting that licensee.

[PL 1995, c. 568, §1 (AMD).]

2-A. Licensed activity; noncommercial license. The holder of a noncommercial lobster and crab fishing license may fish for, take, possess, ship or transport within the State lobsters or crabs the license holder has taken. The license does not authorize the license holder to sell lobsters or to remove lobster meat from the shell or to take, possess, transport or ship lobster parts or meat.

[PL 1995, c. 568, §1 (NEW).]

2-B. Licensed activity; nonresident lobster and crab landing permit. The holder of a nonresident lobster and crab landing permit may possess, transport and sell within the State lobsters or crabs the license holder has taken from outside Maine's territorial waters. The permit does not authorize the permit holder to remove lobster meat from the shell or to take, possess, transport or ship lobster parts or meat.

[PL 2007, c. 201, §6 (NEW).]

3. License limitation.

[PL 1989, c. 455, §2 (RP).]

3-A. License limitation. A license authorizes activities by individuals as follows.

A. A Class I license authorizes the licensed activities under subsection 2 by the individual who is named in the license. Any individual assisting or helping a Class I license holder in these activities must also be licensed. [PL 1995, c. 568, §1 (AMD).]

B. A Class II license authorizes the license holder to engage in the licensed activities under subsection 2. A Class II license holder may engage one unlicensed crew member to assist in the licensed activities under the direct supervision of the Class II license holder, except as provided in section 6445-A. [PL 2013, c. 282, §3 (AMD).]

C. A Class III license authorizes the license holder to engage in the licensed activities under subsection 2. A Class III license holder may engage 4 unlicensed crew members to assist in the licensed activities under the direct supervision of the Class III license holder, except as provided in section 6445-A. [PL 2019, c. 259, §1 (AMD).]

D. An apprentice lobster and crab fishing license authorizes the apprentice so licensed to engage in the licensed activities under subsection 2 on that apprentice's sponsor's vessel when the apprentice's sponsor is on board the vessel. A person who holds an apprentice lobster and crab fishing license may not tend any traps unless the traps are fished by the sponsor of the apprentice so licensed. An applicant for an apprentice lobster and crab fishing license may designate up to 3 sponsors. For the purpose of this paragraph, "apprentice's sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section. [PL 1999, c. 490, §1 (AMD).]

E. A student license authorizes the license holder to engage in the licensed activities under subsection 2. A student license may be issued only to a person who, at the time of application, is 8 years of age or older and under 23 years of age. Except as provided in section 6477, a person issued a student license may not submerge more than:

(1) Ten lobster traps in the coastal waters of the State if the person is 8 years of age or older and under 11 years of age;

(2) Fifty lobster traps in the coastal waters of the State if the person is 11 years of age or older and under 14 years of age; or

(3) One hundred and fifty lobster traps in the coastal waters of the State if the person is 14 years of age or older and under 23 years of age.

A person issued a student license is enrolled in the apprentice program under section 6422. When applying for a license the person must designate a sponsor and may designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section. [PL 2019, c. 210, §1 (AMD).]

F. A noncommercial lobster and crab fishing license authorizes the license holder to engage in the licensed activities under subsection 2-A. A person issued a noncommercial lobster and crab fishing license may not submerge at any one time more than 5 lobster traps in the coastal waters of the State. At the time a noncommercial lobster and crab fishing license is issued or renewed, the applicant or license holder shall declare the vessel that will be used to conduct lobster and crab fishing activities under that license. The license holder's trap tags are allocated to that vessel, pursuant to the license. The department is not authorized to issue more than 10 noncommercial trap tags to the declared vessel, regardless of the number of noncommercial license holders fishing from that vessel. [PL 2003, c. 466, §1 (AMD); PL 2003, c. 466, §5 (AFF).]

[PL 2019, c. 210, §1 (AMD); PL 2019, c. 259, §1 (AMD).]

4. Exception. A license is not required for a person:

A. To take or catch crabs with bare hands or hook and line; or [PL 2009, c. 78, §1 (NEW).]

B. Who is issued a commercial fishing license under section 6501 to take, possess and sell crabs that have been taken as bycatch while using an otter trawl within the exclusive economic zone as shown on the most recently published Federal Government nautical chart. Crabs taken by otter trawl within the territorial waters must be liberated alive immediately. [PL 2009, c. 78, §1 (NEW).]

[PL 2011, c. 5, §1 (AMD).]

5. Eligibility. A noncommercial or student lobster and crab fishing license may only be issued to an individual who is a resident. A Class I, Class II or Class III license may be issued to a person 17 years of age or older only if the person:

A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year; [PL 2009, c. 188, §2 (AMD); PL 2009, c. 188, §3 (AFF).]

B. [PL 1997, c. 250, §2 (RP); PL 1997, c. 250, §10 (AFF).]

C. Meets the requirements of the apprentice program under section 6422; or [PL 2011, c. 486, §1 (AMD).]

D. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year. [RR 2001, c. 2, Pt. A, §15 (COR).]

E. [PL 1997, c. 250, §4 (RP); PL 1997, c. 250, §10 (AFF).]

F. [PL 1999, c. 658, §1 (RP).]

G. [PL 1997, c. 250, §6 (RP); PL 1997, c. 250, §10 (AFF).]

H. [PL 1999, c. 397, §3 (NEW); MRSA T. 12 §6421, sub-§5, ¶H (RP).]

Notwithstanding the age requirements of this subsection, a person who holds a Class I, Class II or Class III license on December 31, 2007 may continue to be issued a Class I, Class II or Class III license provided that person continues to meet the requirements of paragraph A.

[PL 2011, c. 486, §1 (AMD).]

5-A. Student lobster and crab fishing license eligibility. A student lobster and crab fishing license may be issued to a person who, at the time of application, is 8 years of age or older and under 23 years of age and who is:

A. Attending a public day school in accordance with the attendance requirement of Title 20-A, section 5001-A, subsection 1; [PL 2015, c. 428, §1 (RPR).]

B. Meeting the requirements of an alternative to attendance at a public day school in accordance with Title 20-A, section 5001-A, subsection 3; or [PL 2015, c. 428, §1 (RPR).]

C. Enrolled in and meeting the requirements of a half-time course of study at a postsecondary institution accredited by a state-recognized accrediting agency or body. [PL 2015, c. 428, §1 (RPR).]

A person may not be considered to have ceased to be a student during any interim between school years if the interim does not exceed 6 months and if it is shown that the person has a bona fide intention of continuing to pursue a half-time course of study during the semester or other enrollment period immediately following the interim period. For purposes of this subsection, "half-time course of study" means at least 50% of the usual course load for the program in which the person is enrolled.

The commissioner may revoke a student lobster and crab fishing license of an individual who has ceased to meet the requirements of this subsection.

[PL 2015, c. 428, §1 (RPR).]

5-B. Noncommercial lobster and crab fishing license eligibility. Beginning with license year 2003, a noncommercial lobster and crab fishing license may be issued only to a person who, at the time of application, is 8 years of age or older and has:

A. Successfully completed a lobster and crab fishing written examination, as provided in section 6423; or [PL 2001, c. 581, §1 (NEW).]

B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license. [PL 2001, c. 581, §1 (NEW).]

Once a person successfully completes the examination, that person need not repeat the examination to renew the license.
[PL 2003, c. 468, §3 (AMD).]

5-C. Apprentice lobster and crab fishing license eligibility. An apprentice lobster and crab fishing license may be issued only to a person who, at the time of application, is 8 years of age or older.
[PL 2003, c. 468, §4 (NEW).]

5-D. Nonresident lobster and crab landing permit eligibility. A nonresident lobster and crab landing permit may be issued only to an individual who:

A. Does not meet the resident provisions under section 6301, subsection 1; [PL 2007, c. 201, §7 (NEW).]

B. Possesses a valid federal lobster permit or a valid lobster fishing license from a state other than this State; [PL 2019, c. 225, §7 (AMD).]

C. Except as authorized under subsection 5-E, does not operate a lobster and crab fishing vessel with an established base of operations in this State; and [PL 2019, c. 225, §8 (AMD).]

D. [PL 2011, c. 266, Pt. A, §7 (RP).]

E. Has not had that individual's lobster fishing license or right to obtain a lobster fishing license suspended in this State or in another state. [PL 2019, c. 225, §9 (NEW).]
[PL 2019, c. 225, §§7-9 (AMD).]

5-E. Exception; nonresident lobster and crab landing permit with an established base of operations in State. An individual may be excepted from subsection 5-D, paragraph C as long as the individual submits documentation to the commissioner by December 31, 2011 that the individual operated a lobster and crab fishing vessel with an established base of operations in the State as a nonresident in calendar years 2010 and 2011. Documentation must include at a minimum proof of lobster landings at a Maine dealer, proof of utilization of a mooring or dock in a Maine harbor for a sufficient time to meet the requirements to be an established base of operations in this State pursuant to section 6001, subsection 13-I, proof that the individual possessed a valid federal lobster permit or a valid lobster fishing license from a state other than this State and proof that the individual did not meet the resident provisions under section 6301, subsection 1.
[PL 2011, c. 266, Pt. A, §8 (AMD).]

6. Buoy colors. Each license applicant must describe, on the application, a single color design of the applicant's buoys.
[PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 528, Pt. T, §1 (AMD); PL 1991, c. 591, Pt. T, §1 (AMD).]

7. Fee.

[PL 1989, c. 455, §2 (RP).]

7-A. Fee.

[PL 2017, c. 284, Pt. EEEEE, §2 (RP).]

7-B. License fee. The fee for a lobster and crab fishing license is:

A. For a resident Class I license for applicants under 18 years of age, $60; [PL 2017, c. 320, §1 (AMD).]

B. For a resident Class I license for applicants 18 years of age or older and under 70 years of age, $125.75; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

C. For a resident Class I license for applicants 70 years of age or older, $61; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

D. For a nonresident Class I license for applicants under 18 years of age, $357; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

E. For a nonresident Class I license for applicants 18 years of age or older, $730.75; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

F. For a resident Class II license for applicants under 70 years of age, $252.50; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

G. For a nonresident Class II license, $1,467.50; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

H. For a resident Class II license for applicants 70 years of age or older, $126; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

I. For a resident Class III license for applicants under 70 years of age, $377.25; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

J. For a resident Class III license for applicants 70 years of age or older, $183; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

K. For a nonresident Class III license, $2,189.25; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

L. For a resident apprentice lobster and crab fishing license for applicants under 18 years of age, $60; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

M. For a resident apprentice lobster and crab fishing license for applicants 18 years of age or older, $122; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

N. For a nonresident apprentice lobster and crab fishing license for applicants under 18 years of age, $357; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

O. For a nonresident apprentice lobster and crab fishing license for applicants 18 years of age or older, $725; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

P. For a student lobster and crab fishing license, $60; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

Q. For a noncommercial lobster and crab fishing license, $60, except as provided in subsection 7-D; and [PL 2019, c. 575, §1 (AMD).]

R. For a nonresident lobster and crab landing permit, $590.25. [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

[PL 2019, c. 575, §1 (AMD).]

7-C. License surcharge. In addition to the license fee established in subsection 7-B, the commissioner shall assess a surcharge on each license issued under this section as follows:

A. For a resident Class I license for applicants under 18 years of age, resident Class I license for applicants 70 years of age or older, resident apprentice license for applicants under 18 years of age, resident apprentice license for applicants 70 years of age or older, student lobster and crab fishing license or noncommercial lobster and crab fishing license, $5; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

B. For a resident Class I license for applicants 18 years of age or older and under 70 years of age, resident Class II license for applicants 70 years of age or older or resident apprentice license for applicants 18 years of age or older, $10; [PL 2017, c. 320, §2 (AMD).]

C. For a resident Class II license for applicants under 70 years of age or resident Class III license for applicants 70 years of age or older, $20; [PL 2017, c. 320, §2 (AMD).]

D. For a resident Class III license for applicants under 70 years of age, nonresident Class I license for applicants under 18 years of age or nonresident apprentice license for applicants under 18 years of age, $30; [PL 2017, c. 320, §2 (AMD).]

E. For a nonresident Class I license for applicants 18 years of age or older or nonresident apprentice license for applicants 18 years of age or older, $60; [PL 2017, c. 320, §2 (AMD).]

F. For a nonresident Class II license, $120; and [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

G. For a nonresident Class III license, $180. [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

The surcharge fees collected under this subsection must be deposited in the Lobster Fund established under section 6451.
[PL 2017, c. 320, §2 (AMD).]

7-D. Qualified resident disabled veteran; fee waived. Notwithstanding subsection 7-B, there is no fee for a noncommercial lobster and crab fishing license issued to a qualified resident disabled veteran. For the purposes of this subsection, "qualified resident disabled veteran" means a person who:

A. Was honorably discharged from the Armed Forces of the United States, the National Guard or the Reserves of the United States Armed Forces; [PL 2019, c. 575, §2 (NEW).]

B. Has a service-connected disability evaluated at 50% or more; and [PL 2019, c. 575, §2 (NEW).]

C. Is a resident of the State. [PL 2019, c. 575, §2 (NEW).]

In order to receive a noncommercial lobster and crab fishing license at no cost, an applicant must provide satisfactory evidence that the applicant is a qualified resident disabled veteran.
[PL 2019, c. 575, §2 (NEW).]

8. Exception.

[PL 2017, c. 284, Pt. EEEEE, §4 (RP).]

9. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §21 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1977, c. 713, §4 (AMD). PL 1979, c. 205 (AMD). PL 1981, c. 480, §§1,15,16 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 379, §1 (AMD). PL 1989, c. 455, §2 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T1 (AMD). PL 1991, c. 591, §T1 (AMD). PL 1991, c. 617, §§1,2 (AMD). PL 1993, c. 499, §§2,3 (AMD). PL 1995, c. 468, §3 (AMD). PL 1995, c. 568, §1 (AMD). PL 1997, c. 250, §§1-6 (AMD). PL 1997, c. 250, §10 (AFF). PL 1997, c. 574, §1 (AMD). RR 1999, c. 1, §16 (COR). PL 1999, c. 330, §§1,2 (AMD). PL 1999, c. 397, §§1-3 (AMD). PL 1999, c. 490, §1 (AMD). PL 1999, c. 643, §3 (AMD). PL 1999, c. 658, §1 (AMD). PL 1999, c. 790, §B1 (AMD). RR 2001, c. 2, §§A14,15 (COR). PL 2001, c. 421, §§B19-21 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 581, §1 (AMD). PL 2003, c. 20, §WW2 (AMD). PL 2003, c. 452, §F8 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 466, §1 (AMD). PL 2003, c. 466, §5 (AFF). PL 2003, c. 468, §§1-4 (AMD). PL 2005, c. 239, §1 (AMD). PL 2005, c. 354, §§1,2 (AMD). PL 2007, c. 138, §1

(AMD). PL 2007, c. 201, §§4-11 (AMD). PL 2007, c. 204, §1 (AMD). PL 2007, c. 219, §1 (AMD). PL 2007, c. 615, §9 (AMD). PL 2009, c. 188, §2 (AMD). PL 2009, c. 78, §1 (AMD). PL 2009, c. 188, §3 (AFF). PL 2009, c. 213, Pt. G, §§2,3 (AMD). PL 2011, c. 5, §1 (AMD). PL 2011, c. 266, Pt. A, §§5-8 (AMD). PL 2011, c. 486, §1 (AMD). PL 2013, c. 282, §3 (AMD). PL 2015, c. 68, §3 (AMD). PL 2015, c. 428, §1 (AMD). PL 2017, c. 284, Pt. EEEEE, §§2-4 (AMD). PL 2017, c. 320, §§1, 2 (AMD). PL 2007, c. 204, §1 (AMD). PL 2019, c. 210, §1 (AMD). PL 2019, c. 225, §§7-9 (AMD). PL 2019, c. 259, §1 (AMD). PL 2019, c. 575, §§1, 2 (AMD).

§6421-A. Moratorium on new licenses

(REPEALED)

SECTION HISTORY

PL 1997, c. 747, §1 (NEW). PL 1999, c. 330, §§3,4 (AMD). PL 1999, c. 397, §§4,5 (AMD). MRSA T. 12 §6421-A, sub-§2 (RP).

§6421-B. Lobster license appeals process

(REPEALED)

SECTION HISTORY

PL 1999, c. 330, §5 (NEW). PL 1999, c. 643, §4 (RP).

§6421-C. Application of student and noncommercial license age requirements

1. Student licenses. Notwithstanding the age requirements of section 6421, subsection 3-A, paragraph E and section 6421, subsection 5-A, a person who holds a student license on October 31, 2003 may continue to be issued a student license until that person reaches 23 years of age. Notwithstanding the trap limits under section 6421, subsection 3-A, paragraph E, a person who is 8 years of age or older and who holds a student license on October 31, 2003 may not submerge at any one time more than 150 lobster traps in the coastal waters of the State. A person who holds a student license and is less than 8 years of age on October 31, 2003 may not at any one time submerge more than 10 traps in the coastal waters of the State and upon reaching 8 years of age is subject to the trap limits provided in section 6421, subsection 3-A, paragraph E. A person who holds a student license on October 31, 2003 must comply with the full-time student requirement of section 6421, subsection 5-A and the apprenticeship program and sponsor requirements of section 6421, subsection 3-A, paragraph E.
[PL 2003, c. 468, §5 (NEW).]

2. Noncommercial licenses. Notwithstanding the age requirements of section 6421, subsection 5-B, a person who holds a noncommercial license and is less than 8 years of age on October 31, 2003 may continue to be issued a noncommercial license subject to the examination and licensure requirements of section 6421, subsection 5-B.
[PL 2003, c. 468, §5 (NEW).]

3. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2003, c. 468, §5 (NEW).]

SECTION HISTORY

PL 2003, c. 468, §5 (NEW).

§6422. Apprentice program

1. Program established; experience component. By July 1, 1996, the commissioner shall establish by rule an apprentice program for entry into the lobster fishery. The program must include practical lobster fishing experience. A person must be 8 years of age or older and hold an apprentice

lobster and crab fishing license or a student lobster and crab fishing license under section 6421 to enter the program.
[PL 2003, c. 468, §6 (AMD).]

2. Length of program. The commissioner shall determine the length of time an apprentice is enrolled in the program, which must be a minimum of 2 years.
[PL 1995, c. 468, §4 (NEW).]

3. Educational courses. The program may include any educational courses the commissioner determines appropriate. Educational courses may be taught by the department or by any public or private sector association or organization authorized by the commissioner. For any course taught by the department, the commissioner shall set an enrollment fee sufficient to recover all costs incurred by the department in teaching the course.
[PL 1995, c. 468, §4 (NEW).]

4. Allowance for waivers.

[PL 2011, c. 486, §2 (RP).]

5. Prohibition. Rules adopted under this section may not require a person who has registered to enter an established island limited-entry zone program as described under section 6449 to apprentice in the zone in which the island limited-entry zone program is located.
[PL 2015, c. 428, §2 (NEW).]

SECTION HISTORY

PL 1995, c. 468, §4 (NEW). PL 1995, c. 568, §2 (AMD). PL 1997, c. 250, §§7,8 (AMD). PL 1997, c. 574, §§2,3 (AMD). PL 1999, c. 281, §1 (AMD). PL 1999, c. 490, §§2,3 (AMD). PL 2003, c. 468, §6 (AMD). PL 2011, c. 486, §2 (AMD). PL 2015, c. 428, §2 (AMD).

§6423. Lobster and crab fishing education program

The commissioner shall establish an education program in accordance with this section for training applicants for noncommercial lobster and crab fishing licenses. [PL 2001, c. 581, §2 (NEW).]

1. Pamphlet. The department shall issue a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license to each applicant for a noncommercial lobster and crab fishing license who has not successfully completed a written examination pursuant to subsection 2 or met the requirements of section 6421, subsection 5-B, paragraph B.
[PL 2001, c. 581, §2 (NEW).]

2. Examination. A written examination is required for any person who applies for a noncommercial lobster and crab fishing license who has not successfully completed a written examination under this subsection or met the requirements of section 6421, subsection 5-B, paragraph B. The commissioner shall determine the form and content of the written examination. The written examination must be provided to an applicant with the pamphlet required under subsection 1. The applicant must return the completed written examination to the department and receive a passing grade on the written examination prior to receiving a noncommercial license.
[PL 2001, c. 581, §2 (NEW).]

3. Surcharge; credit to Lobster Management Fund. The commissioner shall set a surcharge, not to exceed $15, sufficient to recover the costs incurred by the department in providing the program under this section. A person who successfully completes the program and pays the surcharge may not be charged the surcharge to renew the license. The commissioner may provide copies of the education materials developed under this section to an applicant for another lobster and crab fishing license upon receipt of the surcharge. Surcharges collected under this subsection must be credited to the Lobster Management Fund established in section 6431-C.
[PL 2001, c. 581, §2 (NEW).]

SECTION HISTORY

PL 2001, c. 581, §2 (NEW).

SUBCHAPTER 2

LIMITS ON FISHING AND PROHIBITED ACTS

§6431. Lobster measurement

1. Minimum and maximum length. A person may not buy, sell, give away, transport, ship or possess any lobster that is less than the minimum size established in this subsection or more than 5 inches in length, as determined by the lobster measure certified in accordance with subsection 3. Except as provided in subsection 1-A, the minimum lobster size is 3 8/32 inches.

A. [PL 2005, c. 6, §1 (RP).]

B. [PL 2005, c. 6, §1 (RP).]

C. [PL 1991, c. 31, §1 (RP); PL 1991, c. 31, §2 (AFF).]

D. [PL 1991, c. 31, §1 (RP); PL 1991, c. 31, §2 (AFF).]

[PL 2011, c. 266, Pt. A, §9 (AMD).]

1-A. Most restrictive minimum size. A person possessing a valid lobster and crab fishing license and who also owns or is incorporated or partnered in a vessel or vessels that hold federal limited access lobster permits must comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the federal permit designated on that person's Maine lobster and crab fishing license application, whenever the fishing activity occurs. The applicable most restrictive minimum lobster size is contained in the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster.

[PL 2005, c. 397, Pt. C, §9 (AMD).]

2. Method of measurement. Measurement shall be made from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell.

[PL 1977, c. 661, §5 (NEW).]

3. Certified lobster measure. The department shall use a lobster measure that is certified for accuracy by the Department of Agriculture, Conservation and Forestry, Office of Sealer of Weights and Measures. The measure must conform to the legal lobster sizes in effect at the time. Any measurement used to substantiate a violation of this section must be made with a certified lobster measure.

[PL 2011, c. 266, Pt. A, §10 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

4. Mutilation. It shall be unlawful to possess any lobster, or part thereof, which is mutilated in a manner which makes accurate measurement impossible, except that any person, firm or corporation may possess lobster tails removed under section 6851-B.

[PL 2009, c. 523, §7 (AMD).]

5. Exception for immediate liberation. No violation of this section shall occur if the illegal lobster is immediately liberated alive into the coastal waters when taken.

[PL 1977, c. 661, §5 (NEW).]

6. Exception; wholesale seafood dealer with lobster permit; rules. This section does not apply to live lobsters imported by a holder of a wholesale seafood license with a lobster permit to another wholesale seafood license holder with a lobster permit if the containers are sealed in accordance with rules adopted by the commissioner; or to imported lobsters being shipped or transported out-of-state if

they are in containers sealed in accordance with rules adopted by the commissioner. The commissioner may adopt or amend rules to prescribe the time, manner and method of sealing containers for the effective operation of this subsection. The rules may contain a requirement for a special permit and provisions for inspection of the containers, contents and seals. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 247, §1 (AMD).]

6-A. Grace period. There is a 180-day grace period following the effective date of each of the minimum size increases as provided in this section within which a person holding a wholesale or retail seafood dealer license or a lobster transportation license may handle lobsters legally purchased or received in the prior year which do not meet the new minimum size requirements.
[PL 1987, c. 550 (NEW).]

6-B. Exception; lobster processing; rules. A person who holds both a wholesale seafood license with a lobster permit and a lobster processor license and who possesses lobster in accordance with subsection 6 may process those imported lobsters in accordance with rules adopted by the commissioner, as long as the following criteria are met:

A. The lobsters are not harvested or landed in this State; [PL 2011, c. 247, §2 (NEW).]

B. The lobsters are legal in the waters from which they were harvested; and [PL 2011, c. 247, §2 (NEW).]

C. The lobsters are not less than the minimum size established in this section. [PL 2011, c. 247, §2 (NEW).]

Lobster tails processed under this subsection may not be offered for sale within this State in the wholesale or retail trade. Lobster meat processed from the claws and knuckles may be sold within this State in the wholesale or retail trade.

This subsection takes effect November 1, 2011.
[PL 2013, c. 301, §8 (AMD).]

7. Penalty. Possession of lobsters in violation of this section is a Class D crime, except that the court shall impose a fine of $500 for each violation and, in addition, a fine of $100 for each lobster involved, up to and including the first 5, and a fine of $200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than $1,000 or more than $5,000.
[PL 2013, c. 468, §14 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1985, c. 129, §1 (AMD). PL 1985, c. 677, §§2,3,6,7 (AMD). PL 1987, c. 513, §4 (AMD). PL 1987, c. 550 (AMD). PL 1991, c. 31, §1 (AMD). PL 1991, c. 31, §2 (AFF). PL 1995, c. 491, §1 (AMD). PL 1999, c. 82, §1 (AMD). PL 2005, c. 6, §§1,2 (AMD). PL 2005, c. 397, §C9 (AMD). PL 2009, c. 394, §6 (AMD). PL 2009, c. 523, §7 (AMD). PL 2011, c. 247, §§1, 2 (AMD). PL 2011, c. 266, Pt. A, §§9, 10 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). PL 2013, c. 301, §8 (AMD). PL 2013, c. 468, §14 (AMD).

§6431-A. Trap limit

1. Limit. Before March 1, 2000, the holder of a Class I, Class II or Class III license issued under section 6421 may not submerge more than 1,000 traps. After February 29, 2000, the holder of a Class I, Class II or Class III license or a nonresident lobster and crab landing permit issued under section 6421 may not submerge more than 800 traps. If a lower trap limit is adopted by rule for a zone pursuant to section 6446, a license holder who fishes in that zone may not submerge a number of traps that exceeds the lower limit.

The number of traps fished from a vessel may not exceed the applicable trap limit established in this subsection, regardless of the number of license holders fishing from that vessel.

[PL 2007, c. 201, §12 (AMD).]

2. Trap limit exception.

[PL 1999, c. 187, §1 (RP).]

3. Effective date.

[PL 1999, c. 187, §1 (RP).]

4. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §22 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1995, c. 468, §5 (NEW). PL 1997, c. 19, §1 (AMD). PL 1999, c. 187, §1 (RPR). PL 2001, c. 421, §B22 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2007, c. 201, §12 (AMD).

§6431-B. Tag system

1. Tag system established. The commissioner shall establish by rule a lobster trap tag system under which lobster and crab fishing license holders and nonresident lobster and crab landing permit holders must purchase tags for the purpose of identifying and tracking traps. The rules must contain provisions for replacing lost tags. The commissioner may impose a per tag fee to cover the cost of trap tags, the costs of administering and enforcing a lobster trap tag system, the costs of management of the lobster fishery and the costs associated with lobster management policy councils and referenda pursuant to section 6447. Trap tag fees must be deposited in the Lobster Management Fund established under section 6431-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2017, c. 197, §9 (NEW).]

2. Penalties. A person who violates a rule adopted pursuant to subsection 1 commits:

A. A civil violation for which a fine of $250 must be adjudged if the person fishes 25 or fewer traps that are not tagged in accordance with rules adopted pursuant to subsection 1; and [PL 2017, c. 197, §9 (NEW).]

B. A Class D crime if the person fishes more than 25 traps that are not tagged in accordance with rules adopted pursuant to subsection 1. [PL 2017, c. 197, §9 (NEW).]
[PL 2017, c. 197, §9 (NEW).]

SECTION HISTORY

PL 1995, c. 468, §5 (NEW). PL 2003, c. 20, §WW3 (AMD). PL 2007, c. 201, §13 (AMD). PL 2017, c. 197, §9 (RPR).

§6431-C. Lobster Management Fund

1. Lobster Management Fund. The Lobster Management Fund is established as a dedicated nonlapsing fund. The fund is administered by the department.
[PL 1995, c. 468, §5 (NEW).]

2. Purpose. All money credited to the Lobster Management Fund must be used to cover the costs of trap tags and the administration and enforcement of a lobster trap tag system under section 6431-B, the costs of management of the lobster fishery, the costs associated with lobster management policy councils and referenda pursuant to section 6447, costs associated with the Lobster Advisory Council not supported by the General Fund, the costs associated with determining eligibility for lobster and crab fishing licenses and eligibility to fish for or take lobsters from a vessel and the costs associated with the provision of educational programs, for which a surcharge is collected from the enrollee, pursuant to section 6423.

[PL 2003, c. 20, Pt. WW, §4 (AMD).]

SECTION HISTORY

PL 1995, c. 468, §5 (NEW). PL 1999, c. 309, §1 (AMD). PL 2001, c. 93, §2 (AMD). PL 2001, c. 581, §3 (AMD). PL 2003, c. 20, §WW4 (AMD).

§6431-D. Boat trap limit

(REPEALED)

SECTION HISTORY

PL 1995, c. 468, §5 (NEW). PL 1995, c. 568, §3 (AMD). PL 1997, c. 19, §2 (AMD). PL 1997, c. 19, §3 (AMD). PL 1999, c. 187, §2 (RP).

§6431-E. Vessel limitation

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

A. "Family member" means a spouse, brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent. [PL 1999, c. 26, §1 (AMD).]

B. "Owner" means:

(1) An individual who is the owner of a vessel registered under chapter 935 or the owner of a vessel documented under 46 Code of Federal Regulations, Part 67;

(2) The person who owns the highest percentage of a partnership, corporation or other entity that is the owner of a vessel registered under chapter 935 or a vessel documented under 46 Code of Federal Regulations, Part 67; or

(3) When 2 or more people own in equal proportion the highest percentages of a partnership, corporation or other entity that owns a vessel registered under chapter 935 or a vessel documented under 46 Code of Federal Regulations, Part 67, one of the highest percentage owners as designated by the owners of that partnership, corporation or other entity. [PL 2003, c. 414, Pt. B, §24 (AMD); PL 2003, c. 614, §9 (AFF).]

C. "Qualifying period" means any 46 days during 3 consecutive months in one calendar year. [PL 1997, c. 693, §1 (NEW); PL 1997, c. 693, §3 (AFF).]

D. "Replacement vessel" means a vessel that is substituted for the use of a vessel that is no longer utilized by an individual, partnership, corporation or other entity. [PL 1997, c. 693, §1 (NEW); PL 1997, c. 693, §3 (AFF).]

[PL 2003, c. 414, Pt. B, §24 (AMD); PL 2003, c. 614, §9 (AFF).]

2. Owner or family member on board. This subsection applies to a person that holds a Class I, Class II or Class III lobster and crab fishing license issued under section 6421. Except as provided in subsection 3, a vessel may not be used to fish for or take lobsters unless that vessel is owned by a Class I, Class II or Class III lobster and crab fishing license holder and:

A. The owner of that vessel is present on that vessel and has that vessel named on the owner's Class I, Class II or Class III lobster and crab fishing license; or [PL 2009, c. 394, §7 (AMD).]

B. A family member of the vessel owner holds a Class I, Class II or Class III lobster and crab fishing license and is present on that vessel. [PL 2009, c. 394, §7 (AMD).]

[PL 2009, c. 394, §7 (AMD).]

3. Exemptions; individuals. The commissioner may authorize a person to fish for or take lobsters from a vessel when an owner or family member is not on board pursuant to subsection 2 if that person holds a Class I, Class II or Class III lobster and crab fishing license and:

A. The owner of that vessel holds a Class I, Class II or Class III lobster and crab fishing license, documents to the commissioner that an illness or disability temporarily prevents that owner from fishing for or taking lobsters from that vessel, and requests in writing to the commissioner that the commissioner authorize that person to use that vessel to fish for or take lobsters and tend the owner's traps pursuant to section 6434; [PL 1997, c. 693, §1 (NEW); PL 1997, c. 693, §3 (AFF).]

B. Is the owner of a vessel that has become temporarily inoperable because of an accident or a mechanical failure and requests in writing permission from the commissioner to use that vessel to fish for or take lobsters; [PL 1997, c. 693, §1 (NEW); PL 1997, c. 693, §3 (AFF).]

B-1. Was the owner of a vessel that was named on that individual's Class I, Class II or Class III lobster and crab fishing license but is no longer the owner of that vessel due to sale or foreclosure. The individual must demonstrate immediate intent to become the owner of another vessel that will be used to fish for or take lobsters and request in writing permission from the commissioner to use the other vessel to fish for or take lobsters for a limited period of time; [PL 2013, c. 468, §15 (NEW).]

C. Documents to the commissioner by December 31, 2000 that that person fished for or took lobsters during the qualifying period in each of calendar years 1995, 1996 and 1997 from the same vessel and that vessel did not have on board an individual who meets the criteria of subsection 2, paragraph A or B. A person may not qualify for the exemption under this paragraph unless that person continues to fish for or take lobsters from the vessel from which the person harvested lobsters during the qualifying period in each of calendar years 1995, 1996 and 1997, or from a replacement vessel; [PL 2001, c. 195, §1 (AMD).]

D. An individual, partnership, corporation or other entity documents to the commissioner by December 31, 2000 that that individual or partnership, corporation or other entity rented, leased or otherwise made available that vessel to the holder of a Class I, Class II or Class III lobster and crab fishing license during the qualifying period in each of calendar years 1995, 1996 and 1997 for the purpose of fishing for or taking lobsters. A person authorized under this paragraph may fish for or take lobsters only from the vessel that was made available during the qualifying period in each of calendar years 1995, 1996 and 1997, or a replacement vessel; or [PL 2001, c. 195, §1 (AMD).]

E. The person is licensed by the United States Coast Guard to operate a passenger-carrying vessel in coastal waters. The vessel must be inspected by the United States Coast Guard and documented and licensed by the United States Coast Guard to carry passengers. By June 30, 2001, the owner of the vessel shall document to the commissioner that the vessel was utilized to fish for or take lobsters with paying passengers on board during the qualifying period in each of calendar years 1995, 1996 and 1997. The owner of the vessel shall notify the commissioner in writing on an annual basis, prior to the vessel being utilized to fish for or take lobsters, of the name and lobster license number of any person who will be using the vessel to fish for lobster during that calendar year. A person authorized under this paragraph may fish for or take lobsters only from the vessel that was made available during the qualifying period in each of calendar years 1995, 1996 and 1997, or a replacement vessel. No more than 40 lobster traps may be fished from that vessel. [PL 2001, c. 195, §2 (NEW).]

[PL 2013, c. 468, §15 (AMD).]

4. Rules. The commissioner may adopt rules to implement and administer this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

[PL 1997, c. 693, §1 (NEW); PL 1997, c. 693, §3 (AFF).]

SECTION HISTORY

PL 1997, c. 693, §1 (NEW). PL 1997, c. 693, §3 (AFF). PL 1999, c. 26, §1 (AMD). PL 2001, c. 195, §§1,2 (AMD). PL 2003, c. 414, §B24 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2009, c. 394, §7 (AMD). PL 2013, c. 468, §15 (AMD).

§6431-F. Trap tags

1. Trap tag limits. The following provisions govern trap tag limits.

A. [PL 2005, c. 239, §2 (RP).]

B. Each year, a Class I, Class II or Class III lobster and crab fishing license holder may purchase a number of trap tags that is not greater than 100 more than the number the license holder purchased for the previous license year as long as the total number purchased does not exceed the number of traps allowed under the lowest trap limit established by rule for the zones identified on that person's license pursuant to section 6446, subsection 1-A. [PL 2005, c. 239, §2 (AMD).]

[PL 2005, c. 239, §2 (AMD).]

2. Exceptions. Notwithstanding subsection 1, the following trap tag limits apply:

A. If the license holder was issued a Class I, Class II or Class III lobster and crab fishing license for the first time after meeting the requirements of the apprentice program under section 6422, the license holder may not purchase more than 300 trap tags for the initial license year. For each following year, the license holder may purchase up to an increase of 100 trap tags each year as long as the total number purchased does not exceed the number of traps allowed under the lowest trap limit established by rule for the zones identified on that person's license pursuant to section 6446, subsection 1-A; and [PL 2005, c. 239, §2 (AMD).]

B. [PL 2005, c. 239, §2 (RP).]

C. If the license holder was issued a Class I, Class II or Class III lobster and crab fishing license on appeal, the license holder may purchase for the initial license year a number of trap tags up to the number of trap tags purchased by the person for the most recent year in which the person held a license. For each following year, the license holder may purchase up to an increase of 100 trap tags each year as long as the total number purchased does not exceed the number of traps allowed under the lowest trap limit established by rule for the zones identified on that person's license pursuant to section 6446, subsection 1-A. [PL 2005, c. 239, §2 (AMD).]

[PL 2005, c. 239, §2 (AMD).]

3. Appeal of trap tag denial.

[PL 2005, c. 239, §2 (RP).]

4. Trap limit. A person may not submerge a number of traps greater than the number of traps allowed under the lowest trap limit established by rule for the lobster management zones identified on that person's license pursuant to section 6446, subsection 1-A.

[PL 2005, c. 239, §2 (AMD).]

5. Repeal.

[PL 2005, c. 239, §2 (RP).]

SECTION HISTORY

PL 1999, c. 397, §6 (NEW). PL 1999, c. 643, §§5,6 (AMD). PL 1999, c. 790, §A12 (AMD). PL 2001, c. 94, §1 (AMD). PL 2003, c. 510, §A6 (AMD). PL 2005, c. 239, §2 (AMD).

§6431-G. Vessel operation

1. Limitation. Except as provided in subsection 2, the holder of a Class I, Class II or Class III lobster and crab fishing license may not operate a vessel for the purposes of fishing for or taking lobster

other than the vessel named on the holder's lobster and crab fishing license. For the purposes of this section, "operate a vessel" means steering the vessel, operating the vessel's engine throttle or gear shift or operating the mechanism used to haul lobster traps from the water. "Operating a vessel" does not include the baiting of traps or the handling of traps once they are on board the vessel.
[PL 2009, c. 394, §8 (NEW).]

2. Exemptions. The commissioner may authorize an individual who possesses a Class I, Class II or Class III lobster and crab fishing license to fish for or take lobsters from a vessel other than the vessel named on the holder's lobster and crab fishing license if:

A. A Class I, Class II or Class III license holder is temporarily prevented by illness or disability from fishing for or taking lobsters from the license holder's vessel and requests in writing to the commissioner that the commissioner authorize the individual to operate that vessel to fish for or take lobsters and tend the license holder's traps pursuant to section 6434; [PL 2009, c. 394, §8 (NEW).]

B. The vessel named on the individual's license has become temporarily inoperable because of an accident or a mechanical failure and the individual requests in writing and is granted permission from the commissioner to use another vessel to fish for or take lobsters; [PL 2013, c. 468, §16 (AMD).]

C. The individual is designated as the sponsor of a student pursuant to section 6421 and is operating the vessel named on the student's license for the purposes of providing practical lobster fishing training to the student while the student is present on the vessel; or [PL 2013, c. 468, §16 (AMD).]

D. The individual was the owner of a vessel that was named on that individual's Class I, Class II or Class III lobster and crab fishing license but is no longer the owner of that vessel due to sale or foreclosure. The individual must demonstrate immediate intent to become the owner of another vessel that will be used to fish for or take lobsters and request in writing permission from the commissioner to use the other vessel to fish for or take lobsters for a limited period of time. [PL 2013, c. 468, §17 (NEW).]

[PL 2013, c. 468, §§16, 17 (AMD).]

SECTION HISTORY

PL 2009, c. 394, §8 (NEW). PL 2013, c. 468, §§16, 17 (AMD).

§6432. Methods of fishing

1. Conventional traps. A person may not fish for or take lobster by any method other than conventional lobster traps, as defined in rule, or from any platform other than a vessel. A vessel does not include a dock.
[PL 2003, c. 520, §4 (AMD).]

2. Marking. A lobster or crab trap or trawl must be marked by a lobster buoy as described in subsections 3 and 4. The buoy must be visible at the surface. A person may not:

A. Set, raise, lift or transfer any lobster trap or buoy unless it is clearly marked with the owner's lobster and crab fishing license number or the owner's nonresident lobster and crab landing permit number; or [PL 2017, c. 197, §10 (NEW).]

B. Intentionally set or fish a lobster or crab trap or trawl in a manner that is designed to avoid detection that the trap or trawl has been set or fished. [PL 2017, c. 197, §10 (NEW).]

[PL 2017, c. 197, §10 (RPR).]

3. Color design. It is unlawful to set, raise, lift or transfer any lobster trap unless the color design of the attached buoy is the same as the color design that is on file with the license application and is displayed on the boat, or unless the person is duly licensed and possesses written permission from the rightful owner of the lobster trap or buoy. Prior notification of changes in buoy color design must be

provided to the commissioner. The Bureau of Marine Patrol may require the alteration of an individual's lobster and crab fishing buoy color design if a marine patrol officer has determined that the buoy color design is not distinct and distinguishable from the buoy color designs of the individual's family members as defined by section 6431-E.
[PL 2011, c. 266, Pt. A, §12 (AMD).]

4. Design display. The buoy color design shall be displayed on the boat as follows:

A. On both sides of the hull or on a panel painted on both sides and attached to the boat's forward topside in a manner so as to be clearly visible on both sides of the boat. Each color shall appear as a solid color strip 4 inches high and 18 inches long abutting another color on its longest side to form a rectangle with a one-inch black border on all sides; or [PL 1977, c. 661, §5 (NEW).]

B. A buoy of at least 12 inches long, mounted in a manner so that the color design is clearly visible on both sides of the boat. [PL 1977, c. 661, §5 (NEW).]
[PL 1977, c. 661, §5 (NEW).]

5. Penalty for possession. Possession of lobsters other than caught by the method specified in subsection 1 is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 6, the court shall impose a fine of $500 for each violation and, in addition, a fine of $100 for each lobster involved, up to and including the first 5, and a fine of $200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than $1,000 or more than $5,000.
[PL 2019, c. 113, Pt. C, §11 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1989, c. 413, §1 (AMD). PL 1999, c. 82, §2 (AMD). PL 2003, c. 520, §4 (AMD). PL 2007, c. 201, §14 (AMD). PL 2009, c. 394, §9 (AMD). PL 2011, c. 266, Pt. A, §§11, 12 (AMD). PL 2013, c. 468, §18 (AMD). PL 2017, c. 197, §10 (AMD). PL 2019, c. 113, Pt. C, §11 (AMD).

§6432-A. Bait

1. Offal prohibited. A person may not use offal as bait to fish for or take lobster or crabs. A person may not sell offal for use as bait to fish for or take lobster or crabs. For the purposes of this section, "offal" means the carcass, waste parts, renderings or remains of a wild or domesticated animal that is not a marine organism. "Offal" does not include animal hide from which the hair has been removed or fat attached to an animal hide from which the hair has been removed as long as the total thickness of fat and animal hide does not exceed 1 1/4 inches.
[PL 2017, c. 146, §1 (AMD).]

2. Prima facie evidence. The possession of offal or a marine organism prohibited pursuant to subsection 4 while fishing for or taking lobster or crabs is prima facie evidence of a violation of this section.
[PL 2011, c. 475, §1 (AMD).]

3. Exception for freshwater organisms. Notwithstanding subsection 1, a person may use a freshwater organism as bait to fish for or take lobster or crabs if that freshwater organism and the location from which that freshwater organism has been harvested have been identified as acceptable on a list maintained by the commissioner pursuant to subsection 5.
[PL 2011, c. 475, §2 (NEW).]

4. Use of marine organism as bait. The commissioner may prohibit the use of marine organisms as bait to fish for or take lobster or crabs. A marine organism prohibited pursuant to this subsection and the location from which that marine organism is harvested must be identified on a list maintained by the commissioner pursuant to subsection 5.

[PL 2011, c. 475, §2 (NEW).]

5. Lists of freshwater organisms acceptable as bait and prohibited marine organisms. The commissioner may maintain a list of freshwater organisms that are acceptable as bait to fish for or take lobster or crabs, including the location from which those freshwater organisms are harvested. The commissioner may maintain a list of marine organisms that are prohibited as bait to fish for or take lobster or crabs, including the location from which those marine organisms are harvested. The commissioner may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A that contain the criteria for inclusion on the lists.
[PL 2011, c. 475, §2 (NEW).]

SECTION HISTORY

PL 2005, c. 203, §2 (NEW). PL 2005, c. 203, §3 (AFF). PL 2011, c. 475, §§1, 2 (AMD). PL 2017, c. 146, §1 (AMD).

§6433. Escape vents

1. Vent required. It is unlawful to fish for or to take lobsters unless the lobster trap is equipped with unobstructed vents or gaps in the parlor section as follows:

A. A rectangular or oblong escape vent not less than 1 3/4 inches (44.5 mm.) by 5.75 inches (146 mm.) located next to the bottom edge or on the top if the escape vent is placed over the head of an end parlor section; [PL 1999, c. 142, §1 (AMD).]

B. Two circular escape vents not less than 2 1/4 inches (57.2 mm.) in diameter located next to the bottom edge or on the top if the escape vents are placed over the head of an end parlor section; [PL 1999, c. 274, §1 (AMD).]

C. A gap caused by raising, modifying or separating horizontal laths to comply with paragraph A or B; [PL 1979, c. 353, §1 (RPR).]

D. A gap caused by separating or modifying vertical laths to comply with paragraph A; [PL 1979, c. 353, §1 (RPR).]

E. A gap caused by separating both ends of 2 laths 1 3/4 inches (44.5 mm.) on the top of the parlor section next to the middle bow or supporting frame and over the parlor head; or [PL 1989, c. 217 (AMD).]

F. In a wire or plastic trap, by a gap created by cutting vents in the side or end to comply with paragraph A or B. [PL 1999, c. 142, §1 (AMD).]
[PL 1999, c. 142, §1 (AMD); PL 1999, c. 274, §1 (AMD).]

1-A. Adjustment. Notwithstanding subsection 1, the commissioner shall specify by rule the dimensions of vents in lobster traps which shall be appropriate for the minimum legal lobster size in effect.
[PL 1985, c. 677, §§4, 6 and 7 (NEW).]

2. Action prohibited. It shall be unlawful to set, raise, haul or transfer any lobster trap unless the trap is equipped with an escape vent as required in this section or has been exempted under subsection 3.
[PL 1977, c. 661, §5 (NEW).]

3. Exemption. The commissioner may exempt specific trap designs from the escape vent requirements of this section if it is proved to his satisfaction that the specific trap design will only take crabs and is incapable of taking lobsters.
[PL 1977, c. 661, §5 (NEW).]

4. Termination.

[PL 1979, c. 353, §2 (RP).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1977, c. 713, §§4-A,4-B (AMD). PL 1979, c. 353, §§1,2 (AMD). PL 1985, c. 677, §§4,6,7 (AMD). PL 1987, c. 101 (AMD). PL 1989, c. 217 (AMD). PL 1999, c. 142, §1 (AMD). PL 1999, c. 274, §1 (AMD).

§6433-A. Biodegradable escape panels

Beginning January 1, 1990, all lobster traps must be equipped with a biodegradable ghost panel. A "ghost panel" is an escape panel which is designed to release lobsters from traps which are lost while fishing. The commissioner shall, by rule, provide for implementation of this requirement. The commissioner may not require ghost panels prior to January 1, 1990. [PL 1987, c. 569 (NEW).]

SECTION HISTORY

PL 1987, c. 569 (NEW).

§6433-B. Runners

1. Definitions. As used in this section, unless the context otherwise indicates, the term "runner" means a device on the bottom of a lobster trap that prevents damage to lobster claws and allows the trap to be pulled smoothly out of the water.
[PL 2001, c. 205, §1 (NEW).]

2. Device to prevent damage to lobster claws. A lobster trap must have a device attached to the trap that is designed to prevent damage to lobster claws.

A. If stick runners are used:

(1) The runners may be made out of any material;

(2) The runners must be at least 1/4 inch thick; and

(3) A minimum of two runners must be attached to the lobster trap and the runners must be placed on opposite sides of the bottom of the lobster trap. [PL 2001, c. 205, §1 (NEW).]

B. If a 2nd layer of material is used in lieu of stick runners, it must be layered in a manner that creates a mesh size smaller than the base trap mesh when attached to the bottom of the trap. [PL 2001, c. 205, §1 (NEW).]

C. If a device other than a device identified in paragraph A or B is used, the device must be designed to minimize damage to lobster claws and must be approved by the commissioner. [PL 2001, c. 205, §1 (NEW).]

[PL 2001, c. 205, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 205, §1 (NEW).

§6434. Molesting lobster gear

A person may not raise, lift, transfer, possess or in any manner molest any lobster trap, warp, buoy or car except as provided in this section. [PL 2003, c. 520, §5 (AMD).]

1. Permitted activities. Lobster traps, warps, buoys and cars may be raised, lifted, transferred, possessed or otherwise molested by the following:

A. A marine patrol officer; [PL 1989, c. 428 (NEW).]

B. The licensed owner; [PL 1989, c. 428 (NEW).]

C. Any person having written permission from the commissioner; and [PL 2003, c. 520, §5 (AMD).]

D. Any person authorized by rule pursuant to subsection 2. [PL 1989, c. 428 (NEW).]
[PL 2003, c. 520, §5 (AMD).]

2. Adoption of rules required. The commissioner shall adopt rules, no later than January 1, 1990, authorizing the removal of traps, warps, buoys or cars that are washed up above the mean low tide mark or are otherwise abandoned or lost. Notwithstanding Title 25, sections 3502 and 3503, the commissioner may dispose of such traps, warps, buoys or cars, or authorize their disposal, if the owner cannot be identified or if the owner has been notified and fails to respond within 30 days.
[PL 2011, c. 266, Pt. A, §13 (AMD).]

3. Using another's lobster gear; prohibition. Traps, warps, buoys or cars may not be used for fishing by any person other than the licensed owner unless that person has written permission from the commissioner.
[PL 2007, c. 283, §1 (AMD).]

3-A. Penalty. A person who violates this section commits a Class D crime.
[PL 2017, c. 197, §11 (AMD).]

4. Restitution. If a person violates this section by cutting a lobster trap line, the court shall:

A. Order that person to pay to the owner of the trap line that was cut an amount equal to twice the replacement value of all traps lost as a result of that cutting; and [PL 2007, c. 695, Pt. A, §15 (RPR).]

B. Direct that person to provide proof of payment of that restitution to the commissioner as required by section 6402, subsection 1. [PL 2007, c. 695, Pt. A, §15 (RPR).]

Restitution imposed under this subsection is in addition to any penalty imposed under subsection 3-A.
[PL 2009, c. 561, §17 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1989, c. 428 (RPR). PL 1993, c. 543, §2 (AMD). PL 2003, c. 520, §5 (AMD). PL 2007, c. 201, §15 (AMD). PL 2007, c. 283, §§1-3 (AMD). PL 2007, c. 695, Pt. A, §15 (AMD). PL 2009, c. 561, §17 (AMD). PL 2011, c. 266, Pt. A, §13 (AMD). PL 2017, c. 197, §11 (AMD).

§6435. Setting near weirs

It shall be unlawful to set any lobster trap within 300 feet of the mouth of any fish weir when the weir owner or operator is licensed under section 6501 and when the weir is licensed under Title 38, chapter 9. [PL 1981, c. 433, §8 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 433, §8 (AMD).

§6436. Egg-bearing lobsters; v-notched lobsters

1. Egg-bearing and v-notched lobsters. A person may not take, transport, sell or possess:

A. Any lobster that is bearing eggs; or [PL 2003, c. 452, Pt. F, §9 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Any female lobster marked with a v-notch in the right flipper next to the middle flipper or any female lobster that is mutilated in a manner that could hide or obliterate that mark. The right flipper is determined when the underside of the lobster is down and its tail is toward the person making the determination. [PL 2003, c. 452, Pt. F, §9 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. F, §9 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Exceptions. No violation of this section shall occur if:

A. The lobster is immediately liberated alive into the coastal waters when taken or discovered in a pound; or [PL 1977, c. 661, §5 (NEW).]

B. The lobster is possessed and sold to the department by a lobster pound owner who has a permit to do so as provided in this section. [PL 1977, c. 661, §5 (NEW).]

[PL 1977, c. 661, §5 (NEW).]

3. Permitted possession; regulations. The commissioner may issue a permit for the holding and delivery of egg-bearing lobsters to the department by a lobster pound owner who holds a current wholesale seafood license. The commissioner may adopt regulations governing the issuing of permits and the conditions and limitations under which these lobsters may be held and delivered.

[PL 1977, c. 661, §5 (NEW).]

4. Prima facie evidence.

A. Discovery of an egg-bearing lobster by a marine patrol officer in a pound not included in a permit under section 3 shall be prima facie evidence of a violation. [PL 1979, c. 541, Pt. B, §73 (AMD).]

B. Any lobster whose right flipper is v-notched or mutilated in a manner which could hide or obliterate such a mark shall be prima facie evidence that the lobster is a v-notched female lobster. [PL 1977, c. 661, §5 (NEW).]

[PL 1979, c. 541, Pt. B, §73 (AMD).]

5. Penalty for possession of egg-bearing lobsters. Possession of lobsters in violation of subsection 1, paragraph A is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 6, the court shall impose a fine of $1,000 for each violation and, in addition, a fine of $200 for each lobster involved, up to and including the first 5, and a fine of $400 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than $2,500 or more than $10,000.

[PL 2019, c. 113, Pt. C, §12 (AMD).]

6. Penalty for possession of v-notched lobsters. Possession of lobsters in violation of subsection 1, paragraph B is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 6, the court shall impose a fine of $500 for each violation and, in addition, a fine of $100 for each lobster involved, up to and including the first 5, and a fine of $400 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than $1,000 or more than $5,000.

[PL 2019, c. 113, Pt. C, §13 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 433, §9 (AMD). PL 1999, c. 82, §3 (AMD). PL 2003, c. 452, §F9 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 394, §§10, 11 (AMD). PL 2013, c. 468, §§19, 20 (AMD). PL 2019, c. 113, Pt. C, §§12, 13 (AMD).

§6437. Scrubbing lobsters

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1995, c. 468, §6 (RP).

§6438. Scrubbed lobsters

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1995, c. 468, §6 (RP).

§6438-A. Artificial removal of eggs; prohibition

1. Prohibition. It is unlawful to remove extruded eggs from any female lobster or to take, buy, sell, possess, transport or ship any female lobster from which extruded eggs have been removed by any means other than natural hatching.
[PL 1995, c. 468, §7 (NEW).]

2. Penalty. A violation of this section is a Class D crime, except that the court shall impose a fine of $1,000 for each violation and, in addition, a fine of $300 for each lobster involved or, if the number of lobsters cannot be determined, a fine of not less than $1,000 or more than $5,000.
[PL 2013, c. 468, §21 (AMD).]

SECTION HISTORY

PL 1995, c. 468, §7 (NEW). PL 1999, c. 82, §4 (AMD). PL 2009, c. 394, §12 (AMD). PL 2013, c. 468, §21 (AMD).

§6439. Areas of limited lobster fishing

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 152, §1 (AMD). PL 1979, c. 663, §65 (AMD). PL 1981, c. 433, §10 (AMD). PL 1985, c. 268, §5 (AMD). PL 2001, c. 272, §3 (AMD). PL 2009, c. 499, §1 (RP). PL 2009, c. 499, §3 (AFF).

§6439-A. Limited lobster fishing in the vicinity of Kittery

(REPEALED)

SECTION HISTORY

PL 1979, c. 152, §2 (NEW). PL 2001, c. 272, §4 (AMD). PL 2015, c. 68, §4 (RP).

§6439-B. Limited lobster fishing in certain portions of Saco Bay

(REPEALED)

SECTION HISTORY

PL 2001, c. 272, §5 (NEW). MRSA T. 12 §6439-B, sub-§2 (RP).

§6440. Closed periods

It is unlawful to raise or haul any lobster trap: [PL 2001, c. 123, §1 (AMD).]

1. Summer. During the period 1/2 hour after sunset until 1/2 hour before sunrise from June 1st to September 30th, both days inclusive, and during the period 1/2 hour after sunset until 4 a.m. from October 1st to October 31st, both days inclusive; and
[PL 2017, c. 32, §1 (AMD).]

2. Weekends. During the period from 4 p.m., Eastern Daylight Savings Time, Saturday, to 1/2 hour before sunrise the following Monday morning from June 1st to August 31st, both days inclusive, except that it is lawful to raise or haul traps during this period if a hurricane warning issued by the National Weather Service is in effect for any coastal waters of the State.
[PL 2001, c. 123, §1 (AMD).]

Notwithstanding subsection 1, a person may raise or haul any lobster trap from September 1st to October 31st, both days inclusive, during any time of the day in an area in the Bay of Fundy that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada if that person is authorized to fish in the lobster management zone established pursuant to section 6446 in which the area described is located. The

commissioner shall define this area in rule to ensure that the boundaries of this area are clearly delineated. Rules adopted pursuant to this section regarding the boundaries of the area are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 568, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1991, c. 678 (AMD). PL 1999, c. 790, §E1 (AMD). PL 2001, c. 123, §1 (AMD). PL 2017, c. 32, §1 (AMD). PL 2019, c. 568, §1 (AMD).

§6441. Plugged lobsters

The commissioner, in accordance with section 6191, may adopt regulations prohibiting the possession of plugged lobsters, provided that he has determined that these regulations will not adversely affect lobster importation. [PL 1983, c. 227 (NEW).]

SECTION HISTORY

PL 1983, c. 227 (NEW).

§6442. Lobster identification tags; fee authorized

The commissioner may impose a reasonable fee not to exceed 50¢ per tag, for the issuance of lobster trap identification tags in those areas of the State included in the Swan's Island Trap Limit Program. [PL 1989, c. 643 (AMD).]

The fees collected must be paid to the department. The commissioner shall use these fees for the administration of the lobster trap tag system. Any fees that are unexpended at the end of the fiscal year do not lapse. [PL 1989, c. 643 (AMD).]

SECTION HISTORY

PL 1983, c. 687 (NEW). PL 1985, c. 540 (AMD). PL 1989, c. 643 (AMD).

§6443. Underwater storage

Beginning January 1, 1990, any trap or other container used for storing lobsters beneath the surface of the coastal waters must be clearly marked with the wholesale seafood license number or the fishing license number of the person storing the lobsters. Any trap or other container and the contents in it found in violation of this section may be seized and the contents returned to their natural habitat. [PL 1989, c. 413, §2 (NEW); PL 1989, c. 878, Pt. A, §32 (RPR).]

REVISOR'S NOTE: §6443. Dipping lobster traps or similar gear (As enacted by PL 1989, c. 413, §2 was REPEALED by PL 1989, c. 878, Pt. A, §32)

SECTION HISTORY

PL 1989, c. 413, §2 (NEW). PL 1989, c. 424 (NEW). PL 1989, c. 878, §A32 (RPR).

§6444. Dipping lobster traps or similar gear

No person may dip, soak or treat lobster or crab traps, warps or cars prior to use in waters of the State other than in a solution of salt and sea water except as provided in this section. [PL 1989, c. 878, Pt. A, §33 (NEW).]

The commissioner may authorize a specified amount of dipping, soaking or treating of lobster or crab traps, warps or cars in solutions other than salt and sea water for research purposes. This authorization shall be in writing. [PL 1989, c. 878, Pt. A, §33 (NEW).]

SECTION HISTORY

PL 1989, c. 878, §A33 (NEW).

§6445. Logbooks for lobster harvesters

The commissioner shall adopt rules requiring any person holding a lobster and crab fishing license to maintain a logbook. The rules must indicate the type of data that must be recorded in the logbook, the manner for producing the logbooks and the method for analyzing data from the logbooks. The commissioner shall charge a fee for the logbook that is sufficient to recover all costs associated with the production of the logbook and the analysis of the data. Fees received by the department from the sale of logbooks are dedicated revenue and must be used by the department for the purposes of this section. The logbook and data analysis may be produced and conducted by the department or may be produced and conducted by a public or private entity under contract with the department. Disclosure of any data collected under this section is subject to the confidentiality provisions of section 6173. A person who fails to maintain a logbook when required to do so commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged. [PL 1999, c. 771, Pt. B, §3 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1993, c. 726, §1 (NEW). PL 1999, c. 771, §B3 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§6445-A. Selling of lobsters or crabs by unlicensed crew members

1. Sale prohibited; exception. An unlicensed crew member engaged by a holder of a Class II or Class III lobster and crab fishing license may not sell lobsters or crabs unless the unlicensed crew member:

A. Sells lobsters or crabs under the direct supervision of the holder of the Class II or Class III lobster and crab fishing license under whose authority the lobster or crabs were taken to a purchaser who holds a valid wholesale seafood license with a lobster permit or a valid retail seafood license; and [PL 2013, c. 468, §22 (AMD).]

B. Provides to the purchaser the name and license number of the license holder with whom the crew member was engaged when the lobsters or crabs were harvested. [PL 2013, c. 282, §4 (NEW).]

[PL 2013, c. 468, §22 (AMD).]

2. Requirements for purchaser. A holder of a wholesale seafood license with a lobster permit or a retail seafood license who purchases lobsters or crabs from an unlicensed crew member may not purchase the lobsters or crabs except by check or cashier's check unless there is a written receipt associated with the transaction, and the holder of a wholesale seafood license with a lobster permit or a retail seafood license who purchases lobsters or crabs from an unlicensed crew member shall report the information provided by the unlicensed crew member under subsection 1, paragraph B in accordance with section 6173.

[PL 2013, c. 282, §4 (NEW).]

SECTION HISTORY

PL 2013, c. 282, §4 (NEW). PL 2013, c. 468, §22 (AMD).

§6446. Lobster management zones

1. Establishment of zones. The commissioner may establish by rule zones to facilitate local or regional management of lobster fishery efforts.

[PL 1995, c. 468, §8 (NEW).]

1-A. Declared lobster zone; authorized zones. On an application for a Class I, Class II, Class III, student or noncommercial lobster and crab fishing license or a nonresident lobster and crab landing permit, a person shall declare the lobster management zone in which that person proposes to fish a majority of that person's lobster traps and shall list all other zones in which that person proposes to fish any of that person's lobster traps. A Class I, Class II, Class III, student or noncommercial lobster and crab fishing license or a nonresident lobster and crab landing permit must identify the declared lobster

zone in which the person is authorized to fish a majority of that person's lobster traps and must identify all other zones in which a person is authorized to fish that person's traps. A person may not place any lobster traps in a zone that is not identified on that person's license. For the purposes of this subsection, the majority of a person's lobster traps must be determined from the number of trap tags issued to that person.
[PL 2015, c. 68, §5 (AMD).]

2. Rules for zones. The commissioner may adopt rules for a zone established under subsection 1 that are proposed pursuant to section 6447, subsection 5, section 6447, subsection 5-C or section 6447, subsection 5-D only when the rules were proposed by the lobster management policy council established for that zone pursuant to section 6447, subsection 1 and the proposed rules were approved in a referendum pursuant to section 6447, subsection 6. The commissioner may accept the rules proposed by a lobster management policy council as reasonable and adopt those rules or reject the council's proposed rules as unreasonable. The rules adopted under this subsection by the commissioner must accurately reflect the intent of the rules proposed by a lobster management policy council but are not required to be a verbatim rendition of the proposed rules.

A. [PL 1995, c. 568, §4 (RP).]

B. [PL 1995, c. 568, §4 (RP).]

C. [PL 1995, c. 568, §4 (RP).]
[PL 2007, c. 204, §2 (AMD).]

2-A. Rules pursuant to section 6447, subsection 5-A.

[PL 2001, c. 282, §1 (NEW); MRSA T. 12 §6446, sub-§2-A (RP).]

2-B. Rules pursuant to section 6447, subsection 5-B.
[PL 2005, c. 202, §2 (RP).]

3. Application of zone rules. The commissioner may adopt rules that define the application of zone rules to a person who holds a license under section 6421 and who fishes for lobsters in more than one zone.
[PL 1995, c. 468, §8 (NEW).]

4. Public hearing not required. In adopting rules under subsection 2, the commissioner is not required to hold a public hearing on the rules pursuant to Title 5, section 8052. Except as provided in subsection 6, the commissioner shall comply with all other provisions of Title 5, chapter 375 when adopting rules under subsection 2.
[PL 1995, c. 568, §5 (AMD).]

5. Role of advisory council. Notwithstanding any provisions to the contrary, the commissioner may adopt rules under this section without the advice and consent of the Marine Resources Advisory Council.
[PL 1995, c. 468, §8 (NEW).]

6. Petition for rule prohibited. A person may not petition the commissioner pursuant to Title 5, section 8055 for the adoption or modification of a rule for a lobster management zone established under this section that regulates the number of lobster traps fished and the time periods allowed for complying with that number, the number of lobster traps allowed on a trawl and the time of day when lobster fishing may occur.
[PL 1995, c. 568, §6 (NEW).]

SECTION HISTORY

PL 1995, c. 468, §8 (NEW). PL 1995, c. 568, §§4-6 (AMD). PL 1999, c. 508, §1 (AMD). PL 2001, c. 282, §1 (AMD). PL 2003, c. 466, §5 (AFF). PL 2003, c. 466, §§2,3 (AMD). PL 2005,

c. 202, §§1,2 (AMD). PL 2005, c. 239, §3 (AMD). PL 2007, c. 201, §16 (AMD). PL 2007, c. 204, §2 (AMD). PL 2015, c. 68, §5 (AMD).

§6447. Lobster management policy councils

1. Councils. The commissioner shall establish a lobster management policy council for each zone created under section 6446. Council members must be reimbursed pursuant to Title 5, section 12004-I, subsection 57-A.
[PL 1995, c. 468, §8 (NEW).]

2. Rules for operation. By July 1, 1996, the commissioner shall establish by rule operating procedures for lobster management policy councils, including, but not limited to, the number of members on councils, the election and terms of council members and the process for referenda on council policies. A council must have an odd number of voting members.
[PL 1995, c. 468, §8 (NEW).]

3. Council members appointment; election. Upon establishing a lobster management policy council, the commissioner shall appoint members to the council to equitably represent lobster harvesters throughout a zone. Members appointed by the commissioner serve one-year terms. An election of subsequent council members must be held within one year of the commissioner's appointments. Council members are elected by plurality vote. An individual who has been convicted or adjudicated of a lobster violation within the previous 7 years is not eligible for election as a council member unless a waiver from this limitation has been granted by the commissioner for good cause as determined by the commissioner in the commissioner's discretion.
[PL 2009, c. 394, §13 (AMD).]

4. Legislative representation. The President of the Senate and the Speaker of the House shall jointly appoint a Legislator to each lobster management policy council. The Legislator is a nonvoting member and serves a 2-year term.
[PL 1995, c. 468, §8 (NEW).]

5. Council authority. Upon approval in a referendum under subsection 6, a lobster management policy council may propose to the commissioner rules for a zone to place the following limitations on lobster and crab fishing license holders that fish in that zone, as long as the proposed limitations are equal to or stricter than the limitations under section 6431-A or 6440:

A. The number of lobster traps fished and the time periods allowed for complying with that number; [PL 1995, c. 468, §8 (NEW).]

B. The number of lobster traps allowed on a trawl; and [PL 1995, c. 468, §8 (NEW).]

C. The time of day when lobster fishing may occur. [PL 1995, c. 468, §8 (NEW).]
[PL 2015, c. 68, §6 (AMD).]

5-A. Zone C council authority.
[PL 2001, c. 282, §2 (NEW); MRSA T. 12 §6447, sub-§5-A (RP).]

5-B. Zone E council authority.
[PL 2005, c. 202, §3 (RP).]

5-C. Apprentice program rules. Notwithstanding any other provision of this subchapter, upon approval in a referendum under subsection 6, a lobster management policy council may propose to the commissioner rules for a zone that do any of the following:

A. Increase the minimum length of time an apprentice must be enrolled in the apprentice program beyond the period established in section 6422, subsection 2. The minimum enrollment period may not exceed 5 years. [PL 2005, c. 202, §4 (NEW); PL 2005, c. 202, §5 (AFF).]

B. Require a sponsor of an apprentice to have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years; and [PL 2005, c. 202, §4 (NEW); PL 2005, c. 202, §5 (AFF).]

C. Require a person to complete all requirements of the apprentice program in a specific zone in order to enter that zone as a Class I, Class II or Class III lobster and crab fishing license holder. A rule proposed under this paragraph and adopted under section 6446, subsection 2 may not be applied to those portions of the apprentice program requirements a person has completed prior to the effective date of the rule. [PL 2005, c. 202, §4 (NEW); PL 2005, c. 202, §5 (AFF).]

A rule proposed under paragraph A or B and adopted by the commissioner under section 6446, subsection 2 does not apply to persons who are enrolled in the apprentice program on the date the rule takes effect.
[PL 2005, c. 202, §4 (NEW); PL 2005, c. 202, §5 (AFF).]

5-D. Council authority; under 18 waiting list. Notwithstanding any other provision in this subchapter and upon approval in a referendum under subsection 6, a lobster management policy council in a limited-entry zone may propose to the commissioner that the limitation described in this subsection be placed on entry by individuals into that zone in accordance with rules adopted by the department.

This limitation would require that the number of individuals who are authorized to be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone without meeting the requirements of section 6448, subsection 4, in accordance with section 6448, subsection 8, paragraph A, be limited to the number of new zone entrants who enter that zone in accordance with section 6448, subsection 7-A. This limitation may not be applied to a person who is under 18 years of age and lives on a year-round basis on an island within the coastal waters that is not connected to the mainland by any artificial structure.

The commissioner shall maintain a waiting list of individuals who have identified the limited-entry zone as their declared lobster zone in accordance with section 6448, subsection 8, paragraph A. For the purposes of this subsection, an individual on a waiting list maintained by the commissioner does not need to meet the eligibility requirements of section 6421, subsection 5-A in order to purchase a student license.

The commissioner may establish by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2013, c. 239, §1 (AMD).]

6. Referendum on policy proposals. A lobster management policy council must submit proposed rules to referendum in the zone in which the rules would apply before submitting those proposed rules to the commissioner. A lobster management policy council may submit proposed rules to the commissioner if the proposed rules are approved by 2/3 of those voting in the referendum.
[PL 1995, c. 568, §7 (AMD).]

7. Council member and voter qualifications. A person may not be a member of a zone's lobster management policy council or vote in a zone's council election or referendum unless that person:

A. Possesses a Class I, Class II or Class III lobster and crab fishing license issued under section 6421; and [PL 1995, c. 468, §8 (NEW).]

B. Declared at the time of obtaining a Class I, Class II or Class III license the zone in which the person fishes a majority of that person's lobster traps. A person may declare only one zone as the zone in which the person fishes a majority of that person's lobster traps. [PL 1999, c. 508, §2 (AMD).]

The holder of a lobster and crab fishing license issued under section 6421 may fish for lobsters in any zone.
[PL 1999, c. 508, §2 (AMD).]

8. Role of advisory council. Notwithstanding any provisions to the contrary, the commissioner may adopt rules under this section without the advice and consent of the Marine Resources Advisory Council.
[PL 1995, c. 468, §8 (NEW).]

9. Notice. When a meeting of a lobster management policy council includes as an agenda item a proposal that, if adopted, would affect the ability of a person who does not hold a lobster and crab fishing license to participate in the lobster and crab fishing industry, including but not limited to a proposal regarding exit ratios under section 6448, the agenda must be posted publicly at least 7 days in advance of the meeting.
[PL 2015, c. 428, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 468, §8 (NEW). PL 1995, c. 568, §7 (AMD). PL 1999, c. 187, §3 (AMD). PL 1999, c. 508, §2 (AMD). PL 2001, c. 282, §2 (AMD). PL 2003, c. 466, §4 (AMD). PL 2005, c. 202, §§3,4 (AMD). PL 2005, c. 202, §5 (AFF). PL 2007, c. 204, §3 (AMD). PL 2007, c. 615, §10 (AMD). PL 2009, c. 394, §13 (AMD). PL 2009, c. 499, §2 (AMD). PL 2009, c. 499, §3 (AFF). PL 2013, c. 239, §1 (AMD). PL 2015, c. 68, §6 (AMD). PL 2015, c. 428, §3 (AMD).

§6448. Limited-entry zones

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

A. "Declared lobster zone" means the zone identified on a lobster and crab fishing license pursuant to section 6446, subsection 1-A. [PL 1999, c. 508, §3 (NEW).]

B. "Limited-entry zone" means a lobster management zone established pursuant to section 6446 for which rules establishing limits on new zone entrants have been adopted pursuant to subsection 2. [PL 1999, c. 508, §3 (NEW).]

C. "New zone entrant" means a person who declares a limited-entry zone as that person's declared lobster zone but who did not hold in the previous licensing year a Class I, Class II or Class III lobster and crab fishing license that identified that zone as the person's declared lobster zone. [PL 1999, c. 508, §3 (NEW).]
[PL 1999, c. 508, §3 (NEW).]

2. Rules for limited-entry zones. The commissioner may adopt rules establishing limits on new zone entrants to a lobster management zone. These rules must be adopted in accordance with this subsection.

A. After conducting a written survey in the zone, a lobster management policy council may propose to the commissioner an exit ratio to limit new zone entrants to the zone. The lobster management policy council is not required to submit the proposal to referendum and the proposed exit ratio does not need to receive approval through the survey in order to be forwarded to the commissioner. [PL 2005, c. 239, §4 (AMD).]

A-1. A lobster management policy council may recommend to the commissioner whether the exit ratio adopted for a lobster management zone should be applied to the number of licenses that are not renewed or to the number of trap tags associated with the licenses that are not renewed. A lobster management policy council may recommend that an exit ratio applied to the number of trap tags associated with licenses that are not renewed that meets the requirements of paragraph C be applied retroactively to a licensing year in which the exit ratio in that zone was based upon the

number of trap tags retired. The lobster management policy council is not required to submit the recommendation to referendum. [PL 2015, c. 428, §4 (AMD).]

B. The commissioner may initiate rulemaking under this subsection only upon receipt of a proposal under paragraph A or a recommendation under paragraph A-1. The commissioner shall hold a public hearing on the proposed rules pursuant to Title 5, section 8052. The public hearing must be held in the zone in which the rules would apply and the results of the written survey regarding the exit ratio must be entered into the record. [PL 2013, c. 239, §2 (AMD).]

C. In accordance with subsection 7-A, the commissioner shall adopt rules that establish an exit ratio between either:

(1) The number of trap tags retired by individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year, and the number of trap tags issued to new zone entrants authorized under subsection 7-A; or

(2) The number of individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year, and the number of new zone entrants authorized under subsection 7-A.

The number of trap tags retired under subparagraph (1) must be considered to be the total of the greatest number of trap tags purchased in any prior year under each license that is not renewed, up to the current zone maximum.

An exit ratio established by rule under this subsection is not required to be the same as the exit ratio proposed by the lobster management policy council. [PL 2015, c. 428, §5 (AMD).]

D. Upon written notification from the lobster management policy council that a majority of the council has voted to conduct a survey in a zone regarding a proposal for an exit ratio to limit new zone entrants to the zone, the commissioner shall close the zone to new zone entrants until the commissioner either adopts rules under this subsection or declares that the commissioner will not initiate rulemaking under this subsection. In no event may the zone remain closed for longer than one year unless the commissioner has adopted rules establishing limits on new zone entrants to the zone. [PL 2013, c. 239, §2 (AMD).]

E. When a lobster management policy council proposes to the commissioner a change in the exit ratio established under paragraph C and a new exit ratio is adopted by rule under this subsection, the commissioner shall allow individuals who meet the following conditions to enter the zone in accordance with the previously existing exit ratio:

(1) The individual has completed the requirements of the apprenticeship program established under section 6422 by the date the commissioner receives written notification from the lobster management policy council that a majority of the council has voted to conduct a survey pursuant to paragraph D; and

(2) The individual's name is listed on the waiting list maintained under subsection 6 by the date the commissioner receives written notification from the lobster management policy council that a majority of the council has voted to conduct a survey pursuant to paragraph D.

This paragraph does not apply when the methodology by which new entrants are calculated is changed from trap tags to licenses or when an exit ratio based on the number of trap tags retired is adopted, in accordance with paragraph C, for the first time in a lobster management zone. [PL 2013, c. 239, §2 (AMD).]

F. When a lobster management policy council proposes to the commissioner to establish an exit ratio for the first time to limit new zone entrants under paragraph A, it may also propose to the

commissioner a provision to exempt from the exit ratio, upon completion of the apprentice program, an individual who has completed at least 92% of the hours required and at least 92% of the days required by the apprentice program established under section 6422 by the date the commissioner receives written notification from the lobster management policy council pursuant to paragraph D. [PL 2005, c. 239, §4 (NEW); PL 2005, c. 239, §11 (AFF).]

[PL 2015, c. 428, §§4, 5 (AMD).]

3. Fishing in limited-entry zones. A person who holds a Class I, Class II, Class III or student lobster and crab fishing license may not fish a majority of that person's lobster traps in a limited-entry zone unless that person's license identifies that zone as the declared lobster zone.

[PL 2015, c. 68, §7 (AMD).]

4. Limited-entry zone as declared lobster zone. A person may not be issued a Class I, Class II or Class III lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone unless that person:

A. Held in the previous licensing year a Class I, Class II or Class III lobster and crab fishing license that identified that zone as the person's declared lobster zone; or [PL 1999, c. 508, §3 (NEW).]

B. Is authorized as a new zone entrant by the commissioner pursuant to subsection 7-A to declare that zone as the person's declared lobster zone. [PL 2013, c. 239, §3 (AMD).]

[PL 2013, c. 239, §3 (AMD).]

5. Application for limited-entry zone. A person who wishes to be a new zone entrant shall indicate to the commissioner in writing a request to declare a limited-entry zone as the person's declared lobster zone, in accordance with this subsection. A person may indicate up to 2 limited-entry zones that the person requests to declare as the person's declared lobster zone. The commissioner shall stamp each request with the time and date of submission. A person may not be authorized as a new zone entrant unless that person made a request under this subsection no later than December 15th of the previous calendar year.

A. A person who held a Class I, Class II or Class III lobster and crab fishing license in the previous licensing year and wishes to be a new zone entrant shall indicate to the commissioner in writing a request to declare a limited-entry zone as the person's declared lobster zone. The person must be put on a waiting list maintained under subsection 6 according to the time and date the commissioner receives the request. [PL 1999, c. 693, §2 (NEW).]

B. A person who did not hold a Class I, Class II or Class III lobster and crab fishing license in the previous licensing year and wishes to be a new zone entrant shall indicate to the commissioner in writing which zone the person requests to declare as the person's declared lobster zone. The person must be put on a waiting list maintained under subsection 6 according to the date the commissioner determines that the person is eligible for a Class I, Class II or Class III lobster and crab fishing license pursuant to section 6421, subsection 5, except that if the person does not indicate to the commissioner in writing which zone the person requests to declare as the person's declared lobster zone within 30 days of the date the commissioner determines that the person is eligible, the person must be put on the waiting list according to the time and date the commissioner receives such a written request. [PL 1999, c. 693, §2 (NEW).]

[PL 1999, c. 693, §2 (AMD).]

6. Waiting lists. The commissioner shall maintain and make available waiting lists as follows:

A. A waiting list of persons who did not hold a lobster and crab fishing license in the previous licensing year who have requested to declare a limited-entry zone as their declared lobster zone. The list must be arranged in chronological order in accordance with subsection 5; and [PL 2015, c. 428, §6 (NEW).]

B. A waiting list of persons who held a lobster and crab fishing license in the previous licensing year who have requested to declare a limited-entry zone as their declared lobster zone. The commissioner shall adopt rules to administer entry of persons on the list established under this paragraph into limited-entry zones. [PL 2015, c. 428, §6 (NEW).]

The commissioner shall create a waiting list for a zone at the time the commissioner closes the zone pursuant to subsection 2, paragraph D.
[PL 2015, c. 428, §6 (RPR).]

6-A. Periodic verification of waiting list. The commissioner shall verify at least once every 3 years that each person who is listed on a waiting list established under subsection 6 wishes to remain on the waiting list. To verify that a person wishes to remain on a waiting list, the commissioner must attempt to contact the person by regular mail, telephone or e-mail. If a person does not respond within 60 days of the initial attempt to contact, a notice must be sent by certified mail informing the person that a response is required within 30 days from the date of mailing. The commissioner shall remove a person from a waiting list who does not respond to the notice sent by certified mail within 30 days after the date of mailing. The commissioner may place a person who has been removed from a waiting list pursuant to this subsection back on a waiting list in the position where the person would otherwise have been when the person shows that the reason for not responding was that the person was on active duty with the Armed Forces of the United States or the National Guard.
[PL 2015, c. 428, §7 (NEW).]

7. Authorization of new zone entrants.
[PL 2013, c. 239, §4 (RP).]

7-A. Authorization of new zone entrants. The commissioner shall determine by April 1st of each licensing year the number of new zone entrants that may be authorized for each limited-entry zone. The number of new zone entrants authorized in a licensing year must be in accordance with the exit ratio established under subsection 2 for that zone. The commissioner may adopt rules consistent with subsection 2, paragraph B to implement this subsection. Upon adoption of rules, the exit ratio must be used to establish the number of new zone entrants in accordance with subsection 2, paragraph C by:

A. Dividing the number of trap tags that may be issued to new zone entrants by the zone trap limit under section 6431-A. The number of new zone entrants must be rounded down to the nearest whole number and the remaining trap tags carried over to the following year's allocation; or [PL 2013, c. 239, §5 (NEW).]

B. Applying the exit ratio to the number of individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year. [PL 2013, c. 239, §5 (NEW).]

The commissioner shall authorize new zone entrants in chronological order of requests received under subsection 5. The commissioner shall notify the authorized new zone entrants by certified mail. If a person does not declare a zone within 30 days after receiving the notification by certified mail, that person must be taken off the waiting list and the next person on the list must be authorized as a new zone entrant. If a person has indicated a request for more than one zone pursuant to subsection 5, that person must be taken off the waiting list for the 2nd zone when the person declares one of the zones as that person's declared lobster zone after being authorized to do so. If a person who holds a current Class I, Class II or Class III lobster and crab fishing license is authorized as a new zone entrant and declares the zone as that person's declared lobster zone, the commissioner shall change the zone identified on that person's license to the limited-entry zone for which the person is authorized.
[PL 2015, c. 428, §8 (AMD).]

8. Exceptions. Notwithstanding subsection 4, the following persons may be issued a Class I, Class II or Class III lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone without meeting the requirements in subsection 4.

A. A person who is under 18 years of age who successfully completed the requirements of the apprentice program under section 6422 and who submitted documentation of completion of the apprentice program to the department before attaining 18 years of age may declare any zone as that person's declared lobster zone as long as the individual has met all apprentice program rules that may have been adopted in that zone. [PL 2011, c. 486, §3 (AMD).]

A-1. [PL 2007, c. 615, §11 (RP).]

A-2. A person under 20 years of age may declare any zone as that person's declared lobster zone if the person:

(1) Successfully completed the requirements of the apprentice program under section 6422;

(2) Submitted documentation of completion of the apprentice program to the department before attaining 20 years of age;

(3) Received a high school diploma or a high school equivalency diploma; and

(4) Has met all apprentice program rules that may have been adopted in that zone. [PL 2015, c. 428, §9 (NEW).]

A-3. A person under 23 years of age may declare any zone as that person's declared lobster zone if the person:

(1) Has logged time fishing in the apprentice program in accordance with section 6422 before attaining 18 years of age;

(2) Successfully completed the requirements of the apprentice program under section 6422;

(3) Submitted documentation of completion of the apprentice program to the department before attaining 23 years of age;

(4) Is enrolled in and meeting the requirements of a half-time course of study as defined in section 6421, subsection 5-A at a postsecondary institution accredited by a state-recognized accrediting agency or body;

(5) Has met all apprentice program rules that may have been adopted in that zone; and

(6) Has been eligible for a student lobster and crab fishing license since before that person attained 18 years of age and has been eligible for that license in each licensing year thereafter. [PL 2015, c. 428, §9 (NEW).]

B. A person who is issued a Class I, Class II or Class III lobster and crab fishing license on appeal pursuant to section 6310, subsection 2, paragraph A, subparagraph (1) or (2) may declare as that person's declared lobster zone the zone in which the person was authorized to fish a majority of that person's lobster traps in the most recent year in which the person held a license. [PL 1999, c. 643, §7 (NEW).]

C. A person who is issued a Class I, Class II or Class III lobster and crab fishing license pursuant to section 6421, subsection 5, paragraph D may declare as that person's declared lobster zone the zone in which the person was authorized to fish a majority of that person's lobster traps in the most recent year in which the person held a license. [PL 1999, c. 643, §7 (NEW).]

D. A person who is issued a Class I, Class II or Class III lobster and crab fishing license and is 70 years of age or older may declare any zone as that person’s declared lobster zone. [PL 2007, c. 204, §8 (NEW).]

E. A person who has either successfully completed the requirements of the apprentice program under section 6422 or held a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year and who has registered to enter an established island limited-entry program as described under section 6449 may declare as that person's declared lobster zone the zone in

which that island limited-entry program is located when the person becomes eligible to enter the island limited-entry program. [PL 2011, c. 486, §4 (AMD).]

The trap tags or license issued to a person who declares a limited-entry zone as that person's declared lobster zone pursuant to this subsection may not be counted for the purposes of the exit ratio or the number of new zone entrants that may be authorized for that zone.
[PL 2015, c. 428, §9 (AMD).]

9. Rules. The commissioner may establish by rule procedures to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.
[PL 1999, c. 508, §3 (NEW).]

10. Survey required.
[PL 2013, c. 239, §7 (RP).]

SECTION HISTORY

PL 1999, c. 508, §3 (NEW). PL 1999, c. 643, §7 (AMD). PL 1999, c. 693, §§1,2 (AMD). PL 2003, c. 510, §A7 (AMD). PL 2005, c. 239, §4 (AMD). PL 2005, c. 239, §11 (AFF). PL 2007, c. 204, §§4-9 (AMD). PL 2007, c. 615, §11 (AMD). PL 2009, c. 294, §1 (AMD). PL 2011, c. 486, §§ 3, 4 (AMD). PL 2013, c. 239, §§2-7 (AMD). PL 2015, c. 68, §7 (AMD). PL 2015, c. 428, §§4-9 (AMD).

§6449. Island limited-entry programs

An island limited-entry program may be established pursuant to this section in order to maintain a number of licenses appropriate for the needs of an island community and the local lobster resource. [PL 2009, c. 294, §2 (NEW).]

1. Proposal to the commissioner. Notwithstanding section 6448, subsection 7-A, a year-round island community may petition the commissioner for the establishment of an island limited-entry zone program if a minimum of 5 island residents that are holders of a Class I, Class II or Class III lobster and crab fishing license or 10% of the island residents that are holders of a Class I, Class II or Class III lobster and crab fishing license, whichever is greater, signs the petition submitted to the commissioner. If a majority of the Class I, Class II or Class III lobster and crab fishing license holders that are residents on the island voting in a referendum held pursuant to section 6447, subsection 6 support the establishment of an island limited-entry zone program, the commissioner may adopt rules to establish such a program, including a waiting list. Before establishing or amending the number of licenses available to island residents, the commissioner shall determine the number of licenses preferred by a majority of the Class I, Class II or Class III lobster and crab fishing license holders resident on the island. The commissioner may accept the preferences proposed by a majority of the license holders as reasonable and adopt those preferences or reject the preferences as unreasonable. The commissioner shall consult with the lobster management policy council for the lobster management zone in which the island is located before making the decision.
[PL 2015, c. 428, §10 (AMD).]

2. No longer resident. An individual who obtains a Class I, Class II or Class III lobster and crab fishing license through an island limited-entry program but who no longer wishes to maintain residency on the island is subject to the following requirements.

A. A person who held a Class I, Class II or Class III lobster and crab fishing license and maintained residency on the island for a period of not less than 8 years and who can document to the commissioner that the person harvested lobsters in each of the 8 years may end the person's residency on the island and fish elsewhere in the lobster management zone in which the island is located without going on a waiting list as established in section 6448. [PL 2009, c. 294, §2 (NEW).]

B. A person who holds a Class I, Class II or Class III lobster and crab fishing license and who either has maintained residency on the island for less than 8 years or who has maintained residency on the island for at least 8 years but cannot document to the commissioner that the person harvested lobsters in each of the 8 years may end the person's residency on the island and become eligible to fish elsewhere in the lobster management zone in which the island is located if that person complies with the waiting list requirement established in accordance with section 6448. [PL 2009, c. 294, §2 (NEW).]

[PL 2009, c. 294, §2 (NEW).]

3. Restriction. This section applies only to an island in the coastal waters with a year-round community that is not connected to the mainland by an artificial structure.

[PL 2009, c. 294, §2 (NEW).]

4. Rules. The commissioner shall adopt rules to implement the island limited-entry program. The rules must include but are not limited to:

A. A definition of residency on an island; [PL 2009, c. 294, §2 (NEW).]

B. Allowances for the temporary absence from an island due to a medical condition or educational requirements; and [PL 2009, c. 294, §2 (NEW).]

C. Providing for an opportunity for increasing the number of Class I, Class II or Class III lobster and crab fishing license holders on an island, if appropriate, based on the characteristics of the island and the lobster resource. [PL 2009, c. 294, §2 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2009, c. 294, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 294, §2 (NEW). PL 2013, c. 239, §8 (AMD). PL 2015, c. 428, §10 (AMD).

§6450. Temporary medical allowance

1. Temporary medical allowance. Notwithstanding section 6421, upon request the commissioner may issue a temporary medical allowance that permits an individual to fish under the authority of the license of a Class I, Class II or Class III lobster and crab fishing license holder when that license holder is unable to fish if the following criteria are met:

A. The individual who will be fishing has successfully completed an apprentice program under section 6422; [PL 2019, c. 68, §1 (AMD).]

B. The individual who will be fishing is the child, spouse or domestic partner of the individual who holds the Class I, Class II or Class III lobster and crab fishing license; [PL 2019, c. 68, §1 (AMD).]

C. The holder of the Class I, Class II or Class III lobster and crab fishing license is unable to use that license, all or part of the time, due to a substantial illness or medical condition. The holder of the Class I, Class II or Class III lobster and crab fishing license shall provide the commissioner with documentation from a physician describing the illness or other medical condition; and [PL 2019, c. 68, §1 (AMD).]

D. The holder of the Class I, Class II or Class III lobster and crab fishing license documents to the commissioner that the license holder harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary medical allowance. [PL 2013, c. 239, §9 (NEW).]

A request for a temporary medical allowance must be in writing and must specify the dates for which the temporary medical allowance is requested. The holder of the Class I, Class II or Class III lobster and crab fishing license on which the temporary medical allowance is based must maintain a valid

license during the duration of the temporary medical allowance. The holder of the Class I, Class II or Class III lobster and crab fishing license is liable for the activities of the individual fishing under the temporary medical allowance, whether or not the license holder is present on the vessel.
[PL 2019, c. 68, §1 (AMD).]

2. Term. A temporary medical allowance may not exceed one year or, upon renewal under subsection 3, a total of 2 consecutive years.
[PL 2017, c. 352, §2 (NEW).]

3. Renewal. The commissioner may renew a temporary medical allowance issued under subsection 1 for a maximum of one year upon a request in writing from the holder of the Class I, Class II or Class III lobster and crab fishing license upon which the temporary medical allowance is based. A request under this subsection must be received by the commissioner before the expiration of a current temporary medical allowance issued to that license holder.
[PL 2017, c. 352, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 239, §9 (NEW). PL 2017, c. 352, §§1, 2 (AMD). PL 2019, c. 68, §1 (AMD).

SUBCHAPTER 3

LOBSTER FUND

§6451. Lobster Fund

1. Allocation of license fees.
[PL 2017, c. 284, Pt. EEEEE, §5 (RP).]

1-A. Lobster Fund established. The Lobster Fund is established within the department. The Lobster Fund receives surcharge fees collected pursuant to section 6421, subsection 7-C. Funds deposited in the Lobster Fund must be used for the purposes of lobster biology research, propagation of lobsters by liberating seed lobsters and female lobsters in the State's coastal waters and establishing and supporting lobster hatcheries.
[PL 2017, c. 284, Pt. EEEEE, §6 (NEW).]

2. Purchases; liberation. The commissioner may authorize the expenditure of the money in the Lobster Fund for the purpose of purchasing seed lobsters from Maine lobster pound owners and female lobsters from wholesale seafood license holders. The commissioner shall establish the purchase price for seed and female lobsters after consultation with the industry. The commissioner shall give priority to purchasing seed lobsters.
[PL 1979, c. 127, §85 (AMD).]

3. Liberation and v-notching. The commissioner may provide purchased seed lobsters to lobster hatcheries. The remaining seed and all other female lobsters shall be liberated in the coastal waters after v-notching them in the right flipper. The right flipper shall be determined as established under section 6436, subsection 1.
[PL 1985, c. 237, §2 (RPR).]

4. Program. The commissioner may authorize the expenditure of money in the Lobster Fund for research and development programs which address the restoration, development or conservation of lobster resources.
[PL 1985, c. 237, §2 (RPR).]

5. Nonlapsing fund. The Lobster Fund shall not lapse.
[PL 1977, c. 661, §5 (NEW).]

6. Lobster hatcheries. The commissioner, with the advice of the Lobster Advisory Council, may authorize expenditure of money from the Lobster Fund, any available funds and, as appropriated by the Legislature, the General Fund to make grants in support of the establishment and operation of lobster hatcheries. The grants shall be for a one-year period and shall be renewable indefinitely upon successful reapplication. There shall be no more than 5 lobster hatcheries supported under this section. The commissioner shall develop rules, including biological and economic criteria for evaluating proposals. The commissioner shall require the grantee to keep a log of activities regarding the hatchery and shall require a written report at the termination of each grant.
[PL 1987, c. 406 (RPR).]

7. Lobster Advisory Council. The commissioner shall consult with the Lobster Advisory Council on the expenditure of funds under this section.
[PL 1985, c. 237, §3 (NEW).]

8. Apprentice program. The commissioner may authorize the expenditure of money in the Lobster Fund to cover the initial costs of developing and delivering the educational component of the apprentice program under section 6422, subsection 3. Any expenditures must be reimbursed to the Lobster Fund from the fees charged under section 6422, subsection 3.
[PL 1995, c. 468, §9 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1977, c. 713, §5 (AMD). PL 1979, c. 127, §85 (AMD). PL 1981, c. 480, §§2,15,16 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 237, §§1-3 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 353, §1 (AMD). PL 1985, c. 737, §A27 (AMD). PL 1987, c. 406 (AMD). PL 1987, c. 513, §5 (AMD). PL 1989, c. 455, §3 (AMD). PL 1995, c. 468, §9 (AMD). PL 1997, c. 19, §4 (AMD). PL 2003, c. 20, §WW5 (AMD). PL 2003, c. 520, §6 (AMD). PL 2005, c. 354, §3 (AMD). PL 2007, c. 615, §12 (AMD). PL 2009, c. 213, Pt. G, §4 (AMD). PL 2009, c. 561, §18 (AMD). PL 2017, c. 284, Pt. EEEEE, §§5, 6 (AMD).

SUBCHAPTER 3-A

MAINE LOBSTER MARKETING COLLABORATIVE

§6455. Maine Lobster Marketing Collaborative

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 10/1/21)

(WHOLE SECTION TEXT REPEALED 10/1/21)

1. Collaborative established; purpose. The Maine Lobster Marketing Collaborative, established in Title 5, section 12004-H, subsection 14 and referred to in this subchapter as the "collaborative," is created to promote and market actively Maine lobsters in state, regional, national and international markets. The collaborative shall draw upon the expertise of the Maine lobster industry and established private marketing firms to identify market areas that will provide the greatest return on the investments made by lobster license holders and undertake those media or promotional efforts that represent the most cost-effective use of a limited promotional budget. The collaborative shall remain responsive to the Maine lobster industry, conduct its business in a public manner and undertake marketing efforts that promote the quality and full utilization of the product and the unique character of the coastal Maine lobster fishery.

A. [PL 2013, c. 309, §2 (RP).]

B. [PL 2013, c. 309, §2 (RP).]

C. [PL 2013, c. 309, §2 (RP).]

[PL 2013, c. 309, §2 (AMD).]

1-A. Collaborative is a public instrumentality. The collaborative is established as a public instrumentality serving a public purpose. As a public instrumentality:

A. Employees of the collaborative may not be construed to be state employees for any purpose, including the state civil service provisions of Title 5, Part 2 and Title 5, chapter 372 and the state retirement system provisions of Title 5, Part 20; [PL 2013, c. 309, §2 (AMD).]

B. The collaborative may not be construed to be a state agency for any purposes, including the budget, accounts and control, auditing, purchasing or other provisions of Title 5, Part 4; and [PL 2013, c. 309, §2 (AMD).]

C. Notwithstanding any provisions of paragraphs A and B:

(1) All meetings and records of the collaborative are subject to the provisions of Title 1, chapter 13, subchapter 1, except as provided in subsection 1-B. The commissioner and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over marine resource matters have access to all material designated confidential by the collaborative;

(2) Members of the collaborative are governed by the conflict of interest provisions set forth in Title 5, section 18; and

(3) For the purposes of the Maine Tort Claims Act, the collaborative is a "governmental entity" and its employees are "employees" as those terms are defined in Title 14, section 8102. [PL 2013, c. 309, §2 (AMD).]

[PL 2013, c. 309, §2 (AMD).]

1-B. Market studies and promotional plans; proprietary information. Information provided to or developed by the collaborative and included in a promotional plan or market study is public unless the collaborative determines that it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the collaborative or the person submitting the information and would make available information not otherwise publicly available.

[PL 2013, c. 309, §2 (AMD).]

1-C. Collaborative members; appointments; terms. The collaborative consists of 11 voting members, 9 appointed by the commissioner as follows:

A. Four individuals representing the lobster management policy councils established pursuant to section 6447. Each lobster management policy council shall prepare a list of up to 3 nominees from its zone for consideration by the commissioner for the appointments under this paragraph. In making appointments under this paragraph, the commissioner shall select members to ensure a geographic distribution of representation from lobster management zones established pursuant to section 6446; [PL 2013, c. 309, §2 (NEW).]

B. Three individuals:

(1) At least 2 of whom are owners, managers or officers of business entities operating in the State that hold valid wholesale seafood licenses with lobster permits, from a list of nominees prepared for the commissioner by the Lobster Advisory Council established under section 6462-A; and

(2) At least one of whom represents the interests of lobster dealers and processors; and [PL 2013, c. 309, §2 (NEW).]

C. Two individuals who are public members with experience in marketing and promotion, retail sales, food service or food science, from a list of nominees prepared for the commissioner by the Lobster Advisory Council established under section 6462-A. [PL 2013, c. 309, §2 (NEW).]

Members are appointed by the commissioner for terms of 3 years. A person may not serve more than 2 consecutive 3-year terms as a member of the collaborative.

The commissioner or the commissioner's designee serves as an ex officio member of the collaborative. The Commissioner of Economic and Community Development or the commissioner's designee serves as an ex officio member of the collaborative.
[PL 2013, c. 309, §2 (NEW).]

2. Qualifications of members.

[PL 2013, c. 309, §2 (RP).]

2-A. Officers. By majority vote, the collaborative shall annually elect a chair from among its members and may elect other officers in accordance with its bylaws.
[PL 2013, c. 309, §2 (NEW).]

2-B. Executive committee. The collaborative shall establish an executive committee of no fewer than 5 members, who are appointed by a majority vote of the collaborative. The collaborative shall specify in its bylaws when the executive committee may act on behalf of the collaborative with regard to oversight of collaborative staff, daily operations of the collaborative and addressing unexpected expenditures to be made by the collaborative. The bylaws must specify what constitutes a quorum of the executive committee and how many votes are necessary for the executive committee to take a valid action. In addition to any other restrictions adopted by the collaborative, the executive committee may not act on behalf of the collaborative to:

A. Adopt or amend an annual budget; [PL 2017, c. 368, §2 (NEW).]

B. Adopt or amend an annual marketing plan; [PL 2017, c. 368, §2 (NEW).]

C. Hire or terminate the employment of the executive director of the collaborative; or [PL 2017, c. 368, §2 (NEW).]

D. Amend the bylaws of the collaborative. [PL 2017, c. 368, §2 (NEW).]
[PL 2017, c. 368, §2 (NEW).]

3. Meetings. The collaborative shall meet at least quarterly. A quorum of 6 members is required to conduct the business of the collaborative. Additional meetings may be called by the chair. If 3 or more members of the collaborative submit to the chair a written request for a meeting, the chair shall call a meeting to be held no sooner than 14 days after receipt of the written request. The commissioner may remove any member with unexcused absences from 2 or more consecutive meetings of the collaborative.
[PL 2013, c. 309, §2 (AMD).]

3-A. Employees. The collaborative shall hire an executive director and may hire staff as needed to perform its duties. Employees of the Maine Lobster Marketing Collaborative serve at the pleasure of the collaborative. The salary and benefits for employees of the collaborative are determined by the collaborative.
[PL 2013, c. 309, §2 (AMD).]

4. Powers and duties. The collaborative may:

A. Undertake promotional marketing programs in cooperation with the lobster industry; [PL 1991, c. 523, §2 (NEW).]

B. Promote national and international markets for lobsters harvested or processed in the State; [PL 1991, c. 523, §2 (NEW).]

C. Provide material and technical assistance to persons seeking to market lobsters harvested or processed in the State; [PL 1991, c. 523, §2 (NEW).]

D. Conduct other efforts as determined necessary to increase the sales of lobsters harvested or processed in the State; [PL 1991, c. 523, §2 (NEW).]

D-1. Market and sell goods directly related to the functions of the collaborative and deposit all proceeds in the Lobster Promotion Fund; [PL 2013, c. 309, §2 (AMD).]

E. Make expenditures from the Lobster Promotion Fund to carry out the purposes of this subchapter. Money in the fund may be used only for the following purposes:

(1) Promotion, advertising and marketing development. The collaborative may implement programs and activities to promote, advertise and develop markets for lobster and make or enter into contracts with any local, state, federal or private agency, department, firm, corporation, entity or person for those purposes; and

(2) The hiring of staff and the payment of compensation for employees, payment of per diem and reimbursement of expenses for members pursuant to Title 5, section 12004-H and payment of administrative and overhead costs associated with the business of the collaborative; and [PL 2013, c. 309, §2 (AMD).]

F. Accept and deposit in the fund additional funding from any source, public or private. [PL 1991, c. 523, §2 (NEW).]

[PL 2013, c. 309, §2 (AMD).]

5. Lobster Promotion Fund established. The Lobster Promotion Fund, referred to in this subchapter as the "fund," is established to carry out the purposes of this subchapter. The department shall pay to the fund all money appropriated or received by the department for the purposes of this subchapter, except that the department may retain funds necessary to reimburse the department for the actual cost of collecting the license surcharges established in subsection 5-A. The fund is capitalized from the annual surcharges set out in subsection 5-A.

A. [PL 2013, c. 309, §2 (RP).]

B. [PL 2013, c. 309, §2 (RP).]

C. [PL 2013, c. 309, §2 (RP).]

D. [PL 2013, c. 309, §2 (RP).]

E. [PL 2013, c. 309, §2 (RP).]

F. [PL 2013, c. 309, §2 (RP).]

[PL 2013, c. 309, §2 (AMD).]

5-A. License surcharge assessed. The fund is capitalized from annual surcharges assessed on licenses issued by the department for calendar years as follows.

A. For the year 2013 the surcharges are, for:

(1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age, $31.25;

(2) Class II lobster and crab fishing licenses, $62.50, except that for license holders 70 years of age or older the surcharge is $32;

(3) Class III lobster and crab fishing licenses, $93.75, except that for license holders 70 years of age or older the surcharge is $47;

(4) Nonresident lobster and crab landing permits, $250;

(5) Wholesale seafood licenses with lobster permits, $250; and

(6) Lobster transportation licenses, $250. [PL 2013, c. 309, §2 (NEW).]

B. For the year 2014 the surcharges are, for:

(1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age, $55.25;

(2) Class II lobster and crab fishing licenses, $110.50, except that for license holders 70 years of age or older the surcharge is $55;

(3) Class III lobster and crab fishing licenses, $160.75, except that for license holders 70 years of age or older the surcharge is $80;

(4) Nonresident lobster and crab landing permits, $160.75;

(5) Wholesale seafood licenses with lobster permits if the license holders hold no supplemental wholesale seafood licenses with lobster permits, or lobster transportation licenses if the license holders hold no supplemental lobster transportation licenses, $400;

(6) Supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses as follows:

(a) Six hundred dollars for up to 2 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses;

(b) Eight hundred dollars for 3 to 5 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and

(c) One thousand dollars for 6 or more supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and

(7) Lobster processor licenses, $333 if less than 1,000,000 pounds of raw product is processed, and $1,333 if 1,000,000 pounds or more of raw product is processed. [PL 2013, c. 492, §5 (AMD).]

C. For the year 2015 the surcharges are, for:

(1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age, $110.25;

(2) Class II lobster and crab fishing licenses, $220.50, except that for license holders 70 years of age or older the surcharge is $110;

(3) Class III lobster and crab fishing licenses, $320.75, except that for license holders 70 years of age or older the surcharge is $160;

(4) Nonresident lobster and crab landing permits, $320.75;

(5) Wholesale seafood licenses with lobster permits if the license holders hold no supplemental wholesale seafood licenses with lobster permits, or lobster transportation licenses if the license holders hold no supplemental lobster transportation licenses, $800;

(6) Supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses as follows:

(a) One thousand two hundred dollars for up to 2 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses;

(b) One thousand six hundred dollars for 3 to 5 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and

(c) Two thousand dollars for 6 or more supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and

(7) Lobster processor licenses, $666 if less than 1,000,000 pounds of raw product is processed, and $2,666 if 1,000,000 pounds or more of raw product is processed. [PL 2013, c. 492, §5 (AMD).]

D. For the years 2016 to 2021 the surcharges are, for:

(1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age, $165.25;

(2) Class II lobster and crab fishing licenses, $330.50, except that for license holders 70 years of age or older the surcharge is $165;

(3) Class III lobster and crab fishing licenses, $480.75, except that for license holders 70 years of age or older the surcharge is $240;

(4) Nonresident lobster and crab landing permits, $480.75;

(5) Wholesale seafood licenses with lobster permits if the license holders hold no supplemental wholesale seafood licenses with lobster permits, or lobster transportation licenses if the license holders hold no supplemental lobster transportation licenses, $1,200;

(6) Supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses as follows:

(a) One thousand eight hundred dollars for up to 2 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses;

(b) Two thousand four hundred dollars for 3 to 5 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and

(c) Three thousand dollars for 6 or more supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and

(7) Lobster processor licenses, $1,000 if less than 1,000,000 pounds of raw product is processed, and $4,000 if 1,000,000 pounds or more of raw product is processed. [PL 2017, c. 368, §3 (AMD).]

A person holding more than one of the following licenses is assessed only the highest applicable surcharge for those licenses under this subsection: a wholesale seafood license with a lobster permit, a supplemental wholesale seafood license with a lobster permit, a lobster transportation license or a supplemental lobster transportation license.

Beginning in 2014, the commissioner shall review annually the surcharges established in this subsection and recommend changes to the joint standing committee of the Legislature having jurisdiction over marine resource matters, which after receiving the recommendations may report out a bill to the Legislature to adjust surcharges.

The Treasurer of State shall hold all surcharges assessed by this subsection in the fund and invest all money in the fund until disbursed to the collaborative upon request of the collaborative. Interest from investments accrues to the fund.

All money in the fund is subject to allocation by the Legislature. Unexpended balances in the fund at the end of the fiscal year may not lapse but must be carried forward to be used for the same purposes.

In addition to payment of the regular license fee and the surcharge, a person purchasing a license subject to the surcharges established in this subsection may make voluntary contributions to the fund at the time the license is purchased. Voluntary contributions received by the department from a licensee or any other source pursuant to this subsection must be deposited in the fund by the department and must be used by the collaborative for the purposes of this subchapter.
[PL 2017, c. 368, §3 (AMD).]

6. Reports. The collaborative shall report annually on its activities and expenditures to the joint standing committee of the Legislature having jurisdiction over marine resource matters, to the Lobster Advisory Council established under section 6462-A and, at a statewide meeting of interested license holders, to the lobster industry. The collaborative shall provide notice of the date and location of the statewide meeting of license holders at the time of license issuance or renewal.
[PL 2013, c. 309, §2 (AMD).]

7. Audit. An annual audit of the expenditures of the collaborative must be performed. The collaborative may contract with the Office of the State Auditor or with a private sector accounting firm to conduct the audit. The collaborative shall report the results of that audit to the joint standing committee of the Legislature having jurisdiction over marine resource matters. If the annual audit is performed by the Office of the State Auditor, the collaborative shall reimburse the department for its costs to conduct that audit.
[PL 2013, c. 309, §2 (AMD).]

8. Review.
[PL 2017, c. 368, §4 (RP).]

9. Repeal. This section is repealed October 1, 2021.
[PL 2017, c. 368, §5 (NEW).]

SECTION HISTORY

PL 1991, c. 523, §2 (NEW). PL 1993, c. 282, §§1-4 (AMD). PL 1993, c. 545, §§1-6 (AMD). PL 1997, c. 211, §§1-3 (AMD). PL 1999, c. 668, §82 (AMD). PL 2001, c. 226, §1 (AMD). PL 2005, c. 102, §1 (AMD). PL 2007, c. 138, §§2, 3 (AMD). PL 2007, c. 201, §§17-19 (AMD). PL 2007, c. 615, §13 (AMD). PL 2009, c. 567, §§7, 8 (AMD). PL 2013, c. 309, §2 (AMD). PL 2013, c. 492, §5 (AMD). PL 2017, c. 368, §§2-6 (AMD).

SUBCHAPTER 4

LOBSTER ADVISORY COUNCIL

§6461. Purpose

The lobster fishing industry is one of the most important industries in the State because of its contribution to the economy and also because of its unique social, historic and cultural contributions to this State's quality of life. [PL 1979, c. 355, §1 (NEW).]

This subchapter is enacted to help conserve and promote the prosperity and welfare of the State and its citizens and the lobster fishing that helps to support them. This subchapter will accomplish these goals by fostering and promoting better methods of conserving, utilizing, processing, marketing and studying the lobster. [PL 1979, c. 355, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 355, §1 (NEW).

§6462. Lobster Advisory Council

(REPEALED)

SECTION HISTORY

PL 1979, c. 355, §1 (NEW). PL 1981, c. 377, §§1,2 (AMD). PL 1983, c. 812, §§84,85 (AMD). PL 1989, c. 503, §B63 (AMD). PL 1997, c. 208, §2 (RP).

§6462-A. Lobster Advisory Council

1. Appointment; composition. The Lobster Advisory Council, established by Title 5, section 12004-I, subsection 58 and in this subchapter known as the "council," consists of the following members:

A. One person from each lobster management policy council established under section 6447. Each lobster management policy council shall choose by majority vote a member to serve on the council; [PL 1997, c. 208, §3 (NEW).]

B. Two persons who hold wholesale seafood licenses and are primarily dealers in lobsters, appointed by the commissioner; [PL 1997, c. 208, §3 (NEW).]

C. One person who is a member of the general public and does not hold any license under this subchapter, appointed by the commissioner; and [PL 1997, c. 208, §3 (NEW).]

D. Three persons who hold lobster and crab fishing licenses and who are not members of lobster management policy councils established under section 6447, appointed by the commissioner. Each person appointed under this paragraph must reside in a different county. One person appointed under this paragraph must hold a noncommercial lobster and crab fishing license. [PL 2005, c. 239, §5 (AMD).]

[PL 2005, c. 239, §5 (AMD).]

2. Term. The term for a member who represents a lobster management policy council is coterminous with that person's term on that policy council. All other members serve for terms of 3 years, except that a vacancy must be filled by the commissioner for the unexpired portion of the term. A vacancy for a member representing a lobster management policy council must be appointed by that policy council using procedures defined in subsection 1. Members continue to serve until their successors are appointed.

[PL 1997, c. 572, §1 (AMD).]

3. Compensation. Members are entitled to compensation according to Title 5, chapter 379.

[PL 1997, c. 208, §3 (NEW).]

4. Quorum. A quorum is a majority of the members of the council, at least 4 of whom must be lobster and crab fishing license holders.

[PL 1997, c. 208, §3 (NEW).]

5. Chair and officers. The council shall annually choose one of its members to serve as chair for a one-year term. The council may select other officers and designate their duties.

[PL 1997, c. 208, §3 (NEW).]

6. Meetings. The council shall meet at least 4 times a year at regular intervals. It may also meet at other times at the call of the chair or the commissioner.

[PL 1997, c. 208, §3 (NEW).]

SECTION HISTORY

PL 1997, c. 208, §3 (NEW). PL 1997, c. 572, §1 (AMD). PL 2005, c. 239, §5 (AMD).

§6463. Council programs and activities

1. Advise. The council shall advise the commissioner on activities of the department that relate to the lobster industry. The council may investigate problems affecting the lobster industry and make recommendations to the commissioner and the Marine Resources Advisory Council concerning its investigations.

[PL 1979, c. 355, §1 (NEW).]

2. Research plans. The council may review current lobster research programs and plans for research on the lobster stock, and submit to the commissioner and Marine Resources Advisory Council, annually, its recommendations on those programs and plans.

[PL 1979, c. 355, §1 (NEW).]

3. Dispute resolution. The council may consider disputed issues brought to the council by any lobster management policy council established under section 6447. The council may make recommendations to the commissioner with regard to resolving such issues.
[PL 1997, c. 208, §4 (NEW).]

SECTION HISTORY

PL 1979, c. 355, §1 (NEW). PL 1997, c. 208, §4 (AMD).

SUBCHAPTER 4-A

LOBSTER RESEARCH, EDUCATION AND DEVELOPMENT FUND

§6465. Education and Development Fund

The Lobster Research, Education and Development Fund, referred to in this subchapter as the "fund," is established in the department. Balances in the fund may not lapse and must be carried forward and used for the purposes of this section. [PL 2001, c. 623, §1 (NEW).]

1. Sources and uses of fund. Revenues from lobster special registration plate fees credited to the fund under Title 29-A, section 456-A may be used for research and education to support the development of the lobster industry in this State. Revenues may also be used to support the operation of the research, education and development board described in subsection 2, including reimbursement for travel expenses of its members.
[PL 2005, c. 239, §6 (AMD).]

2. Research, education and development board. The commissioner shall appoint a research, education and development board and consult with the board regarding the expenditures from the fund. The board is composed of one member from each of the following organizations:

A. A statewide association representing the interests of persons who harvest lobster commercially; [PL 2001, c. 623, §1 (NEW).]

B. An association representing the interests of persons who harvest lobster commercially in Washington and Hancock counties; [PL 2001, c. 623, §1 (NEW).]

C. A southern Maine association representing the interests of persons who harvest lobster commercially; [PL 2001, c. 623, §1 (NEW).]

D. A statewide import-export lobster dealers' association; [PL 2001, c. 623, §1 (NEW).]

E. A statewide lobster pound owners' association; [PL 2001, c. 623, §1 (NEW).]

F. A statewide lobster processors' association; [PL 2001, c. 623, §1 (NEW).]

G. The Maine Lobster Marketing Collaborative under section 6455; [PL 2013, c. 309, §3 (AMD).]

H. The Lobster Advisory Council established by Title 5, section 12004-I, subsection 58; and [PL 2001, c. 623, §1 (NEW).]

I. An international lobster institute. This member must be a resident of the State. [PL 2001, c. 623, §1 (NEW).]

Members are entitled to compensation according to Title 5, chapter 379.
[PL 2013, c. 309, §3 (AMD).]

SECTION HISTORY

PL 2001, c. 623, §1 (NEW). PL 2005, c. 239, §6 (AMD). PL 2013, c. 309, §3 (AMD).

SUBCHAPTER 5

MONHEGAN LOBSTER CONSERVATION AREA

§6471. Monhegan Lobster Conservation Area

1. Monhegan Lobster Conservation Area. The following territorial waters of the State in the vicinity of Monhegan Island are known as the Monhegan Lobster Conservation Area:

Beginning at a point located at latitude 43`45.09' north and longitude 069`22.16' west that is 2 nautical miles southwesterly of the nearest shore of Monhegan Island; in a southwesterly direction to latitude 43`44.28' north and longitude 069`23.37' west at a point on the 3-nautical-mile line; then following the 3-nautical-mile line around the southern end of Monhegan Island to latitude 43`44.94' north and longitude 069`14.26' west; then in a somewhat northerly direction to latitude 43`45.8' north and longitude 069`15.3' west, to a point that is 2 nautical miles from the nearest shore of Monhegan Island; then following a line that is 2 nautical miles from the nearest shore of Monhegan Island and that continues around the northern end of Monhegan Island to the point of beginning.

[PL 2001, c. 272, §6 (AMD).]

SECTION HISTORY

PL 1997, c. 574, §4 (NEW). PL 2001, c. 272, §6 (AMD).

§6472. Closed and open seasons; trap limit

1. Closed season. Except as provided in section 6477, it is unlawful for a person to fish for or take lobsters in the Monhegan Lobster Conservation Area from June 26th to September 30th, both days inclusive, and on any day not included in the open season established by the commissioner under subsection 2.
[PL 2019, c. 210, §2 (AMD).]

2. Open season. The commissioner shall establish by rule an open season not to exceed 250 days between October 1st and the following June 25th during which a person may fish for or take lobsters in the Monhegan Lobster Conservation Area.

A. Before establishing or amending the open season under this section, the commissioner shall determine the open season preferred by 2/3 of the individuals registered to obtain Monhegan Lobster Conservation Area trap tags under section 6474. The commissioner may accept the preferences proposed by 2/3 of the registrants as reasonable and adopt those preferences or reject the preferences as unreasonable. The commissioner shall consult with the lobster management policy council for Zone D before making this decision. [PL 2007, c. 219, §2 (AMD).]

B. In adopting rules under this subsection, the commissioner is not required to hold a public hearing on the rules pursuant to Title 5, section 8052. [PL 1997, c. 574, §4 (NEW).]

C. A person may not petition the commissioner pursuant to Title 5, section 8055 for the adoption or modification of a rule establishing the open lobster season in the Monhegan Lobster Conservation Area. [PL 1997, c. 574, §4 (NEW).]

D. Notwithstanding any provisions to the contrary, the commissioner may adopt rules under this subsection without the advice and consent of the Marine Resources Advisory Council. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 219, §2 (AMD).]

[PL 2007, c. 219, §2 (AMD).]

3. Trap limit. The trap limit for the open season established pursuant to subsection 2 is 400 traps per individual registered to obtain Monhegan Lobster Conservation Area trap tags under section 6474.

A. [PL 2011, c. 486, §5 (RP).]

B. [PL 2011, c. 486, §5 (RP).]

C. [PL 2011, c. 486, §5 (RP).]

D. [PL 2011, c. 486, §5 (RP).]

[PL 2011, c. 486, §5 (AMD).]

SECTION HISTORY

PL 1997, c. 574, §4 (NEW). PL 2007, c. 219, §2 (AMD). PL 2011, c. 486, §5 (AMD). PL 2019, c. 210, §2 (AMD).

§6473. Fishing in other waters

1. Limitations. A person registered for Monhegan Lobster Conservation Area trap tags under section 6474 may not fish for or take lobsters:

A. In the State's 3-mile territorial sea at any time, except in that portion of the coastal waters designated under section 6471 as the Monhegan Lobster Conservation Area during the open season established for the area under section 6472; and [PL 1997, c. 574, §4 (NEW).]

B. In federal waters during the Monhegan Lobster Conservation Area closed season. [PL 1997, c. 574, §4 (NEW).]

[PL 1997, c. 574, §4 (NEW).]

2. Exceptions. The following exceptions apply to a person registered for Monhegan Lobster Conservation Area trap tags under section 6474.

A. Notwithstanding subsection 1, a person registered for Monhegan Lobster Conservation Area trap tags may serve as a crew member to assist in the licensed activities under the direct supervision of a Class I, Class II or Class III lobster and crab fishing license holder outside the Monhegan Lobster Conservation Area. [PL 2011, c. 486, §6 (NEW).]

B. Notwithstanding subsection 1, a person registered for Monhegan Lobster Conservation Area trap tags who holds a federal lobster permit with a Lobster Management Area 3 designation may fish for or take lobsters from Lobster Management Area 3, as identified in the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster. [PL 2011, c. 486, §6 (NEW).]

[PL 2011, c. 486, §6 (RPR).]

SECTION HISTORY

PL 1997, c. 574, §4 (NEW). PL 2005, c. 239, §7 (AMD). PL 2011, c. 486, §6 (AMD).

§6474. Fishing without Monhegan trap tags prohibited

1. Prohibition. A person may not submerge a lobster trap in the Monhegan Lobster Conservation Area unless a lobster trap tag designated for use in the Monhegan Lobster Conservation Area is affixed to the trap. The commissioner shall charge fees and deposit those fees for Monhegan Lobster Conservation Area trap tags in accordance with section 6431-B.

[PL 2001, c. 421, Pt. B, §23 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Trap tag expiration. Trap tags issued for use during a Monhegan Lobster Conservation Area open season expire upon the closing of that season.

[PL 1997, c. 574, §4 (NEW).]

3. Trap tag eligibility for the 1998-99 open season.

[PL 2011, c. 486, §7 (RP).]

4. Trap tag eligibility. Except as provided under subsection 5, the commissioner may not issue Monhegan Lobster Conservation Area trap tags to a person unless that person:

A. Registered with the commissioner to purchase Monhegan Lobster Conservation Area trap tags for the prior open season, documents to the commissioner that the person harvested lobsters from the Monhegan Lobster Conservation Area in the prior open season and registers with the commissioner during the period between June 26th and August 1st immediately following the prior open season for Monhegan Lobster Conservation Area trap tags for the subsequent open season; [PL 1997, c. 574, §4 (NEW).]

B. Registered with the commissioner to purchase Monhegan Lobster Conservation Area trap tags for the prior open season, documents to the commissioner that that person did not harvest lobsters from the Monhegan Lobster Conservation Area in the prior open season because of an illness or medical condition and registers with the commissioner during the period between June 26th and August 1st immediately following the prior open season for Monhegan Lobster Conservation Area trap tags for the subsequent open season; or [PL 1997, c. 574, §4 (NEW).]

C. Meets the requirements of section 6448, subsection 8, paragraph E to enter a limited-entry program established for Monhegan Island pursuant to section 6449 and registers for Monhegan Lobster Conservation Area trap tags. [PL 2011, c. 486, §8 (AMD).]

[PL 2011, c. 486, §8 (AMD).]

5. License suspension and eligibility. A person eligible to register for Monhegan Lobster Conservation Area trap tags under subsection 4, paragraph A if not for the suspension of that person's Class I, Class II or Class III lobster and crab fishing license may not, for the purpose of admitting new registrants, be considered to have failed to register pursuant to section 6475, subsection 1, paragraph C, subparagraph (3). Upon reinstatement of that person's license, that person is deemed registered and the commissioner may issue trap tags to that person, unless that person notifies the commissioner before reinstatement that the person chooses to not be registered.

[PL 1997, c. 574, §4 (NEW).]

6. Limit on number of registrants. The total number of individuals registered to obtain Monhegan Lobster Conservation Area trap tags may not exceed 17.

[PL 2011, c. 486, §9 (AMD).]

7. Periods of registration. Monhegan Lobster Conservation Area registrations are valid as follows.

A. [PL 2011, c. 486, §10 (RP).]

B. A person registered under subsection 4, paragraph A or B is registered for the entire period from August 1st of the year of registration until the following July 31st. [PL 1997, c. 574, §4 (NEW).]

C. A person registered under subsection 4, paragraph C is registered for the entire period from the date of registration until the following July 31st. [PL 1997, c. 574, §4 (NEW).]

D. A person registered under section 5 through the reinstatement of a suspended license is registered for the entire period from the date of license reinstatement until the following July 31st. [PL 1997, c. 574, §4 (NEW).]

[PL 2011, c. 486, §10 (AMD).]

8. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.

[PL 2001, c. 421, Pt. B, §24 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

9. Exception. Notwithstanding subsection 1, a person may submerge a lobster trap in the Monhegan Lobster Conservation Area that does not have a trap tag designated for use in the Monhegan

Lobster Conservation Area if that person holds a noncommercial lobster and crab fishing license issued pursuant to section 6421, subsection 1, paragraph F and does not otherwise hold a lobster and crab fishing license.
[PL 2011, c. 486, §11 (NEW).]

SECTION HISTORY

PL 1997, c. 574, §4 (NEW). PL 2001, c. 421, §§B23,24 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2007, c. 615, §14 (AMD). PL 2011, c. 486, §§7-11 (AMD).

§6475. New participants

1. New participants. A person who is not registered to obtain Monhegan Lobster Conservation Area trap tags may obtain trap tags if that person becomes registered for Monhegan Lobster Conservation Area trap tags pursuant to this section.

A. If a Monhegan Island limited-entry program is established pursuant to section 6449, the commissioner shall maintain a waiting list of persons who have requested a Monhegan Island limited-entry lobster and crab fishing license. [PL 2011, c. 486, §12 (AMD).]

B. [PL 2011, c. 486, §12 (RP).]

C. A person listed on the waiting list under paragraph A may register for Monhegan Lobster Conservation Area trap tags if:

(2) That person has been listed longer than all other persons listed; and

(3) The commissioner has established that the number of individuals registered to fish in the Monhegan Lobster Conservation Area for the upcoming season is less than the allowable number of registrants established pursuant to section 6474, subsection 6.

The commissioner shall by August 15th notify a person who becomes eligible for registration under this paragraph. If that person does not register with the commissioner within 30 days, that person becomes ineligible for registration and the commissioner shall immediately notify the next individual who has been listed for the longest period of time on the waiting list. That individual must register within 30 days. [PL 2011, c. 486, §12 (AMD).]
[PL 2011, c. 486, §12 (AMD).]

2. Registration in later years. A person who registers for Monhegan Lobster Conservation Area trap tags under subsection 1 must follow the provisions of section 6474, subsection 4, paragraph A or B to register for trap tags for each subsequent open season.
[PL 1997, c. 574, §4 (NEW).]

3. License requirements; apprenticeship.

[PL 2011, c. 486, §12 (RP).]

4. Issuance of commercial lobster license.
[PL 2011, c. 486, §12 (RP).]

5. Registrants exiting the Monhegan Lobster Conservation Area.

[PL 2011, c. 486, §12 (RP).]

SECTION HISTORY

PL 1997, c. 574, §4 (NEW). PL 2007, c. 219, §§3, 4 (AMD). PL 2011, c. 486, §12 (AMD).

§6476. Former registrants

A person whose registration to obtain Monhegan Lobster Conservation Area trap tags has lapsed may be listed on the waiting list under section 6475, subsection 1, paragraph A and may purchase trap tags if the person becomes registered pursuant to section 6475, subsection 1, paragraph C. A person

included on the waiting list pursuant to this subsection must be listed chronologically according to the time and date the commissioner received written notification from that person requesting that person be listed on the waiting list. [PL 2011, c. 486, §13 (AMD).]

SECTION HISTORY

PL 1997, c. 574, §4 (NEW). PL 2011, c. 486, §13 (AMD).

§6477. Student license holder

1. Trap tags. Notwithstanding section 6474, a person issued a student license under section 6421 may not be issued by the commissioner more than:

A. Ten Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 8 years of age or older and under 11 years of age; [PL 2019, c. 210, §3 (NEW).]

B. Twenty-five Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 11 years of age or older and under 14 years of age; or [PL 2019, c. 210, §3 (NEW).]

C. Fifty Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 14 years of age or older and under 23 years of age. [PL 2019, c. 210, §3 (NEW).]

The license holder must tend the tagged traps from a vessel operated by a person registered under section 6474. The student license holder must be present when that license holder's lobster traps are tended. A student license holder shall certify on forms supplied by the commissioner that a person registered under section 6474 authorizes the student license holder to fish for or take lobsters from that person's vessel.
[PL 2019, c. 210, §3 (NEW).]

2. Student fishing during the closed season. Notwithstanding section 6472, subsection 1, a person with a student license issued pursuant to section 6421 who is issued trap tags pursuant to this section is authorized to fish for or take lobsters in the Monhegan Lobster Conservation Area during the closed season if that closed season occurs during an interim between school years.
[PL 2019, c. 210, §3 (NEW).]

SECTION HISTORY

PL 1997, c. 574, §4 (NEW). PL 2019, c. 210, §3 (RPR).

SUBCHAPTER 6

SWANS ISLAND LOBSTER CONSERVATION AREA

§6481. Swans Island Lobster Conservation Area

1. Swans Island Lobster Conservation Area. The following territorial waters of the State in the vicinity of Swans Island are known as the Swans Island Lobster Conservation Area:

Beginning at the northern tip of Long Point, Marshall Island, Hancock County, Maine; then northerly to the navigational buoy at the western entrance to Toothacker Bay, located at 68°30.657' W. Longitude, 44°08.063' N. Latitude; then northeasterly to West Point, Swans Island, Hancock County, Maine; then from Phinney Point on the northeastern shore of Swans Island southeasterly to 68°22.40' W. Longitude, 44°08.79' N. Latitude, Hancock County, Maine; then southwesterly to 68°23.6' W. Longitude, 44°06.4' N. Latitude; then south-southwesterly to 68°24.01' W. Longitude, 44°04.8' N. Latitude; then southerly to 68°23.9' W. Longitude, 44°03.1' N. Latitude, and the intersection with the 3-nautical-mile line of the

territorial waters, as shown on United States Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, Office of Coast Survey Chart #13312; then southwesterly along the 3-nautical-mile line of the territorial waters approximately 3.5 miles to a point where a line drawn southeasterly 165° True from the center of Black Ledges intersects the 3-nautical-mile line of the territorial waters at 68°28.6' W. Longitude, 44°01.9' N. Latitude; then northwesterly 345° True to the center of Black Ledges; then northwesterly to the most southerly point of Marshall Island; then along the westerly shore of Marshall Island to the point of beginning.
[PL 2015, c. 68, §8 (AMD).]

SECTION HISTORY

PL 2013, c. 342, §1 (NEW). PL 2015, c. 68, §8 (AMD).

§6482. Fishing in Swans Island Lobster Conservation Area

1. Placing and maintaining traps. A person may not place or maintain any trap for lobsters, or otherwise fish for or take lobsters, within the Swans Island Lobster Conservation Area except in accordance with this section.

A. An individual registered to obtain Swans Island Lobster Conservation Area trap tags under this section may not place or maintain in the Swans Island Lobster Conservation Area more than 600 traps. Each trap must bear the appropriate tag. [PL 2015, c. 50, §1 (AMD).]

B. A person may not place or maintain a lobster trap in the Swans Island Lobster Conservation Area unless a trap tag designated for use in the Swans Island Lobster Conservation Area is affixed to the trap. [PL 2013, c. 342, §1 (NEW).]
[PL 2015, c. 50, §1 (AMD).]

2. Trap tags; eligibility; expiration; suspension. The commissioner shall issue tags for traps in the Swans Island Lobster Conservation Area in accordance with this subsection. The commissioner shall charge and deposit fees for Swans Island Lobster Conservation Area trap tags in accordance with section 6431-B.

A. Trap tags issued for use in the Swans Island Lobster Conservation Area expire after one year as determined by the commissioner by rule. [PL 2013, c. 342, §1 (NEW).]

B. Except as provided under paragraph C, the commissioner may not issue Swans Island Lobster Conservation Area trap tags to a person unless:

(1) That person's Class I, Class II or Class III lobster and crab fishing license issued in the prior calendar year identified the lobster management zone that includes the Swans Island Lobster Conservation Area as the declared lobster zone, as defined in section 6448, subsection 1, paragraph A, and that person applies to the commissioner during the period between January 1st and May 31st for Swans Island Lobster Conservation Area trap tags; or

(2) That person registered with the commissioner to purchase Swans Island Lobster Conservation Area trap tags for the prior season and applies to the commissioner during the period between January 1st and May 31st for Swans Island Lobster Conservation Area trap tags. [PL 2013, c. 342, §1 (NEW).]

C. A person otherwise eligible to apply for Swans Island Lobster Conservation Area trap tags under paragraph B if not for the suspension of that person's Class I, Class II or Class III lobster and crab fishing license may apply to the commissioner for Swans Island Lobster Conservation Area trap tags during the period between January 1st and May 31st. Upon reinstatement of that person's license, the commissioner may issue trap tags to that person. [PL 2013, c. 342, §1 (NEW).]
[PL 2013, c. 342, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 342, §1 (NEW). PL 2015, c. 50, §1 (AMD).

CHAPTER 621

FINFISH LICENSES

SUBCHAPTER 1

LICENSES

§6501. Commercial fishing license

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

A. Commercial fishing license for a resident operator; [PL 2003, c. 452, Pt. F, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Commercial fishing license for a resident operator and all crew members; [PL 2003, c. 452, Pt. F, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Commercial fishing license for a nonresident operator and all crew members; or [PL 2003, c. 452, Pt. F, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. Other license under this Part authorizing the activities. [PL 2003, c. 452, Pt. F, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §10 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Licensed activity. The holder of a commercial fishing license may fish for or take fish or possess, ship, transport or sell fish that the holder has taken. The license authorizes crew members aboard the licensee's boat when it is engaged in commercial fishing to undertake these activities, if the license provides for crew members.

[PL 2001, c. 421, Pt. B, §25 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

3. Exemptions. The licensing requirement under subsection 1 does not apply to activities described in this subsection.

A. A person may fish for, take, possess or transport any species of fish if they have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use. [PL 2001, c. 421, Pt. B, §25 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

B. A person may fish for, take, possess or transport halibut if they have been taken by tub trawl or by hook and line and are only for personal use. [PL 2011, c. 266, Pt. A, §14 (AMD).]

C. [PL 2011, c. 266, Pt. A, §15 (RP).]

[PL 2011, c. 266, Pt. A, §§14, 15 (AMD).]

4. Eligibility. A commercial fishing license may be issued only to an individual.

[PL 2001, c. 421, Pt. B, §25 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

5. Fees. Fees for commercial fishing licenses are:

A. Forty-eight dollars for resident operator; [PL 2009, c. 213, Pt. G, §5 (AMD).]

B. One hundred twenty-eight dollars for resident operator and all crew members; and [PL 2009, c. 213, Pt. G, §5 (AMD).]

C. Four hundred eighty-one dollars for nonresident operator and all crew members. [PL 2009, c. 213, Pt. G, §5 (AMD).]

[PL 2009, c. 213, Pt. G, §5 (AMD).]

6. Definition. For the purposes of this chapter, "fish" means all marine finfish except Atlantic herring, Atlantic menhaden, whiting, spiny dogfish, river herring, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad. For the purposes of this chapter, "fish" also means all other marine organisms, except lobsters, crabs, sea urchins, shellfish, scallops, marine worms, elvers, sea cucumbers, eels, shrimp or seaweed.
[PL 2011, c. 598, §21 (AMD).]

7. License freeze.

[PL 1979, c. 25 (NEW); MRSA T. 12 §6501, sub-§7 (RP).]

8. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §25 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 25 (AMD). PL 1981, c. 480, §§3,15,16 (AMD). PL 1983, c. 301, §7 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 379, §2 (AMD). PL 1985, c. 659 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T2 (AMD). PL 1991, c. 591, §T2 (AMD). PL 1995, c. 536, §A6 (AMD). PL 1997, c. 19, §5 (AMD). PL 1999, c. 491, §4 (AMD). PL 2001, c. 272, §7 (AMD). PL 2001, c. 421, §B25 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW6 (AMD). PL 2003, c. 452, §F10 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 213, Pt. G, §5 (AMD). PL 2011, c. 266, Pt. A, §§14-16 (AMD). PL 2011, c. 598, §21 (AMD).

§6502. Nonresident special tuna permit

A nonresident individual may fish for, take, possess, ship, transport or sell tuna that the individual has taken, without a commercial fishing license, if the individual has a current special tuna permit. [PL 2001, c. 421, Pt. B, §26 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

1. Eligibility. A special tuna permit may be issued to a nonresident individual who is a registered participant in a tuna tournament that is sponsored and operated by a nonprofit association or corporation that has existed for at least one year prior to the tournament. An individual may not be issued more than one permit in any one calendar year.
[PL 2001, c. 421, Pt. B, §26 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Authorized activity. A special tuna permittee may fish for, take for sale and sell only one tuna in any one calendar year. The permit is valid for the length of the tournament plus one day or for 7 days from the date of issue, whichever is shorter.
[PL 2001, c. 421, Pt. B, §26 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

3. Fee. The permit fee is $84, which may be credited against the license fee for a commercial fishing license, if it is issued to the permittee within 30 days of the issuing of the permit.
[PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 528, Pt. T, §3 (AMD); PL 1991, c. 591, Pt. T, §3 (AMD).]

4. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §26 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T3 (AMD). PL 1991, c. 591, §T3 (AMD). PL 2001, c. 421, §B26 (AMD). PL 2001, c. 421, §C1 (AFF).

§6502-A. Commercial pelagic and anadromous fishing license

1. Definition. As used in this section, "pelagic or anadromous fish" means Atlantic herring, whiting, spiny dogfish, river herring, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad.
[PL 2019, c. 640, §3 (AMD).]

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

A. Commercial pelagic and anadromous fishing license for a resident operator; [PL 2009, c. 527, §2 (NEW).]

B. Commercial pelagic and anadromous fishing license for a resident operator and all crew members; or [PL 2009, c. 527, §2 (NEW).]

C. Commercial pelagic and anadromous fishing license for a nonresident operator and all crew members. [PL 2009, c. 527, §2 (NEW).]
[PL 2009, c. 527, §2 (NEW).]

3. Licensed activity. The holder of a commercial pelagic and anadromous fishing license may fish for or take or possess, ship, transport or sell pelagic or anadromous fish that the holder has taken. The commissioner shall determine by rule what crew members may fish under a commercial pelagic and anadromous fishing license that provides for crew members. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2009, c. 527, §2 (NEW).]

4. Exemption. The licensing requirement under subsection 2 does not apply to a person who fishes for, takes, possesses or transports any pelagic or anadromous fish that have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use.
[PL 2011, c. 598, §23 (AMD).]

5. Eligibility. A commercial pelagic and anadromous fishing license may be issued only to an individual.
[PL 2009, c. 527, §2 (NEW).]

6. Fees. Fees for commercial pelagic and anadromous fishing licenses are:

A. Forty-eight dollars for a resident operator; [PL 2009, c. 527, §2 (NEW).]

B. One hundred twenty-eight dollars for a resident operator and all crew members; and [PL 2009, c. 527, §2 (NEW).]

C. Five hundred dollars for a nonresident operator and all crew members. [PL 2009, c. 527, §2 (NEW).]
[PL 2009, c. 527, §2 (NEW).]

7. Surcharges. The following surcharges are assessed on holders of commercial pelagic and anadromous fishing licenses issued by the department:

A. For a commercial pelagic and anadromous fishing license for a resident operator, $50; [PL 2009, c. 527, §2 (NEW).]

B. For a commercial pelagic and anadromous fishing license for a resident operator with crew, $200; and [PL 2009, c. 527, §2 (NEW).]

C. For a commercial pelagic and anadromous fishing license for a nonresident operator with crew, $400. [PL 2009, c. 527, §2 (NEW).]

The commissioner shall deposit surcharges collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund established under section 6041.
[PL 2009, c. 527, §2 (NEW).]

8. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2009, c. 527, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 527, §2 (NEW). PL 2011, c. 598, §§22, 23 (AMD). PL 2019, c. 640, §3 (AMD).

§6502-B. Carrier license

1. License required. A person may not engage in the activities authorized under this section without a current carrier license.
[PL 2019, c. 332, §2 (NEW); PL 2019, c. 332, §3 (AFF).]

2. Licensed activity. If rules adopted pursuant to subsection 5 allow vessels to possess or transport fish, the holder of a carrier license may possess or transport on the vessel listed on the carrier license Atlantic herring or Atlantic menhaden that the holder has not taken.
[PL 2019, c. 332, §2 (NEW); PL 2019, c. 332, §3 (AFF).]

3. Eligibility. A carrier license may be issued only to an individual.
[PL 2019, c. 332, §2 (NEW); PL 2019, c. 332, §3 (AFF).]

4. Fees. The fee for a carrier license is $98. The commissioner shall deposit the fee in the Pelagic and Anadromous Fisheries Fund established under section 6041.
[PL 2019, c. 332, §2 (NEW); PL 2019, c. 332, §3 (AFF).]

5. Rules. The commissioner may adopt rules regarding the operations of vessels possessing or transporting fish pursuant to a carrier license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 332, §2 (NEW); PL 2019, c. 332, §3 (AFF).]

6. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2019, c. 332, §2 (NEW); PL 2019, c. 332, §3 (AFF).]

SECTION HISTORY

PL 2019, c. 332, §2 (NEW). PL 2019, c. 332, §3 (AFF).

§6502-C. Menhaden fishing license

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 1/1/21)

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

A. Resident commercial menhaden fishing license; [PL 2019, c. 640, §4 (NEW).]

B. Nonresident commercial menhaden fishing license; or [PL 2019, c. 640, §4 (NEW).]

C. Noncommercial menhaden fishing license. [PL 2019, c. 640, §4 (NEW).]
[PL 2019, c. 640, §4 (NEW).]

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.
[PL 2019, c. 640, §4 (NEW).]

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.
[PL 2019, c. 640, §4 (NEW).]

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.
[PL 2019, c. 640, §4 (NEW).]

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; [PL 2019, c. 640, §4 (NEW).]

B. For a nonresident commercial menhaden fishing license, $500, plus a $400 surcharge; and [PL 2019, c. 640, §4 (NEW).]

C. For a noncommercial menhaden fishing license, $48, plus a $50 surcharge. [PL 2019, c. 640, §4 (NEW).]

The commissioner shall deposit surcharges collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund established under section 6041.
[PL 2019, c. 640, §4 (NEW).]

6. Exemption. The licensing requirement under subsection 1 does not apply to a person who fishes for, takes, possesses or transports menhaden that have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use.
[PL 2019, c. 640, §4 (NEW).]

7. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2019, c. 640, §4 (NEW).]

8. Rules. The commissioner shall adopt rules to implement this section including provisions that provide limitations on the holder of a resident commercial menhaden fishing license, a nonresident commercial menhaden fishing license and a noncommercial menhaden fishing license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 640, §4 (NEW).]

9. Effective date. This section takes effect January 1, 2021.
[PL 2019, c. 640, §4 (NEW).]

SECTION HISTORY

PL 2019, c. 640, §4 (NEW).

§6503. Atlantic salmon

(REPEALED)

SECTION HISTORY

PL 1981, c. 459, §1 (NEW). MRSA T. 12 §6503, sub-§3 (RP).

§6504. Atlantic salmon

(REPEALED)

SECTION HISTORY

PL 1981, c. 662, §1 (NEW). PL 1983, c. 680, §4 (RP). PL 1985, c. 506, §B10 (RP).

§6505. Eel fishing license

(REPEALED)

SECTION HISTORY

PL 1995, c. 492, §4 (NEW). PL 1995, c. 536, §A7 (RP).

§6505-A. Elver fishing license

1. License required. Except as provided in section 6302-A and section 6302-B, a person may not engage in the activities authorized under subsection 1-A unless the person is issued one of the following elver fishing licenses under this section:

A. A resident elver fishing license for one device; [PL 2003, c. 452, Pt. F, §11 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A resident elver fishing license for 2 devices; [PL 2003, c. 452, Pt. F, §11 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. A nonresident elver fishing license for one device; [PL 2013, c. 468, §23 (AMD).]

D. A nonresident elver fishing license for 2 devices; [PL 2013, c. 468, §23 (AMD).]

E. A resident elver fishing license with crew for one device; [PL 2013, c. 468, §23 (NEW).]

F. A resident elver fishing license with crew for 2 devices; [PL 2013, c. 468, §23 (NEW).]

G. A nonresident elver fishing license with crew for one device; or [PL 2013, c. 468, §23 (NEW).]

H. A nonresident elver fishing license with crew for 2 devices. [PL 2013, c. 468, §23 (NEW).]

The department may not issue a license under paragraph E, F, G or H until January 1, 2015.
[PL 2013, c. 485, §5 (AMD).]

1-A. Licensed activity. The holder of an elver fishing license or elver fishing license with crew may fish for, take or possess elvers. The holder of an elver fishing license or elver fishing license with crew may transport and sell within state limits elvers that the license holder has taken. The holder of an elver fishing license with crew is liable for the licensed activities under this subsection of an unlicensed crew member assisting that license holder pursuant to subsection 1-B. Only the license holder to whom a tag is issued may empty an elver fyke net.
[PL 2013, c. 468, §24 (NEW).]

1-B. License limitations. An elver fishing license with crew authorizes the license holder to engage in the licensed activities under subsection 1-A. The holder of an elver fishing license with crew may engage one unlicensed crew member to assist the license holder only in certain activities as authorized by rule, and the unlicensed crew member may assist only under the direct supervision of the license holder.
[PL 2013, c. 468, §24 (NEW).]

1-C. Elver transaction card issued. The department may issue an elver transaction card to each license holder under this section and to each license holder under section 6302-A, subsection 3, paragraphs E, E-1, F and G in accordance with section 6302-B. The department may charge each license holder an annual fee for the elver transaction card that may not exceed $35. Fees collected under this subsection must be deposited in the Eel and Elver Management Fund under section 6505-D. The license holder shall use the elver transaction card to meet electronic reporting requirements established by rule pursuant to section 6173. The elver transaction card must include the license holder's name and landings number.
[PL 2019, c. 642, §5 (AMD).]

1-D. Use of elver transaction card required. The holder of an elver fishing license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not sell or transfer elvers the license holder has taken to an elver dealer licensed under section 6864 unless the holder of the elver fishing license presents to the elver dealer the elver transaction card issued to that person under subsection 1-C and that card is used to record the transaction between the license holder and the dealer so that the amount of elvers transferred or sold is deducted from the license holder's quota.
[PL 2019, c. 163, §5 (AMD).]

1-E. Elver transaction card limited. A person may not possess an elver transaction card unless that person holds a license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G and the elver transaction card was issued to that person pursuant to subsection 1-C.
[PL 2013, c. 468, §24 (NEW).]

1-F. Licenses issued. The commissioner may issue up to 425 elver fishing licenses each year under this section.
[PL 2017, c. 250, §3 (NEW).]

2. Eligibility. An elver fishing license may be issued only to an individual who:

A. [PL 1999, c. 534, §1 (RP).]

B. [PL 1999, c. 534, §1 (RP).]

C. Possessed an elver fishing license in the previous calendar year; [PL 2011, c. 549, §3 (AMD).]

D. [PL 2005, c. 533, §1 (RP).]

E. Did not possess an elver fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year; or [PL 2011, c. 549, §3 (AMD).]

F. Becomes eligible to obtain an elver fishing license pursuant to the elver lottery under subsection 2-C. [PL 2017, c. 250, §4 (AMD).]

[PL 2017, c. 250, §4 (AMD).]

2-A. Elver license lottery.

[PL 2005, c. 533, §2 (RP).]

2-B. Elver lotteries.

[PL 2017, c. 250, §5 (RP).]

2-C. Elver license lottery. The commissioner shall establish an elver fishing license lottery under which a person may become eligible for that license under subsection 2, paragraph F. An applicant to the lottery must submit a lottery application together with a $35 nonrefundable application fee no later than January 15th of the same calendar year as the lottery. An applicant may not submit more than 5 elver fishing license lottery applications per lottery year. In any year in which a lottery is held, the lottery must be held on or before February 15th.

The commissioner may adopt rules to implement the elver fishing license lottery, including provisions for the method and administration of the lottery. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Twenty-five dollars of the application fee collected under this subsection must be deposited in the Eel and Elver Management Fund established in section 6505-D and used to fund a life-cycle study of the elver fishery. Ten dollars of the application fee may be used by the department to fund the costs of administering the elver fishing license lottery.
[PL 2017, c. 250, §6 (NEW).]

3. Limits on issuance.

[PL 2013, c. 8, §3 (RP).]

3-A. Elver fishing quotas. The commissioner may adopt rules to establish, implement and administer an elver individual fishing quota system in order to ensure that the elver fishery annual landings do not exceed the overall annual quota established by the Atlantic States Marine Fisheries Commission. Except as provided in section 6575-L, a person issued a license under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not take, possess or sell elvers in excess of the weight quota allocated to that person under the quota system. The rules must:

A. Establish an overall annual quota for the State; [PL 2013, c. 485, §7 (NEW).]

B. Establish the amount of the overall annual quota under paragraph A that is allocated to persons licensed under this section and specify a formula to establish individual quotas for persons licensed under this section. The formula may take into account the amount of elvers a person licensed under this section lawfully harvested in previous seasons based on final harvesting reports. The rules must specify the date by which harvester reports are considered final for the purpose of determining individual quotas; and [PL 2013, c. 485, §7 (NEW).]

C. Provide, in accordance with section 6302-B, that 21.9% of the overall annual quota under paragraph A is allocated to the federally recognized Indian tribes in the State and establish the amount of that portion of the overall annual quota allocated to the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs. [PL 2013, c. 485, §7 (NEW).]

If persons issued licenses under this section collectively exceed the overall annual quota allocated to those persons pursuant to paragraph B, the number of pounds by which the license holders exceeded that overall annual quota must be deducted from the following year's overall annual quota allocated to persons licensed under this section. If the overage exceeds the overall annual quota allocated to persons licensed under this section for the following year, the overage must be deducted from the overall annual quota allocated to persons licensed under this section in subsequent years until the entire overage has been accounted for.

The commissioner may adopt or amend rules on an emergency basis if immediate action is necessary to establish and implement the elver individual fishing quota in advance of the beginning of the elver fishing season.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 131, §1 (AMD).]

4. Fees.

[PL 2017, c. 284, Pt. EEEEE, §7 (RP); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

4-A. License fee. Fees for elver fishing licenses are:

A. For a resident elver fishing license for one device, $55; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

B. For a resident elver fishing license for 2 devices, $63; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

C. For a nonresident elver fishing license for one device, $392; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

D. For a nonresident elver fishing license for 2 devices, $400; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

E. For a resident elver fishing license with crew for one device, $105; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

F. For a resident elver fishing license with crew for 2 devices, $113; [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

G. For a nonresident elver fishing license with crew for one device, $1,126; and [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

H. For a nonresident elver fishing license with crew for 2 devices, $1,134. [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

[PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

4-B. License surcharge. In addition to the license fee established in subsection 4-A, the commissioner shall assess a surcharge on each license issued under this section as follows:

A. For an elver fishing license issued under subsection 4-A, paragraphs A to D, $150; and [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

B. For an elver fishing license issued under subsection 4-A, paragraphs E to H, $300. [PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

The surcharge fees collected under this subsection must be deposited in the Eel and Elver Management Fund established under section 6505-D.
[PL 2017, c. 284, Pt. EEEEE, §8 (NEW); PL 2017, c. 284, Pt. EEEEE, §31 (AFF).]

5. Gear. A person issued a license under this section may utilize one elver fyke net, one Sheldon eel trap or one dip net to fish for or take elvers without paying the fee required for a first net or trap pursuant to section 6505-B. A license issued under this section must identify the number and types of nets that the license holder may use pursuant to this section , section 6505-B and section 6575-B.
[PL 2015, c. 391, §8 (AMD).]

5-A. Possession of elvers. The holder of an elver fishing license may possess elvers only during the open season established in section 6575 and for up to 6 hours beyond the end of the open season.
[PL 2013, c. 301, §10 (NEW).]

6. Minimum age. A person who is under 15 years of age may not fish for or take elvers.
[PL 2001, c. 421, Pt. B, §28 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

7. Nonresident licenses; reciprocity with other states. A nonresident is eligible to purchase an elver fishing license only if the nonresident documents to the commissioner that the nonresident's state of residence allows Maine residents to purchase an elver license and fish for elvers in that state.
[PL 1999, c. 7, §5 (NEW).]

8. Violation.

[PL 2013, c. 49, §8 (RP).]

8-A. Violation. A person who violates this section commits a Class D crime for which a fine of $2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2013, c. 49, §9 (NEW).]

SECTION HISTORY

PL 1995, c. 536, §A8 (NEW). PL 1997, c. 297, §§1,2 (AMD). PL 1999, c. 7, §§2-5 (AMD). PL 1999, c. 534, §§1-3 (AMD). PL 2001, c. 421, §§B27-29 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW7 (AMD). PL 2003, c. 452, §F11 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 533, §§1,2 (AMD). PL 2007, c. 615, §15 (AMD). PL 2009, c. 213, Pt. G, §6 (AMD). PL 2011, c. 549, §§3-5 (AMD). PL 2013, c. 8, §§2, 3 (AMD). PL 2013, c. 49, §§8, 9 (AMD). PL 2013, c. 301, §§9, 10 (AMD). PL 2013, c. 468, §§23-25 (AMD). PL 2013, c. 485, §§5-7 (AMD). PL 2015, c. 131, §1 (AMD). PL 2015, c. 391, §8 (AMD). PL 2017, c. 250, §§2-7 (AMD).

PL 2017, c. 284, Pt. EEEEE, §§7, 8 (AMD). PL 2017, c. 284, Pt. EEEEE, §31 (AFF). PL 2019, c. 163, §5 (AMD). PL 2019, c. 642, §5 (AMD).

§6505-B. Elver gear fees

1. Elver fyke net and Sheldon eel trap fee. A person may not submerge an elver fyke net or a Sheldon eel trap in the waters of the State to fish for or take elvers unless the net or trap owner pays annually the following fees:

A. Fifty dollars per net or trap for the use of an elver fyke net or Sheldon eel trap, except that the fee under this paragraph does not apply to an elver fyke net or Sheldon eel trap a person utilizes pursuant to section 6505-A, subsection 5. [PL 2017, c. 284, Pt. EEEEE, §9 (AMD).]

B. [PL 1999, c. 7, §6 (RP).]

C. [PL 1999, c. 7, §6 (RP).]

[PL 2017, c. 284, Pt. EEEEE, §9 (AMD).]

2. Tags for elver fyke net and Sheldon eel trap. A person may not submerge an elver fyke net or Sheldon eel trap in the coastal waters of the State to fish for or take elvers unless a tag issued by the department is affixed to the shoreside wing of the net or trap and is clearly visible. The department may issue a replacement tag when an owner issued a tag documents that a net or trap has been damaged or lost.

[PL 2001, c. 421, Pt. B, §30 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

3. Dip net fee. A person may not utilize a dip net to fish for or take elvers without paying a fee of $50 per dip net annually.

This subsection does not apply to a dip net a person utilizes pursuant to section 6505-A, subsection 5.

[PL 2017, c. 284, Pt. EEEEE, §10 (AMD).]

4. Payment with license. The fees required under subsections 1 and 3 must be paid upon application for an elver fishing license under section 6505-A.

[PL 1995, c. 536, Pt. A, §8 (NEW).]

5. Disposition of fees. Fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D.

A. [PL 2017, c. 284, Pt. EEEEE, §11 (RP).]

B. [PL 2017, c. 284, Pt. EEEEE, §11 (RP).]

[PL 2017, c. 284, Pt. EEEEE, §11 (AMD).]

6. Violation. A person who violates this section commits a Class D crime for which a fine of $2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2013, c. 49, §10 (AMD).]

SECTION HISTORY

PL 1995, c. 536, §A8 (NEW). PL 1997, c. 297, §§3-5 (AMD). PL 1997, c. 575, §2 (AMD). PL 1999, c. 7, §6 (AMD). PL 2001, c. 421, §B30 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2009, c. 213, Pt. G, §§7-9 (AMD). PL 2011, c. 549, §6 (AMD). PL 2013, c. 49, §10 (AMD). PL 2017, c. 284, Pt. EEEEE, §§9-11 (AMD).

§6505-C. Eel harvesting license

1. License required. A person may not fish for or take eels in the coastal waters of the State or possess, ship, transport or sell eels that the person has taken in the coastal waters of the State without an eel harvesting license.

[PL 2001, c. 421, Pt. B, §31 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Exemptions. A person may fish for or take for personal use eels in the coastal waters of the State by speargun, harpoon, trap or hook and line and may possess or transport eels that person has taken pursuant to this subsection. The department shall adopt rules establishing a limit on the number of eels that a person may fish for, take, possess or transport pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.
[PL 2001, c. 187, §1 (AMD).]

3. Eligibility. An eel harvesting license may be issued only to an individual.
[PL 2001, c. 421, Pt. B, §31 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. License fees. The fee for an eel harvesting license is $50.
[PL 2017, c. 284, Pt. EEEEE, §12 (AMD).]

4-A. License surcharge. In addition to the license fee established in subsection 4, the commissioner shall assess a $75 surcharge on each license issued under this section. The surcharge fees collected under this subsection must be deposited in the Eel and Elver Management Fund established under section 6505-D.
[PL 2017, c. 284, Pt. EEEEE, §13 (NEW).]

5. Disposition of fees. All fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D, except that $50 must accrue to the General Fund for each license sold under this section.
[PL 2009, c. 561, §19 (AMD).]

6. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §31 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1995, c. 536, §A8 (NEW). PL 2001, c. 187, §1 (AMD). PL 2001, c. 421, §B31 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW8 (AMD). PL 2009, c. 213, Pt. G, §10 (AMD). PL 2009, c. 561, §19 (AMD). PL 2017, c. 284, Pt. EEEEE, §§12, 13 (AMD).

§6505-D. Eel and Elver Management Fund

1. Fund established. The Eel and Elver Management Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund.
[PL 1995, c. 536, Pt. A, §8 (NEW).]

2. Permissible uses. The commissioner may use the fund to research and manage the State's eel and elver resources, to enforce the laws related to eels and elvers and to cover the costs associated with determining eligibility for elver fishing licenses.
[PL 2011, c. 266, Pt. A, §17 (AMD).]

3. Plan required.
[PL 2011, c. 266, Pt. A, §18 (RP).]

SECTION HISTORY

PL 1995, c. 536, §A8 (NEW). PL 1999, c. 309, §2 (AMD). PL 2011, c. 266, Pt. A, §§17, 18 (AMD).

SUBCHAPTER 2

LIMITS ON FISHING AND PROHIBITED ACTS

ARTICLE 1

GENERAL PROHIBITIONS

§6521. Dumping of dead marine animals or scaled finfish

1. Deposition of dead marine animals; exception. A person may not deposit or discard, in intertidal zones or in harbors or rivers below the dividing line between tidewater and fresh water, any dead marine animal or its parts, except that:

A. A person may deposit oyster shell cultch in those waters solely to promote growth of oysters with the written permission of the commissioner and under any conditions the commissioner determines appropriate; and [PL 2007, c. 615, §16 (NEW).]

B. The commissioner may grant an exception to this subsection within federal requirements for the purpose of conducting research on dead marine animals. [PL 2007, c. 615, §16 (NEW).]

[PL 2007, c. 615, §16 (RPR).]

2. Scaled finfish. A person may not deposit, release or dump into the coastal waters any dead or alive finfish from which the scales have been removed.

[PL 1999, c. 771, Pt. B, §4 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

3. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged.

[PL 1999, c. 771, Pt. B, §4 (NEW); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1991, c. 242, §2 (AMD). PL 1999, c. 771, §B4 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2007, c. 615, §16 (AMD).

§6522. Monofilament nets

A person who discards or abandons into any waters any net made of monofilament or of other material which is not biodegradable commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged. [PL 1999, c. 771, Pt. B, §5 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 771, §B5 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§6523. Marking ice fishing shacks

A person may not place any shack or temporary structure used for ice fishing on the frozen territorial waters or use the shack or structure, unless the owner's name and address are painted or otherwise clearly marked on the outside with 2-inch letters. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged. [PL 2001, c. 272, §8 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 771, §B5 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2001, c. 272, §8 (AMD).

§6524. Dragging in charted cable areas

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1983, c. 179, §2 (RP).

§6525. Setting near weirs or stop seines

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1983, c. 731, §1 (RP).

§6525-A. Setting near weirs or stop seines

1. Setting nets or seines near weirs. It is unlawful for any person, other than the weir owner or his crew members, to set or assist in setting any net or seine within 2,000 feet of the mouth of a weir in operating condition whose operator is validly licensed under section 6501 and when the weir is licensed under Title 38, chapter 9.
[PL 1983, c. 731, §2 (NEW).]

2. Exception. Stop seining is permitted in any cove that does not have a weir even when the seine is less than 2,000 feet from a weir in another cove.
[PL 1983, c. 731, §2 (NEW).]

3. Cove name and designation. The commissioner shall prepare a map of areas of the State, where weirs are used as a method of fishing, which fixes the location of each weir and designates the boundaries of each cove in which those weirs are located. The map shall be provided to municipalities by the commissioner. Owners of licensed weirs and applicants for a license shall receive a map at cost. When an applicant for a license finds no designation on the map of cove boundaries for the cove where he wants to construct a weir, the municipal officers from the city or town within which the weir will be located shall notify the commissioner of the intended location of the weir on the map. The commissioner shall designate boundaries for the cove.
[PL 1983, c. 731, §2 (NEW).]

4. Limitation on location of weirs. Weirs shall be licensed according to the following.

A. After the effective date of this Act, no weir may be licensed for construction which is less than 2,000 feet from an existing weir. [PL 1983, c. 731, §2 (NEW).]

B. Weirs which were licensed in 1983 and preceding years may continue to be licensed even when they are located less than 2,000 feet from an existing weir. [PL 1983, c. 731, §2 (NEW).]

C. Any weir licensed in 1983 and preceding years for which the license expired as provided in section 1023 shall be required to be licensed as a new weir as provided in paragraph A. [PL 1983, c. 731, §2 (NEW).]
[PL 1983, c. 731, §2 (NEW).]

5. Limitation on purse seining. No person may purse seine within 2,000 feet of a licensed weir in operating condition, except that no person may purse seine for herring within one mile of a weir in operating condition that is licensed prior to the effective date of this section.
[PL 1983, c. 731, §2 (NEW).]

SECTION HISTORY

PL 1983, c. 731, §2 (NEW).

§6526. Rules; bait dealers license

The commissioner may adopt rules requiring that a person selling bait be licensed. [PL 1991, c. 784, §5 (NEW).]

SECTION HISTORY

PL 1991, c. 784, §5 (NEW).

ARTICLE 1-A

COMMERCIAL UNDERWATER HANDHARVESTING SAFETY

§6531. Licenses

The commissioner may not issue a handfishing scallop license under section 6701 or a handfishing sea urchin license under section 6748 to any person for calendar year 1995 or later unless: [PL 1993, c. 604, §1 (NEW).]

1. Completion of competency course. That person successfully completes a commercial underwater handharvesting competency course offered under section 6532; or
[PL 1993, c. 604, §1 (NEW).]

2. Grandfathered. The commissioner determines that that person meets the grandfather provisions of section 6534.
[PL 1993, c. 604, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 604, §1 (NEW).

§6532. Commercial underwater handharvesting competency

By August 15, 1994, the commissioner shall establish a competency training course for individuals engaged in commercial underwater handharvesting activities. The course may be taught by the department or offered by any public or private sector association or organization authorized by the commissioner to offer the course. [PL 1993, c. 604, §1 (NEW).]

1. Enrollment prerequisite. A person is not eligible for enrollment in a course offered under this section unless that person possesses a valid open water diving certification. For the purposes of this article, the term "open water diving certification" means a diving certificate issued by a SCUBA training course meeting or exceeding the basic SCUBA training standards established by the American National Standards Institute.
[PL 1993, c. 604, §1 (NEW).]

2. Equipment requirements. Each person in the course must have a mask, a snorkel, fins, a buoyancy compensator jacket with low pressure inflator, an air tank and regulator, a pressure gauge, a weight belt and sufficient weights and a properly fitting wet or dry suit. The student provides that equipment if the equipment is not provided by the instructor.
[PL 1993, c. 604, §1 (NEW).]

3. Recovery of costs; department. For any course taught by the department, the commissioner shall set an enrollment fee sufficient to recover all costs incurred by the department in teaching the course.
[PL 1993, c. 604, §1 (NEW).]

4. Prescribing the course. In establishing the course, the commissioner may:

A. Prescribe the qualifications of instructors and impose on instructors any minimum insurance liability requirements considered necessary by the commissioner; [PL 1993, c. 604, §1 (NEW).]

B. Prescribe the course content and the method of instruction, including the time and place of examinations; and [PL 1993, c. 604, §1 (NEW).]

C. Establish standards for certifying the commercial underwater handharvesting competency of individuals who successfully complete the course. [PL 1993, c. 604, §1 (NEW).]
[PL 1993, c. 604, §1 (NEW).]

5. Allowance for waivers. The commissioner may waive any component of a course offered under this section for a person who demonstrates to the commissioner, either through documented experience or technical or professional accreditation, a level of competency for that component that is at least equal to the level of competency necessary to successfully complete the course. It is the responsibility of the person seeking a waiver under this subsection to make that request in writing to the commissioner and to provide the commissioner with any documentation the commissioner determines necessary to make a decision.
[PL 1993, c. 604, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 604, §1 (NEW).

§6533. Training required to act as a scallop or sea urchin tender

A person may not act as a tender pursuant to section 6535, section 6701, subsection 5, paragraph B or section 6748, subsection 4, paragraph B unless that person has met the diving tender safety requirements established in rule. [PL 2009, c. 561, §20 (AMD).]

1. Tender safety training session.
[PL 2009, c. 396, §2 (RP).]

2. Allowance for waivers.
[PL 2009, c. 396, §2 (RP).]

3. Requirement for 30-day license.
[PL 2009, c. 396, §2 (RP).]

SECTION HISTORY

PL 1993, c. 604, §1 (NEW). PL 1995, c. 392, §1 (AMD). PL 1997, c. 158, §§1,2 (AMD). PL 2009, c. 396, §2 (AMD). PL 2009, c. 561, §20 (AMD).

§6534. Grandfathered harvesters

A person is grandfathered for the purposes of section 6531, subsection 2 if the commissioner determines that that person: [PL 1993, c. 604, §1 (NEW).]

1. Prior license holder. Possessed a scallop or urchin handharvesting license in 1992, 1993 and 1994; and
[PL 1993, c. 604, §1 (NEW).]

2. Seminar. Attends a classroom seminar on safe sea urchin handharvesting practices conducted or approved by the department.
[PL 1993, c. 604, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 604, §1 (NEW).

§6535. Sea urchin and scallop diving tender license

1. License required. A person may not act as a diving tender on a boat engaged as a platform for the harvesting of sea urchins and scallops by hand unless that person is licensed under this section.
[PL 2009, c. 561, §21 (RPR).]

2. Licensed activity. A person licensed under this section may tend divers who harvest sea urchins and scallops by hand and operate a boat as a platform for the harvesting of sea urchins and scallops by hand. A sea urchin and scallop diving tender license does not authorize the holder to harvest sea urchins and scallops. As used in this subsection, "tend" means to assist the diver in any way, to operate a boat as a platform for harvesting or to cull or otherwise handle the harvested product.

A. [PL 2015, c. 201, §2 (RP).]

B. [PL 2015, c. 201, §2 (RP).]

As long as one person present on a boat engaged as a platform for the harvesting of sea urchins and scallops by hand has met the tender safety requirements adopted by rule pursuant to section 6533, all other persons present on the boat may operate the boat or engage in culling activities or otherwise handle the harvested product. An individual who engages in harvesting activities in accordance with a license issued under section 6701 or 6748 may not be considered as the person who has met the tender safety requirements adopted by rule pursuant to section 6533.
[PL 2015, c. 201, §2 (AMD).]

2-A. Thirty-day temporary license.
[PL 2009, c. 396, §3 (RP).]

3. Eligibility. A sea urchin and scallop diving tender license may be issued only to an individual who is a resident.
[PL 2009, c. 561, §21 (RPR).]

4. Fees. The fee for a license issued under this section is $133.

A. [PL 2009, c. 561, §21 (RP).]

B. [PL 2009, c. 561, §21 (RP).]
[PL 2009, c. 561, §21 (RPR).]

4-A. Exception. A person acting as a tender under section 6701, subsection 5, paragraph B or section 6748, subsection 4, paragraph B does not need to possess a license issued under this Part.
[PL 2009, c. 561, §21 (NEW).]

5. Prima facie evidence.
[PL 2009, c. 396, §3 (RP).]

6. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2009, c. 561, §21 (RPR).]

SECTION HISTORY

PL 1995, c. 392, §2 (NEW). PL 1995, c. 530, §1 (AMD). PL 1997, c. 19, §6 (AMD). PL 1997, c. 158, §§3-5 (AMD). PL 2001, c. 421, §B32 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW9 (AMD). PL 2009, c. 213, Pt. G, §11 (AMD). PL 2009, c. 396, §3 (AMD). PL 2009, c. 561, §21 (RPR). PL 2013, c. 282, §5 (AMD). PL 2013, c. 492, §6 (AMD). PL 2015, c. 201, §2 (AMD).

§6536. Scallop diving tender license

(REPEALED)

SECTION HISTORY

PL 1995, c. 530, §2 (NEW). PL 1997, c. 19, §7 (AMD). PL 2001, c. 421, §B33 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW10 (AMD). PL 2009, c. 213, Pt. G, §12 (AMD). PL 2009, c. 396, §4 (RP). PL 2009, c. 652, Pt. C, §1 (RP).

ARTICLE 2

HERRING LIMITATIONS

§6541. Artificial lights in herring fishing

It shall be unlawful to take herring by use of or with the aid of any artificial light in the coastal waters, except as provided in this section. [PL 1977, c. 661, §5 (NEW).]

The commissioner may adopt or amend regulations that set aside specific areas where artificial light may be used in the taking of herring, provided the herring are to be taken for bait and the activity will not unreasonably interfere with commercial herring fishing. [PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6542. Size of herring

It shall be unlawful to take, buy, sell, process, ship, transport or possess herring which are less than 4 1/2 inches in length, except: [PL 1977, c. 661, §5 (NEW).]

1. Bait.

[PL 1983, c. 387, §1 (RP).]

2. Tolerance of 25%. Any person may take, buy, sell, process, ship, transport or possess herring that are less than 4 1/2 inches, if they comprise less than 25% by volume of an entire lot. The 25% tolerance by volume shall be determined by examination of 1/2 bushel chosen at random from each 30 hogsheads of herring or fraction thereof.
[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1983, c. 387, §1 (AMD).

§6543. Standard unit of herring measure

A person who purchases or sells herring in their live or raw state for packing, other than by a standard unit of measure or by a fractional part of a standard unit of measure, commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged. The standard units of measure are the bushel, barrel of 3 bushels or the hogshead of 17 1/2 bushels. [PL 1999, c. 771, Pt. B, §6 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 771, §B6 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§6544. Sealing of herring boats

A person who sells or transports any herring for processing, from or in the hold of any boat, which has not been measured and sealed as provided in this section, commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged. [PL 1999, c. 771, Pt. B, §6 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

1. Sealing of boats. The holds of all boats transporting herring for processing purposes must be measured and sealed by the State Sealer of Weights and Measures or the state sealer's designee.
[PL 1999, c. 771, Pt. B, §6 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

2. Fee. The owner of the boat shall pay a fee for the measuring and sealing as determined by the State Sealer of Weights and Measures, based on the carrying capacity of the boat.
[PL 1977, c. 661, §5 (NEW).]

3. Method of measuring and sealing. The measure must be in 5 hogshead divisions measured by liquid measure from a calibrated prover to the top of the hatch coaming. The measurement must be marked and permanently sealed, both forward and aft, in the hold, in the most practicable manner, while the boat is afloat.
[PL 1999, c. 771, Pt. B, §6 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

4. Notification of broken seals. The boat owner shall immediately notify the State Sealer of Weights and Measures of any alteration or the breaking of any seal.
[PL 1977, c. 661, §5 (NEW).]

5. Certification to commissioner. After measuring and sealing each boat, the State Sealer of Weights and Measures shall certify to the commissioner the name of the owner and the name and capacity of each boat.
[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 771, §B6 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§6545. Enforcement cooperation

The Commissioner of Marine Resources and the Commissioner of Agriculture, Conservation and Forestry shall cooperate in the enforcement of sections 6542 and 6543. [RR 2009, c. 2, §25 (COR); PL 2011, c. 657, Pt. W, §6 (REV).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). RR 2009, c. 2, §25 (COR). PL 2011, c. 657, Pt. W, §6 (REV).

§6546. Sale and purchase of herring; written acknowledgement

Any person, firm or corporation purchasing herring from a fisherman or his agent, at the time of purchase, shall furnish to the fisherman or his agent a written acknowledgment of the purchase. [PL 1981, c. 671 (NEW).]

1. Contents of acknowledgment. Unless otherwise agreed to by the parties, the buyer shall insert in the written acknowledgment all information necessary for a complete understanding of the transaction, including the price and quantity, and a provision for payment at a time not later than 14 days after delivery of the herring.
[PL 1981, c. 671 (NEW).]

2. Payments. Unless otherwise agreed to by the parties, the buyer shall make all payments to the fisherman, or his agent, in money or in money equivalent, which includes, but is not limited to, credit against any outstanding indebtedness the fisherman may have to the buyer.
[PL 1981, c. 671 (NEW).]

SECTION HISTORY

PL 1981, c. 671 (NEW).

§6547. Sale or packing of herring

(REALLOCATED FROM TITLE 32, SECTION 4159)

The sale and packing of herring is subject to the following. [PL 1991, c. 446, Pt. A, §8 (RAL).]

1. Tolerance of 25%; how determined.

[PL 1985, c. 268, §6 (RP).]

1. Human consumption and bait purposes. If there is a buyer of herring for processing for human consumption within a reasonable distance of the place where the herring are caught that is available at the time they are offered for sale and ready and willing to purchase at a price acceptable to the seller, it is unlawful for any person, firm or corporation to sell, offer for sale or transfer in any manner herring that are 4 1/2 inches in length or longer, when measured from one extreme to the other, to any person, firm or corporation for purposes other than for human consumption or bait, unless those herring are not desirable for processing for human consumption.
[PL 1991, c. 446, Pt. A, §8 (RAL).]

2. Fish meal or oil. It is unlawful for any person, firm or corporation to process herring that are 4 1/2 inches in length or longer, when measured from one extreme to the other, for use as fish meal or oil.
[PL 1991, c. 446, Pt. A, §8 (RAL).]

3. Canning, packing or processing. No person, firm or corporation may can, pack or otherwise process those herring other than for human consumption, except as provided in this section.
[PL 1991, c. 446, Pt. A, §8 (RAL).]

4. Processing, transfer or sale of by-products. Nothing in this section may prohibit the processing, transfer or sale of herring cuttings, by-products or waste.
[PL 1991, c. 446, Pt. A, §8 (RAL).]

SECTION HISTORY

PL 1991, c. 446, §A8 (RAL).

ARTICLE 3

MISCELLANEOUS SPECIES

§6551. Tuna; method of taking

A person may not: [PL 2003, c. 452, Pt. F, §12 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

1. Fish for or take tuna; permitted methods. Fish for or take any tuna by any method other than by harpoons or by hook and line; or
[PL 2003, c. 452, Pt. F, §12 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Possess. Possess any tuna that was taken in an unlawful manner.
[PL 2003, c. 452, Pt. F, §12 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2003, c. 452, §F12 (RPR). PL 2003, c. 452, §X2 (AFF).

§6552. Smelts; method and amount

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1985, c. 217 (AMD). PL 1987, c. 173 (RP).

§6553. Atlantic salmon; limits; method of taking; closed season

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 459, §2 (AMD). PL 1981, c. 662, §2 (AMD). PL 1983, c. 638 (AMD). PL 1983, c. 680, §5 (AMD). PL 1985, c. 506, §A14 (AMD). PL 1987, c. 690, §§9-11 (AMD). PL 1995, c. 406, §7 (RP).

§6553-A. Implements and devices in Washington County waters

Between May 1st and December 1st of each year, it is unlawful to set or use any device, such as fish spawn, grapnel, spear, trawl, weir, gaff, seine, gill net, trap or set line on the waters of the Pleasant River and its tributaries in Columbia Falls and Addison, in Washington County, above Maine River Bridge, so-called, in Addison, and during that closed period a person may not have in that person's possession any grapnel, trawl, weir, seine, gill net, trap or set line on the waters of the Pleasant River or its tributaries within those boundaries. This section does not apply to the taking of eels by spear

from those waters during the month of November annually. This section does not apply to the taking of river herring from those waters as authorized by the general law or by vote of the Town of Columbia Falls. Any equipment used in violation of this section must be confiscated by the commissioner, after final adjudication of any charge brought under this section. [PL 2011, c. 598, §24 (AMD).]

SECTION HISTORY

PL 1983, c. 830 (NEW). PL 2011, c. 598, §24 (AMD).

§6553-B. Fixed gill nets; limited prohibition

(REPEALED)

SECTION HISTORY

PL 1993, c. 681, §1 (NEW). MRSA T. 12 §6553-B (RP).

§6554. Pacific salmon; method of taking; limits

1. Minimum length. A person may not take or possess Pacific salmon which are less than 14 inches in length.
[PL 1999, c. 771, Pt. B, §7 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

2. Method of taking. A person may not fish for or take Pacific salmon from the coastal waters by any means other than hook and line with a single hook.
[PL 1999, c. 771, Pt. B, §7 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

3. Limits. A person may not take more than 2 Pacific salmon in any one day.
[PL 1999, c. 771, Pt. B, §7 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

4. Exception for aquaculture. A person lawfully engaged in the aquaculture of Pacific salmon is exempt from this section if that person holds a special license, if required, under section 6074.
[PL 1999, c. 771, Pt. B, §7 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

5. Recommendations; commissioner. Nothing in this chapter may prohibit the commissioner from recommending to the Legislature changes in the limit on Pacific salmon that may be taken by hook and line with a single hook.
[PL 1983, c. 662, §5 (NEW).]

6. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged.
[PL 1999, c. 771, Pt. B, §7 (NEW); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1983, c. 662, §5 (AMD). PL 1999, c. 771, §B7 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§6555. Striped bass; method of taking

It is unlawful to fish for or take striped bass, except by hook and line. [PL 2001, c. 272, §9 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 231 (AMD). PL 1983, c. 250 (RPR). PL 1985, c. 202 (AMD). PL 1985, c. 596, §1 (AMD). PL 1985, c. 596, §§2,5 (RPR). PL 1987, c. 513, §§6,7 (AMD). PL 1987, c. 622, §1 (RPR). PL 1989, c. 788, §2 (AMD). PL 2001, c. 272, §9 (AMD).

§6556. Striped bass; limits; personal use

It is unlawful for any person to fish for or take striped bass, except for personal use.

SECTION HISTORY

PL 1983, c. 713, §§1,2 (NEW). PL 1985, c. 596, §3 (AMD). PL 1985, c. 596, §§4,5 (RPR). PL 1987, c. 622, §2 (RPR). PL 1989, c. 788, §3 (AMD). PL 2001, c. 272, §10 (AMD).

§6556-A. Striped bass; modification of requirements

(REPEALED)

SECTION HISTORY

PL 1987, c. 622, §3 (NEW). PL 1989, c. 788, §4 (RP).

ARTICLE 4

CERTAIN AREA LIMITATIONS

§6571. Washington County

Within the territorial waters adjacent to Washington County: [PL 2001, c. 272, §11 (AMD).]

1. Otter or beam trawls prohibited. From May 1st to December 15th, both days inclusive, it shall be unlawful to use either otter or beam trawls, except in the St. Croix River above or north of Quoddy Head lighthouse; and
[PL 1977, c. 661, §5 (NEW).]

2. Purse seines prohibited.

[PL 1983, c. 731, §3 (RP).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1977, c. 713, §6 (AMD). PL 1979, c. 262 (AMD). PL 1983, c. 108 (AMD). PL 1983, c. 731, §3 (AMD). PL 2001, c. 272, §11 (AMD).

§6572. Identification of groundfish spawning areas

1. Spawning areas for certain species. By January 1, 1998, the commissioner shall by rule identify all locations of the territorial waters that serve as spawning areas for cod, haddock or yellowtail flounder and the dates during which those spawning activities occur in each area. In determining the coastal spawning areas for cod, haddock and yellowtail flounder, the commissioner shall solicit information on the State's historic coastal groundfish spawning areas from persons who participate in, or are otherwise knowledgeable about, commercial and recreational coastal marine fisheries. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
[PL 2001, c. 272, §12 (AMD).]

2. Report. The commissioner shall by March 15, 2003 report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on areas identified as spawning areas for cod, haddock or yellowtail flounder and any actions taken by the commissioner regarding those spawning areas.
[PL 1997, c. 92, §1 (NEW).]

3. Repeal of authority. After June 30, 2003, the commissioner may not designate spawning areas for cod, haddock or yellowtail flounder.
[PL 1997, c. 92, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 92, §1 (NEW). PL 2001, c. 272, §12 (AMD).

ARTICLE 5

ELVER AND EEL LIMITATIONS

§6575. Open season; elver harvesting

1. Open season. It is unlawful for a person to fish for or take elvers within the waters of the State except during the open season from noon on March 22nd to noon on June 7th.
[PL 2015, c. 391, §9 (AMD).]

1-A. Federally recognized Indian tribes; violation. It is unlawful for a person to fish for or take elvers in violation of rules adopted by the commissioner under section 6302-B, subsection 4.
[PL 2015, c. 391, §10 (NEW).]

2. Setting nets and traps. It is unlawful for a person to immerse or leave immersed an elver fyke net or a Sheldon eel trap in any river, stream or brook of the waters of the State at any time other than the open season for elver fishing.
[PL 1999, c. 7, §7 (AMD).]

3. Locating nets. It is unlawful for a person to designate or claim by any means a location in which to set an elver fyke net or a Sheldon eel trap at any time other than the open season for elver fishing.
[PL 1999, c. 7, §7 (AMD).]

4. Nets of certain sizes.

[PL 1999, c. 7, §7 (RP).]

5. Violation. A person who violates this section commits a Class D crime for which a fine of $2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2013, c. 49, §11 (NEW).]

SECTION HISTORY

PL 1995, c. 536, §A9 (NEW). PL 1995, c. 536, §A13 (AFF). PL 1997, c. 91, §4 (AMD). PL 1999, c. 7, §7 (AMD). PL 2013, c. 49, §11 (AMD). PL 2015, c. 391, §§9, 10 (AMD).

§6575-A. Closed period; elver harvesting

(REPEALED)

SECTION HISTORY

PL 1995, c. 536, §A9 (NEW). PL 1995, c. 536, §A13 (AFF). PL 1997, c. 575, §3 (AMD). PL 1999, c. 7, §8 (AMD). PL 2011, c. 549, §7 (AMD). PL 2013, c. 49, §12 (RPR). PL 2013, c. 468, §26 (AMD). PL 2015, c. 391, §11 (RP).

§6575-B. Method of elver fishing; limits on gear

1. Gear. It is unlawful for a person to fish for or take elvers by any method other than by dip net, elver fyke net or Sheldon eel trap.
[PL 1995, c. 536, Pt. A, §9 (NEW).]

2. Number of elver fyke nets and Sheldon eel traps.

[PL 1999, c. 7, §9 (RP).]

2-A. Number of nets and Sheldon eel traps.

[PL 1999, c. 534, §4 (RP).]

2-B. Type and amount of gear. It is unlawful for a person to immerse elver fishing gear other than the types and amounts listed on the person's license pursuant to section 6505-A, subsection 5. A person may not immerse an amount of elver fishing gear that exceeds the amount of elver fishing gear

listed on the person's license for the previous elver fishing season. A person may elect which types of gear are listed on the person's license prior to the issuance of the license for that elver fishing season. The commissioner may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. [PL 2015, c. 391, §12 (RP).]

B. [PL 2005, c. 533, §3 (RP).]

C. [PL 2005, c. 533, §3 (RP).]

[PL 2015, c. 391, §12 (AMD).]

3. Rebuttable presumption. It is a rebuttable presumption that an elver fyke net, Sheldon eel trap or elver dip net immersed in any waters of the State at any time of the year is immersed for the purpose of fishing for or taking elvers.

[PL 1999, c. 7, §11 (AMD).]

4. Prohibition on fishing from boats. It is unlawful for a person to set or tend an elver fyke net or a Sheldon eel trap from a boat or to fish for or take elvers from a boat. A person may transport an elver fyke net, a Sheldon eel trap or a dip net by boat.

[PL 1995, c. 536, Pt. A, §9 (NEW).]

5. Use of dip nets. It is unlawful for a person to use a dip net to fish for or take elvers while standing in the coastal waters of the State.

[PL 1997, c. 575, §4 (AMD).]

6. Prohibition on fishing from artificial platforms. A person may not build or use an artificial platform to fish for elvers. This subsection does not prohibit fishing for elvers from piers or floats established for purposes other than elver fishing.

[PL 1999, c. 7, §12 (NEW).]

7. Bycatch release. A person immediately shall return alive into the waters of the State any species other than elver that is caught in an elver fyke net.

[PL 1999, c. 7, §12 (NEW).]

8. St. Croix River; use of fyke nets prohibited.

[PL 2015, c. 391, §13 (RP).]

SECTION HISTORY

PL 1995, c. 536, §A9 (NEW). PL 1997, c. 91, §5 (AMD). PL 1997, c. 575, §4 (AMD). PL 1999, c. 7, §§9-12 (AMD). PL 1999, c. 534, §§4,5 (AMD). PL 2005, c. 533, §3 (AMD). PL 2013, c. 468, §27 (AMD). PL 2015, c. 391, §§12, 13 (AMD).

§6575-C. Closed areas; elver fishing

1. Dams with fishways.

[PL 2013, c. 49, §13 (RP).]

2. River herring traps. A person may not fish for or take elvers within 50 feet of a licensed river herring trap.

[PL 2011, c. 598, §25 (AMD).]

3. Portion of rivers, streams and brooks. A person may not:

A. Fish for or take elvers at any time within the middle 1/3 of a river, stream, brook or other watercourse, as measured at mean high tide, within the coastal waters of the State; or [PL 2003, c. 452, Pt. F, §14 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Obstruct the middle 1/3 of any river, stream, brook or other watercourse, as measured at mean low tide, within the coastal waters of the State. [PL 2003, c. 452, Pt. F, §14 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §14 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Dip nets near elver fyke nets. A person may not fish for or take elvers with a dip net in the mouth of an elver fyke net. For the purposes of this subsection, "mouth of an elver fyke net" means that area within an elver fyke net that is net-side of a straight line that runs from one meshed wing tip of the net to the other meshed wing tip.

[PL 2003, c. 452, Pt. F, §15 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Fyke net placement. A person may not place or set an elver fyke net or take elvers from an elver fyke net when any portion of the net, including any anchoring device, is located within an imaginary line between the wing ends of another elver fyke net. Cod end anchoring devices may not exceed 10 feet in length and wing end anchoring devices may not interfere with or create a hazard to navigation within the middle 1/3 of a navigable watercourse. A marine patrol officer may open the cod end of a net that is located in violation of this subsection.

[PL 1999, c. 7, §13 (NEW).]

6. Obstructing elver fyke nets. A person may not set an elver fyke net or place an obstruction near an elver fyke net in a manner that interferes with the operation of an elver fyke net.

[PL 1999, c. 7, §13 (NEW).]

7. Rulemaking; gear placement. If necessary to conserve the elver resource, the commissioner may adopt rules pursuant to section 6171 relating to placement of elver fishing gear based on the configuration of specific rivers, streams, brooks or other watercourses. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[PL 1999, c. 7, §13 (NEW).]

SECTION HISTORY

PL 1995, c. 536, §A9 (NEW). PL 1997, c. 91, §6 (AMD). PL 1997, c. 575, §5 (AMD). PL 1999, c. 7, §13 (AMD). PL 2003, c. 452, §§F13-15 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 598, §25 (AMD). PL 2013, c. 49, §13 (AMD).

§6575-D. Molesting elver fishing gear

1. Prohibition. Except as provided in subsection 1-A, a person other than a marine patrol officer or the license holder issued a tag for an elver fyke net may not utilize, transfer, alter, possess or in any manner handle the net unless that person has been issued a license to fish for elvers with an elver fyke net under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A or a license to fish for elvers with crew with an elver fyke net under section 6505-A and the license holder issued the tag for the elver fyke net is present and assisting in setting, tending or removing the net.

A. [PL 1999, c. 7, §14 (RP).]

B. [PL 2013, c. 468, §28 (RP).]

[PL 2013, c. 468, §28 (AMD).]

1-A. Restriction on emptying net or trap; exception. A person other than the license holder identified on the tag for an elver fyke net or a Sheldon eel trap may not empty that net or trap unless that person has been issued an elver fishing license for the same gear type and has been issued written permission by a marine patrol officer to tend that net or trap. A marine patrol officer may issue a person written permission for the person to tend the license holder's net or trap only for the purpose of releasing captured elvers into the waters of the State if the license holder is temporarily unable to tend that net or trap because of a disability or personal or family medical condition. If the license holder is unable to tend that net or trap for more than 2 consecutive weeks, the net or trap must be removed from the water.

[PL 2013, c. 468, §28 (NEW).]

2. Violation. A person who violates this section commits a Class D crime for which a fine of $2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2013, c. 49, §14 (AMD).]

SECTION HISTORY

PL 1995, c. 536, §A9 (NEW). PL 1999, c. 7, §14 (AMD). PL 2001, c. 421, §B34 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2011, c. 549, §8 (AMD). PL 2013, c. 49, §14 (AMD). PL 2013, c. 468, §28 (AMD).

§6575-E. Method of eel fishing

Except as provided in section 6505-C, subsection 2, it is unlawful for a person licensed under section 6505-C to fish for or take eels by any method other than eel pot. [PL 2013, c. 301, §11 (AMD).]

SECTION HISTORY

PL 1995, c. 536, §A9 (NEW). PL 2001, c. 272, §13 (AMD). PL 2013, c. 301, §11 (AMD).

§6575-F. West side of Orland River closed to elver fishing

A person may not fish for or take elvers within the portion of the Orland River between the west bank and the center of the river from the southernmost point of land on Fish Point to the dam in Orland.
[PL 1999, c. 18, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 18, §1 (NEW).

§6575-G. Dams with fishways; elver fishing

1. Dams with fishways. A person may not fish for or take elvers within 150 feet of any part of a dam with a fishway or within 150 feet of a fishway.
[PL 2013, c. 49, §15 (NEW).]

2. Violation. A person who violates this section commits a Class D crime for which a fine of $2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2013, c. 49, §15 (NEW).]

SECTION HISTORY

PL 2013, c. 49, §15 (NEW).

§6575-H. Sale and purchase of elvers

1. Sale of elvers. A person may not sell elvers except as follows.

A. A person may not sell elvers except to a person who holds a valid elver dealer's license under section 6864 or a person who, pursuant to section 6864, subsection 9, is an authorized representative of a person holding a license issued under section 6864. [PL 2013, c. 301, §12 (NEW).]

B. A person may not accept payment for elvers in any form other than a check or cashier's check that identifies both the buyer, by whom the landings will be reported, and the seller, each of whom must be a person holding a license issued under section 6864, a person who, pursuant to section 6864, subsection 9, is an authorized representative of a person holding a license issued under section 6864 or a person holding a license issued under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A. [PL 2013, c. 468, §29 (AMD).]

[PL 2013, c. 468, §29 (AMD).]

1-A. Purchase of elvers. A person who holds a valid elver dealer's license under section 6864 or a person who, pursuant to section 6864, subsection 9, is an authorized representative of a person holding a license issued under section 6864 shall post at the point of sale the price that that buyer will pay.
[PL 2013, c. 485, §8 (NEW).]

2. Violation. A person who violates this section commits a Class D crime for which a fine of $2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2013, c. 49, §15 (NEW).]

SECTION HISTORY

PL 2013, c. 49, §15 (NEW). PL 2013, c. 301, §12 (AMD). PL 2013, c. 468, §29 (AMD). PL 2013, c. 485, §8 (AMD).

§6575-I. Assisting in illegal harvest of elvers

(REPEALED)

SECTION HISTORY

PL 2013, c. 301, §13 (NEW). PL 2013, c. 468, §30 (RP).

§6575-J. Seizure of illegal elvers

In addition to any other penalty imposed, elvers that are taken, sold, purchased or possessed in violation of any law or rule pertaining to elvers are subject to seizure by any officer authorized to enforce this Part. The entire bulk pile containing illegal elvers may be seized. For the purposes of this section, "bulk pile" means all elvers in the possession of a person who fished for, took, possesses or bought elvers in violation of any law or rule regulating elvers under this Part. [PL 2019, c. 163, §6 (AMD).]

SECTION HISTORY

PL 2013, c. 301, §13 (NEW). PL 2017, c. 250, §8 (AMD). PL 2019, c. 163, §6 (AMD).

§6575-K. Elver individual fishing quota

1. Prohibition on possession or sale of elvers in excess of elver individual fishing quota. A person may not possess or sell elvers in excess of the elver individual fishing quota that person has been allocated for the fishing season pursuant to section 6505-A, subsection 3-A, plus any additional quota the person may be authorized to take under section 6575-L. After a person's elver transaction card issued pursuant to section 6505-A, subsection 1-C has been used to record transactions equal to or in excess of the elver quota allocated to that person, that person may not possess or sell elvers.
[PL 2019, c. 642, §6 (AMD).]

2. Prohibition on fishing after elver individual fishing quota has been reached. Except as provided in section 6575-L, this section applies to fishing after a person's elver individual fishing quota has been reached. A person who has sold elvers equal to or in excess of that person's elver individual fishing quota may not fish for or possess elvers for the remainder of the season, except that such a person who has been issued a license to fish for elvers may in accordance with section 6575-D assist another person who has been issued a license to fish for elvers who has not met or exceeded that person's elver individual fishing quota as provided in section 6505-A, subsection 3-A. After a person's elver transaction card issued pursuant to section 6505-A, subsection 1-C has been used to record transactions equal to or in excess of the elver quota allocated to that person, that person may not fish for elvers. All gear tagged by a license holder who has met or exceeded that person's elver individual fishing quota must be removed. A marine patrol officer may seize the elver transaction card of a license holder who has met or exceeded that person's elver individual fishing quota.

[PL 2019, c. 642, §7 (AMD).]

3. Violation. An individual who in fact violates this section commits a crime in accordance with section 6204 for which a fine of $2,000 must be imposed, none of which may be suspended.
[PL 2013, c. 485, §9 (NEW).]

SECTION HISTORY

PL 2013, c. 485, §9 (NEW). PL 2015, c. 131, §2 (AMD). PL 2019, c. 642, §§6, 7 (AMD).

§6575-L. Temporary medical transfer

The commissioner may authorize a temporary medical transfer of the elver individual fishing quota allocated to a person under section 6505-A in accordance with this section. The holder of an elver fishing license who requests a temporary medical transfer under this section must maintain a valid elver fishing license during the duration of the temporary medical transfer. [PL 2015, c. 131, §3 (NEW).]

1. Temporary medical transfer requested prior to March 1st. Notwithstanding section 6505-A, subsection 3-A, the commissioner may authorize a temporary medical transfer that permits the holder of an elver fishing license issued under section 6505-A to transfer the entire annual quota allocated to that person to another person holding an elver fishing license issued under section 6505-A if the following criteria are met:

A. The transferor reported elver landings in the prior fishing year; [PL 2015, c. 131, §3 (NEW).]

B. The transferor is unable to fish the quota allocated to the transferor because the transferor has experienced a substantial illness or medical condition. The transferor shall provide the commissioner with documentation from a physician describing the substantial illness or medical condition; and [PL 2015, c. 131, §3 (NEW).]

C. The transferor requests a temporary medical transfer in writing before March 1st of the fishing year for which it is being requested, except that the commissioner may adopt rules that provide a method for authorizing a temporary medical transfer requested after March 1st to address emergency medical conditions. [PL 2015, c. 131, §3 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[RR 2015, c. 1, §5 (COR).]

SECTION HISTORY

RR 2015, c. 1, §5 (COR). PL 2015, c. 131, §3 (NEW).

SUBCHAPTER 3

MAINE GROUNDFISH ASSOCIATION

§6581. Findings and purpose

(REPEALED)

SECTION HISTORY

PL 1981, c. 677, §1 (NEW). MRSA T. 12 §6587 (RP).

§6582. Definitions

(REPEALED)

SECTION HISTORY

PL 1981, c. 677, §1 (NEW). MRSA T. 12 §6587 (RP).

§6583. Maine Groundfish Association

(REPEALED)

SECTION HISTORY

PL 1981, c. 677, §1 (NEW). PL 1983, c. 812, §86 (AMD). MRSA T. 12 §6587 (RP).

§6584. Powers and duties of the association

(REPEALED)

SECTION HISTORY

PL 1981, c. 677, §1 (NEW). MRSA T. 12 §6587 (RP).

§6585. Limitation

(REPEALED)

SECTION HISTORY

PL 1981, c. 677, §1 (NEW). MRSA T. 12 §6587 (RP).

§6586. Board of directors

(REPEALED)

SECTION HISTORY

PL 1981, c. 677, §1 (NEW). MRSA T. 12 §6587 (RP).

§6587. Repeal

(REPEALED)

SECTION HISTORY

PL 1981, c. 677, §1 (NEW). MRSA T. 12 §6587 (RP).

SUBCHAPTER 4

GROUNDFISH HATCHERY FUND

§6591. Groundfish Hatchery Fund

(REPEALED)

SECTION HISTORY

PL 1993, c. 194, §1 (NEW). PL 1995, c. 396, §§1,2 (AMD). MRSA T. 12 §6594 (RP).

§6592. Groundfish Hatchery Study Commission

(REPEALED)

SECTION HISTORY

PL 1993, c. 194, §1 (NEW). MRSA T. 12 §6594 (RP).

§6593. Membership

(REPEALED)

SECTION HISTORY

PL 1993, c. 194, §1 (NEW). MRSA T. 12 §6594 (RP).

§6594. Repeal

(REPEALED)

SECTION HISTORY

PL 1993, c. 194, §1 (NEW). PL 1995, c. 396, §3 (AMD). MRSA T. 12 §6594 (RP).

CHAPTER 623

SHELLFISH, SCALLOPS, WORMS AND MISCELLANEOUS LICENSES

SUBCHAPTER 1

SHELLFISH

ARTICLE 1

LICENSES

§6601. Commercial shellfish license

1. License required. A person may not engage in the activities authorized under this section without a current commercial shellfish license or other license issued under this Part authorizing the activities.
[PL 2005, c. 434, §4 (AMD).]

2. Licensed activities. The holder of a commercial shellfish license may fish for, take, possess or transport shellfish within the state limits or sell shellstock the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A. The holder may also sell shellstock the holder has taken from that license holder's home in the retail trade. This license does not authorize the holder to fish for or take shellfish in violation of a municipal ordinance adopted pursuant to section 6671.
[PL 2011, c. 598, §26 (AMD).]

2-A. Licensed activities; aquaculture.
[PL 2017, c. 296, §6 (RP); PL 2017, c. 296, §10 (AFF).]

3. Eligibility. A commercial shellfish license may be issued only to an individual who is a resident.
[PL 2005, c. 434, §4 (AMD).]

4. Personal use exception. A person may take or possess no more than one peck of shellstock or 3 bushels of "hen" or "surf" clams for personal use in one day without a license, unless municipal ordinances further limit the taking of shellfish. This subsection does not apply to individuals whose ability to obtain a shellfish license has been suspended by the commissioner.
[PL 2007, c. 54, §1 (AMD).]

5. License fee. Except as provided in subsection 5-A, the fee for a commercial shellfish license is $58.25.
[PL 2017, c. 284, Pt. EEEEE, §14 (AMD).]

5-A. Exception. The fee for a commercial shellfish license for applicants 70 years of age or older and applicants under 18 years of age is $67, which must be deposited in the Shellfish Fund established under section 6651.
[PL 2017, c. 284, Pt. EEEEE, §15 (AMD).]

6. Definition. For the purposes of this subchapter, "shellfish" means shellstock clams, quahogs other than mahogany quahogs, and oyster shellstock.
[PL 2005, c. 434, §4 (AMD).]

7. Penalty.

[PL 2001, c. 421, Pt. B, §38 (RP); PL 2001, c. 421, Pt. C, §1 (AFF).]

8. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §39 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 163 (AMD). PL 1981, c. 297, §3 (AMD). PL 1981, c. 480, §§4,15,16 (AMD). PL 1983, c. 824, Pt. K, subpt. 3 (AMD). PL 1985, c. 243 (AMD). PL 1987, c. 328, §1 (AMD). PL 1987, c. 826, §1 (AMD). PL 1989, c. 348, §5 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T4 (AMD). PL 1991, c. 591, §T4 (AMD). PL 1993, c. 281, §1 (AMD). PL 2001, c. 421, §§B35-39 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW11 (AMD). PL 2005, c. 233, §§1,2 (AMD). PL 2005, c. 434, §4 (AMD). PL 2007, c. 54, §1 (AMD). PL 2007, c. 466, Pt. A, §§34, 35 (AMD). PL 2007, c. 522, §3 (AMD). PL 2009, c. 213, Pt. G, §§13, 14 (AMD). PL 2009, c. 217, §1 (AMD). PL 2011, c. 598, §26 (AMD). PL 2013, c. 509, §9 (AMD). PL 2015, c. 355, §1 (AMD). PL 2015, c. 355, §2 (AFF). PL 2017, c. 284, Pt. EEEEE, §§14, 15 (AMD). PL 2017, c. 296, §6 (AMD). PL 2017, c. 296, §10 (AFF).

§6602. Surf clam boat license

1. License required. A person may not use a boat for dragging for the harvesting of surf clams unless that boat carries a current surf clam boat license issued by the commissioner.
[PL 2007, c. 54, §2 (NEW).]

2. Licensed activity. A surf clam boat license issued under this section may be used for harvesting surf clams. The holder of a surf clam boat license may also possess or transport surf clams within state limits or sell surf clams the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A. The license also authorizes the captain and crew members aboard the licensed boat when engaged in harvesting surf clams to undertake these activities.
[PL 2011, c. 598, §27 (AMD).]

3. Eligibility. A surf clam boat license may be issued only to an individual who is a resident of this State.
[PL 2007, c. 54, §2 (NEW).]

4. Exception. In any one day, a person may take or possess not more than 3 bushels of surf clams for personal use without a surf clam boat license.
[PL 2007, c. 54, §2 (NEW).]

5. Fee. The fee for a surf clam boat license is $265.
[PL 2009, c. 213, Pt. G, §15 (AMD).]

6. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2007, c. 54, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 54, §2 (NEW). PL 2009, c. 213, Pt. G, §15 (AMD). PL 2009, c. 217, §2 (AMD). PL 2011, c. 598, §27 (AMD).

ARTICLE 2

LIMITS ON FISHING

§6621. Closed areas

1. Taking from closed areas. A person may not:

A. Fish for or take shellfish from any area closed pursuant to section 6172; [PL 2011, c. 527, §10 (AMD).]

B. Fish for or take shellfish from any area closed pursuant to section 6172 when the person has one or more prior convictions for violating paragraph A; [PL 2011, c. 527, §10 (AMD).]

C. Possess, ship, transport or sell shellfish taken from any area closed pursuant to section 6172; or [PL 2011, c. 527, §10 (AMD).]

D. Possess, ship, transport or sell shellfish taken from any area closed pursuant to section 6172 when the person has one or more prior convictions for violating paragraph C. [PL 2011, c. 527, §10 (AMD).]

[PL 2011, c. 527, §10 (AMD).]

2. Washing or holding in closed areas. A person may not:

A. Wash, hold or keep shellfish in any area closed pursuant to section 6172; [PL 2011, c. 527, §10 (AMD).]

B. Wash, hold or keep shellfish in any area closed pursuant to section 6172 when the person has one or more convictions for violating paragraph A; [PL 2011, c. 527, §10 (AMD).]

C. Possess, ship, transport or sell shellfish washed, held or kept in any area closed pursuant to section 6172; or [PL 2011, c. 527, §10 (AMD).]

D. Possess, ship, transport or sell shellfish washed, held or kept in any area closed pursuant to section 6172 when the person has one or more convictions for violating paragraph C. [PL 2011, c. 527, §10 (AMD).]

[PL 2011, c. 527, §10 (AMD).]

3. Exception. This section does not apply to:

A. The taking of shellfish under the authority of section 6856; [PL 1989, c. 257, §1 (AMD).]

B. [PL 2003, c. 520, §7 (RP).]

C. Municipal officials, with express written authorization from the commissioner, who are engaging in activities authorized under section 6671. Requests for exception must be submitted to the commissioner in writing stating the activities proposed and the name of the person designated by the municipal officials to supervise those activities. In addition, the municipality shall, at least 24 hours prior to engaging in the activity, notify the department of the time or times the activity authorized under this paragraph will be conducted; [PL 1995, c. 323, §1 (AMD).]

D. The harvesting of shellfish from closed areas designated for purposes of relaying when harvesting is approved in writing by the commissioner consistent with regulations promulgated under section 6856; or [PL 1995, c. 323, §1 (AMD).]

E. The harvesting of marine mollusks from closed areas for the use of bait or other uses not meant for human consumption, if the harvesting takes place according to rules adopted by the commissioner. The commissioner may adopt rules that permit the taking, possession, shipping, transportation and selling of marine mollusks for bait or other uses not meant for human

consumption, if the rules do not jeopardize certification of the State's shellfish according to the National Shellfish Sanitation Program. [PL 1995, c. 323, §1 (NEW).]

[PL 2003, c. 520, §7 (AMD).]

4. Penalty. A person who violates this article commits a Class D crime. The following minimum penalties apply:

A. For the first offense, a fine of not less than $300; and [PL 1997, c. 628, §1 (AMD).]

B. For subsequent offenses within 10 years from the date of conviction for the first violation, a fine of not less than $500. [PL 1997, c. 628, §1 (AMD).]

The court may not suspend a fine imposed under this subsection. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

[PL 2003, c. 452, Pt. F, §17 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 462, §1 (AMD). PL 1983, c. 301, §8 (AMD). PL 1989, c. 257, §§1,2 (AMD). PL 1991, c. 168, §§1-3 (AMD). PL 1993, c. 281, §2 (AMD). PL 1995, c. 323, §1 (AMD). PL 1997, c. 628, §1 (AMD). PL 2003, c. 452, §§F16-17 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 520, §7 (AMD). PL 2011, c. 527, §10 (AMD).

§6622. Quahogs; minimum size

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 462, §2 (RP).

§6623. Method of taking soft shell clams

1. Hand implement only. It shall be unlawful to fish for or take soft shell clams, except by implements operated solely by hand, except as provided in this section.

[PL 1977, c. 661, §5 (NEW).]

1-A. Artificial breathing device prohibited. A person may not fish for or take soft shell clams while using an artificial breathing device that allows that person to breathe underwater. This subsection does not apply to the holder of a lease issued under section 6072, 6072-A or 6072-B when fishing for or taking soft shell clams cultivated on the leased area.

[PL 1999, c. 112, §1 (NEW).]

2. Special license for dredging. The commissioner may issue a special license, acting in accordance with the procedures set forth in section 6074, subsections 1 to 6, to operate a hydraulic or mechanical soft-shell clam dredge for educational or scientific purposes, for use on an aquaculture lease site or for municipal transplanting projects. The dredge shall not be used for commercial soft-shell clam harvesting except as authorized in this subsection. The dredge design and proposed operation shall be approved by the commissioner. The operation of the dredge shall not interfere with commercial digging and shall not be used for taking marine worms, lobsters or other crustaceans.

[PL 1985, c. 255 (RPR).]

3. Department excepted. This section shall not apply to equipment operated by the department for transplanting under a conservation program or conducting research on shellfish.

[PL 1979, c. 622, §4 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1977, c. 713, §7 (AMD). PL 1979, c. 622, §§3,4 (AMD). PL 1985, c. 255 (AMD). PL 1999, c. 112, §1 (AMD).

§6624. Quahog tax

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 462, §3 (RP).

§6625. Identification and tagging of shellfish

1. Tagging required. The holder of a license issued under section 6601, 6731, 6732, 6745, 6746 or 6810-B shall identify shellstock the license holder has taken by means of a harvester's tag. The tag must be consistent with the format required by the department under rules adopted to meet this requirement. Each container of shellstock must be tagged in accordance with department rules. The tag must accompany the harvested product while the product is in wholesale or retail commerce within the State.
[PL 2019, c. 334, §1 (AMD).]

2. Exception.
[PL 2005, c. 434, §5 (RP).]

3. Rules. The commissioner may adopt or amend rules that establish requirements for shellfish harvesters' tags.
[PL 1993, c. 497, §3 (NEW).]

SECTION HISTORY

PL 1993, c. 497, §3 (NEW). PL 2005, c. 434, §5 (AMD). PL 2019, c. 334, §1 (AMD).

§6626. Scallop conservation areas

Notwithstanding section 6174, subsection 3, a person who violates a rule adopted pursuant to section 6171 regarding a scallop conservation area commits a civil violation for which the penalties under this section apply. [PL 2009, c. 72, §2 (NEW).]

1. First offense. For the first offense, a fine of $1,000 is imposed and all scallops on board may be seized.
[PL 2009, c. 72, §2 (NEW).]

2. Second or subsequent offense. For a 2nd or subsequent offense, a mandatory minimum fine of $1,000 is imposed, all scallops on board may be seized and the commissioner shall suspend the license authorizing the activity in which the person was engaged at the time of violation. The court may not suspend a fine imposed under this paragraph. The license suspension must be for one year from the date of adjudication.
[PL 2009, c. 72, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 72, §2 (NEW).

ARTICLE 3

SHELLFISH FUND

§6651. Shellfish Fund

1. Surcharge fees to be paid into fund. In addition to the applicable license fees for shellfish licenses, mussel hand-raking and boat licenses, shellfish transportation licenses and wholesale seafood licenses, the commissioner shall assess the following surcharge fees, which must be deposited into the Shellfish Fund:

A. Seventy-four dollars and seventy-five cents for a commercial shellfish license; [PL 2017, c. 284, Pt. EEEEE, §16 (AMD).]

B. One hundred forty-nine dollars and fifty cents for a mussel boat license; [PL 2017, c. 284, Pt. EEEEE, §16 (AMD).]

C. Seventy-four dollars and seventy-five cents for a mussel hand-raking license; [PL 2017, c. 284, Pt. EEEEE, §16 (AMD).]

D. Two hundred ninety-nine dollars for a shellfish transportation license; [PL 2017, c. 284, Pt. EEEEE, §16 (AMD).]

E. Ninety-seven dollars and fifty cents for a shellfish transportation supplemental license; [PL 2017, c. 284, Pt. EEEEE, §16 (AMD).]

F. Two hundred fifty dollars and twenty-five cents for a wholesale seafood license; [PL 2017, c. 284, Pt. EEEEE, §16 (AMD).]

G. Forty-eight dollars and seventy-five cents for a wholesale seafood supplemental license; and [PL 2017, c. 284, Pt. EEEEE, §16 (AMD).]

H. Twenty-eight dollars for an enhanced retail certificate. [PL 2017, c. 284, Pt. EEEEE, §16 (AMD).]

The Shellfish Fund may receive any other money, including any other gift, grant or other source of revenue.
[PL 2017, c. 284, Pt. EEEEE, §16 (AMD).]

2. Uses of fund. The commissioner may expend the money in the Shellfish Fund for management, enforcement, restoration, development and conservation of shellfish and mussels in the intertidal zone or coastal waters and for the costs associated with the Shellfish Advisory Council established by Title 5, section 12004-I, subsection 57-G.
[PL 2007, c. 606, Pt. A, §3 (AMD).]

3. Nonlapsing fund. The Shellfish Fund shall not lapse.
[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1983, c. 838, §1 (AMD). PL 1987, c. 328, §2 (AMD). PL 1987, c. 826, §2 (AMD). PL 2003, c. 20, §WW12 (AMD). PL 2007, c. 606, Pt. A, §3 (AMD). PL 2007, c. 692, §3 (AMD). PL 2009, c. 213, Pt. G, §16 (AMD). PL 2011, c. 598, §§28, 29 (AMD). PL 2017, c. 284, Pt. EEEEE, §16 (AMD).

ARTICLE 4

MUNICIPAL CONSERVATION PROGRAMS

§6671. Municipal shellfish conservation programs

1. Municipal funds. Any municipality may, by vote of its legislative body, raise and appropriate money for the implementation of a shellfish conservation program.
[PL 1977, c. 661, §5 (NEW).]

1-A. Municipal fines. In accordance with Title 30-A, section 3001, a fine collected pursuant to this section must be paid to the municipality in which the violation occurred.
[PL 2009, c. 24, §1 (NEW).]

2. Municipal program and ordinance. Any municipality may, by vote of its legislative body, adopt, amend or repeal a shellfish conservation ordinance as provided by this section. A municipality may establish a municipal shellfish management committee to administer a municipal program. [PL 2001, c. 188, §1 (AMD).]

3. Shellfish conservation ordinance. The following provisions govern a shellfish conservation ordinance.

A. Within any area of the intertidal zone within the municipality, a shellfish conservation ordinance may:

(1) Regulate or prohibit the possession of shellfish;

(2) Fix the amount of shellfish that may be taken;

(3) Provide for protection from shellfish predators;

(4) Authorize the municipal officials to open and close flats under specified conditions;

(5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program;

(6) Establish a minimum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any minimum size limit set in this chapter or by rule, except that an ordinance must establish minimum size limits for possession of soft-shell clams that are at least as strict as those limits established in section 6681; and

(7) Establish a maximum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any maximum size limit set in this chapter or by rule. [PL 2019, c. 144, §1 (AMD).]

B. [PL 2019, c. 144, §2 (RP).]

C. Except as provided in section 6621, subsection 3, paragraph C, a program or ordinance may not allow surveying, sampling or harvesting of shellfish in areas closed by regulation of the commissioner. [PL 2001, c. 188, §2 (NEW).]

[PL 2019, c. 144, §§1, 2 (AMD).]

3-A. Shellfish conservation licensing. A shellfish conservation ordinance may fix the qualifications for a license, including municipal residency, subject to the following provisions.

A. [PL 2001, c. 188, §3 (RP).]

A-1. The following exceptions apply.

(1) An individual is not required to hold a shellfish license issued by the commissioner under section 6601 in order to obtain a municipal commercial license.

(2) A municipality may issue licenses under this section regardless of whether or not the area has been closed by the commissioner.

(3) An individual taking shellfish from a closed area for depuration under a depuration certificate issued by the commissioner is not required to hold a municipal shellfish license. [PL 2001, c. 188, §3 (NEW).]

B. A shellfish conservation ordinance may fix license fees as follows.

(1) If the ordinance sets a fee of $200 or less for a resident license, the fee for a nonresident license may not exceed twice the resident fee.

(2) If the ordinance sets a fee of more than $200 for a resident license, the fee for a nonresident license may not exceed 1 1/2 times the resident fee. [PL 1997, c. 589, §1 (RPR); PL 1997, c. 589, §2 (AFF).]

C. Application methods and procedures for licenses may be determined by the shellfish conservation ordinance subject to the provisions of this section. Notice of the number and the procedure for application must be published in a trade or industry publication or in a newspaper or combination of newspapers with general circulation that the municipal officers consider effective in reaching individuals affected not less than 10 days prior to the period of issuance and must be posted in the municipal offices until the period of issuance concludes. The period of issuance for resident and nonresident licenses must be the same. Subsequent to the period of issuance, the municipality shall make any resident or nonresident licenses not granted during the period available to residents or nonresidents. [PL 2001, c. 188, §3 (AMD).]

D. Except as otherwise provided in this section, a shellfish conservation ordinance may not discriminate between resident license holders and nonresident license holders. [PL 2001, c. 188, §3 (AMD).]

E. A licensing authority shall provide and reserve a minimum number of commercial licenses for nonresidents. The number of nonresident commercial licenses may not be less than 10% of the number of commercial licenses provided for residents. When the number of resident commercial licenses is fewer than 10 but more than 5, at least one nonresident commercial license must be provided. When the number of resident commercial licenses is 5 or fewer, nonresident commercial licenses are not required. [PL 2001, c. 188, §3 (AMD).]

F. When 2 or more municipalities have entered into a regional shellfish management agreement pursuant to subsection 7, the combined total number of commercial licenses for nonresidents provided by those municipalities must be a number not less than 10% of the combined total number of commercial licenses issued for residents. When the combined total number of resident commercial licenses is fewer than 10 but more than 5, at least one nonresident commercial license must be provided. When the combined total number of resident commercial licenses is 5 or fewer, nonresident commercial licenses are not required. [PL 1995, c. 531, §2 (AMD).]

G. [PL 2001, c. 188, §3 (RP).]

G-1. A licensing authority that issues recreational licenses to residents shall also make available to nonresidents recreational licenses. The number of nonresident recreational licenses may not be less than 10% of the number of recreational licenses issued to residents.

For the purposes of this paragraph, "recreational license" means a license that authorizes a person to take or possess shellfish only for personal use. [PL 2001, c. 188, §3 (NEW).]

For purposes of this subsection, "licensing authority" means a municipality or 2 or more municipalities that have entered into a regional shellfish management agreement pursuant to subsection 7.
[PL 2001, c. 188, §3 (AMD).]

4. Adoption requirements. Shellfish conservation ordinances may be adopted under this section by municipalities or unorganized townships.

A. Prior to adopting an ordinance, a municipality or unorganized township shall raise or appropriate money for a shellfish conservation program. [PL 1999, c. 255, §3 (AMD); PL 1999, c. 255, §8 (AFF).]

B. An ordinance proposed by a municipality or unorganized territory under this section must be approved in writing by the commissioner prior to its adoption, except that the commissioner may not withhold approval based on the amount of license fees specified in an ordinance. [PL 1999, c. 255, §4 (AMD); PL 1999, c. 255, §8 (AFF).]

C. Unorganized townships may adopt ordinances if:

(1) At least 10 inhabitants have petitioned the county commissioners to adopt the ordinances;

(2) The county commissioners of the townships have held a public hearing with at least 7 days' prior notice in one of the affected townships; and

(3) A majority of the inhabitants eligible to vote voting at referendum approve the ordinances.

The county commissioners act as the municipal legislative body within unorganized townships that have elected to adopt ordinances under this section. [PL 2001, c. 188, §4 (RPR).]

[PL 2001, c. 188, §4 (AMD).]

4-A. State parks. The commissioner shall consult with the Commissioner of Agriculture, Conservation and Forestry in review of any municipal ordinance that affects intertidal areas located within state parks. The commissioner may not approve any ordinance that threatens any important resources or provides insufficient opportunity for recreational shellfish harvesting within state parks.

[PL 1983, c. 418 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

4-B. Management program approval. The commissioner may adopt rules that set the criteria that municipal shellfish conservation programs and ordinances must meet in order to be approved by the commissioner.

[PL 2001, c. 188, §5 (AMD).]

5. Period of ordinance. Ordinances or amendments to an ordinance adopted under this section remain in effect until repealed by the municipality or rescinded by the commissioner. A certified copy of the ordinance or amendment to the ordinance must be filed with the commissioner within 20 days of its adoption. If a copy of the ordinance or an amendment to the ordinance is not filed within 20 days, the ordinance reverts to the ordinance previously in effect until the new ordinance or amendment is filed.

[PL 2001, c. 667, Pt. B, §6 (RPR).]

6. Municipality defined. For the purposes of this section, municipality includes:

A. Village corporations; and [PL 1991, c. 390, §6 (AMD).]

B. The combined towns of Yarmouth and North Yarmouth. [PL 1991, c. 390, §6 (AMD).]

C. [PL 1991, c. 390, §7 (RP).]

[PL 1991, c. 390, §§6, 7 (AMD).]

7. Joint programs; reciprocal privileges. Municipalities may enter into regional shellfish management agreements with other municipalities and adopt regional shellfish management programs. The agreements, and the programs and ordinances adopted under them, are subject to the same requirements as municipal programs and ordinances. Resident privileges of one municipality in a regional shellfish management agreement may be extended to the residents of other municipalities in the agreement. A regional shellfish management committee comprised of at least one resident from each municipality named in the regional agreement may be established to administer a regional program.

[PL 2001, c. 188, §7 (AMD).]

8. Local enforcement. The following provisions apply to enforcement.

A. A municipality that enacts an ordinance under this section is responsible for enforcing it. [PL 2001, c. 188, §8 (AMD).]

B. Any municipal shellfish conservation warden appointed by a municipality to enforce the provisions of this article must be certified by the commissioner within one year of the warden's appointment. The commissioner shall establish a program to provide shellfish conservation training in principles of shellfish conservation, management, enforcement and protection and shall establish standards for certification of municipal conservation wardens upon their satisfactory completion of the training program. The commissioner may establish by rule procedures for certification, recertification and revocation of certification. The commissioner may revoke a

certificate for failure of the warden to comply with performance standards. [PL 2013, c. 301, §14 (AMD).]

C. A certified municipal shellfish conservation warden shall enforce the shellfish ordinances of the municipality employing the warden and, if the warden is authorized by the municipality and meets the training requirements of Title 25, section 2804-I, the warden may arrest all violators. The warden may serve all process pertaining to the ordinance. The warden also has, within that warden's jurisdiction, the powers of a marine patrol officer provided in section 6025, subsection 4 and the authority to enforce section 6621. All of the powers conferred in this subsection are limited to the enforcement of a municipal shellfish conservation ordinance and section 6621.

At the commissioner's request, a certified municipal shellfish conservation warden may collect samples and otherwise assist the department in the detection of pollutants and contaminants. The commissioner is not required to conduct tests on samples not requested by the commissioner. [PL 2005, c. 171, §1 (AMD).]

D. Enforcement by the municipality of any provision adopted by a municipality pursuant to this section may occur only in the municipality in which the shellfish is harvested. [PL 2019, c. 144, §3 (NEW).]

[PL 2019, c. 144, §3 (AMD).]

9. Penalty.

[PL 1993, c. 281, §3 (RP).]

10. Criminal penalty. A person who violates a provision of a municipal ordinance adopted under this section commits a Class D crime punishable by the following fines:

A. For harvesting shellfish from an area closed for conservation purposes:

(1) For the first offense by a commercial license holder, a fine of not less than $300;

(2) For subsequent offenses by a commercial license holder, a fine of not less than $500 and not more than $1,500;

(3) For the first offense by a recreational license holder, a fine of not less than $100; and

(4) For subsequent offenses by a recreational license holder, a fine of not less than $100 and not more than $500; or [PL 2005, c. 171, §2 (AMD).]

B. For violating any other provision of a municipal ordinance adopted under this section, a fine of not less than $100 and not more than $1,500. [PL 2005, c. 171, §2 (AMD).]

The court may not suspend a fine imposed under this subsection or impose a penalty other than the monetary payment of a fine as provided in this subsection. For purposes of this subsection, "recreational license" means a license that authorizes a person to take or possess shellfish only for personal use. A fine for a violation of article 5 must be as provided by section 6681.

[PL 2005, c. 171, §2 (AMD).]

10-A. Civil penalty. A person who harvests shellfish without a municipal shellfish license or in violation of a license restriction commits a civil violation for which the following fines may be adjudged:

A. For harvesting shellfish without a municipal shellfish license:

(1) For commercial purposes, a fine of not less than $300 and not more than $1,000. Possession of more than one peck of clams without a license is prima facie evidence of a violation of this subparagraph; and

(2) For personal use, a fine of not less than $100 and not more than $500; and [PL 2013, c. 468, §31 (AMD).]

B. For harvesting shellfish in violation of a license restriction:

(1) By a commercial license holder, a fine of not less than $300 and not more than $1,000; and

(2) By a recreational license holder, a fine of not less than $100 and not more than $500. [PL 2013, c. 468, §31 (AMD).]

The court may not suspend a fine imposed under this subsection or impose a penalty other than the monetary payment of a fine as provided in this subsection. For the purposes of this subsection, "recreational license" means a license that authorizes a person to take or possess shellfish only for personal use.
[PL 2013, c. 468, §31 (AMD).]

10-B. Molesting municipal shellfish gear placed in protected areas. A municipality may, as part of a municipal shellfish conservation program, place protective netting, fencing, traps or other gear in the intertidal zone to provide protection from shellfish predators. Any netting, fencing, traps or other gear placed for this purpose must be clearly marked with signs or tags that identify the municipality that placed the gear and indicate the purpose of the gear.

A. A person may not tamper with, molest, disturb, alter, destroy or in any manner handle gear placed by a municipality in accordance with this subsection. [PL 2013, c. 517, §1 (NEW).]

B. A person who violates paragraph A commits a civil violation for which a fine of not less than $300 and not more than $1,000 may be adjudged. [PL 2013, c. 517, §1 (NEW).]
[PL 2013, c. 517, §1 (NEW).]

10-C. Prohibition.
[PL 2013, c. 517, §1 (NEW); MRSA T. 12 §6671, sub-§10-C (RP).]

11. Certificate as evidence. A certificate of the clerk of the municipality or any other custodian of the records of a municipal shellfish conservation ordinance adopted under this section stating what the records of the municipality show is admissible as evidence in all courts as proof of the municipal records. A certificate stating that the records do not show that a person held a license is prima facie evidence that the person did not hold the license on the date specified in the certificate. A certificate stating that the records show that a shellfish conservation ordinance or portions of an ordinance were in effect on a particular date is prima facie evidence that the ordinance was in effect on the date specified in the certificate. The certified copy is admissible in evidence on the testimony of a municipal shellfish conservation warden that the warden received the certificate after requesting it from the municipality. Further foundation is not necessary for the admission of the certificate.
[PL 1999, c. 255, §7 (NEW); PL 1999, c. 255, §8 (AFF).]

12. Intertidal mussel harvesting. With the advice of the municipality, the commissioner may issue a permit to an individual licensed pursuant to section 6746 that authorizes the permit holder to fish for and take mussels from an area designated by the municipality pursuant to subsection 3. The commissioner shall limit the number of permits issued for a designated area to that number the commissioner determines is necessary to achieve the goals of the municipality's shellfish conservation program. The permit may specify limits on the amount of mussels taken, when the mussels may be taken and gear usage and any other conditions necessary for consistency with the shellfish conservation program.
[PL 2007, c. 494, §2 (NEW).]

For the purposes of this section, "intertidal zone" means the shores, flats or other land below the high-water mark and above subtidal lands. [PL 2017, c. 350, §2 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 608, §§1-3 (AMD). PL 1983, c. 283 (AMD). PL 1983, c. 418 (AMD). PL 1983, c. 689 (AMD). PL 1983, c. 838, §§2-5 (AMD). PL 1985, c. 48, §1

(AMD). PL 1985, c. 52, §2 (AMD). PL 1985, c. 259 (AMD). PL 1985, c. 737, §§A28,29 (AMD). PL 1987, c. 402, §A96 (AMD). PL 1987, c. 816, §KK13 (AMD). PL 1987, c. 867 (AMD). PL 1989, c. 257, §§3-5 (AMD). PL 1991, c. 29 (AMD). PL 1991, c. 242, §3 (AMD). PL 1991, c. 390, §§5-7 (AMD). PL 1991, c. 784, §6 (AMD). PL 1991, c. 831, §1 (AMD). PL 1993, c. 281, §§3,4 (AMD). PL 1993, c. 456, §1 (AMD). PL 1995, c. 75, §1 (AMD). PL 1995, c. 531, §§1-3 (AMD). PL 1997, c. 247, §§1,2 (AMD). PL 1997, c. 589, §1 (AMD). PL 1997, c. 589, §2 (AFF). PL 1999, c. 255, §§1-7 (AMD). PL 1999, c. 255, §8 (AFF). PL 1999, c. 682, §1 (AMD). PL 2001, c. 101, §1 (AMD). PL 2001, c. 188, §§1-8 (AMD). PL 2001, c. 667, §B6 (AMD). PL 2003, c. 284, §§1,2 (AMD). PL 2005, c. 171, §§1-3 (AMD). PL 2007, c. 494, §§1, 2 (AMD). PL 2009, c. 24, §1 (AMD). PL 2011, c. 657, Pt. W, §6 (REV). PL 2013, c. 301, §14 (AMD). PL 2013, c. 468, §31 (AMD). PL 2013, c. 517, §1 (AMD). PL 2017, c. 350, §§1, 2 (AMD). PL 2019, c. 144, §§1-3 (AMD).

§6672. Green crab fencing program

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2011, c. 598, §30 (RP).

§6673. Municipal shellfish aquaculture permit

A municipality that has established a shellfish conservation program as provided under section 6671 may, consistent with the rights of property owners, issue a municipal shellfish aquaculture permit to a person for the exclusive use of shellfish in a designated area in the intertidal zone to the extreme low water mark within the municipality for the purpose of shellfish aquaculture. Municipal authority to issue a municipal shellfish aquaculture permit under this section does not limit in any way the authority of the commissioner to issue leases in the intertidal zone in accordance with sections 6072, 6072-A and 6072-B. [PL 2003, c. 660, Pt. A, §21 (AMD).]

1. Municipal procedure.

[PL 2003, c. 660, Pt. A, §21 (RP).]

1-A. Application. A municipality shall review an application for a municipal shellfish aquaculture permit on a form supplied by the municipality. The municipality may charge an application fee that reflects the costs of processing an application. The municipality shall publish a summary of the application in a newspaper of general circulation in the area that would be affected by the permit. A person may provide comments to the municipality on the proposed permit within 30 days of publication of the summary.

Prior to issuing a municipal shellfish aquaculture permit, a municipality shall hold a public hearing if requested in writing by 5 or more persons. The public hearing must be held in accordance with procedures established in ordinances adopted in subsection 3.
[PL 2009, c. 229, §15 (AMD).]

2. Department procedure for review and approval.

[PL 2003, c. 660, Pt. A, §21 (RP).]

2-A. Decision. In evaluating a proposed municipal shellfish aquaculture permit, a municipal officer shall take into consideration the number and density of permits and leases in the area and may issue the permit if the municipal officer finds the proposed project meets the following criteria.

A. The permit conforms to the municipality's shellfish conservation program. [PL 2003, c. 660, Pt. A, §21 (NEW).]

B. The permit will not cause the total area under all municipal shellfish aquaculture permits in the municipality to exceed 1/4 of the entire municipal intertidal zone that is open to the taking of shellfish. [PL 2009, c. 229, §16 (AMD).]

C. Issuing the permit is in the best interests of the municipality. [PL 2003, c. 660, Pt. A, §21 (NEW).]

D. The permit will not unreasonably interfere with ingress and egress of riparian owners. [PL 2003, c. 660, Pt. A, §21 (NEW).]

E. The permit will not unreasonably interfere with navigation. [PL 2003, c. 660, Pt. A, §21 (NEW).]

F. The permit will not unreasonably interfere with fishing or other uses of the area. For purposes of this paragraph, "fishing" includes public access to a redeemable shellfish resource, as defined by the department, for the purpose of harvesting, provided that the resource is commercially significant and is subject to a pollution abatement plan that predates the permit application, that includes verifiable activities in the process of implementation and that is reasonably expected to result in the opening of the area to the taking of shellfish within 3 years. [PL 2003, c. 660, Pt. A, §21 (NEW).]

G. The permit will not unreasonably interfere with significant wildlife habitat and marine habitat or with the ability of the site affected by the permit and surrounding marine and upland areas to support existing ecologically significant flora and fauna. [PL 2003, c. 660, Pt. A, §21 (NEW).]

H. The applicant has demonstrated that there is an available source of organisms to be cultured for the site affected by the permit. [PL 2003, c. 660, Pt. A, §21 (NEW).]

I. The permit does not unreasonably interfere with public use or enjoyment within 1,000 feet of a beach, park or docking facility owned by the Federal Government, the State Government or a municipal government or conserved lands. For purposes of this paragraph, "conserved lands" means land in which fee ownership has been acquired by the municipal government, State Government or Federal Government in order to protect the important ecological, recreational, scenic, cultural or historic attributes of that property. [PL 2003, c. 660, Pt. A, §21 (NEW).]

A municipality shall review the Department of Agriculture, Conservation and Forestry's list of conserved lands compiled pursuant to section 6072, subsection 7-A, paragraph F prior to issuing a municipal shellfish aquaculture permit.

A municipality shall put its findings on each of the criteria listed in this subsection in writing and make those findings available to the public.
[PL 2011, c. 655, Pt. II, §5 (AMD); PL 2011, c. 655, Pt. II, §11 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

3. Municipal shellfish aquaculture permit. Prior to issuing a municipal shellfish aquaculture permit pursuant to this section, a municipality shall adopt ordinances that establish procedures for consideration of permit applications under the decision criteria in subsection 2-A, including but not limited to provisions for a public hearing process. Additionally, the municipality shall adopt ordinances designed to prevent speculative holding of permits. An ordinance proposed by a municipality under this subsection must be approved in writing by the commissioner prior to its adoption.

When approved, a municipal shellfish aquaculture permit must be forwarded to the commissioner. The municipality may charge a municipal shellfish aquaculture permit fee not to exceed $100 per acre annually. The municipality may establish conditions and limits on the permit. A municipal shellfish aquaculture permit may be granted for a period of up to 10 years and is renewable upon application by the permittee. The municipality shall monitor and enforce the terms and conditions of a permit on an

annual basis and submit an annual report on permit activities to the department. Such information is considered landings data.
[PL 2009, c. 229, §17 (AMD).]

4. Renewals. A municipality shall give public notice for a municipal shellfish aquaculture permit renewal as required under subsection 1-A, and a hearing must be held if it is requested in writing by 5 or more persons. If a public hearing is required, it must be held in accordance with procedures established in an ordinance adopted under subsection 3. A renewal may be granted as long as the permit continues to meet the criteria of subsection 2-A. The findings of the municipality regarding the criteria in subsection 2-A must be in writing and made available to the public.
[PL 2003, c. 660, Pt. A, §21 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 267, §3 (AMD). PL 2003, c. 660, §A21 (AMD). PL 2009, c. 229, §§15-17 (AMD). PL 2011, c. 655, Pt. II, §5 (AMD). PL 2011, c. 655, Pt. II, §11 (AFF). PL 2011, c. 657, Pt. W, §5 (REV).

§6674. Interference with municipal shellfish aquaculture permit

1. Prohibition. A person may not knowingly interfere with the ability of a person who holds a municipal shellfish aquaculture permit to carry out the privileges granted to the permittee under that permit. Except for the permittee or the permittee's designee, a person may not take, disturb or molest any shellfish in the intertidal zone in the area that is included in a municipal shellfish aquaculture permit.
[PL 2015, c. 225, §1 (NEW).]

2. Penalty. A person who violates this section commits a civil violation for which a fine of not less than $500 nor more than $1,000 may be adjudged.
[PL 2015, c. 225, §1 (NEW).]

3. Restitution. In addition to the penalty under subsection 2, if a person violates this section by interfering with the ability of a person who holds a municipal shellfish aquaculture permit to carry out the privileges granted to that permittee under that permit, the court shall:

A. Order that person to pay to the holder of the municipal shellfish aquaculture permit an amount equal to twice the replacement value of any damaged equipment on the permit site; and [PL 2015, c. 225, §1 (NEW).]

B. Direct that person to provide proof of payment of restitution under paragraph A to the commissioner. [PL 2015, c. 225, §1 (NEW).]

[PL 2015, c. 225, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2003, c. 660, §A22 (AMD). PL 2009, c. 229, §18 (AMD). PL 2015, c. 225, §1 (RPR).

§6675. Shellfish reseeding program

The department shall carry out a program of shellfish reseeding. The program shall include such activities as the transplanting of soft shell clams from areas of large concentrations to potentially productive areas, and relaying shellfish otherwise inhibited from attaining optimum market size. The program may be carried out in cooperation with municipal and joint shellfish conservation programs. The department may close areas under section 6171 to protect reseeded flats, including areas subject to municipal shellfish conservation ordinances. [PL 1983, c. 559, §2 (NEW).]

SECTION HISTORY

PL 1983, c. 559, §2 (NEW).

§6676. Summary of municipal ordinances

The department shall prepare a summary description of all municipal shellfish ordinances, which must include, but not be limited to, a listing for each municipality of the license application period, fee structure and number of licenses available to residents and nonresidents. The department shall update the summary and make it available to the public in a manner that the commissioner considers to be effective in reaching the persons affected. [PL 2005, c. 434, §6 (AMD).]

SECTION HISTORY

PL 1985, c. 48, §2 (NEW). PL 2005, c. 434, §6 (AMD).

ARTICLE 5

SOFT-SHELL CLAM MANAGEMENT

§6681. Soft-shell clam management

1. Purpose. The Legislature finds that the conservation and wise use of the State's shellfish resource may be enhanced by a 2-inch minimum size limit on possession of soft-shell clam shell stock in combination with other management programs.

The Legislature further finds that management programs should be designed to meet local circumstances as appropriate, but also finds that a minimum size limit to be beneficial must be a uniform standard statewide.

The Legislature intends by this Article to enhance the value of the State's shellfish resource by the institution of uniform standards which can be implemented and enforced statewide.
[PL 1983, c. 838, §6 (NEW).]

2. Definition. For the purposes of this subchapter, "possess" means dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft-shelled clam shell stock.
[PL 1983, c. 838, §6 (NEW).]

3. Minimum size. A person may not possess soft-shelled clam shell stock whose shells are less than 2 inches in the largest diameter:

A. If the soft-shelled clams comprise more than 10% but less than 20% of a bulk pile as determined under subsection 4; [PL 2003, c. 452, Pt. F, §18 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. If the soft-shelled clams comprise 20% or more of a bulk pile as determined under subsection 4; or [PL 2003, c. 452, Pt. F, §18 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. If the soft-shelled clams comprise 20% or more of a bulk pile as determined under subsection 4 and the person has one or more prior convictions for violating paragraph B. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. [PL 2003, c. 452, Pt. F, §18 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §18 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Tolerance. Any person may possess soft-shelled clams that are less than 2 inches if they comprise less than 10% of any bulk pile. The tolerance is determined by numerical count of not less than one peck nor more than 4 pecks taken at random from various parts of the bulk pile or by a count of the entire pile if it contains less than one peck.
[PL 2003, c. 452, Pt. F, §18 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Enforcement. State, county and municipal wardens and enforcement officers shall enforce this subchapter.
[PL 1983, c. 838, §6 (NEW).]

6. Penalty.

[PL 1993, c. 281, §5 (RP).]

6-A. Penalty. A person who violates this article commits a Class D crime. The following minimum penalties apply:

A. For possession of a bulk pile of shellfish of which 20% or more of the shellfish are smaller than the minimum size established in subsection 3:

(1) For the first offense, a fine of not less than $300; and

(2) For subsequent offenses within 10 years from the date of conviction for the first violation, a fine of not less than $500.

The court may not suspend a fine imposed under this paragraph; and [PL 1997, c. 628, §2 (AMD).]

B. For possession of a bulk pile of shellfish of which more than 10% but less than 20% of the shellfish are smaller than the minimum size established in subsection 3, a fine not less than $100 and not more than $1,000. [PL 1993, c. 281, §6 (NEW).]

[PL 1997, c. 628, §2 (AMD).]

7. Sunset. This section shall be reviewed by the joint standing committee of the Legislature having jurisdiction over marine resources in the Second Regular Session of the 113th Legislature. That committee shall report its findings no later than April 1, 1988.

[PL 1987, c. 580, §1 (AMD).]

SECTION HISTORY

PL 1983, c. 838, §6 (NEW). PL 1985, c. 9 (AMD). PL 1985, c. 737, §A30 (AMD). PL 1987, c. 580, §1 (AMD). PL 1993, c. 281, §§5,6 (AMD). PL 1997, c. 628, §2 (AMD). PL 2003, c. 452, §F18 (AMD). PL 2003, c. 452, §X2 (AFF).

ARTICLE 6

WATER QUALITY

§6691. Water quality samplers

A commercial shellfish license holder who complies with the shellfish sanitation program's quality assurance and quality control training and certification requirements as administered by the department may serve as a volunteer water quality sampler for the department. [PL 2001, c. 587, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 587, §1 (NEW).

SUBCHAPTER 2

SCALLOPS

ARTICLE 1

LICENSES

§6701. Scallop license

1. License required. A person may not engage in the activities authorized under this section without a current hand fishing scallop license or other license issued under this Part authorizing the activities. A person acting as tender to an individual possessing a current individual hand fishing scallop license issued under subsection 5, paragraph A shall possess a scallop or sea urchin tender license issued under section 6535.
[PL 2009, c. 561, §22 (RPR).]

2. Licensed activity. The holder of a hand fishing scallop license may take scallops by hand or possess, ship, transport or sell shucked scallops the holder has taken. A person may not act as a tender under subsection 5, paragraph B unless that person has met the tender safety requirements adopted by rule pursuant to section 6533.
[PL 2015, c. 201, §3 (AMD).]

3. Eligibility. A hand fishing scallop license may be issued only to an individual who is a resident.
[PL 2009, c. 561, §22 (RPR).]

4. Exception. A person may act as a tender to an individual possessing a current hand fishing scallop license with tender issued under subsection 5, paragraph B without being licensed under this Part if that person has met the tender safety requirements adopted by rule pursuant to section 6533.
[PL 2009, c. 561, §22 (RPR).]

5. Fees. Fees for hand fishing scallop licenses are:

A. For an individual hand fishing scallop license, $143; and [PL 2009, c. 561, §22 (RPR).]

B. For a hand fishing scallop license with tender, $193. [PL 2009, c. 561, §22 (RPR).]
[PL 2009, c. 561, §22 (RPR).]

6. Violation. A person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2009, c. 561, §22 (RPR).]

B. For the 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2009, c. 561, §22 (RPR).]

C. For the 3rd and subsequent offenses, a mandatory fine of $750 is imposed and all scallops on board may be seized. This penalty is imposed in addition to the penalty imposed under section 6728-B. [PL 2009, c. 561, §22 (RPR).]
[PL 2009, c. 561, §22 (RPR).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 127, §86 (AMD). PL 1981, c. 480, §§5,15,16 (AMD). PL 1983, c. 663, §1 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 165 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 379, §3 (AMD). PL 1985, c. 662, §1 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T5 (AMD). PL 1991, c. 591, §T5 (AMD). PL 2001, c. 421, §B40 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW13 (AMD). PL 2003, c. 248, §7 (AMD). PL 2007, c. 557, §1 (AMD). PL 2007, c. 607, Pt. B, §1 (AMD). PL 2007, c. 695, Pt. I, §3 (AMD). PL 2009, c. 213, Pt. G, §17 (AMD). PL 2009, c. 396, §§5-7 (AMD). PL 2009, c. 561, §22 (RPR). PL 2015, c. 201, §3 (AMD).

§6702. Scallop dragging license

1. License required. A person may not use a boat for dragging for scallops in the State's territorial waters unless that person holds a scallop dragging license issued by the commissioner and that boat is identified on the license.
[PL 2011, c. 598, §31 (AMD).]

2. Licensed activity. A person licensed under this section may use the boat identified on the license to drag for scallops in the State's territorial waters and possess, ship, sell or transport shucked scallops taken under the license. The license also authorizes the captain and crew members aboard the boat identified on the license when engaged in dragging for scallops to undertake these activities, except that the captain and crew members may not fish for or take scallops if the license holder is not aboard that boat except as provided in subsection 2-A.
[PL 2011, c. 598, §31 (AMD).]

2-A. Exemptions.

[PL 2017, c. 222, §1 (AMD); MRSA T. 12 §6702, sub-§2-A (RP).]

3. Eligibility. A scallop dragging license may be issued only to an individual who is a resident.
[PL 2007, c. 607, Pt. A, §2 (AMD).]

4. Personal use exception. In any one day, a person licensed pursuant to section 6703 may take or possess not more than 1 1/2 bushels of shell scallops or one gallon of shucked scallops for personal use without a scallop dragging license under this section.
[PL 2013, c. 492, §7 (AMD).]

5. Fee. The fee for a scallop dragging license is $143.
[PL 2009, c. 213, Pt. G, §18 (AMD).]

6. Violation. A person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2009, c. 415, Pt. A, §7 (RPR).]

B. For the 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2009, c. 415, Pt. A, §7 (RPR).]

C. For the 3rd and subsequent offenses, a mandatory fine of $750 is imposed and all scallops on board may be seized. This penalty is imposed in addition to the penalty imposed under section 6728-B. [PL 2009, c. 415, Pt. A, §7 (RPR).]
[PL 2009, c. 415, Pt. A, §7 (RPR).]

7. Apprentice license. The department may adopt rules to establish an apprentice program for entry into the scallop fishery that includes an apprentice license for a resident who is 18 years of age or older to engage in dragging for scallops under the supervision of a person licensed under this section. The fee for an apprentice scallop dragging license is $250. The commissioner shall deposit license fees collected in this subsection into the Scallop Research Fund under section 6729-A. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 107, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 663, §2 (NEW). PL 1985, c. 662, §§2,3 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T6 (AMD). PL 1991, c. 591, §T6 (AMD). PL 1997, c. 572, §2 (AMD). PL 2001, c. 421, §B41 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW14 (AMD). PL 2003, c. 248, §8 (AMD). PL 2007, c. 557, §2 (AMD). PL 2007, c. 607, Pt. A, §2 (AMD). PL 2007, c. 607, Pt. B, §2 (AMD). PL 2007, c. 695, Pt. I, §2 (AMD). PL 2009, c. 213, Pt. G, §18 (AMD). PL 2009, c. 415, Pt. A, §7 (AMD). PL 2011, c. 598, §31 (AMD). PL 2013, c. 301, §15 (AMD). PL 2013, c. 492, §7 (AMD). PL 2017, c. 222, §1 (AMD). PL 2019, c. 107, §1 (AMD).

§6703. Noncommercial scallop license; fee

1. License required. A person may not engage in the activities authorized by this license under this section without a current noncommercial scallop license.

[PL 1999, c. 771, Pt. B, §8 (AMD); PL 1999, c. 771, Pt. D, §§1, 2 (AFF).]

2. Licensed activity. The holder of a noncommercial scallop license may take scallops by hand or by use of a drag and may possess, ship or transport scallops he has taken.
[PL 1985, c. 662, §4 (NEW).]

3. License limitation; quantity. In any one day, the holder of a noncommercial scallop license may not take or possess more than 1 1/2 bushels of shell scallops or one gallon of shucked scallops.
[PL 2013, c. 492, §8 (AMD).]

3-A. License limitation; personal use. The holder of a noncommercial scallop license may take or possess scallops for personal use only and may not sell scallops the holder has taken.
[PL 2003, c. 452, Pt. F, §20 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Fee. The fee for a noncommercial scallop license is $18, except as provided in subsection 4-A.
[PL 2019, c. 575, §3 (AMD).]

4-A. Qualified resident disabled veteran; fee waived. Notwithstanding subsection 4 and section 6729, subsection 1, paragraph D, there is no fee or license surcharge for a noncommercial scallop license issued to a qualified resident disabled veteran. For the purposes of this subsection, "qualified resident disabled veteran" means a person who:

A. Was honorably discharged from the Armed Forces of the United States, the National Guard or the Reserves of the United States Armed Forces; [PL 2019, c. 575, §4 (NEW).]

B. Has a service-connected disability evaluated at 50% or more; and [PL 2019, c. 575, §4 (NEW).]

C. Is a resident of the State. [PL 2019, c. 575, §4 (NEW).]

In order to receive a noncommercial scallop license at no cost, an applicant must provide satisfactory evidence that the applicant is a qualified resident disabled veteran.
[PL 2019, c. 575, §4 (NEW).]

5. Penalty. A person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2007, c. 607, Pt. B, §3 (NEW).]

B. For the 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2007, c. 607, Pt. B, §3 (NEW).]

C. For the 3rd and subsequent offenses, a mandatory fine of $750 is imposed and all scallops on board may be seized. This penalty is imposed in addition to the penalty imposed under section 6728-B. [PL 2007, c. 607, Pt. B, §3 (NEW).]

[PL 2007, c. 607, Pt. B, §3 (AMD).]

SECTION HISTORY

PL 1985, c. 662, §4 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T7 (AMD). PL 1991, c. 591, §T7 (AMD). PL 1999, c. 771, §§B8,9 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2003, c. 20, §WW15 (AMD). PL 2003, c. 452, §§F19,20 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2007, c. 557, §3 (AMD). PL 2007, c. 607, Pt. A, §3 (AMD). PL 2007, c. 607, Pt. B, §3 (AMD). PL 2007, c. 695, Pt. I, §3 (AMD). PL 2009, c. 213, Pt. G, §19 (AMD). PL 2013, c. 301, §16 (AMD). PL 2013, c. 492, §8 (AMD). PL 2019, c. 575, §§3, 4 (AMD).

§6704. Handfishing sea urchin license

(REPEALED)

SECTION HISTORY

PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T8 (NEW). PL 1991, c. 591, §T8 (NEW). PL 1993, c. 416, §1 (RP).

§6705. Sea urchin boat license

(REPEALED)

SECTION HISTORY

PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T8 (NEW). PL 1991, c. 591, §T8 (NEW). PL 1993, c. 416, §1 (RP).

§6706. Limited entry

1. License eligibility in 2009. The commissioner may not issue a 2009 hand fishing scallop license or a 2009 scallop dragging license to a person unless that person possessed a scallop license issued pursuant to section 6701 or a scallop boat license issued pursuant to section 6702 in either:

A. The 2005, 2006 or 2007 license year; or [PL 2011, c. 266, Pt. A, §19 (AMD).]

B. The 2008 license year prior to May 1, 2008. [PL 2007, c. 607, Pt. A, §4 (NEW).]
[PL 2011, c. 266, Pt. A, §19 (AMD).]

2. License eligibility in subsequent years. Except as provided in subsection 3, the commissioner may not issue a hand fishing scallop license or a scallop dragging license to any person in any year subsequent to 2009 unless that person possessed that license in the previous calendar year or is eligible to obtain a license in accordance with the limited entry system established under subsection 3.
[PL 2011, c. 237, §1 (AMD).]

3. Scallop license limited entry system. Notwithstanding subsection 2, the commissioner shall establish by rule a limited entry system under which a person who did not hold a hand fishing scallop license or a scallop dragging license in the previous calendar year may become eligible to obtain that license. The rules for a limited entry system must include provisions for the method and administration of the system. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 107, §2 (AMD).]

4. Repeal.
[PL 2011, c. 237, §3 (RP).]

SECTION HISTORY

PL 2007, c. 607, Pt. A, §4 (NEW). PL 2011, c. 237, §§1-3 (AMD). PL 2011, c. 266, Pt. A, §19 (AMD). PL 2019, c. 107, §2 (AMD).

ARTICLE 2

LIMITS ON FISHING

§6720. Vessel limitation

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

A. "Family member" means a spouse, brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent. [PL 2017, c. 222, §2 (NEW).]

B. "Owner" means:

(1) An individual who is the owner of a vessel registered under chapter 935 or the owner of a vessel documented under 46 Code of Federal Regulations, Part 67;

(2) The person who owns the highest percentage of a partnership, corporation or other entity that is the owner of a vessel registered under chapter 935 or a vessel documented under 46 Code of Federal Regulations, Part 67; or

(3) When 2 or more people own in equal proportion the highest percentages of a partnership, corporation or other entity that owns a vessel registered under chapter 935 or a vessel documented under 46 Code of Federal Regulations, Part 67, one of the highest percentage owners as designated by the owners of that partnership, corporation or other entity. [PL 2017, c. 222, §2 (NEW).]

[PL 2017, c. 222, §2 (NEW).]

2. Owner or family member on board. Beginning January 1, 2018, except as provided in subsection 3, a vessel may not be used for dragging for scallops in the State's territorial waters unless that vessel is owned by a person holding a scallop dragging license issued under section 6702 and:

A. The owner of that vessel is present on that vessel and has that vessel named on the owner's scallop dragging license; or [PL 2017, c. 222, §2 (NEW).]

B. A family member of the vessel owner holds a scallop dragging license issued under section 6702 and is present on that vessel. [PL 2017, c. 222, §2 (NEW).]

[PL 2017, c. 222, §2 (NEW).]

3. Exemptions; individuals. Beginning January 1, 2018, the commissioner may authorize a person to drag for scallops from a vessel when an owner or family member is not on board pursuant to subsection 2 if that person holds a scallop dragging license issued under section 6702 and:

A. The owner of that vessel holds a scallop dragging license issued under section 6702, documents to the commissioner that an illness or disability temporarily prevents that owner from fishing for or taking scallops from that vessel and requests in writing to the commissioner that the commissioner authorize that person to use that vessel to fish for or take scallops; [PL 2017, c. 222, §2 (NEW).]

B. Is the owner of a vessel that has become temporarily inoperable because of an accident or a mechanical failure and requests in writing permission from the commissioner to use that vessel to fish for or take scallops; [PL 2017, c. 222, §2 (NEW).]

C. Was the owner of a vessel that was named on that person's scallop dragging license but is no longer the owner of that vessel due to sale or foreclosure. The person must demonstrate immediate intent to become the owner of another vessel to be used to fish for or take scallops and request in writing permission from the commissioner to use the other vessel to fish for or take scallops for a limited period of time; or [PL 2017, c. 222, §2 (NEW).]

D. The person recorded landings of scallops taken by dragging during the scallop dragging season that ended immediately prior to November 30, 2017, dragged for those scallops from one boat and that boat did not have on board an individual who meets the requirements of subsection 2, paragraph A or B and the owner of the boat was a family member of the person applying for the exemption under this paragraph. [PL 2017, c. 222, §2 (NEW).]

[PL 2017, c. 222, §2 (NEW).]

4. Exemptions based upon 2017 fishing. Beginning January 1, 2018, a person may drag for scallops from a vessel when an owner or family member is not on board pursuant to subsection 2 during the first scallop dragging season that begins after November 30, 2017 pursuant to section 6722 if that person holds a scallop dragging license issued under section 6702 and:

A. The person recorded landings of scallops taken by dragging during the scallop dragging season that ended immediately prior to November 30, 2017 pursuant to section 6722, dragged for those scallops from one boat and that boat did not have on board an individual who meets the requirements of subsection 2, paragraph A or B and the owner of the boat was a family member of the person applying for the exemption under this paragraph. A person qualifies for the exemption under this paragraph only as long as the person drags for scallops and records landings of scallops taken by dragging from the same boat used to originally qualify for this exemption and that boat is owned by the same family member; or [PL 2017, c. 222, §2 (NEW).]

B. [PL 2017, c. 222, §2 (NEW); MRSA T. 12 §6720, sub-§4, ¶B (RP).]

[PL 2017, c. 222, §2 (NEW).]

5. Rules. The commissioner may adopt rules to implement and administer this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 222, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 222, §2 (NEW).

§6721. Minimum size

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1985, c. 208 (RP).

§6721-A. Shell size minimum

(REALLOCATED FROM TITLE 12, SECTION 6728-A)

1. Minimum shell size. Except as provided in subsection 4, this subsection governs the shell size limits of scallops.

A. From December 1, 2003 to November 30, 2004, a person may not possess, ship, transport, buy or sell scallops that are less than 3 3/4 inches in the longest diameter. [PL 2003, c. 520, §8 (RAL).]

B. On December 1, 2004 and thereafter, a person may not possess, ship, transport, buy or sell scallops that are less than 4 inches in the longest diameter. [PL 2003, c. 520, §8 (RAL).]

[PL 2003, c. 520, §8 (RAL).]

2. Prima facie evidence. It is prima facie evidence of possession of illegal scallops if a vessel contains scallops less than the minimum shell size set by this section or the minimum shell size set by rules adopted pursuant to this section while a person licensed under this subchapter or crew member of a person licensed under this subchapter is shucking scallops.

[PL 2009, c. 561, §23 (AMD).]

3. Release of undersize scallops. Those scallops that are less than the minimum shell size established by this section or by rules adopted pursuant to this section must be immediately liberated into the waters from which they were taken.

[PL 2003, c. 520, §8 (RAL).]

4. Rules. After December 1, 2004, the commissioner may adopt rules to increase the minimum shell size set by this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 520, §8 (RAL).]

5. Violation. Notwithstanding section 6174, subsection 3, a person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2007, c. 695, Pt. I, §4 (RPR).]

B. For the 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2007, c. 695, Pt. I, §4 (RPR).]

C. For the 3rd and subsequent offenses, a mandatory fine of $750 is imposed and all scallops on board may be seized. This penalty is imposed in addition to the penalty imposed under section 6728-B. [PL 2007, c. 695, Pt. I, §4 (RPR).]

[PL 2007, c. 695, Pt. I, §4 (RPR).]

SECTION HISTORY

PL 2003, c. 520, §8 (RAL). PL 2007, c. 557, §4 (AMD). PL 2007, c. 607, Pt. A, §§5, 6 (AMD). PL 2007, c. 607, Pt. B, §4 (AMD). PL 2007, c. 695, Pt. I, §§4, 5 (AMD). PL 2009, c. 561, §23 (AMD).

§6722. Scallop season

1. Scallop dragging season. Unless modified by rules adopted under section 6171-A, a person may not fish for or take scallops by dragging in the territorial waters from April 16th to November 30th, both days inclusive.

[PL 2017, c. 222, §3 (AMD).]

2. Violations. Notwithstanding section 6174, subsection 3, a person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2007, c. 695, Pt. I, §6 (RPR).]

B. For the 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2007, c. 695, Pt. I, §6 (RPR).]

C. For the 3rd and subsequent offenses, a mandatory fine of $750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B. [PL 2007, c. 695, Pt. I, §6 (RPR).]

[PL 2007, c. 695, Pt. I, §6 (RPR).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 96 (RPR). PL 1983, c. 685 (AMD). PL 1999, c. 94, §1 (AMD). PL 2001, c. 272, §14 (AMD). PL 2007, c. 557, §5 (RPR). PL 2007, c. 607, Pt. B, §5 (RPR). PL 2007, c. 695, Pt. I, §6 (RPR). PL 2017, c. 222, §3 (AMD).

§6723. Drag limits in Blue Hill Bay

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 91 (AMD). PL 2007, c. 607, Pt. A, §7 (RPR). PL 2015, c. 494, Pt. A, §5 (AMD). PL 2019, c. 230, §1 (RP).

§6724. Otter trawl in Penobscot River

1. Prohibition. A person may not fish for or take scallops by use of an otter trawl inside and upriver of a line drawn from the lighthouse on Dice Head, Castine to Turtle Head on Islesboro and thence to the town wharf at Bayside, Northport.

[PL 2007, c. 607, Pt. B, §6 (NEW).]

2. Violations. A person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2007, c. 607, Pt. B, §6 (NEW).]

B. For the 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2007, c. 607, Pt. B, §6 (NEW).]

C. For the 3rd and subsequent offenses, a mandatory fine of $750 is imposed and all scallops on board may be seized. This penalty is imposed in addition to the penalty imposed under section 6728-B. [PL 2007, c. 607, Pt. B, §6 (NEW).]

[PL 2007, c. 607, Pt. B, §6 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2007, c. 607, Pt. B, §6 (RPR).

§6725. Possession of illegal scallops

1. Prohibition. A person may not possess, ship, transport, buy or sell scallops taken in violation of this subchapter.

[PL 2007, c. 695, Pt. I, §7 (RPR).]

2. Violations. Notwithstanding section 6174, subsection 3, a person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2007, c. 695, Pt. I, §7 (RPR).]

B. For the 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2007, c. 695, Pt. I, §7 (RPR).]

C. For the 3rd and subsequent offenses, a mandatory fine of $750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B. [PL 2007, c. 695, Pt. I, §7 (RPR).]

[PL 2007, c. 695, Pt. I, §7 (RPR).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2007, c. 557, §6 (RPR). PL 2007, c. 607, Pt. B, §7 (RPR). PL 2007, c. 695, Pt. I, §7 (RPR).

§6726. Ring size

1. Minimum size. The minimum ring size is 3 1/2 inches except as provided by rule. The commissioner shall establish by rule a minimum ring size that may not be smaller than 4 inches in diameter. A person may not use a drag to fish for or take scallops in the territorial waters with rings that measure less than the ring size provided pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

A. [PL 1999, c. 94, §2 (RP).]

B. [PL 2007, c. 607, Pt. A, §8 (RP).]

C. [PL 2007, c. 607, Pt. A, §8 (RP).]

[PL 2007, c. 607, Pt. A, §8 (AMD).]

2. Measurement of rings. Ring size is determined by measuring the shortest straight line passing through the center of the ring from one inside edge to the opposite inside edge of the ring. The measurement may not include links or normal welds from ring manufacturing. The rings measured

must be at least 5 rings away from the mouth and at least 2 rings away from other rigid portions of the drag.
[PL 1997, c. 281, §1 (NEW).]

3. Configuration of drag. The commissioner shall adopt rules that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. Rules initially adopted pursuant to this subsection must be identical to federal regulations in the Atlantic sea scallop fishery in effect on March 25, 1997 that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
[PL 1997, c. 281, §1 (NEW).]

4. Violations. Notwithstanding section 6174, subsection 3, a person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2007, c. 557, §7 (NEW).]

B. For the 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2007, c. 557, §7 (NEW).]

C. For the 3rd and subsequent offenses, a mandatory fine of $750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B. [PL 2007, c. 557, §7 (NEW).]
[PL 2007, c. 695, Pt. I, §8 (AMD).]

SECTION HISTORY

PL 1997, c. 281, §1 (NEW). PL 1999, c. 94, §2 (AMD). PL 2001, c. 272, §15 (AMD). PL 2007, c. 557, §7 (AMD). PL 2007, c. 607, Pt. A, §8 (AMD). PL 2007, c. 695, Pt. I, §8 (AMD).

§6727. Drag width

(REPEALED)

SECTION HISTORY

PL 1997, c. 281, §1 (NEW). PL 1999, c. 94, §§3,4 (AMD). PL 2001, c. 272, §16 (AMD). PL 2007, c. 607, Pt. A, §9 (RP).

§6728. Limits in Cobscook Bay

1. Daily limit; rules. In the coastal waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada, a person may not fish for, take or possess more than 15 gallons of scallop meat per day. Under this subsection a person may not unload any portion of a day's catch and return to fishing. The department shall establish by rule a bushel limit of shellstock that is equivalent to 15 gallons of meat. The department shall also establish by rule a method to allow harvesters to land and possess scallops in Cobscook Bay that are taken outside the area defined in this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2007, c. 557, §8 (AMD).]

2. Culling required.

[PL 2003, c. 63, §1 (RP).]

3. Violation.

[PL 2015, c. 329, Pt. A, §1 (RP).]

3-A. Violation. Notwithstanding section 6174, a person who violates this section commits a civil violation. The following penalties apply:

A. For the first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2015, c. 329, Pt. A, §2 (AMD).]

B. For the 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2007, c. 607, Pt. A, §11 (NEW).]

C. For the 3rd and subsequent offenses, a mandatory fine of $750 is imposed and all scallops on board may be seized and the scallop dragging license may be suspended for one year. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B. [PL 2015, c. 329, Pt. A, §2 (AMD).]

[PL 2015, c. 329, Pt. A, §2 (AMD).]

SECTION HISTORY

PL 2001, c. 192, §1 (NEW). PL 2003, c. 63, §1 (AMD). PL 2007, c. 557, §§8, 9 (AMD). PL 2007, c. 607, Pt. A, §§10, 11 (AMD). PL 2015, c. 329, Pt. A, §§1, 2 (AMD).

§6728-A. Shell size minimum

(REALLOCATED FROM TITLE 12, SECTION 6729)

(REALLOCATED TO TITLE 12, SECTION 6721-A)

SECTION HISTORY

RR 2003, c. 1, §7 (RAL). PL 2003, c. 520, §8 (RAL).

§6728-B. Habitual violations

The commissioner shall suspend the handfishing scallop license or other license issued under this Part authorizing the taking of scallops of any license holder adjudicated or convicted in court of a 3rd or subsequent violation of this subchapter. The suspension must be for at least one year from the date of conviction and may be for up to 3 years. [PL 2007, c. 695, Pt. I, §9 (RPR).]

SECTION HISTORY

PL 2007, c. 557, §10 (NEW). PL 2007, c. 607, Pt. B, §8 (NEW). PL 2007, c. 695, Pt. I, §9 (RPR).

§6728-C. Dive-only areas

1. Dragging in dive-only areas prohibited. A person may not take scallops by dragging in a dive-only area, as established in subsection 2.

[PL 2013, c. 230, §1 (NEW).]

2. Dive-only areas established. At the written request of a municipality, the commissioner may establish in harbors where there are 5 or more moorings within that municipality dive-only areas where a person may fish for or take scallops by hand.

[PL 2013, c. 230, §1 (NEW).]

3. Violation. A person who violates subsection 1 commits a civil violation for which the following penalties apply:

A. For a first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2013, c. 230, §1 (NEW).]

B. For a 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2013, c. 230, §1 (NEW).]

C. For a 3rd or subsequent offense, a mandatory fine of $750 is imposed and all scallops on board may be seized. This penalty is imposed in addition to the penalty imposed under section 6728-B. [PL 2013, c. 230, §1 (NEW).]

[PL 2013, c. 230, §1 (NEW).]

4. Rules. The commissioner may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2013, c. 230, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 230, §1 (NEW).

ARTICLE 3

SCALLOP RESEARCH

§6729. License surcharges

1. License surcharges. The following surcharges are assessed on licenses issued by the department:

A. For a hand fishing scallop license, $100; [PL 2003, c. 319, §2 (NEW).]

B. For a scallop draggers license, $100, plus an additional $250 to sponsor an apprentice pursuant to section 6702, subsection 7; [PL 2019, c. 107, §3 (AMD).]

C. For a sea urchin and scallop diving tender license, $50; [PL 2009, c. 561, §24 (AMD).]

D. For a noncommercial scallop license, $40, except as provided in section 6703, subsection 4-A; and [PL 2019, c. 575, §5 (AMD).]

E. For a hand fishing scallop license with tender, $100. [PL 2009, c. 561, §26 (NEW).]

[PL 2019, c. 575, §5 (AMD).]

2. Deposit. The commissioner shall deposit surcharges assessed in this section in the Scallop Research Fund under section 6729-A, except that fees collected under subsection 1, paragraph C must be divided equally between the Scallop Research Fund and the Sea Urchin Research Fund established in section 6749-R.

[PL 2009, c. 561, §27 (AMD).]

REVISOR'S NOTE: §6729. Shell size minimum (As enacted by PL 2003, c. 63, §2 is REALLOCATED TO TITLE 12, SECTION 6728-A AND THEN TO TITLE 12, SECTION 6721-A)

SECTION HISTORY

RR 2003, c. 1, §7 (RAL). PL 2003, c. 63, §2 (NEW). PL 2003, c. 319, §2 (NEW). PL 2007, c. 607, Pt. A, §12 (AMD). PL 2009, c. 561, §§24-27 (AMD). PL 2019, c. 107, §3 (AMD). PL 2019, c. 575, §5 (AMD).

§6729-A. Scallop Research Fund

The Scallop Research Fund, referred to in this section as "the fund," is established in the department. Balances in the fund may not lapse and must be carried forward to the next fiscal year. [PL 2003, c. 319, §2 (NEW).]

1. Uses of fund. The commissioner shall use the fund for research directly related to scallop fishery management information needs, for implementation of scallop management measures, for reporting to licensed scallop harvesters on the results of research and the use of fund revenues and for the administration of an apprentice program established pursuant to section 6702, subsection 7. The

commissioner may authorize the expenditure of money in the fund for research and development programs that address the restoration, development or conservation of scallop resources. The commissioner shall consult with the Scallop Advisory Council under section 6729-B before deciding upon research projects and awarding grants from the fund. The fund may also be used for support of the Scallop Advisory Council, including reimbursement for travel expenses.
[PL 2019, c. 107, §4 (AMD).]

2. Sources of revenue. The fund is capitalized by license fees and surcharges assessed under section 6702, subsection 7 and section 6729. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.
[PL 2019, c. 107, §5 (AMD).]

3. Scallop Advisory Council. The commissioner shall consult with the Scallop Advisory Council under section 6729-B on the expenditure of funds under this section.
[PL 2003, c. 319, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 319, §2 (NEW). PL 2007, c. 607, Pt. A, §13 (AMD). PL 2019, c. 107, §§4, 5 (AMD).

§6729-B. Scallop Advisory Council

1. Appointment; composition. The Scallop Advisory Council, referred to in this section as "the council," established by Title 5, section 12004-I, subsection 57-F, consists of 13 members. The commissioner shall appoint the members as follows:

A. Four scallop harvesters who hold current hand fishing scallop licenses; [PL 2003, c. 319, §2 (NEW).]

B. Four scallop harvesters who hold current scallop draggers licenses; [PL 2003, c. 319, §2 (NEW).]

C. Two wholesale seafood license holders who deal in scallops; [PL 2003, c. 319, §2 (NEW).]

D. Two scientists who have expertise in marine resources management; and [PL 2003, c. 319, §2 (NEW).]

E. One person who is a public member. [PL 2003, c. 319, §2 (NEW).]

The commissioner shall ensure geographic representation in making appointments under paragraphs A and B.
[PL 2003, c. 319, §2 (NEW).]

2. Term. A member serves for a 2-year term, except that a vacancy must be filled by the commissioner for the unexpired portion of a term. When a vacancy occurs, the commissioner shall fill the vacancy by appointing a member from the same category of members listed in subsection 1 as the member who vacated the council. A member continues to serve until the member's successor is appointed.
[PL 2003, c. 319, §2 (NEW).]

3. Purpose. The council shall make recommendations to the commissioner concerning:

A. Research projects and grants made by the Scallop Research Fund. The council may seek advice from scientists who have expertise in marine resources management in determining the research needs for the scallop fishery; and [PL 2003, c. 319, §2 (NEW).]

B. Other matters of interest to the scallop fishery. [PL 2003, c. 319, §2 (NEW).]
[PL 2003, c. 319, §2 (NEW).]

4. Compensation. Members are entitled to expenses according to Title 5, chapter 379.
[PL 2003, c. 319, §2 (NEW).]

5. Chair and officers. The council shall choose annually one of its members to serve as chair for a one-year term. The council may select other officers and designate their duties.
[PL 2003, c. 319, §2 (NEW).]

6. Meetings. The council shall meet at least once a year. It may also meet at other times at the call of the chair or the chair's designee or at the call of the commissioner or the commissioner's designee.
[PL 2003, c. 319, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 319, §2 (NEW).

SUBCHAPTER 2-A

QUAHOGS

ARTICLE 1

LICENSES

§6731. Mahogany quahogs

1. License required. Except as provided in subsection 3, a person may not engage in the activities authorized under this section without a current mahogany quahog license.
[PL 2001, c. 421, Pt. B, §42 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Licensed activities. The holder of a mahogany quahog license may:

A. Fish for or take mahogany quahogs in any harvesting area indicated on the license; [PL 1989, c. 828, §2 (NEW).]

B. Possess or transport mahogany quahogs within the State; or [PL 2005, c. 434, §7 (AMD).]

C. Sell mahogany quahogs that the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A. [PL 2011, c. 598, §32 (AMD).]

The license authorizes crew members aboard the licensee's boat to undertake these activities when engaged in dragging for mahogany quahogs if the licensee is present.
[PL 2011, c. 598, §32 (AMD).]

3. Personal use exception. A person may take or possess no more than 3 bushels of mahogany quahogs for personal use in one day without a license.
[PL 2001, c. 421, Pt. B, §42 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Fee. The fee for a mahogany quahog license is $128. Fees collected pursuant to this section must be deposited in the General Fund.
[PL 2009, c. 213, Pt. G, §20 (AMD).]

5. Conditions. Each licensee may participate in the monitoring program established in section 6731-A within the harvest area indicated on the license. The holder of a mahogany quahog license shall comply with all other conditions of licensing established by the commissioner.
[PL 1989, c. 828, §3 (NEW).]

6. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §42 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1981, c. 297, §4 (NEW). PL 1981, c. 550 (AMD). PL 1989, c. 828, §§1-3 (AMD). PL 1991, c. 390, §8 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T9 (AMD). PL 1991, c. 591, §T9 (AMD). PL 2001, c. 421, §B42 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW16 (AMD). PL 2005, c. 434, §7 (AMD). PL 2009, c. 213, Pt. G, §20 (AMD). PL 2009, c. 217, §3 (AMD). PL 2011, c. 598, §32 (AMD).

§6731-A. Mahogany quahog monitoring program

The department shall establish a program to protect the public health by monitoring the levels of paralytic shellfish toxin in mahogany quahogs. The department shall identify harvesting areas, sampling areas and stations needed to achieve this goal in accordance with the following provisions.
[PL 1989, c. 828, §4 (NEW).]

1. Harvesting areas. The department shall establish harvesting areas that reflect the demand for taking mahogany quahogs by harvesters from the various regions of the State and the relative location of mahogany quahog beds.
[PL 1989, c. 828, §4 (NEW).]

2. Industry groups. For each harvesting area the department shall establish a volunteer industry-based group to select mahogany quahog harvesters to collect samples and transport department personnel to and from sampling areas. Each group shall select and notify the department of the mahogany quahog harvesters who have volunteered for each month's sampling duty in the harvesting area.
[PL 1989, c. 828, §4 (NEW).]

3. Sampling. The department shall schedule all sampling runs. A department observer shall be on board each vessel engaged in the sampling activity. The department shall notify the harvester in advance as to the time, location and number of samples to be collected. In the event weekly collection of samples is not feasible, an alternative sampling date may be established by the department. The department shall test for the presence of paralytic shellfish toxin in the samples.
[PL 1989, c. 828, §4 (NEW).]

4. Rules. The commissioner may adopt rules, in accordance with the Maine Administrative Procedure Act, necessary to achieve the intent of this section.
[PL 1989, c. 828, §4 (NEW).]

5. Mahogany Quahog Monitoring Fund. The Mahogany Quahog Monitoring Fund is established within the department. The commissioner shall use any money credited to the Mahogany Quahog Monitoring Fund for the collection of samples required under this section to monitor the level of paralytic shellfish toxin in mahogany quahogs and to conduct stock assessments of the mahogany quahog resource. All money in the Mahogany Quahog Monitoring Fund is subject to allocation by the Legislature. The Mahogany Quahog Monitoring Fund may not lapse but must carry forward to be used for the same purpose. Nothing in this subsection prohibits the commissioner from using other funds budgeted by the department to carry out the purposes of this section.
[PL 2003, c. 593, §1 (AMD).]

6. Stock assessment. The department shall conduct stock assessments of the mahogany quahog resource beginning no later than January 1, 2005.
[PL 2011, c. 598, §33 (AMD).]

SECTION HISTORY

PL 1989, c. 828, §4 (NEW). PL 1991, c. 561, §1 (AMD). PL 2003, c. 593, §§1,2 (AMD). PL 2011, c. 598, §33 (AMD).

§6732. Other quahogs

1. License required. A person may not engage in the activities authorized under this section without a current commercial shellfish license or other license issued under this Part authorizing the activities.
[PL 2005, c. 434, §8 (AMD).]

2. Licensed activities. The holder of a commercial shellfish license may fish for or take quahogs, other than mahogany quahogs, or possess or transport quahogs within the state limits or sell quahogs the holder has taken to a wholesale seafood license holder certified under section 6856.
[PL 2005, c. 434, §8 (AMD).]

3. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §43 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1981, c. 297, §4 (NEW). PL 2001, c. 421, §B43 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2005, c. 434, §8 (AMD).

ARTICLE 2

LIMITS ON FISHING

§6741. Minimum size

(REPEALED)

SECTION HISTORY

PL 1981, c. 297, §4 (NEW). PL 1981, c. 462, §§4,5 (AMD). PL 1985, c. 481, §A43 (AMD). PL 1985, c. 586 (AMD). PL 1987, c. 694, §3 (AMD). PL 1991, c. 784, §7 (RP).

§6742. Quahog tax

(REPEALED)

SECTION HISTORY

PL 1981, c. 297, §4 (NEW). PL 1985, c. 481, §A44 (RP).

§6742-A. Mahogany quahog tax

(REPEALED)

SECTION HISTORY

PL 1985, c. 784, §2 (NEW). PL 1987, c. 513, §8 (RP).

§6743. Closed areas

1. Mahogany quahogs from closed areas. A person may not:

A. Fish for or take mahogany quahogs from an area closed pursuant to section 6172; or [PL 2011, c. 691, Pt. F, §1 (AMD).]

B. Possess, ship, transport or sell mahogany quahogs taken from an area closed pursuant to section 6172. [PL 2011, c. 691, Pt. F, §1 (AMD).]
[PL 2011, c. 691, Pt. F, §1 (AMD).]

2. Washing or holding in closed areas. A person may not:

A. Wash, hold or keep mahogany quahogs in an area closed pursuant to section 6172; or [PL 2011, c. 691, Pt. F, §1 (AMD).]

B. Possess, ship, transport or sell mahogany quahogs washed, held or kept in an area closed pursuant to section 6172. [PL 2011, c. 691, Pt. F, §1 (AMD).]

[PL 2011, c. 691, Pt. F, §1 (AMD).]

3. Exception. This section does not apply to the taking of mahogany quahogs under the authority of section 6856.

[PL 2011, c. 691, Pt. F, §1 (AMD).]

SECTION HISTORY

PL 1981, c. 297, §4 (NEW). PL 2003, c. 452, §F21 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 520, §9 (AMD). PL 2011, c. 691, Pt. F, §1 (AMD).

SUBCHAPTER 2-B

MUSSELS

§6745. Hand-raking mussel license

1. License required. A person may not engage in the activities authorized under this section without a current mussel license or other license issued under this Part authorizing the activities.

[PL 2001, c. 421, Pt. B, §44 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Licensed activity. The holder of a hand-raking mussel license may take mussels by hand raking or possess or transport mussels within the state limits or sell mussels the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A.

[PL 2011, c. 598, §34 (AMD).]

2-A. Licensed activities; aquaculture.

[PL 2017, c. 296, §7 (RP); PL 2017, c. 296, §10 (AFF).]

3. Eligibility. A hand-raking mussel license may be issued only to an individual who is a resident.

[PL 2001, c. 421, Pt. B, §44 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Exception. In any one day, a person may take or possess not more than 2 bushels of shellstock for personal use without a mussel license.

[PL 2005, c. 434, §9 (AMD).]

5. License fee. The fee for a hand-raking mussel license is $58.25.

[PL 2017, c. 284, Pt. EEEEE, §17 (AMD).]

6. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.

[PL 2001, c. 421, Pt. B, §44 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1987, c. 328, §3 (NEW). PL 1987, c. 826, §3 (AMD). PL 1989, c. 348, §6 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T10 (AMD). PL 1991, c. 591, §T10 (AMD). PL 2001, c. 421, §B44 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW17 (AMD). PL 2005, c. 434, §9 (AMD). PL 2007, c. 522, §4 (AMD). PL 2009, c. 213, Pt. G, §21 (AMD). PL 2009, c. 217, §4 (AMD). PL 2011, c. 598, §34 (AMD). PL 2017, c. 284, Pt. EEEEE, §17 (AMD). PL 2017, c. 296, §7 (AMD). PL 2017, c. 296, §10 (AFF).

§6746. Mussel boat license

1. License required. A person may not use a boat for dragging for mussels unless that boat carries a current mussel boat license issued by the commissioner.

[PL 2001, c. 421, Pt. B, §45 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Licensed activity. A boat license under this section may be used for dragging for mussels. The holder of a mussel boat license may also possess or transport mussels within the state limits or sell mussels the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A. The license also authorizes the captain and crew members aboard the licensed boat when engaged in dragging for mussels to undertake these activities. A mussel boat license does not authorize the holder to fish for or take mussels in violation of a municipal ordinance adopted pursuant to section 6671.
[PL 2011, c. 598, §35 (AMD).]

2-A. Licensed activities; aquaculture.
[PL 2017, c. 296, §8 (RP); PL 2017, c. 296, §10 (AFF).]

3. Eligibility. A mussel boat license may be issued only to an individual who is a resident.
[PL 2001, c. 421, Pt. B, §45 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Exception. In any one day, a person may take or possess not more than 2 bushels of shell mussels for personal use without a mussel license.
[PL 2001, c. 421, Pt. B, §45 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

5. License fee. The fee for a mussel boat license is $115.50.
[PL 2017, c. 284, Pt. EEEEE, §18 (AMD).]

6. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §45 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1987, c. 328, §3 (NEW). PL 1987, c. 694, §4 (AMD). PL 1987, c. 826, §4 (AMD). PL 1989, c. 348, §7 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T11 (AMD). PL 1991, c. 591, §T11 (AMD). PL 2001, c. 421, §B45 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW18 (AMD). PL 2005, c. 434, §10 (AMD). PL 2007, c. 494, §3 (AMD). PL 2007, c. 522, §5 (AMD). PL 2009, c. 213, Pt. G, §22 (AMD). PL 2009, c. 217, §5 (AMD). PL 2011, c. 598, §35 (AMD). PL 2017, c. 284, Pt. EEEEE, §18 (AMD). PL 2017, c. 296, §8 (AMD). PL 2017, c. 296, §10 (AFF).

§6746-A. Night prohibition

A person may not fish for or take mussels pursuant to section 6746 between sunset and sunrise within the territorial waters except that the commissioner may authorize the harvest of seed mussels during those times. [PL 2007, c. 615, §17 (NEW).]

SECTION HISTORY

PL 2007, c. 615, §17 (NEW).

§6747. Closed areas

1. Taking from closed areas. A person may not:

A. Fish for or take mussels from an area closed pursuant to section 6172; or [PL 2011, c. 691, Pt. F, §2 (AMD).]

B. Possess, ship, transport or sell mussels taken from an area closed pursuant to section 6172. [PL 2011, c. 691, Pt. F, §2 (AMD).]
[PL 2011, c. 691, Pt. F, §2 (AMD).]

2. Washing or holding in closed areas. A person may not:

A. Wash, hold or keep mussels in an area closed pursuant to section 6172; or [PL 2011, c. 691, Pt. F, §3 (AMD).]

B. Possess, ship, transport or sell mussels washed, held or kept in an area closed pursuant to section 6172. [PL 2011, c. 691, Pt. F, §3 (AMD).]

[PL 2011, c. 691, Pt. F, §3 (AMD).]

3. Exception. This section does not apply to:

A. The taking of mussels under the authority of section 6856. [PL 2003, c. 520, §10 (AMD).]

B. [PL 2003, c. 520, §10 (RP).]

[PL 2003, c. 520, §10 (AMD).]

SECTION HISTORY

PL 1987, c. 328, §3 (NEW). PL 2003, c. 452, §F22 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 520, §10 (AMD). PL 2011, c. 691, Pt. F, §§2, 3 (AMD).

SUBCHAPTER 2-C

SEA URCHINS

ARTICLE 1

LICENSES

§6748. Handfishing sea urchin license

1. License required. A person may not engage in the activities authorized under this section without a current handfishing sea urchin license or other license issued under this Part authorizing the activities. A person acting as tender to an individual possessing a current individual handfishing sea urchin license issued under subsection 4, paragraph A shall possess a sea urchin and scallop diving tender license issued under section 6535. The handfishing sea urchin license with tender issued under subsection 4, paragraph B authorizes a person to engage in the activities described in section 6535, subsection 2 aboard the licensee's boat when it is engaged in the harvesting of sea urchins.

[PL 2009, c. 561, §28 (RPR).]

1-A. Exception. A person may act as a tender to an individual possessing a current handfishing sea urchin license with tender issued under subsection 4, paragraph B without being licensed under this Part if that person has met the tender safety requirements adopted by rule pursuant to section 6533.

[PL 2009, c. 561, §28 (NEW).]

2. Licensed activity. The holder of a handfishing sea urchin license may take sea urchins by hand or possess, ship, transport or sell sea urchins.

A. [PL 2015, c. 201, §4 (RP).]

B. [PL 2015, c. 201, §4 (RP).]

A person may not act as a tender under subsection 4, paragraph B unless that person has met the tender safety requirements adopted by rule pursuant to section 6533.

[PL 2015, c. 201, §4 (AMD).]

3. Eligibility. A handfishing sea urchin license may be issued only to an individual who is a resident.

[PL 2009, c. 561, §28 (RPR).]

4. Zone 2 fee. Fees for Zone 2 handfishing sea urchin licenses are:

A. For an individual handfishing sea urchin license, $152; and [PL 2009, c. 561, §28 (RPR).]

B. For a handfishing sea urchin license with tender, $202. [PL 2009, c. 561, §28 (RPR).]
[PL 2011, c. 598, §36 (AMD).]

4-A. Temporary Zone 1 fee.
[PL 2009, c. 561, §28 (RPR); MRSA T. 12 §6748, sub-§4-A (RP).]

4-B. Zone 1 fee. Fees for Zone 1 handfishing sea urchin licenses are, if the Zone 1 season is not longer than 10 days:

A. For an individual handfishing sea urchin license, $25; and [PL 2011, c. 598, §37 (NEW).]

B. For a handfishing sea urchin license with tender, $50. [PL 2011, c. 598, §37 (NEW).]

If the Zone 1 season is longer than 10 days, the department may by rule increase the individual handfishing sea urchin license fee and handfishing sea urchin license with tender fee to an amount no higher than the amount specified in subsection 4. Rules adopted under this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 598, §37 (NEW).]

5. Rebuttable presumption. It is unlawful for an individual to dive from a vessel with sea urchins on board unless that individual is licensed under this section. It is a rebuttable presumption that an individual diving from a vessel with sea urchins on board at any time of the year is diving for the purpose of fishing for or taking sea urchins.
[PL 2009, c. 561, §28 (RPR).]

5. (REALLOCATED TO T. 12, §6748, sub-§6) Violation.

[PL 2001, c. 421, Pt. B, §46 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF); PL 2001, c. 667, Pt. A, §7 (RAL).]

6. (REALLOCATED FROM T. 12, §6748, sub-§5) Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2009, c. 561, §28 (RPR).]

SECTION HISTORY

PL 1993, c. 416, §2 (NEW). PL 1993, c. 416, §4 (AFF). PL 2001, c. 327, §4 (AMD). PL 2001, c. 421, §B46 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 667, §A7 (AMD). PL 2003, c. 20, §WW19 (AMD). PL 2009, c. 213, Pt. G, §23 (AMD). PL 2009, c. 396, §8 (AMD). PL 2009, c. 561, §28 (RPR). PL 2011, c. 598, §§36, 37 (AMD). RR 2013, c. 1, §23 (COR). PL 2013, c. 282, §6 (AMD). PL 2015, c. 201, §4 (AMD).

§6748-A. Sea urchin draggers license

1. License required. A person may not engage in the activities authorized under this section without a current sea urchin dragging license.
[PL 2001, c. 667, Pt. A, §8 (RPR).]

2. Licensed activity. The holder of a sea urchin dragging license may use the vessel named on the holder's license to drag for sea urchins. The license also authorizes the captain and crew members aboard the vessel named on the license to drag for and possess, ship, transport and sell sea urchins, except that the captain and crew members may not drag for sea urchins if the license holder is not aboard the vessel.
[PL 2001, c. 327, §6 (RPR); PL 2001, c. 327, §21 (AFF).]

2-A. Change of named individual. A person who is the owner of a vessel named on a sea urchin dragging license in 2000 but not the individual named on that license may apply to the commissioner to be the individual named on that sea urchin dragging license in 2002. The person must provide written notarized documentation to the commissioner authorizing the change in license name by the individual who was named on that license in 2000. If no such request is received by the commissioner by December 1, 2001, then the individual named on the 2002 sea urchin dragging license will be the same as the individual named on the 2001 sea urchin dragging license and no future changes of the named individual will be permitted.
[PL 2001, c. 327, §7 (NEW).]

2-B. Exemptions. Notwithstanding subsection 2, the commissioner may authorize a person to fish for or take sea urchins from a vessel when the person holding a sea urchin dragging license that contains the name of that vessel is not on board if:

A. [PL 2017, c. 222, §4 (AMD); MRSA T. 12 §6748-A, sub-2-B, A (RP).]

B. [PL 2017, c. 222, §4 (AMD); MRSA T. 12 §6748-A, sub-2-B, B (RP).]

C. An individual documents to the commissioner that the individual has held or leased more than one sea urchin dragging license for 3 consecutive years, was the owner of the vessels named on those licenses during those same years and is currently the owner of the vessels named on those licenses. Under this paragraph, the commissioner may renew each license held by the eligible individual if the vessel named on that license is unchanged from the vessel named on the license in 2000. [PL 2001, c. 327, §7 (NEW); PL 2001, c. 327, §21 (AFF).]

[PL 2017, c. 222, §4 (AMD).]

3. Eligibility. A sea urchin dragging license may be issued only to an individual who is a resident.
[PL 2001, c. 421, Pt. B, §47 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Zone 2 fee. The fee for a Zone 2 sea urchin dragging license is $152.
[PL 2011, c. 598, §38 (AMD).]

4-A. Temporary Zone 1 fee.
[PL 2009, c. 396, §9 (NEW); MRSA T. 12 §6748-A, sub-§4A (RP).]

4-B. Zone 1 fee. The fee for a Zone 1 sea urchin dragging license is $25 per year when the season is no longer than 10 days. If the Zone 1 season is longer than 10 days, the department may by rule increase the sea urchin dragging license fee to an amount no higher than the amount specified in subsection 4. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 598, §39 (NEW).]

5. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §47 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1993, c. 416, §2 (NEW). PL 1993, c. 740, §1 (AMD). PL 2001, c. 327, §§5-7 (AMD). PL 2001, c. 327, §21 (AFF). PL 2001, c. 421, §B47 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 667, §A8 (AMD). PL 2003, c. 20, §WW20 (AMD). PL 2009, c. 213, Pt. G, §24 (AMD). PL 2009, c. 396, §9 (AMD). PL 2011, c. 598, §§38, 39 (AMD). PL 2017, c. 222, §4 (AMD).

§6748-B. Sea urchin boat tender license

(REPEALED)

SECTION HISTORY

PL 1993, c. 416, §2 (NEW). PL 1995, c. 392, §3 (RP).

§6748-C. Drags

Except as provided in this section, it is unlawful for any person to fish for or take sea urchins using a drag, or any combination of drags, in any coastal waters of the State. [PL 1993, c. 740, §2 (NEW).]

1. Exception. The commissioner may adopt rules that allow the use of a drag that is designed to minimize impact on the benthic environment and harvested resources. Rules adopted by the commissioner under this section must describe the type of drag that may be used, including any limitations on type or size of drag components or limitations on the length or width of the drag.
[PL 1993, c. 740, §2 (NEW).]

SECTION HISTORY

PL 1993, c. 740, §2 (NEW).

§6748-D. Sea urchin hand-raking and trapping license

1. License required. A person may not engage in the activities authorized under this section without a current sea urchin hand-raking and trapping license.
[PL 2001, c. 421, Pt. B, §48 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Licensed activity. The holder of a sea urchin hand-raking and trapping license may take sea urchins by hand-raking or by trap and may possess, ship, transport or sell sea urchins taken by that licensee.
[PL 1995, c. 392, §4 (NEW).]

3. Eligibility. A sea urchin hand-raking and trapping license may be issued only to an individual who is a resident.
[PL 2001, c. 421, Pt. B, §48 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Fee. The fee for a sea urchin hand-raking and trapping license is $152.
[PL 2009, c. 213, Pt. G, §25 (AMD).]

4-A. Temporary Zone 1 fee.
[PL 2009, c. 396, §10 (NEW); MRSA T. 12 §6748-D, sub-§4A (RP).]

5. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §48 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1995, c. 392, §4 (NEW). PL 2001, c. 421, §B48 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW21 (AMD). PL 2009, c. 213, Pt. G, §25 (AMD). PL 2009, c. 396, §10 (AMD).

ARTICLE 2

LIMITS ON FISHING

§6749. Sea urchin harvesting season and open days

1. Closed season. It is unlawful for a person to fish for or take sea urchins from May 1st to August 31st.
[PL 2001, c. 327, §8 (NEW).]

2. Open days. The commissioner, in consultation with the Sea Urchin Zone Council under section 6749-X, shall establish by rule, within that area designated Zone 1 and that area designated as Zone 2 under section 6749-N, the open days for those zones during which a person may fish for or take sea urchins. Rules may specify the open days for gear type and may further define more than one time

period. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.
[PL 2001, c. 327, §8 (NEW).]

3. Prohibition. It is unlawful for a person to possess aboard a vessel, fish for or take sea urchins on any day not designated as open to sea urchin harvesting under this section.
[PL 2001, c. 327, §8 (NEW).]

SECTION HISTORY

PL 1993, c. 416, §2 (NEW). PL 1995, c. 392, §5 (RPR). PL 2001, c. 327, §8 (RPR).

§6749-A. Minimum size

1. Zone 1 prohibition. Except as provided in this subsection, a person may not take, possess, ship, transport, buy or sell a sea urchin having shell measurements less than the minimum size established by rule for Zone 1.

A. A person holding a dragging license may take a sea urchin that measures less than the minimum size established by rule for Zone 1 if that sea urchin is harvested by dragging and is immediately culled on board and liberated alive into the marine waters. [PL 2003, c. 200, §2 (NEW).]

B. A person who holds a hand-fishing license may take a sea urchin that measures less than the minimum size established by rule for Zone 1 as provided by the commissioner. [PL 2003, c. 200, §2 (NEW).]

[PL 2003, c. 200, §2 (NEW).]

2. Zone 2 prohibition. A person may not take, possess, ship, transport, buy or sell a sea urchin having shell measurements less than the minimum size established by rule for Zone 2. A person may take a sea urchin that measures less than the minimum size established by rule for Zone 2 if that sea urchin is culled on board immediately after harvesting and is liberated alive into the marine waters.
[PL 2003, c. 200, §2 (NEW).]

3. Rules. The commissioner may adopt rules to carry out the purposes of this section and to provide for increases in the minimum shell size of sea urchins after consultation with the Sea Urchin Zone Council. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 200, §2 (NEW).]

4. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class D crime for which a fine of not less than $500 may be adjudged. [PL 2003, c. 200, §2 (NEW).]

B. A person who violates this section after having previously violated this section commits a Class D crime for which a fine of not less than $1,000 may be adjudged. [PL 2003, c. 200, §2 (NEW).]

Fines imposed under this subsection may not be suspended.
[PL 2003, c. 200, §2 (NEW).]

SECTION HISTORY

PL 1993, c. 416, §2 (NEW). PL 2001, c. 327, §9 (AMD). PL 2003, c. 200, §2 (RPR).

§6749-B. Sea urchins and lobsters; simultaneous possession or transport prohibited

A person licensed under section 6748 to take sea urchins by hand may not simultaneously possess or transport sea urchins and lobsters aboard a registered vessel. [PL 1993, c. 416, §2 (NEW).]

SECTION HISTORY

PL 1993, c. 416, §2 (NEW).

§6749-C. Rules

1. Importation and processing. The commissioner may adopt rules under this subchapter that require a sea urchins processor to maintain records sufficient to identify the point of origin of sea urchins received by that processor.
[PL 1993, c. 416, §2 (NEW).]

2. Fisheries management. The commissioner may adopt rules under chapter 607, subchapter I to promote the conservation and propagation of sea urchins. Those rules may include, but are not limited to, limits on size of drags used to take sea urchins, limits on the nighttime dragging of sea urchins and tolerance allowance for the harvesting of sea urchins less than 2 inches in the longest diameter.
[PL 1993, c. 416, §2 (NEW).]

3. Minimum size. Before January 1, 1994, the commissioner shall adopt rules establishing the method for determining whether a sea urchin measures less than 2 inches in the longest diameter. If necessary, the commissioner may use emergency rule-making authority under chapter 607, subchapter II to adopt rules under this subsection.
[PL 1993, c. 416, §2 (NEW).]

SECTION HISTORY

PL 1993, c. 416, §2 (NEW).

§6749-D. Vessel limitation

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

A. "Family member" means a spouse, brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent. [PL 2017, c. 222, §5 (NEW).]

B. "Owner" means:

(1) An individual who is the owner of a vessel registered under chapter 935 or the owner of a vessel documented under 46 Code of Federal Regulations, Part 67;

(2) The person who owns the highest percentage of a partnership, corporation or other entity that is the owner of a vessel registered under chapter 935 or a vessel documented under 46 Code of Federal Regulations, Part 67; or

(3) When 2 or more people own in equal proportion the highest percentages of a partnership, corporation or other entity that owns a vessel registered under chapter 935 or a vessel documented under 46 Code of Federal Regulations, Part 67, one of the highest percentage owners as designated by the owners of that partnership, corporation or other entity. [PL 2017, c. 222, §5 (NEW).]

[PL 2017, c. 222, §5 (NEW).]

2. Owner or family member on board. Beginning January 1, 2018, except as provided in subsection 3, a vessel may not be used for dragging for sea urchins in the State's territorial waters unless that vessel is owned by a person holding a sea urchin dragging license issued under section 6748-A and:

A. The owner of that vessel is present on that vessel and has that vessel named on the owner's sea urchin dragging license; or [PL 2017, c. 222, §5 (NEW).]

B. A family member of the vessel owner holds a sea urchin dragging license issued under section 6748-A and is present on that vessel. [PL 2017, c. 222, §5 (NEW).]

[PL 2017, c. 222, §5 (NEW).]

3. Exemptions; individuals. Beginning January 1, 2018, the commissioner may authorize a person to drag for sea urchins from a vessel when an owner or family member is not on board pursuant to subsection 2 if that person holds a sea urchin dragging license issued under section 6748-A and:

A. The owner of that vessel holds a sea urchin dragging license issued under section 6748-A, documents to the commissioner that an illness or disability temporarily prevents that owner from fishing for or taking sea urchins from that vessel and requests in writing to the commissioner that the commissioner authorize that person to use that vessel to fish for or take sea urchins; [PL 2017, c. 222, §5 (NEW).]

B. Is the owner of a vessel that has become temporarily inoperable because of an accident or a mechanical failure and requests in writing permission from the commissioner to use that vessel to fish for or take sea urchins; or [PL 2017, c. 222, §5 (NEW).]

C. Was the owner of a vessel that was named on that person's sea urchin dragging license but is no longer the owner of that vessel due to sale or foreclosure. The person must demonstrate immediate intent to become the owner of another vessel to be used to fish for or take sea urchins and request in writing permission from the commissioner to use the other vessel to fish for or take sea urchins for a limited period of time. [PL 2017, c. 222, §5 (NEW).]

[PL 2017, c. 222, §5 (NEW).]

4. Exemptions based upon 2017 fishing. Beginning January 1, 2018, a person may drag for sea urchins from a vessel when an owner or family member is not on board pursuant to subsection 2 during the first sea urchin dragging season that begins after August 31, 2017 if that person holds a sea urchin dragging license issued under section 6748-A and:

A. The person recorded landings of sea urchins taken by dragging during the sea urchin dragging season that ended immediately prior to August 31, 2017, dragged for those sea urchins from one boat and that boat did not have on board an individual who meets the requirements of subsection 2, paragraph A or B and the owner of the boat was a family member of the person applying for the exemption under this paragraph. A person qualifies for the exemption under this paragraph only as long as the person drags for sea urchins and records landings of sea urchins taken by dragging from the same boat used to originally qualify for this exemption and that boat is owned by the same family member; or [PL 2017, c. 222, §5 (NEW).]

B. [PL 2017, c. 222, §5 (NEW); MRSA T. 12 §6749-D, sub-§4, ¶B (RP).]

[PL 2017, c. 222, §5 (NEW).]

5. Rules. The commissioner may adopt rules to implement and administer this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 222, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 222, §5 (NEW).

ARTICLE 3

EMERGENCY LIMITATIONS; SEA URCHIN FISHERY

§6749-N. Closed areas; zone identification

Notwithstanding section 6749, it is unlawful for a person to fish for or take sea urchins from: [PL 1997, c. 685, §1 (AMD).]

1. Zone 1. Zone 1, from May 1st to July 31st. For the purposes of this article, "Zone 1" means all coastal waters west of a line beginning at the easternmost point of Fort Point State Park on Cape Jellison then running southwesterly to channel marker #1 south of Sears Island, then running southwesterly to channel marker RW "11" located between Marshall's Point and Bayside in the Town of Northport, then running southwesterly to Graves channel marker southeast of the Town of Camden, then running southeasterly to the Penobscot Bay Buoy "PB" east of Rockland harbor, then running southerly to the TBI whistle southwest of Junken Ledge, then running southeasterly to Red Nun #10 buoy at Foster Ledges, then running due south magnetic to the boundary of the State's coastal waters; and
[PL 2013, c. 301, §17 (AMD).]

2. Zone 2. Zone 2, from May 1st to July 31st. For the purpose of this article, "Zone 2" means all coastal waters east of that line established in subsection 1, including all coastal waters of the Penobscot River north of Fort Point State Park.
[PL 1995, c. 595, §2 (AMD); PL 1995, c. 595, §6 (AFF).]

3. Conservation areas. The commissioner may adopt rules to establish conservation areas pursuant to section 6171 for the purposes of sea urchin research that are considered closed areas for the purpose of this section. Fishing for sea urchins in a conservation area adopted through the department for sea urchin research is considered a violation of this subchapter and subject to the penalties under section 6749-Y. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.
[PL 2001, c. 327, §10 (NEW).]

SECTION HISTORY

PL 1993, c. 740, §3 (NEW). PL 1995, c. 198, §1 (AMD). PL 1995, c. 392, §6 (AMD). PL 1995, c. 595, §2 (AMD). PL 1995, c. 595, §6 (AFF). PL 1997, c. 685, §1 (AMD). PL 2001, c. 327, §10 (AMD). PL 2011, c. 598, §40 (AMD). PL 2013, c. 301, §17 (AMD).

§6749-O. Limited entry; exceptions

1. Handfishing and dragging licenses.
[PL 1997, c. 685, §2 (AMD); MRSA T. 12 §6749-O, sub-§1 (RP).]

2. Hand-raking and trapping license.
[PL 1997, c. 685, §2 (AMD); MRSA T. 12 §6749-O, sub-§2 (RP).]

2-A. License eligibility. The commissioner may not issue a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license to any person unless that person:

A. Possessed that license in the previous calendar year; [PL 2007, c. 615, §18 (NEW).]

B. Becomes eligible to obtain that license pursuant to a limited entry system under subsection 2-B; or [PL 2007, c. 615, §18 (NEW).]

C. Did not possess a sea urchin license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year. [PL 2007, c. 615, §18 (NEW).]
[PL 2007, c. 615, §18 (RPR).]

2-B. Sea urchin license limited entry system. The commissioner shall establish by rule a limited entry system under which a person who did not hold a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license in the previous calendar year may become eligible to obtain that license for use in a zone established pursuant to section 6749-N. The rules for a limited entry system must include provisions for the method and administration of the program. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

A. [PL 2001, c. 327, §11 (RP).]

B. [PL 2001, c. 327, §11 (RP).]

C. [PL 2001, c. 327, §11 (RP).]

D. [PL 2001, c. 327, §11 (RP).]

E. [PL 2001, c. 327, §11 (RP).]

F. [PL 2001, c. 327, §11 (RP).]

[PL 2001, c. 327, §11 (AMD).]

3. Exceptions.

[PL 1999, c. 643, §8 (RP).]

4. License transfer.

[PL 1999, c. 643, §8 (RP).]

5. Protection from depletion. The commission may adopt rules for a sea urchin license limited entry system to prohibit a new entry in a year when it is necessary to protect or conserve the urchin fishery from imminent depletion.

[RR 2013, c. 2, §17 (COR).]

SECTION HISTORY

PL 1993, c. 740, §3 (NEW). PL 1995, c. 392, §7 (RPR). PL 1995, c. 595, §3 (AMD). PL 1997, c. 685, §§2,3 (AMD). PL 1999, c. 643, §8 (AMD). PL 2001, c. 327, §11 (AMD). PL 2003, c. 200, §3 (AMD). PL 2007, c. 615, §18 (AMD). RR 2013, c. 2, §17 (COR).

§6749-P. Licenses by zone

A person eligible to purchase a license under section 6749-O may purchase those licenses only for Zone 1 or Zone 2. All of those licenses issued to any one person in any one year must be for the same zone. A person may not change from the zone in which the person harvested sea urchins in the previous calendar year unless the change is authorized in accordance with section 6749-Z. A handfishing sea urchin license, a sea urchin hand-raking and trapping license or a sea urchin dragging license authorizes the licensed activity only in the zone for which it is issued. A sea urchin dragging license must list the documentation or registration number of the vessel to be used by that licensee when dragging. A vessel documentation number or registration number may not be listed on more than one sea urchin dragging license. [PL 2001, c. 327, §12 (AMD).]

SECTION HISTORY

PL 1993, c. 740, §3 (NEW). PL 1995, c. 392, §8 (AMD). PL 1995, c. 595, §4 (AMD). PL 1997, c. 685, §4 (AMD). PL 2001, c. 327, §12 (AMD).

§6749-Q. License surcharges

The following surcharges are assessed on licenses issued by the department: [PL 2001, c. 327, §13 (AMD).]

1. Handfishing sea urchin license. One hundred and sixty dollars on a sea urchin handharvesting license;

[PL 1995, c. 392, §8 (AMD).]

1-A. Sea urchin hand-raking and trapping license. One hundred and sixty dollars on a sea urchin hand-raking and trapping license;

[PL 1995, c. 392, §8 (NEW).]

1-B. Handfishing sea urchin license with tender. One hundred and sixty dollars on a handfishing sea urchin license with tender.
[PL 2009, c. 561, §29 (NEW).]

2. Sea urchin dragging license. One hundred and sixty dollars on a sea urchin dragging license;
[PL 1993, c. 740, §3 (NEW).]

3. Sea urchin and scallop diving tender license.
[PL 2017, c. 320, §3 (RP).]

4. Wholesale seafood license with a sea urchin buyer's permit. Five hundred dollars on a wholesale seafood license with a sea urchin buyer's permit; and
[PL 1993, c. 740, §3 (NEW).]

5. Wholesale seafood license with a sea urchin processor's permit. One thousand dollars on a wholesale seafood license with a sea urchin processor's permit.
[PL 2001, c. 327, §14 (AMD).]

The commissioner shall deposit all surcharges assessed in this section in the Sea Urchin Research Fund established in section 6749-R. [PL 2017, c. 320, §4 (AMD).]

SECTION HISTORY

PL 1993, c. 740, §3 (NEW). PL 1995, c. 392, §8 (AMD). PL 1995, c. 462, §A32 (AMD). PL 1997, c. 177, §1 (AMD). PL 1997, c. 685, §5 (AMD). PL 2001, c. 327, §§13,14 (AMD). PL 2007, c. 615, §§19, 20 (AMD). PL 2009, c. 561, §29 (AMD). PL 2017, c. 320, §§3, 4 (AMD).

§6749-R. Sea Urchin Research Fund

The Sea Urchin Research Fund, referred to in this article as the "fund," is established in the department. Balances in the fund may not lapse and must be carried forward and used for the purposes of this section. [PL 1993, c. 740, §3 (NEW).]

1. Uses of fund. The commissioner shall use the fund for research directly related to sea urchin fishery management information needs and for reporting to licensed sea urchin harvesters, boat tenders, processors and buyers on the results of research and the use of fund revenues. The purpose of that research must be to determine, with the highest reliability possible given available resources, the greatest level of effort that may be applied to the sea urchin fishery without harming the long-term economic and biological sustainability of the sea urchin fishery. The commissioner shall consult with the Sea Urchin Zone Council under section 6749-X before deciding upon research projects and awarding grants from the fund. The fund may be used to provide for safety education and training requirements for the sea urchin fishery and to administer management measures for the fishery. The commissioner shall consult with the Sea Urchin Zone Council on the expenditure of funds for these purposes. The fund may also be used to cover the costs associated with determining eligibility for licenses under this subchapter, for law enforcement and support for the Sea Urchin Zone Council, including reimbursement for travel expenses. Up to 30% of allotted revenues may be used for law enforcement purposes.
[PL 2003, c. 200, §4 (AMD).]

2. Sources of revenue. The fund is capitalized by surcharges assessed under section 6749-Q. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private. All money in the fund must be used for the purposes set forth in this section.
[PL 1993, c. 740, §3 (NEW).]

3. Reports. The commissioner shall submit an interim and a final report on expenditures from the fund and research findings to the joint standing committee of the Legislature having jurisdiction over marine resource matters. An interim report must be submitted by July 1, 1996. A 2nd interim report must be submitted by January 1, 1998. A final report must be submitted by January 1, 1999.

[PL 1997, c. 177, §3 (AMD).]

SECTION HISTORY

PL 1993, c. 740, §3 (NEW). PL 1997, c. 177, §§2,3 (AMD). PL 1997, c. 685, §6 (AMD). PL 1999, c. 244, §2 (AMD). PL 1999, c. 309, §3 (AMD). PL 1999, c. 790, §A13 (AMD). PL 2001, c. 327, §15 (AMD). PL 2003, c. 200, §4 (AMD).

§6749-S. Log books for sea urchin buyers and processors

1. Log book; rules. The commissioner shall adopt rules requiring any person holding a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit to maintain a log book. The rules must indicate the type of data that must be recorded in the log book, the manner for producing the log books and the method for analyzing data from the log books. The commissioner shall charge a fee for the log book that is sufficient to recover all costs associated with the production of the log book and analysis of the data, except that any personnel and operating costs associated with the log book must be paid from allocations from the Sea Urchin Research Fund. Fees received by the department from the sale of log books are dedicated revenue and must be used by the department for the purposes of this section. The log book and data analysis may be produced and conducted by the department or may be produced and conducted by a public or private entity under contract with the department. Disclosure of any data collected under this section is subject to the confidentiality provisions of section 6173.
[PL 1999, c. 244, §3 (NEW).]

2. Reporting. The commissioner may deny an application for the renewal of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit if the license holder fails to maintain a log book or report the data required by rule pursuant to subsection 1.
[PL 1999, c. 244, §3 (NEW).]

Rules adopted by the commissioner to implement this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [PL 1999, c. 244, §3 (RPR).]

SECTION HISTORY

PL 1993, c. 740, §3 (NEW). PL 1999, c. 244, §3 (RPR).

§6749-T. Repeal

(REPEALED)

SECTION HISTORY

PL 1993, c. 740, §3 (NEW). PL 1997, c. 685, §7 (AMD). PL 2001, c. 327, §16 (RP).

§6749-U. Extension of closing dates

The commissioner may by rule extend the closing dates established under sections 6749 and 6749-N for entire zones or portions of zones for the purpose of conserving spawning sea urchins. [PL 1995, c. 392, §9 (NEW).]

SECTION HISTORY

PL 1995, c. 392, §9 (NEW).

§6749-V. Dragging closure

Notwithstanding section 6749-N, it is unlawful for a person to fish for or take sea urchins with a drag or any combination of drags in the coastal waters of the State from May 1st to September 30th. [PL 1995, c. 595, §5 (NEW); PL 1995, c. 595, §6 (AFF).]

SECTION HISTORY

PL 1995, c. 595, §5 (NEW). PL 1995, c. 595, §6 (AFF).

§6749-W. Open days

(REPEALED)

SECTION HISTORY

PL 1995, c. 595, §5 (NEW). PL 1995, c. 595, §6 (AFF). PL 1997, c. 177, §§4-6 (AMD). PL 1997, c. 685, §§8,9 (AMD). PL 1999, c. 26, §2 (AMD). PL 1999, c. 244, §4 (AMD). PL 2001, c. 327, §17 (RP). PL 2001, c. 327, §21 (AFF).

§6749-X. Sea Urchin Zone Council

1. Appointment and election; composition. The Sea Urchin Zone Council, referred to in this section as the "council," established by Title 5, section 12004-I, subsection 57-B, consists of 15 members. Seven members of the council are elected by the sea urchin industry as follows:

A. One sea urchin harvester who holds a current handfishing sea urchin license for Zone 1; [PL 2007, c. 176, §2 (AMD).]

B. One sea urchin harvester who holds a current handfishing sea urchin license for Zone 2; [PL 2007, c. 176, §2 (AMD).]

C. One sea urchin harvester who holds a current sea urchin draggers license for Zone 1; [PL 2007, c. 176, §2 (AMD).]

D. One sea urchin harvester who holds a current sea urchin draggers license for Zone 2; [PL 2007, c. 176, §2 (AMD).]

E. One individual who holds a current wholesale seafood license with a sea urchin buyer's permit; [PL 2007, c. 176, §2 (AMD).]

F. One individual who holds a current wholesale seafood license with a sea urchin processor's permit ; and [PL 2007, c. 176, §2 (AMD).]

G. [PL 1999, c. 244, §5 (RP).]

H. [PL 1999, c. 244, §5 (RP).]

I. [PL 2007, c. 176, §2 (RP).]

J. One sea urchin harvester who holds a current boat tender's license. [PL 1997, c. 685, §10 (NEW).]

The commissioner shall appoint the remaining 8 members. If possible, those 8 appointees must include, but not be limited to, a marine scientist, an aquaculturalist, a person holding a sea urchin draggers license, a person holding a sea urchin and scallop diving tender license and a person holding a sea urchin hand-raking and trapping license. In making appointments under this subsection, the commissioner shall select members to ensure a geographic distribution of representation from each zone.
[PL 2007, c. 176, §2 (AMD).]

1-A. Elections. The commissioner shall adopt by rule procedures for conducting the election of members required under subsection 1. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2007, c. 176, §3 (NEW).]

2. Term. Council members serve for 2 years and continue serving until a successor is duly appointed or elected and qualified. When a vacancy occurs of an appointed member, the commissioner shall fill the vacancy by appointing a member from the same category of members listed in subsection

1 as the member who vacated the council. When a vacancy occurs of an elected member, the vacancy must be filled by an election as provided by rule.
[PL 2007, c. 176, §4 (AMD).]

3. Purpose. The council shall make recommendations to the commissioner concerning:

A. The designation of open days for the harvesting of sea urchins by handfishing, dragging, hand-raking and trapping pursuant to rules adopted under section 6749; [PL 2003, c. 510, Pt. A, §8 (AMD).]

B. Research projects and grants funded by the Sea Urchin Research Fund under section 6749-R. The council may seek advice from scientists who have expertise in marine resource management in determining the research needs for the sea urchin fishery; [PL 1999, c. 244, §6 (AMD).]

C. Other matters of interest to the sea urchin fishery; and [PL 1997, c. 685, §11 (AMD).]

D. The ratio of the number of new licenses issued to the number of the licenses not renewed. [PL 1997, c. 685, §12 (NEW).]
[PL 2003, c. 510, Pt. A, §8 (AMD).]

4. Chair and officers. The council shall annually choose one of its members to serve as chair for a one-year term. The council may select other officers and designate their duties.
[PL 1995, c. 595, §5 (NEW).]

5. Meetings. The council shall meet at least once each year. The council may also meet at other times at the call of the chair or the chair's designee or the call of the commissioner or the commissioner's designee.
[PL 1995, c. 595, §5 (NEW).]

6. Compensation. Members are entitled to compensation according to Title 5, chapter 379.
[PL 2001, c. 327, §19 (NEW).]

SECTION HISTORY

PL 1995, c. 595, §5 (NEW). PL 1997, c. 177, §7 (AMD). PL 1997, c. 685, §§10-12 (AMD). PL 1999, c. 244, §§5,6 (AMD). PL 2001, c. 327, §§18,19 (AMD). PL 2003, c. 510, §A8 (AMD). PL 2007, c. 176, §§2-4 (AMD).

§6749-Y. Penalty

Notwithstanding section 6204 and unless otherwise specified, a person who violates or fails to comply with this subchapter commits a Class D crime that is punishable by a fine of not less than $500. The fine may not be suspended. [PL 2003, c. 248, §9 (AMD).]

SECTION HISTORY

PL 1995, c. 595, §5 (NEW). PL 2003, c. 248, §9 (AMD).

§6749-Z. Changing zones

1. Authorization of changes. Beginning in calendar year 1997, a person eligible to purchase a license under section 6749-O who wishes to change the zone in which the person harvests sea urchins may not change zones unless the change is authorized by the commissioner in accordance with this section.
[PL 1995, c. 595, §5 (NEW).]

2. Zone change request on application. A person eligible to purchase a license under section 6749-O who wishes to change the zone in which that person was licensed to harvest sea urchins in the previous calendar year must indicate on a sea urchin harvesting license application a preference to change the zone in which the person harvests sea urchins. The commissioner shall stamp each sea urchin harvesting license application with the time and date of submission.

[PL 1995, c. 595, §5 (NEW).]

3. Conditions for authorization. The total number of authorized change requests for Zone 1 during a licensing year must equal the total authorized requests for Zone 2. The commissioner shall authorize zone change requests in chronological order of requests received under this section.
[PL 1999, c. 244, §7 (AMD).]

4. Limitation on approving zone changes. The commissioner may not authorize a zone change between August 1st and December 31st.
[PL 1999, c. 26, §3 (NEW).]

5. Effective date of zone change. The effective date of a zone change authorized by the commissioner is August 1st.
[PL 1999, c. 26, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 595, §5 (NEW). PL 1997, c. 685, §13 (AMD). PL 1999, c. 26, §3 (AMD). PL 1999, c. 244, §7 (AMD).

SUBCHAPTER 3

MARINE WORMS

ARTICLE 1

LICENSES

§6751. Marine worm digger's license

1. License required. A person may not engage in the activities authorized under this section without a current marine worm digger's license or other license issued under this Part authorizing the activities.
[PL 2001, c. 421, Pt. B, §49 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Licensed activity. The holder of a marine worm digger's license may fish for or take marine worms or possess, ship, transport or sell within the State worms the licensee has taken.
[PL 2001, c. 421, Pt. B, §49 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

3. Eligibility. A marine worm digger's license may be issued only to an individual who is a resident.
[PL 2001, c. 421, Pt. B, §49 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. License fee. The fee for a marine worm digger's license is $7.
[PL 2017, c. 284, Pt. EEEEE, §19 (AMD).]

5. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §49 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1977, c. 713, §8 (AMD). PL 1981, c. 480, §§6,15,16 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 379, §4 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T12 (AMD). PL 1991, c. 591, §T12 (AMD). PL 2001, c. 421, §B49 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2009, c. 213, Pt. G, §26 (AMD). PL 2017, c. 284, Pt. EEEEE, §19 (AMD).

§6752. Exception for personal use

Any person may take or possess not more than 50 marine worms in any one day for personal use without a marine worm digger's license or a marine worm dealer's license. [PL 2013, c. 301, §18 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2013, c. 301, §18 (AMD).

ARTICLE 2

LIMITS ON FISHING AND INSPECTION

§6771. Taking marine worms by hand

It shall be unlawful to fish for or take marine worms, except by devices or instruments operated solely by hand power. [PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6772. Methods of sale and inspection of marine worms

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 583 (RP).

ARTICLE 3

MARINE WORM FUND

§6791. Marine Worm Fund

1. Surcharge fees to be paid into fund. In addition to the applicable license fees for marine worm digger’s licenses, marine worm dealer’s licenses and supplemental marine worm dealer’s licenses, the commissioner shall assess the following surcharge fees, which must be deposited into the Marine Worm Fund:

A. Forty-three dollars for a marine worm digger's license; [PL 2017, c. 284, Pt. EEEEE, §20 (AMD).]

B. Fifty-five dollars for a marine worm dealer's license; and [PL 2017, c. 284, Pt. EEEEE, §20 (AMD).]

C. Twenty-two dollars for a supplemental marine worm dealer's license. [PL 2017, c. 284, Pt. EEEEE, §20 (AMD).]

The fund must be maintained by the commissioner.
[PL 2017, c. 284, Pt. EEEEE, §20 (AMD).]

2. Purposes of fund. The commissioner may expend the money in the fund for research related to marine worms or the marine worm industry or for the restoration, development and conservation of the marine worm industry, including the development and maintenance of permanent or temporary facilities for those purposes.
[PL 1977, c. 661, §5 (NEW).]

3. Nonlapsing. The Marine Worm Fund shall not lapse.
[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2009, c. 213, Pt. G, §27 (AMD). PL 2017, c. 284, Pt. EEEEE, §20 (AMD).

SUBCHAPTER 4

MISCELLANEOUS SPECIES

ARTICLE 1

LICENSES

§6801. Sea moss license

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 480, §§7,15,16 (AMD). PL 1983, c. 116, §2 (RP). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD).

§6801-A. Sea cucumber drag license

1. License required. A person may not engage in the activities authorized under this section without a current sea cucumber drag license. A sea cucumber drag license must list the documentation or registration number of the vessel to be used by the licensee when dragging.
[PL 2005, c. 27, §1 (NEW).]

2. Licensed activities. The holder of a sea cucumber drag license may use the vessel named on the holder's license to drag for sea cucumbers. The license also authorizes the captain and crew members aboard the vessel named on the license to drag for and possess, ship, transport and sell sea cucumbers, except that the captain and crew members may not drag for sea cucumbers if the license holder is not aboard the vessel.
[PL 2005, c. 27, §1 (NEW).]

3. Exemptions. Notwithstanding subsection 2, the commissioner may authorize a person to fish for or take sea cucumbers from a vessel when the person holding a sea cucumber drag license that contains the name of that vessel is not on board if:

A. The holder of the sea cucumber drag license documents to the commissioner that an illness or disability temporarily prevents the license holder from fishing for or taking sea cucumbers from that vessel and requests in writing to the commissioner that the commissioner authorize another person to use that vessel to fish for or take sea cucumbers from the vessel; or [PL 2005, c. 27, §1 (NEW).]

B. The vessel named on the license of a license holder is temporarily inoperable because of an accident or a mechanical failure and the license holder requests in writing to the commissioner that the commissioner authorize the license holder to use another vessel to fish for or take sea cucumbers. [PL 2005, c. 27, §1 (NEW).]

[PL 2005, c. 27, §1 (NEW).]

4. Eligibility. A sea cucumber drag license may be issued only to an individual.
[PL 2005, c. 27, §1 (NEW).]

5. Fee. The fee for a sea cucumber drag license is $128.
[PL 2009, c. 213, Pt. G, §28 (AMD).]

6. Violation. A person who commits a violation under this section commits a civil violation for which a forfeiture of not less than $100 may be adjudged.
[PL 2005, c. 27, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 27, §1 (NEW). PL 2009, c. 213, Pt. G, §28 (AMD).

§6802. Seaweed permit

(REPEALED)

SECTION HISTORY

PL 1983, c. 116, §3 (NEW). PL 1985, c. 379, §5 (AMD). PL 1989, c. 523, §1 (RP).

§6803. Seaweed permit

1. Permit required. Except as provided in subsections 1-A and 2, an individual may not harvest, possess, ship, transport or sell seaweed without a current:

A. Resident seaweed permit; or [PL 2003, c. 452, Pt. F, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Nonresident seaweed permit. [PL 2003, c. 452, Pt. F, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2013, c. 282, §7 (AMD).]

1-A. Supplemental permit. An employee or immediate relation of a seaweed permit holder may harvest, possess or transport seaweed for commercial purposes with a current:

A. Resident supplemental seaweed permit; or [PL 2003, c. 452, Pt. F, §24 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Nonresident supplemental seaweed permit. [PL 2003, c. 452, Pt. F, §24 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. F, §24 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Exceptions. The following are not required to have a permit:

A. [PL 2013, c. 282, §8 (RP).]

B. [PL 2013, c. 282, §8 (RP).]

C. An individual who harvests, possesses, ships or transports no more than 50 pounds of seaweed a day for noncommercial purposes; [PL 2013, c. 282, §9 (AMD).]

D. Charitable or municipal organizations that harvest, possess, ship or transport seaweed for noncommercial use by that organization; or [PL 1989, c. 523, §2 (NEW).]

E. Anyone harvesting, possessing, shipping, transporting or selling seaweed that has detached naturally and is dead. [PL 2001, c. 421, Pt. B, §50 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]
[PL 2013, c. 282, §§8, 9 (AMD).]

3. Permit fees. The fees for seaweed permits are as follows:

A. For a resident seaweed permit, $8; [PL 2017, c. 284, Pt. EEEEE, §21 (RPR).]

B. For a nonresident seaweed permit, $30; [PL 2017, c. 284, Pt. EEEEE, §21 (RPR).]

C. For a resident supplemental seaweed permit, $4; and [PL 2017, c. 284, Pt. EEEEE, §21 (RPR).]

D. For a nonresident supplemental seaweed permit, $8. [PL 2017, c. 284, Pt. EEEEE, §21 (RPR).]

[PL 2017, c. 284, Pt. EEEEE, §21 (RPR).]

4. Surcharge fees. In addition to the permit fees established in subsection 3, the commissioner shall assess a surcharge on each permit issued under this section as follows, which must be deposited in the Seaweed Management Fund established in section 6806:

A. Fifty dollars for a resident seaweed permit; [PL 2009, c. 213, Pt. G, §30 (NEW).]

B. Two hundred dollars for a nonresident seaweed permit; [PL 2009, c. 213, Pt. G, §30 (NEW).]

C. Twenty-five dollars for a resident supplemental seaweed permit; and [PL 2009, c. 213, Pt. G, §30 (NEW).]

D. Fifty dollars for a nonresident supplemental seaweed permit. [PL 2009, c. 213, Pt. G, §30 (NEW).]

[PL 2017, c. 284, Pt. EEEEE, §22 (AMD).]

5. Violation. An individual who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.

[PL 2013, c. 282, §10 (AMD).]

SECTION HISTORY

PL 1989, c. 523, §2 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T13 (AMD). PL 1991, c. 591, §T13 (AMD). RR 1999, c. 1, §17 (COR). PL 1999, c. 501, §§1-3 (AMD). PL 2001, c. 421, §B50 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 452, §§F23,24 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 213, Pt. G, §§29, 30 (AMD). PL 2013, c. 282, §§7-10 (AMD). PL 2017, c. 284, Pt. EEEEE, §§21, 22 (AMD).

§6803-A. Seaweed buyer's license

1. License required. A seaweed buyer's license is required for a person who purchases more than 10 wet tons or an equivalent number of dry tons annually directly from seaweed harvesters holding a permit under section 6803. A person may not engage in the activities authorized under this section without a current seaweed buyer's license.

[PL 2009, c. 561, §30 (AMD).]

2. Licensed activity. The holder of a seaweed buyer's license may buy, possess, ship, transport or sell seaweed.

[PL 2009, c. 283, §1 (NEW).]

3. Fees. The fee for a seaweed buyer's license is:

A. Two hundred dollars for a resident seaweed buyer's license; and [PL 2009, c. 283, §1 (NEW).]

B. Five hundred dollars for a nonresident seaweed buyer's license. [PL 2009, c. 283, §1 (NEW).]

[PL 2009, c. 283, §1 (NEW).]

4. Disposition of fees. Fees collected under this section accrue to the Seaweed Management Fund established in section 6806.

[PL 2009, c. 283, §1 (NEW).]

5. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged.

[PL 2009, c. 283, §1 (NEW).]

A holder of a license issued under this section may buy only from a harvester who possesses a seaweed permit under section 6803. The harvester shall make the seaweed permit available for inspection upon the license holder's request. [PL 2009, c. 478, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 283, §1 (NEW). PL 2009, c. 478, §1 (AMD). PL 2009, c. 561, §30 (AMD).

§6803-B. Seaweed buyer's surcharge

A person licensed under section 6803-A shall pay an annual surcharge, which must be deposited in the Seaweed Management Fund established under section 6806. The commissioner shall establish the surcharge by rule, but the surcharge may not exceed $5 per wet ton. The commissioner may refuse to renew a license under this Part or exclude a person from participating in harvest plans under section 6803-C, subsection 4 for failing to pay the surcharge under this section. [PL 2009, c. 283, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 283, §2 (NEW).

§6803-C. Cobscook Bay Rockweed Management Area

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

A. "Cobscook Bay Rockweed Management Area" means the area of Cobscook Bay westward and within a line between the southernmost tip of Estes Head due east to the Canadian border and south along the border to the Franklin D. Roosevelt International Memorial Bridge. [PL 2009, c. 283, §3 (NEW).]

B. "Rockweed" means Ascophyllum nodosum. [PL 2009, c. 283, §3 (NEW).]

[PL 2009, c. 283, §3 (NEW).]

2. Designation of areas closed to harvesting. The commissioner shall identify areas within the Cobscook Bay Rockweed Management Area that are closed to the commercial harvest of rockweed, including, but not limited to, areas around public and private conservation areas, state parks and federally owned lands and lobster nursery areas. The commissioner shall identify and close to the commercial harvest of rockweed up to 30 acres within Cobscook Bay for the purpose of research.

[PL 2009, c. 283, §3 (NEW).]

3. Harvest management sectors. The commissioner shall divide the Cobscook Bay Rockweed Management Area into at least 14 harvest management sectors to:

A. Evenly distribute harvest effort; [PL 2009, c. 283, §3 (NEW).]

B. Allow easy identification of the harvest management sectors from land or on the water; and [PL 2009, c. 283, §3 (NEW).]

C. Facilitate enforcement. [PL 2009, c. 283, §3 (NEW).]

The department shall post the harvest management sectors on the department's publicly accessible website with the coordinates of closed areas.

[PL 2009, c. 283, §3 (NEW).]

4. Harvest plan. Except as provided in section 6803, subsection 2, paragraph C, a person harvesting rockweed for commercial purposes shall participate in an annual harvest plan approved by the department.

[PL 2009, c. 283, §3 (NEW).]

5. Eligibility for harvest plan. To be eligible to submit an annual harvest plan to harvest rockweed within the Cobscook Bay Rockweed Management Area, a harvester or that harvester's representative must notify the commissioner of that person's intent to harvest within the area before January 1st of the proposed year of harvest.

[PL 2009, c. 283, §3 (NEW).]

6. Allocation of sectors. Prior to submitting an annual harvest plan, eligible harvesters or their representatives must meet as needed to allocate harvest management sectors.
[PL 2009, c. 283, §3 (NEW).]

7. Annual harvest plan. An annual harvest plan must include, but is not limited to, the following:

A. The name and telephone number of the person or entity responsible for the harvest management sector; [PL 2009, c. 283, §3 (NEW).]

B. Identification of harvest management sectors proposed for harvest; [PL 2009, c. 283, §3 (NEW).]

C. Total rockweed biomass contained in the harvest management sector based on a survey conducted within the previous 3 years; [PL 2009, c. 283, §3 (NEW).]

D. The biomass amount proposed to be harvested; [PL 2009, c. 283, §3 (NEW).]

E. A description of the methods of harvest; [PL 2009, c. 283, §3 (NEW).]

F. A description of how marine organisms harvested with the rockweed will be managed; and [PL 2009, c. 283, §3 (NEW).]

G. A description of harvester training. [PL 2009, c. 283, §3 (NEW).]
[PL 2009, c. 283, §3 (NEW).]

8. Annual harvest plans. Eligible harvesters or their representatives shall submit their annual harvest plans to the commissioner no later than March 1st. The annual harvest plans must be made available to the public on that date.
[PL 2009, c. 283, §3 (NEW).]

9. Biomass harvest limit. The total biomass removed in a harvest management sector may not exceed 17% of the harvestable biomass that is eligible to be harvested annually. A harvester must report to the commissioner the total biomass removed by that harvester within a sector annually. Beginning January 1, 2010, the harvest report must be verified by an independent 3rd party.
[PL 2009, c. 283, §3 (NEW).]

10. Bycatch. A person harvesting rockweed must make a reasonable effort to remove marine organisms harvested with the rockweed from the harvested rockweed and return those marine organisms alive back into Cobscook Bay as soon as practicable.
[PL 2009, c. 283, §3 (NEW).]

11. Penalties. A person that violates this section commits a Class E crime for which a fine of not less than $1,000 must be adjudged. Each day a person violates this section constitutes a separate violation.
[PL 2009, c. 283, §3 (NEW).]

SECTION HISTORY

PL 2009, c. 283, §3 (NEW).

§6804. Commercial northern shrimp license

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

A. Resident commercial northern shrimp license; [PL 2003, c. 452, Pt. F, §25 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Resident with crew commercial northern shrimp license; or [PL 2003, c. 452, Pt. F, §25 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Nonresident with crew commercial northern shrimp license. [PL 2003, c. 452, Pt. F, §25 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §25 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Licensed activities. Except as limited pursuant to subsection 2-A, the holder of a commercial northern shrimp license may fish for or take shrimp or possess, ship, transport or sell northern shrimp that the license holder has taken. A license issued under subsection 7, paragraph B or C also authorizes unlicensed crew members aboard the vessel declared by the license holder to engage in these activities. [PL 2017, c. 346, §1 (AMD).]

2-A. Licenses limited. The commissioner may establish by rule a system to limit the number of commercial northern shrimp licenses issued under this section when the total allowable catch for northern shrimp established for Maine by the Atlantic States Marine Fisheries Commission is less than 2,000 metric tons. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Prior to initiating rulemaking, the commissioner shall consult with members of the northern shrimp industry, including individuals who are eligible to obtain a license that allows fishing for or taking northern shrimp and holders of a license or permit issued under chapter 625 that allows wholesale or retail activity involving northern shrimp.

The commissioner shall provide a report regarding management of the northern shrimp resource and the northern shrimp fishing industry to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of the year following a year in which the commissioner limited the number of licenses issued under this section. The joint standing committee may report out legislation to the session of the Legislature in which the report was received regarding management of the northern shrimp resource or the northern shrimp fishing industry.
[PL 2017, c. 346, §2 (NEW).]

3. Boat declaration. The license holder shall declare the name of the vessel to be used for fishing under the commercial northern shrimp license at the time of application for the license and may not change that declaration during the license year unless the original vessel is sold and replaced, has been damaged and will be under repair for not less than one month or has been destroyed or lost.
[PL 2003, c. 248, §10 (AMD).]

4. Reporting.

[PL 2003, c. 520, §11 (RP).]

5. Exemption. Notwithstanding subsection 1, a license is not required to fish for, take, possess or transport up to one standard fish tote of northern shrimp only for personal use. This exemption does not apply to an individual whose ability to obtain a commercial northern shrimp license has been suspended by the commissioner.
[PL 2013, c. 301, §19 (AMD).]

6. Eligibility. A commercial northern shrimp license may be issued only to an individual.
[PL 2003, c. 248, §10 (AMD).]

7. Fees. Fees for the commercial northern shrimp license are as follows:

A. Thirty-eight dollars for a resident license that authorizes the license holder to engage in the licensed activities under subsection 2; [PL 2009, c. 213, Pt. G, §31 (AMD).]

B. One hundred three dollars for a resident license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2; and [PL 2009, c. 213, Pt. G, §31 (AMD).]

C. Three hundred eighty-five dollars for a nonresident license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2. [PL 2009, c. 213, Pt. G, §31 (AMD).]

[PL 2009, c. 213, Pt. G, §31 (AMD).]

8. Disposition of fees. Fees for commercial northern shrimp licenses must be deposited in the Shrimp Management Fund established in section 6805 as follows:

A. Thirty-three dollars for a resident license that authorizes the license holder to engage in the licensed activities under subsection 2; [PL 2009, c. 213, Pt. G, §32 (NEW).]

B. Eighty-nine dollars for a resident license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2; and [PL 2009, c. 213, Pt. G, §32 (NEW).]

C. Three hundred thirty-four dollars for a nonresident license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2. [PL 2009, c. 213, Pt. G, §32 (NEW).]

[PL 2009, c. 213, Pt. G, §32 (AMD).]

9. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.

[PL 2003, c. 248, §10 (AMD).]

REVISOR'S NOTE: §6804. Seaweed Management Fund (As enacted by PL 1999, c. 501, §4 is REALLOCATED TO TITLE 12, SECTION 6806)

SECTION HISTORY

RR 1999, c. 1, §18 (RAL). PL 1999, c. 491, §5 (NEW). PL 1999, c. 491, §9 (AFF). PL 1999, c. 501, §4 (NEW). PL 2001, c. 421, §§B51,52 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 170, §2 (AMD). PL 2003, c. 248, §10 (AMD). PL 2003, c. 452, §F25 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 520, §11 (AMD). PL 2009, c. 213, Pt. G, §§31, 32 (AMD). PL 2013, c. 301, §19 (AMD). PL 2017, c. 346, §§1, 2 (AMD).

§6805. Shrimp Management Fund

1. Fund established. The Shrimp Management Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund within the department.

[PL 1999, c. 491, §5 (NEW).]

2. Purposes of fund. The commissioner shall use the fund for research and assessment related to management of the shrimp fishery.

[PL 1999, c. 491, §5 (NEW).]

3. Source of revenue. In addition to the fees derived from the commercial shrimp license, the fund may receive money from any source for the purposes described in subsection 2.

[PL 1999, c. 491, §5 (NEW).]

REVISOR'S NOTE: §6805. Seaweed harvesting rules (As enacted by PL 1999, c. 501, §4 is REALLOCATED TO T. 12, §6807)

SECTION HISTORY

RR 1999, c. 1, §19 (RAL). PL 1999, c. 491, §5 (NEW). PL 1999, c. 501, §4 (NEW).

§6806. Seaweed Management Fund

(REALLOCATED FROM TITLE 12, SECTION 6804)

1. Fund established. The Seaweed Management Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund.

[RR 1999, c. 1, §18 (RAL).]

2. Permissible uses. The commissioner shall use the fund in accordance with a plan required under subsection 3 to research and manage the State's seaweed resources and to enforce the laws and rules related to seaweed.
[RR 1999, c. 1, §18 (RAL).]

3. Plan required. Beginning in calendar year 2018, the commissioner shall by May 1st of each year present a plan for expenditures from the fund for the next fiscal year to the joint standing committee of the Legislature having jurisdiction over marine resource matters. When developing the plan, the commissioner shall consult with the Seaweed Fisheries Advisory Council established in Title 5, section 12004-I, subsection 57-H.
[PL 2017, c. 52, §3 (AMD).]

SECTION HISTORY

RR 1999, c. 1, §18 (RAL). PL 2017, c. 52, §3 (AMD).

§6807. Seaweed harvesting rules

(REALLOCATED FROM TITLE 12, SECTION 6805)

The commissioner may adopt rules regulating the harvest of seaweed on a species-specific basis, including, but not limited to, the total number of licenses that may be issued, the designation of a harvesting season or seasons, the quantity of the resource that may be harvested in a season, areas that may be open or closed to harvest, the designation of sectors, limitations on harvest by sector, establishment of a process for allocation to sectors and gear and techniques that may be used in harvesting. Rules establishing a process for the allocation to sectors under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. All other rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2013, c. 558, §1 (AMD).]

SECTION HISTORY

RR 1999, c. 1, §19 (RAL). PL 2013, c. 169, §1 (AMD). PL 2013, c. 558, §1 (AMD).

§6808. Commercial green crab only license

1. License required. It is unlawful for a person to engage in the activities authorized by subsection 2 without a current commercial green crab only license. This subsection does not apply to a person who holds a current lobster and crab fishing license issued pursuant to section 6421, subsection 1, paragraph A, B, C or E.
[PL 2019, c. 225, §10 (AMD).]

2. Licensed activities. The holder of a commercial green crab only license may fish for or take green crabs or possess, ship, transport or sell green crabs that the license holder has taken.
[PL 2001, c. 186, §1 (NEW).]

3. Reporting; rules.

[PL 2003, c. 170, §3 (RP).]

4. Exemptions.
[PL 2017, c. 284, Pt. EEEEE, §23 (RP).]

4-A. Exemptions. Notwithstanding subsection 1, a license is not required to fish for, take, possess or transport green crabs for personal use if the green crabs are taken by hand or by a method exempted from licensing requirements under section 6501, subsection 3, paragraph A.
[PL 2019, c. 225, §11 (NEW).]

5. Eligibility. A commercial green crab only license may be issued only to an individual.
[PL 2001, c. 186, §1 (NEW).]

6. License fees. The fee for a commercial green crab only license is $2 for a resident license and $4 for a nonresident license, which authorizes the license holder to engage in the licensed activities under subsection 2.
[PL 2017, c. 284, Pt. EEEEE, §24 (AMD).]

7. Surcharge fees. In addition to the license fees established in subsection 6, the commissioner shall assess a surcharge on each license issued under this section as follows, which must be deposited in the Green Crab Management Fund established in section 6809:

A. Eight dollars for a resident commercial green crab only license; and [PL 2013, c. 492, §11 (AMD).]

B. Sixteen dollars for a nonresident commercial green crab only license. [PL 2013, c. 492, §11 (AMD).]
[PL 2017, c. 284, Pt. EEEEE, §25 (AMD).]

8. Prohibition. The holder of a commercial green crab only license may not have aboard a boat used for crab fishing any lobster or lobster parts.
[PL 2001, c. 186, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 186, §1 (NEW). PL 2003, c. 170, §3 (AMD). PL 2009, c. 213, Pt. G, §§33, 34 (AMD). PL 2009, c. 229, §19 (AMD). PL 2013, c. 492, §§9-11 (AMD). PL 2017, c. 284, Pt. EEEEE, §§23-25 (AMD). PL 2019, c. 225, §§10, 11 (AMD).

§6809. Green Crab Management Fund

1. Fund established. The Green Crab Management Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund within the department.
[PL 2001, c. 186, §1 (NEW).]

2. Purposes of fund. The commissioner shall use the fund for research and management programs for the green crab fishery.
[PL 2001, c. 186, §1 (NEW).]

3. Source of revenue. In addition to the fees derived from the commercial green crab license, the fund may receive money from any source for the purposes described in subsection 2.
[PL 2001, c. 186, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 186, §1 (NEW).

§6810. Method of fishing

1. Authorized traps. It is unlawful to fish for green crabs under a license issued pursuant to section 6808 with traps not authorized by the commissioner.
[PL 2013, c. 588, Pt. A, §9 (AMD).]

2. Trap design; rules. The commissioner shall establish authorized green crab trap designs by rule. Rules adopted by the commissioner pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.
[PL 2001, c. 186, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 186, §1 (NEW). PL 2013, c. 588, Pt. A, §9 (AMD).

§6810-A. Marine harvesting demonstration license

1. License required. Notwithstanding section 6074, an individual may not engage in an activity authorized under this section without a valid marine harvesting demonstration license.
[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

1-A. Eligibility. A marine harvesting demonstration license may be issued only to an individual, except that a person who holds a Class I, Class II or Class III lobster and crab fishing license or a noncommercial lobster and crab fishing license may not be issued a marine harvesting demonstration license.
[PL 2017, c. 146, §2 (NEW).]

2. Licensed activities. An individual who holds a marine harvesting demonstration license may engage in limited fishing activities for the purpose of providing an educational demonstration of marine harvesting techniques or of the marine ecology of the Gulf of Maine as part of a commercial operation. An individual may not handle a lobster trap, warp or buoy used for the purposes of this section unless that individual meets the requirements of subsection 7.

Subject to the requirements of subsection 3, an individual who holds a Class I, Class II or Class III lobster and crab fishing license may assist a person who holds a marine harvesting demonstration license on that person's boat in the demonstration of lobster and crab fishing without obtaining a marine harvesting demonstration license.
[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

3. License limitations. An individual who holds a marine harvesting demonstration license may not sell, retain, ship or transport any portion of the catch and shall release all organisms alive into the area from which the organisms were harvested. A vessel identified under subsection 6 may not be used for the commercial harvest of marine organisms unless otherwise provided by the department.
[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

4. Gear limitations and requirements. The commissioner shall specify the type and amount of gear that may be used under a marine harvesting demonstration license.

A. The number of lobster traps fished from a vessel may not exceed 20 traps, regardless of the number of marine harvesting demonstration license holders fishing from that vessel. [PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

B. The commissioner shall establish a lobster trap tag system under which a marine harvesting demonstration license holder must purchase a tag for the purpose of identifying and tracking traps. The commissioner may impose a per-tag fee to cover the cost of the trap tags and the costs of administering and enforcing the lobster trap tag system. Trap tag fees must be deposited in the Lobster Management Fund established under section 6431-C. [PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

5. Boat declaration. The marine harvesting demonstration license holder shall declare the name of the vessel to be used for fishing under the license at the time of application for the license and may not change that vessel during the license year unless otherwise authorized by the department.

An individual who holds a marine harvesting demonstration license may assist another person who holds a marine harvesting demonstration license on that person's vessel without declaring the name of that vessel. The individual who assists another license holder must have written permission from that license holder before handling that person's demonstration lobster traps, warps or buoys.
[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

6. Demonstration vessel identification. A vessel may not be used for the purposes of this section unless that vessel is clearly identified as provided by the commissioner under this subsection. The commissioner shall establish the type and specifications of vessel identification to be used for purposes

of this section. The commissioner may impose an administrative fee to cover costs associated with implementing this subsection.
[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

7. Additional requirements for lobster and crab harvesting demonstrations. A person may not demonstrate lobster or crab harvesting methods under this section unless that person holds a marine harvesting demonstration license and:

A. Has successfully completed a lobster and crab fishing written examination as provided in section 6423; or [PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license. [PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

An individual who successfully completes the examination under paragraph A is not required to repeat that examination to renew a marine harvesting demonstration license.
[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

7-A. Closed period exemption. The holder of a marine harvesting demonstration license is exempt from the prohibition on raising or hauling any lobster trap pursuant to section 6440, subsection 2 when raising or hauling lobster traps from the vessel identified on the marine harvesting demonstration license.
[PL 2017, c. 146, §3 (NEW).]

8. Fee. The fee for a marine harvesting demonstration license is $26.
[PL 2009, c. 213, Pt. G, §35 (AMD).]

9. Rules. The commissioner may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

10. Application of laws. Except as provided in this section, licenses issued under this section are subject to applicable laws under this Part.
[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

11. Penalties. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $1,000 may be adjudged. Notwithstanding section 6401, subsection 2, the commissioner may permanently revoke the marine harvesting demonstration license of a person who sells, retains, ships or transports any portion of the catch or does not release all organisms alive into the area from which the organisms were harvested pursuant to subsection 3.
[PL 2017, c. 146, §4 (AMD).]

SECTION HISTORY

PL 2003, c. 169, §1 (NEW). PL 2003, c. 169, §3 (AFF). PL 2009, c. 213, Pt. G, §35 (AMD). PL 2017, c. 146, §§2-4 (AMD).

§6810-B. Aquaculture license

1. Definition. For the purposes of this section, "shellfish" means shellstock clams, quahogs other than mahogany quahogs, mussels and oyster shellstock.
[PL 2017, c. 296, §9 (NEW).]

2. License required. Beginning May 1, 2018, a person may not engage in the activities authorized under this section without a current aquaculture license.
[PL 2017, c. 296, §9 (NEW).]

3. Licensed activities; all aquacultured organisms except shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove,

possess, transport within the state limits or sell cultured organisms, except shellfish, the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured organisms, except shellfish, the holder has cultured pursuant to a license issued under section 6072-C. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2017, c. 296, §9 (NEW).]

4. Licensed activities; shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell to a wholesale seafood license holder certified under section 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A cultured shellfish the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured shellfish the holder has cultured pursuant to a license issued under section 6072-C or under Title 7, section 1501. Such a holder of an aquaculture license may also sell such shellstock from that license holder's home in the retail trade. A holder of an aquaculture license who is also the holder of a lease issued under section 6072 or 6072-A or that holder's authorized representative may sell such shellstock from the holder's lease site in the retail trade. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 334, §2 (AMD).]

5. Exemption; limited-purpose aquaculture license for personal use. Notwithstanding subsections 2, 3 and 4, the holder of a limited-purpose aquaculture license issued under section 6072-C may remove, possess or transport within the state limits organisms cultured under that license, subject to all other applicable requirements of this Part.
[PL 2017, c. 296, §9 (NEW).]

6. Eligibility. An aquaculture license may be issued only to an individual who holds a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C.
[PL 2017, c. 296, §9 (NEW).]

7. Fee. The fee for an aquaculture license is $133, of which $74.75 must be deposited in the Aquaculture Management Fund established in section 6072-D.
[PL 2017, c. 296, §9 (NEW).]

8. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2017, c. 296, §9 (NEW).]

SECTION HISTORY

PL 2017, c. 296, §9 (NEW). PL 2019, c. 334, §2 (AMD).

ARTICLE 2

LIMITS ON FISHING

§6811. Sea cucumber harvesting season

Unless modified by rules adopted under section 6171-A, it is unlawful for a person to fish for or take sea cucumbers from July 1st to September 30th, both days inclusive. [PL 1999, c. 672, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 672, §1 (NEW).

§6812. Sea cucumber drag

1. Drag width. It is unlawful to utilize a drag to fish for or take sea cucumbers that exceeds 5 feet, 6 inches in width, measured from extreme outside edge to extreme outside edge.
[PL 1999, c. 672, §1 (NEW).]

2. Configuration of drag. The commissioner shall adopt rules that describe the type of drag that may be used to fish for or take sea cucumbers, including, but not limited to, limitations on the type or size of drag components. Such rules are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
[PL 1999, c. 672, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 672, §1 (NEW).

§6813. Sea Cucumber Management Fund

1. Fund established. The Sea Cucumber Management Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund within the department. The commissioner may receive on behalf of the fund money from any source for the purposes described in subsection 2. All money received into the fund must be used for the purposes of the fund. Unexpended balances in the fund at the end of the fiscal year may not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fund. Any interest earned on the money in the fund must be credited to the fund.
[PL 1999, c. 672, §1 (NEW).]

2. Purposes of fund. The commissioner shall use the fund to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers.
[PL 1999, c. 672, §1 (NEW).]

3. Fees. The following fees must be assessed and credited to the fund. Every wholesale seafood license holder that purchases sea cucumbers shall keep, as a part of permanent records, a record of all sea cucumbers purchased at point of first sale. Every wholesale seafood license holder that purchases sea cucumbers shall, on or before the last day of each month, pay to the commissioner a fee of up to 20¢ for every 100 pounds reported as purchased. The commissioner shall establish by rule the amount of the fee and any procedural requirements for collection of the fee, including, but not limited to, reporting forms and monthly reporting of purchase amounts. Timely payment of the fee is a condition of renewal of the wholesale seafood license issued under section 6851. If it appears to the commissioner from an inspection of records or otherwise that an additional fee is due or overpayment has been made, additional assessments or refunds must be made by the commissioner to the wholesale seafood license holder.
[PL 2005, c. 27, §2 (NEW).]

SECTION HISTORY

PL 1999, c. 672, §1 (NEW). PL 2005, c. 27, §2 (AMD).

§6814. Sea cucumber rules

The commissioner may adopt rules under chapter 607, subchapter 1 to promote the conservation and propagation of sea cucumbers. Those rules may include, but are not limited to, the establishment of management areas in which the harvest of sea cucumbers will be permitted, limits on the number of licenses associated with those management areas and annual limits on total harvest from each of those

management areas. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2005, c. 27, §3 (NEW).]

SECTION HISTORY

PL 2005, c. 27, §3 (NEW).

ARTICLE 3

LIMITATIONS ON SEA CUCUMBER DRAG LICENSES

§6821. Limited entry

1. License eligibility. The commissioner may not issue a sea cucumber drag license under section 6801-A to any person unless that person possessed that license in the previous calendar year or becomes eligible to obtain that license pursuant to a limited entry system under subsection 2.
[PL 2005, c. 27, §4 (NEW).]

2. Sea cucumber drag license limited entry system. The commissioner may establish by rule a limited entry system under which a person who did not hold a sea cucumber drag license under section 6801-A in the previous calendar year may become eligible to obtain that license. The rules for a limited entry system must include provisions for the method and administration of the system. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2005, c. 27, §4 (NEW).]

3. Exceptions. Notwithstanding subsection 1, the following persons may be issued a sea cucumber drag license for license year 2006:

A. A person who was certified as eligible for and obtained a sea cucumber endorsement in 2000; and [PL 2005, c. 27, §4 (NEW).]

B. A person who reported landings of at least 100,000 pounds of sea cucumbers during license year 2002, 2003 or 2004. [PL 2005, c. 27, §4 (NEW).]
[PL 2005, c. 27, §4 (NEW).]

4. Protection from depletion. The commissioner may adopt rules for the sea cucumber drag license limited entry system to prohibit new entry in a year when it is necessary to protect or conserve the sea cucumber resource from imminent depletion.
[PL 2005, c. 27, §4 (NEW).]

SECTION HISTORY

PL 2005, c. 27, §4 (NEW).

§6822. Licenses by area

If management areas are established pursuant to section 6814, then a person eligible to purchase a license under section 6821 may purchase that license for only one of the management areas. A person may not change from the management area in which the person harvested sea cucumbers in the previous calendar year unless the change is authorized in accordance with section 6823. A sea cucumber drag license authorizes the licensed activity only in the management area for which it is issued. [PL 2005, c. 27, §4 (NEW).]

SECTION HISTORY

PL 2005, c. 27, §4 (NEW).

§6823. Changing sea cucumber management areas

This section applies if management areas are established pursuant to section 6814. [PL 2005, c. 27, §4 (NEW).]

1. Authorization of changes. Beginning in calendar year 2007, a person eligible to purchase a sea cucumber drag license under section 6821 who wishes to change the management area in which the person harvests sea cucumbers may not change management areas unless the change is authorized by the commissioner in accordance with this section.
[PL 2005, c. 27, §4 (NEW).]

2. Management area change request on application. A person eligible to purchase a sea cucumber drag license under section 6821 who wishes to change the management area in which that person was licensed to harvest sea cucumbers in the previous calendar year must indicate on a sea cucumber drag license application form a preference to change the management area in which the person harvests sea cucumbers. The commissioner shall stamp each sea cucumber drag license application form with the time and date of submission.
[PL 2005, c. 27, §4 (NEW).]

3. Conditions for authorization. A request to change management areas is authorized based on the commissioner's assessment of the ability of the management area to sustain additional fishing effort. The commissioner shall authorize management area change requests in chronological order of requests received under this section.
[PL 2005, c. 27, §4 (NEW).]

4. Limitation on approving management area change. The commissioner may not authorize a management area change during the period from October 1st to June 30th.
[PL 2005, c. 27, §4 (NEW).]

5. Effective date of management area change. The effective date of a management area change authorized by the commissioner is October 1st.
[PL 2005, c. 27, §4 (NEW).]

SECTION HISTORY

PL 2005, c. 27, §4 (NEW).

CHAPTER 625

WHOLESALE AND RETAIL LICENSES

§6851. Wholesale seafood license; wholesale seafood license with lobster permit; wholesale seafood license with urchin permit; wholesale seafood license with shrimp permit

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

A. Wholesale seafood license; [PL 2003, c. 452, Pt. F, §26 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Supplemental wholesale seafood license; or [PL 2003, c. 452, Pt. F, §26 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Other license issued under this Part authorizing the activities. [PL 2003, c. 452, Pt. F, §26 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. F, §26 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. License activities. The holder of a wholesale seafood license may, in the wholesale or retail trade:

A. Within or beyond the state limits, buy, sell, process, ship or transport any marine species or their parts, except lobsters and sea urchins; scallops purchased directly from harvesters; and shrimp purchased directly from harvesters; [PL 2015, c. 201, §5 (AMD).]

B. Within or beyond the state limits, buy, sell, shuck, pack, ship or, within the state limits, transport fresh or frozen shellfish, except lobsters, to the extent these activities are expressly authorized by a shellfish certificate issued under section 6856; [PL 2013, c. 492, §12 (AMD).]

C. [PL 1991, c. 523, §3 (RP).]

D. Buy, sell, process, ship or, within the state limits, transport crayfish; and [PL 2013, c. 492, §12 (AMD).]

E. Within or beyond the state limits, buy, possess, ship, transport or sell green crabs without a commercial green crab only license issued under section 6808. [PL 2013, c. 492, §12 (NEW).]

A holder of a wholesale seafood license when buying directly from a harvester may buy only from a harvester who possesses the license or permit for that species as required under this Part. The harvester shall make the applicable marine resources license or permit available for inspection upon the wholesale seafood license holder's request.
[PL 2015, c. 201, §5 (AMD).]

2-A. Wholesale seafood license with lobster permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a lobster permit. A person holding a wholesale seafood license with a lobster permit may engage in all the activities in subsection 2 and may buy, sell, process or ship lobster or properly licensed or lawfully imported lobster meat or parts. A person holding a wholesale seafood license with a lobster permit may transport lobster or properly licensed or lawfully imported lobster meat or parts anywhere within the state limits. A license under this subsection does not authorize a person to possess or transport lobster that person has taken unless that person is in possession of a license issued under section 6421, subsection 3-A, paragraph A, B, C or E. A license under this subsection does not authorize a person to remove lobster meat from the shell unless a license under section 6851-B or 6857 is held.
[PL 2019, c. 642, §8 (AMD).]

2-B. Wholesale seafood license with a sea urchin buyer's permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a sea urchin buyer's permit. A person holding a wholesale seafood license with a sea urchin buyer's permit may engage in all the activities in subsection 2 and may buy, sell, ship or transport whole sea urchins or sea urchin parts. A license under this subsection does not authorize a person to engage in the processing of sea urchins.
[PL 2011, c. 266, Pt. A, §20 (AMD).]

2-C. Wholesale seafood license with a sea urchin processor's permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a sea urchin processor's permit. A person holding a wholesale seafood license with a sea urchin processor's permit may engage in all the activities in subsection 2 and may buy, sell, process, ship or transport whole sea urchins or sea urchin parts processed under that license.
[PL 2011, c. 266, Pt. A, §20 (AMD).]

2-D. Wholesale seafood license with shrimp permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a shrimp permit. A person holding a wholesale seafood license with a shrimp permit may engage in all of the activities in subsection 2, may buy shrimp from harvesters and may sell, process, ship or transport shrimp.
[PL 2011, c. 598, §42 (AMD).]

2-E. Wholesale seafood license with a scallop permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a scallop permit. A person holding a

wholesale seafood license with a scallop permit may engage in all of the activities in subsection 2, may buy scallops from harvesters and may sell, process, ship or transport scallops.
[PL 2015, c. 201, §6 (NEW).]

3. Exceptions. This section does not apply to smoked herring or river herring.
[PL 2011, c. 598, §43 (AMD).]

4. License limited. A license under this section authorizes activities at only one establishment or with only one vehicle, but not on a vessel rigged to fish, provided that this license also authorizes the sale and transportation of scallops from any vessel. The limitation in this subsection does not apply to holders of licenses issued under section 6421 when they are transporting lobsters on the vessel they have declared on their lobster license application.
[PL 2005, c. 239, §9 (AMD).]

5. Supplemental license. A supplemental license must be obtained for each additional establishment or vehicle.
[PL 1991, c. 523, §3 (AMD).]

6. Fees. The fees are as follows:

A. For a wholesale seafood license or a wholesale seafood license with a lobster permit, sea urchin buyer's permit, shrimp permit or sea urchin processor's permit, $192.75; and [PL 2017, c. 284, Pt. EEEEE, §26 (AMD).]

B. For each supplemental license, $38.25. [PL 2017, c. 284, Pt. EEEEE, §26 (AMD).]
[PL 2017, c. 284, Pt. EEEEE, §26 (AMD).]

7. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §54 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 127, §87 (AMD). PL 1979, c. 590, §2 (AMD). PL 1981, c. 480, §§8,15,16 (AMD). PL 1983, c. 230 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 379, §6 (AMD). PL 1989, c. 348, §§8,9 (AMD). PL 1991, c. 523, §3 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T14 (AMD). PL 1991, c. 591, §T14 (AMD). PL 1991, c. 784, §8 (AMD). PL 1993, c. 740, §§4,5 (AMD). PL 1997, c. 19, §§8,9 (AMD). PL 1999, c. 491, §6 (AMD). PL 1999, c. 491, §9 (AFF). PL 2001, c. 421, §§B53,54 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW22 (AMD). PL 2003, c. 170, §4 (AMD). PL 2003, c. 452, §F26 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 239, §§8,9 (AMD). PL 2007, c. 615, §21 (AMD). PL 2009, c. 213, Pt. G, §36 (AMD). PL 2009, c. 478, §2 (AMD). PL 2009, c. 523, §8 (AMD). PL 2009, c. 561, §31 (AMD). PL 2011, c. 266, Pt. A, §20 (AMD). PL 2011, c. 598, §§41-43 (AMD). PL 2013, c. 492, §12 (AMD). PL 2015, c. 201, §§5, 6 (AMD). PL 2017, c. 284, Pt. EEEEE, §26 (AMD). PL 2019, c. 642, §8 (AMD).

§6851-A. Limited wholesale shellfish harvester's license

(REPEALED)

SECTION HISTORY

PL 2005, c. 508, §1 (NEW). PL 2009, c. 213, Pt. G, §37 (AMD). PL 2015, c. 68, §9 (RP).

§6851-B. Lobster processor license

1. License required. A person may not engage in the activities authorized under this section without a current wholesale seafood license with a lobster permit as required under section 6851 and a current lobster processor license.
[PL 2009, c. 523, §9 (NEW).]

2. Licensed activity. A lobster processor license authorizes a person to process lobsters and lobster meat for sale in accordance with rules adopted by the commissioner, including, but not limited to, the appropriate fee for the license, which may not exceed $750, and under the following conditions:

A. The lobster and lobster meat may be processed only at the fixed place of business named on the license; [PL 2009, c. 523, §9 (NEW).]

B. The lobster meat or lobster parts may come from only legal-sized lobsters; [PL 2009, c. 523, §9 (NEW).]

C. All containers in which lobster meat is packed after removal and that are to be sold, shipped or transported must be clearly labeled with the lobster processor license number of the packer; [PL 2011, c. 247, §3 (AMD).]

D. Records must be maintained at the fixed place of business named on the license; and [PL 2011, c. 247, §4 (AMD).]

E. [PL 2011, c. 247, §5 (NEW); MRSA T. 12 §6851B, sub2, ¶E (RP).]

The commissioner may grant waivers for specific lobster products not addressed in rules that are produced by holders of lobster processor licenses. Such a waiver must be in writing and must describe in detail the product that is not specified in rule.
[PL 2011, c. 247, §§3-5 (AMD).]

3. Exception. A license is not required to remove lobster meat for serving in hotels and restaurants if the meat is removed from the shell in a hotel or restaurant for serving on the premises.
[PL 2009, c. 523, §9 (NEW).]

4. License limited. A lobster processor license authorizes activities under this section at only one fixed place of business.
[PL 2009, c. 523, §9 (NEW).]

5. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $1,000 may be adjudged.
[PL 2013, c. 468, §32 (AMD).]

SECTION HISTORY

PL 2009, c. 523, §9 (NEW). PL 2011, c. 247, §§3-5 (AMD). PL 2013, c. 468, §32 (AMD).

§6852. Retail seafood license

1. License required. A person may not engage in the activities authorized under subsection 2 without a retail seafood license or other license issued under this Part authorizing the activities.
[PL 2013, c. 468, §33 (AMD); PL 2013, c. 468, §46 (AFF).]

2. License activity. Except as provided in subsection 2-B, the holder of a retail seafood license may, in the retail trade, buy, sell, transport, ship or serve:

A. Shellstock, which must be purchased from a wholesale seafood license holder certified under section 6856; [PL 2013, c. 468, §34 (AMD); PL 2013, c. 468, §46 (AFF).]

B. [PL 2005, c. 434, §11 (RP).]

C. [PL 2011, c. 598, §44 (RP).]

D. Crayfish; [PL 2013, c. 468, §34 (AMD); PL 2013, c. 468, §46 (AFF).]

E. [PL 2013, c. 282, §11 (RP); PL 2013, c. 282, §12 (AFF).]

F. Lobsters; and [PL 2013, c. 468, §34 (NEW); PL 2013, c. 468, §46 (AFF).]

G. Any marine organism that is purchased directly from a harvester licensed under this Part. [PL 2013, c. 468, §34 (NEW); PL 2013, c. 468, §46 (AFF).]

A holder of a retail seafood license when buying directly from a harvester may buy only from a harvester who possesses the license or permit for that species as required under this Part. The harvester shall make the applicable marine resources license or permit available for inspection upon the retail seafood license holder's request.
[PL 2017, c. 146, §5 (AMD).]

2-A. Enhanced retail certificate authorized. The holder of a retail seafood license may obtain an enhanced retail certificate from the department. The holder of an enhanced retail certificate may, in the retail trade within the state limits, buy, sell, transport, ship or serve:

A. Shellstock bought from a commercial shellfish license holder licensed under section 6601; [PL 2011, c. 598, §44 (NEW).]

B. Shellstock bought from a surf clam boat license holder licensed under section 6602; [PL 2011, c. 598, §44 (NEW).]

C. Shellstock bought from a mahogany quahog license holder licensed under section 6731; or [PL 2011, c. 598, §44 (NEW).]

D. Shellstock bought from a hand-raking mussel license holder licensed under section 6745 or a mussel boat license holder licensed under section 6746. [PL 2011, c. 598, §44 (NEW).]

For the purposes of inspection or collection of samples, the commissioner or the commissioner's agent may access an establishment or part thereof in which activities authorized under this certificate are conducted by a person holding a retail seafood license. Denial of access is grounds for suspension or revocation of a retail seafood license under the provisions of section 6372. The holder of an enhanced retail certificate may not designate a vehicle as that person's establishment.
[PL 2013, c. 492, §13 (AMD).]

2-B. Endorsements. The holder of a retail seafood license buying directly from a harvester must obtain an endorsement from the department for the species being bought if the license to harvest that species requires the harvester to comply with an electronic reporting requirement. The department shall provide endorsements to license holders at no cost in accordance with rules adopted under subsection 6.
[PL 2017, c. 146, §6 (NEW).]

3. License limited. A license authorizes activities pursuant to subsection 2 at only one establishment or with only one vehicle.
[PL 2011, c. 598, §44 (AMD).]

3-A. Retail sale of certain seafood products.

[PL 2011, c. 598, §44 (RP).]

3-B. Certificate limited. An enhanced retail certificate authorizes activities pursuant to subsection 2-A at only one establishment.
[PL 2011, c. 598, §44 (NEW).]

4. Fee. The fee for a retail seafood license under subsection 1 is $100. The fee for an enhanced retail certificate under subsection 2-A is $100 and must be deposited in the Shellfish Fund under section 6651.
[PL 2017, c. 224, §1 (AMD); PL 2017, c. 224, §3 (AFF).]

5. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §56 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

6. Rules. The commissioner may adopt or amend rules that establish requirements for retail seafood license holders and enhanced retail certificate holders concerning:

A. The minimum sanitation standards for establishments and vehicles; [PL 2005, c. 434, §12 (NEW).]

B. The sanitation and quality control standards for shellfish and whole scallops and their products; [PL 2005, c. 434, §12 (NEW).]

C. The methods for handling, shipping and transporting of shellfish and whole scallops; [PL 2005, c. 434, §12 (NEW).]

D. The records and reports of purchases, shipping and transporting of shellfish and whole scallops; [PL 2005, c. 434, §12 (NEW).]

E. The labeling or marking of shipments of shellfish and wholesale scallops; [PL 2017, c. 146, §7 (AMD).]

F. The protection of public health; and [PL 2017, c. 146, §7 (AMD).]

G. Endorsements under subsection 2-B. [PL 2017, c. 146, §8 (NEW).]

Rules adopted pursuant to this subsection must be based on the particular operational requirements of each activity, the most recently adopted federal sanitation standards and the most recent generally accepted research data and must be designed to protect the public health and safety while allowing reasonable use of shellfish and whole scallops. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2017, c. 146, §§7, 8 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 480, §9 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 379, §7 (AMD). PL 1987, c. 826, §5 (AMD). PL 1989, c. 348, §§10,11 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T15 (AMD). PL 1991, c. 591, §T15 (AMD). PL 2001, c. 421, §§B55,56 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW23 (AMD). PL 2005, c. 434, §§11,12 (AMD). PL 2009, c. 213, Pt. G, §38 (AMD). PL 2009, c. 478, §3 (AMD). PL 2009, c. 523, §§10, 11 (AMD). PL 2011, c. 598, §44 (AMD). PL 2013, c. 282, §11 (AMD). PL 2013, c. 282, §12 (AFF). PL 2013, c. 468, §§33, 34 (AMD). PL 2013, c. 468, §46 (AFF). PL 2013, c. 492, §13 (AMD). PL 2017, c. 146, §§5-8 (AMD). PL 2017, c. 224, §1 (AMD). PL 2017, c. 224, §3 (AFF).

§6852-A. Enhanced retail seafood license

(REPEALED)

SECTION HISTORY

PL 2009, c. 217, §6 (NEW). PL 2011, c. 311, §5 (AMD). PL 2011, c. 598, §45 (RP).

§6852-B. Retail sale of certain seafood products

Notwithstanding any provision of law to the contrary, a license or certificate is not required for a person to sell at retail: [PL 2011, c. 598, §46 (NEW).]

1. Shucked shellfish. Shucked shellfish, if the shucked shellfish is purchased from a wholesale seafood license holder certified under section 6856; or
[PL 2011, c. 598, §46 (NEW).]

2. Lobster parts or meat. Lobster parts or meat, if they are purchased from a wholesale seafood license holder with a lobster permit, from the holder of a lobster processor license or from an individual permitted under section 6857 or if they have been lawfully imported.
[PL 2011, c. 598, §46 (NEW).]

SECTION HISTORY

PL 2011, c. 598, §46 (NEW).

§6853. Marine worm dealer's license; green crab authorizations

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

A. Marine worm dealer's license; [PL 2003, c. 452, Pt. F, §27 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Supplemental marine worm dealer's license; or [PL 2003, c. 452, Pt. F, §27 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Other license issued under this Part authorizing the activities. [PL 2003, c. 452, Pt. F, §27 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §27 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Licensed activity. The holder of a marine worm dealer's license may buy, possess, ship, transport or sell marine worms. The holder of a marine worm dealer's license may also buy, possess, ship, transport or sell green crabs for a purpose other than for human consumption without a commercial green crab only license issued under section 6808.

[PL 2013, c. 492, §14 (AMD).]

3. License limited. A license authorizes these activities at only one establishment or with only one vehicle.

[PL 2001, c. 421, Pt. B, §57 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Supplemental license. A supplemental license must be obtained for each additional establishment or vehicle.

[PL 2001, c. 421, Pt. B, §57 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

5. Eligibility. The marine worm dealer's license is a resident license.

[PL 2001, c. 421, Pt. B, §57 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

6. License fee. The fee for a marine worm dealer's license is $9 and the fee for a supplemental license is $4.

[PL 2017, c. 284, Pt. EEEEE, §27 (AMD).]

7. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.

[PL 2001, c. 421, Pt. B, §57 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

A holder of a license required under this section when buying marine worms directly from a harvester may buy only from a harvester who possesses a marine worm digger's license under section 6751, and when buying green crabs from a harvester may buy only from a harvester who possesses a commercial green crab only license issued under section 6808. The harvester shall make the marine worm digger's license or commercial green crab only license available for inspection upon the license holder's request. [PL 2013, c. 492, §14 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 480, §§10,15,16 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T16 (AMD). PL 1991, c. 591, §T16 (AMD). PL 2001, c. 421, §B57 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 452, §F27 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 213, Pt. G, §39 (AMD). PL 2009, c. 478, §4 (AMD). PL 2013, c. 492, §14 (AMD). PL 2017, c. 284, Pt. EEEEE, §27 (AMD).

§6854. Lobster transportation license

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

A. Lobster transportation license; or [PL 2003, c. 452, Pt. F, §28 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Supplemental lobster transportation license. [PL 2003, c. 452, Pt. F, §28 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §28 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. License activity. The holder of a lobster transportation license may buy from a licensed wholesale seafood dealer and transport beyond the state limits lobsters or their parts or meat. Lobster parts or meat may be transported only if they are properly permitted under section 6851-B or 6857 or have been lawfully imported.

[PL 2009, c. 523, §12 (AMD).]

3. License limitations. A license authorizes these activities with only one vehicle owned, leased or rented by the license holder.

[PL 2001, c. 421, Pt. B, §58 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Supplemental license. A supplemental license must be obtained for each additional vehicle.

[PL 2001, c. 421, Pt. B, §58 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

5. Information required. Each application must identify each vehicle or other mode of transportation to be used for transporting lobster.

[PL 2001, c. 421, Pt. B, §58 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

6. Fees. The fee for a lobster transportation license is $312 and the fee for a supplemental license is $63.

[PL 2009, c. 213, Pt. G, §40 (AMD).]

7. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.

[PL 2001, c. 421, Pt. B, §58 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 127, §88 (AMD). PL 1981, c. 480, §11 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 379, §8 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T17 (AMD). PL 1991, c. 591, §T17 (AMD). PL 2001, c. 421, §B58 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW24 (AMD). PL 2003, c. 452, §F28 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 213, Pt. G, §40 (AMD). PL 2009, c. 523, §12 (AMD).

§6855. Shellfish transportation license

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

A. Shellfish transportation license; or [PL 2003, c. 452, Pt. F, §29 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Supplemental shellfish transportation license. [PL 2003, c. 452, Pt. F, §29 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §29 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. License activity. The holder of a shellfish transportation license may buy certified shellfish and transport them beyond the state limits, to the extent these activities are expressly authorized by a shellfish certificate or its equivalent from another state.
[PL 1977, c. 661, §5 (NEW).]

3. License limitations. All shellfish transported under this license must be procured from a wholesale seafood licensee certified under section 6856. A license authorizes these activities with only one vehicle owned, leased or rented by the license holder.
[PL 2001, c. 421, Pt. B, §59 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Supplemental license. A supplemental license must be obtained for each additional vehicle.
[PL 2001, c. 421, Pt. B, §59 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

5. Information required. Each application must identify each vehicle or other mode of transportation to be used for transporting shellfish.
[PL 2001, c. 421, Pt. B, §59 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

6. Fees. The fee for a shellfish transportation license is $230 and the fee for a supplemental license is $75.50.
[PL 2017, c. 284, Pt. EEEEE, §28 (AMD).]

7. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.
[PL 2001, c. 421, Pt. B, §59 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 480, §§12,15,16 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 379, §9 (AMD). PL 1987, c. 826, §6 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T18 (AMD). PL 1991, c. 591, §T18 (AMD). PL 2001, c. 421, §B59 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW25 (AMD). PL 2003, c. 452, §F29 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 213, Pt. G, §41 (AMD). PL 2017, c. 284, Pt. EEEEE, §28 (AMD).

§6856. Shellfish sanitation; depuration certificate and permits

1. Shellfish sanitation certificate. A person may not undertake the processing, buying, selling, shipping, transporting or shucking of shellfish or whole scallops without a shellfish sanitation certificate issued by the department or a valid, current certificate issued by the relevant regulatory authority recognized by the United States Department of Health and Human Services, Food and Drug Administration and posted on the administration's interstate certified shellfish shippers list, unless authorized under section 6701 or 6702. A person may engage in activities only to the extent authorized by the certificate held by the person. The commissioner may issue a shellfish sanitation certificate to a wholesale seafood license holder or a shellfish transportation license holder that authorizes the holder to undertake the activities expressly authorized therein, which may include buying and selling, shipping, transporting, shucking or other processing of shellfish or whole scallops. A wholesale seafood license or shellfish transportation license is also necessary to undertake the activities authorized under those licenses. A shellfish sanitation certificate does not authorize a person to undertake any of the activities for which a permit is required pursuant to subsection 2-A. Beginning June 1, 2018, the fee for a shellfish sanitation certificate is $50.
[PL 2019, c. 334, §3 (AMD).]

2. Express authorizations. The commissioner shall expressly state the authorized activities on each shellfish sanitation certificate. The activities authorized must be sufficient to allow the holder to carry out the holder's wholesale or transportation operations, except that the operations may be limited to the extent required to protect the public health.
[PL 2003, c. 248, §11 (AMD).]

2-A. Additional permits. A person may not engage in an activity for which a permit is required pursuant to this subsection unless the person holds a shellfish sanitation certificate and the applicable permit as provided in this subsection.

A. A person may not store shellfish in containers or tanks containing recirculating water without a recirculating wet storage permit. Beginning August 1, 2018, the fee for a recirculating wet storage permit is $200, except that the fee for a recirculating wet storage permit is $100 if the holder of the permit accepts as a permit condition the duty to provide and provides the department weekly test results showing the recirculating wet storage facility's compliance with the most recently adopted federal sanitation standards. [PL 2017, c. 224, §2 (NEW).]

B. A person may not store shellfish in containers or tanks where nonrecirculating water flows through the containers or tanks or in or on floats in a natural body of water without a flow-through wet storage permit. Beginning August 1, 2018, the fee for a flow-through wet storage permit is $100. [PL 2017, c. 224, §2 (NEW).]

C. A person may not handle, ship, transport or process shellfish in bulk, as defined by the department by rule, without:

(1) Attaching a tag to the shellfish in accordance with rules adopted by the department; and

(2) A bulk tagging permit. Beginning June 1, 2018, the fee for a bulk tagging permit is $50. [PL 2017, c. 224, §2 (NEW).]

D. A person may not use a vehicle to transport shellstock purchased at a location other than the establishment or vehicle authorized under the license without a shellfish buying station permit. Beginning June 1, 2018, the fee for a shellfish buying station permit is $100. [PL 2019, c. 334, §4 (AMD).]

[PL 2019, c. 334, §4 (AMD).]

3. Depuration certificate. A person may not take shellfish from closed areas for depuration, processing and transportation without a depuration certificate. The commissioner may issue a depuration certificate to a wholesale seafood license holder that authorizes the holder to take shellfish from closed areas for depuration, processing and transportation. The certificate must establish limits on harvesting, depurating and processing methods and any other provisions required to ensure the public safety. The commissioner may permit depuration of shellfish not contaminated by paralytic shellfish poisoning if it is established that the water used during depuration will not contaminate the shellfish with paralytic shellfish poisoning. Beginning May 1, 2018, the fee for a depuration certificate is $200. [PL 2017, c. 224, §2 (AMD).]

3-A. Municipal consultation and approval; depuration harvesting.

[PL 2011, c. 175, §2 (RP).]

3-B. Municipal pollution abatement plan.

[PL 2011, c. 175, §3 (RP).]

3-C. Municipal depuration management plan.

[PL 2011, c. 175, §4 (RP).]

3-D. Soft-shelled clam depuration harvesting in municipalities with municipal shellfish conservation programs. Soft-shelled clam depuration activities conducted within a municipality that has a municipal shellfish conservation program pursuant to section 6671 are subject to the following provisions.

A. Using the following general guidelines to identify whether pollution abatement activities are likely to succeed in a shellfish growing area, the commissioner may close a shellfish growing area pursuant to section 6172 for municipal pollution abatement activities.

(1) Pollution abatement activities are likely to succeed in shellfish growing areas affected by identified failing residential septic systems and other identified localized sources of human or animal fecal contamination when funding for abatement is available.

(2) Pollution abatement activities are not likely to succeed in shellfish growing areas affected by wastewater treatment plant outfall or other point sources of treated or partially treated sewage unless complete removal of pollution sources has been achieved.

(3) Abatement activities are not likely to succeed in shellfish growing areas affected by chronic nonpoint source contamination from rivers or streams.

At the request of the municipality, the commissioner may allow soft-shelled clam depuration harvesting in a shellfish growing area closed under this paragraph. [PL 2015, c. 68, §11 (AMD).]

B. In conducting depuration harvesting activities under this subsection, a person holding a depuration certificate shall engage commercial harvesters holding valid municipal and state commercial shellfish licenses. If there are insufficient municipally licensed commercial harvesters, the depuration certificate holder may supplement with other commercial shellfish harvesters licensed in the State. [PL 2011, c. 175, §5 (NEW).]

C. A depuration certificate holder shall maintain a generalized depuration management plan on file with the commissioner that sets forth methods for identifying harvest limits, operational procedures for harvest management and responsibilities of authorized representatives. [PL 2011, c. 175, §5 (NEW).]

D. A depuration certificate holder shall pay each municipality an amount equal to 50¢ for each bushel of soft-shelled clams taken in that municipality under the depuration certificate. When submitting payment to a municipality under this paragraph, the depuration certificate holder shall include a summary of reports submitted to the department pursuant to rules adopted under subsection 4. [PL 2011, c. 175, §5 (NEW).]

[PL 2015, c. 68, §11 (AMD).]

4. Rules. The commissioner may adopt or amend rules concerning:

A. The procedures for issuing certificates and the required qualifications for each type of certificate; [PL 1977, c. 661, §5 (NEW).]

B. The minimum sanitation standards for establishments and vehicles; [PL 1977, c. 661, §5 (NEW).]

C. The sanitation and quality control standards for shellfish and whole scallops and their products; [PL 2001, c. 112, §3 (AMD).]

D. The methods for taking, handling, shipping, transporting and processing of shellfish and whole scallops taken from closed areas; [PL 2001, c. 112, §3 (AMD).]

E. The records and reports of takings, purchases, processing, sales, shipping and transporting of shellfish and whole scallops; [PL 2001, c. 112, §3 (AMD).]

F. The labeling or marking of shipments of shellfish and whole scallops; and [PL 2001, c. 112, §3 (AMD).]

G. Other rules necessary to the public health. [PL 2003, c. 248, §11 (AMD).]

The rules must be based on the particular operational requirements of each activity, the most recently adopted federal sanitation standards and the most recent generally accepted research data, in a manner so as to protect the public health and safety while allowing reasonable use of the State's shellfish and whole scallops.

[PL 2003, c. 248, §11 (AMD).]

5. Right of entry. Whenever a certificate has been issued under this section, the commissioner, or the commissioner's agent, must have access to any establishment or part thereof for the purpose of inspection or collection of samples. Denial of access is grounds for suspension or revocation of any certificate or license under the provisions of section 6372.
[PL 2011, c. 311, §6 (AMD).]

6. Products embargoed and condemned. The commissioner, or the commissioner's agent, shall indefinitely embargo, condemn or order to be destroyed any shellfish, shellfish product or whole scallop in any establishment whenever it is determined that the product is of unsound quality, contains any filthy, decomposed or putrid substance, or may be poisonous or deleterious to health or otherwise unsafe. The commissioner and the commissioner's agent shall cooperate with those state and federal agencies having similar responsibility in the protection of public health and in enforcing the order to embargo, condemn or destroy.

In the event that any shellfish, shellfish product or whole scallop in any establishment is embargoed, condemned or ordered destroyed, the commissioner, or the commissioner's agent, shall, as soon thereafter as practical, notify the owner in writing of the amount and kind of shellfish, shellfish product or whole scallop embargoed, condemned or destroyed.
[PL 2003, c. 248, §11 (AMD).]

7. Resident depuration harvesters.
[PL 2011, c. 175, §6 (RP).]

8. Payments to municipalities.
[PL 2011, c. 175, §7 (RP).]

9. Disposition of fees. The commissioner shall deposit fees collected under this section in the Shellfish Fund under section 6651.
[PL 2017, c. 224, §2 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 249 (AMD). PL 1981, c. 462, §6 (AMD). PL 1989, c. 770, §1 (AMD). PL 1991, c. 831, §2 (AMD). PL 2001, c. 112, §§2-4 (AMD). PL 2003, c. 248, §11 (AMD). PL 2005, c. 508, §2 (AMD). PL 2007, c. 15, §§1-5 (AMD). PL 2007, c. 15, §6 (AFF). PL 2009, c. 561, §32 (AMD). PL 2011, c. 175, §§1-7 (AMD). PL 2011, c. 311, §6 (AMD). PL 2015, c. 68, §§10, 11 (AMD). PL 2017, c. 224, §2 (AMD). PL 2019, c. 334, §§3, 4 (AMD).

§6857. Lobster meat permit

1. Permit required. A person may not engage in the activities authorized under this section without a current lobster meat permit.
[PL 2001, c. 421, Pt. B, §60 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Permitted activity. A lobster meat permit authorizes a wholesale seafood license holder or a retail seafood license holder to remove lobster meat from the shell for sale under the following conditions.

A. The meat may be removed from the shell only at the establishment named in the permit. [PL 2001, c. 421, Pt. B, §60 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

B. The meat may come from only legal-sized lobsters. [PL 2001, c. 421, Pt. B, §60 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

C. Tail sections must be removed from the shell whole and intact and must be maintained in that state. [PL 2001, c. 421, Pt. B, §60 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

D. All containers in which lobster meat is packed after removal and that are to be sold, shipped or transported must be clearly labeled with the lobster meat permit number of the packer. [PL 2001, c. 421, Pt. B, §60 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

[PL 2001, c. 421, Pt. B, §60 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

3. Exception. A permit is not required to remove lobster meat for serving in hotels and restaurants if the meat is removed from the shell in a hotel or restaurant for serving on the premises.

[PL 2001, c. 421, Pt. B, §60 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. License limitation. A permit authorizes these activities at only one location or place of business.

[PL 2001, c. 421, Pt. B, §60 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

5. Fee. The fee for a lobster meat permit is $159.

[PL 2009, c. 213, Pt. G, §42 (AMD).]

6. Prima facie evidence meat removed for sale. If any lobster meat that has been removed from the shell is found on the premises of any establishment that is engaged in the selling, serving, processing or transporting of food in any form for human consumption, it is prima facie evidence that the meat was removed for sale.

[PL 2001, c. 421, Pt. B, §60 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

7. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.

[PL 2001, c. 421, Pt. B, §60 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 480, §§13,15,16 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 379, §10 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T19 (AMD). PL 1991, c. 591, §T19 (AMD). PL 2001, c. 421, §B60 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW26 (AMD). PL 2009, c. 213, Pt. G, §42 (AMD).

§6858. Size and condition of lobster meat

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 433, §11 (AMD). PL 1985, c. 677, §§5-7 (AMD). PL 1987, c. 753, §1 (AMD). PL 1991, c. 390, §9 (AMD). PL 1999, c. 26, §4 (AMD). PL 2003, c. 452, §§F30,31 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 523, §13 (RP).

§6859. Unmarked lobster shipping container

A person who ships, offers to ship or accepts for shipment any lobsters or their parts in any container that is not clearly marked to indicate that it contains lobsters commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged. [PL 1999, c. 771, Pt. B, §10 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 771, §B10 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§6860. Labeling of shrimp

A person who processes and packages shrimp without clearly marking the country or state of origin on the container commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged. [PL 1999, c. 771, Pt. B, §10 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1999, c. 771, §B10 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§6861. Crawfish; license; meat; mix or commingle; listing

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1985, c. 379, §11 (AMD). PL 1987, c. 513, §9 (AMD). PL 1989, c. 348, §12 (RP).

§6861-A. Permitted and prohibited activities for crayfish dealers

1. Meat. Crayfish meat is subject to the following prohibitions.

A. A person may not possess crayfish meat removed from the shell except as follows:

(1) For immediate personal consumption;

(2) For the purpose of serving the meat immediately to a customer;

(3) Under refrigeration and in its original container, clearly labeled as crayfish, with the country or state of origin clearly disclosed; or

(4) Mixed with other food if receipts are available to prove the product is crayfish. [PL 2003, c. 452, Pt. F, §32 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. It is prima facie evidence that lobster or crayfish meat is illegal lobster meat if the crayfish or lobster meat is outside the shell; is not in its original container and clearly labeled as crayfish, with the country or state of origin clearly disclosed; and:

(2) Is unmixed with any other food and there are no receipts available to prove the product is crayfish. [PL 2009, c. 523, §14 (AMD).]

[PL 2009, c. 523, §14 (AMD).]

2. Mix or commingle. A person may not:

A. Mix or commingle crayfish in any form with lobster; [PL 2003, c. 452, Pt. F, §33 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Cause or allow crayfish to be mixed or commingled with lobster; or [PL 2003, c. 452, Pt. F, §33 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Possess a mixture of crayfish and lobster. [PL 2003, c. 452, Pt. F, §33 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §33 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. List. It shall be unlawful to list, label, advertise, sell, offer for sale or represent, for the purpose of sale, crayfish as lobster or imitation lobster, unless the country or state of origin is clearly disclosed or the listing, labeling or advertising is designed to clearly and affirmatively reflect the product being offered for sale.

[PL 1989, c. 348, §13 (NEW).]

4. Records. Any person, licensed under section 6851 or 6852 who deals in crayfish, shall make records available to a marine patrol officer on demand.

[PL 1989, c. 348, §13 (NEW).]

5. Rules. The commissioner shall adopt or amend any rules necessary to supervise and control licensees dealing in crayfish and to protect the interests of the State in the conduct, management and operation of the business of dealing in crayfish to assure compliance with this section.

[PL 1989, c. 348, §13 (NEW).]

6. Penalties. The following penalties apply to violations of this section.

A. Violation of subsection 1, paragraph A is subject to the general penalty provisions of section 6201. [PL 2003, c. 452, Pt. F, §34 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Violation of subsection 1, paragraph B is subject to the penalty provisions of section 6431, subsection 7. [PL 2003, c. 452, Pt. F, §34 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Except as provided in paragraphs A and B, violation of this section is a civil violation for which a fine of not less than $100 nor more than $1,000 may be adjudged. [RR 2013, c. 2, §18 (COR).]
[RR 2013, c. 2, §18 (COR).]

7. License exception for bait purposes. A license shall not be required for crayfish kept or sold for bait purposes and marked or labeled "Not for Human Consumption."
[PL 1989, c. 348, §13 (NEW).]

SECTION HISTORY

PL 1989, c. 348, §13 (NEW). PL 2003, c. 452, §§F32-34 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 523, §14 (AMD). RR 2013, c. 2, §18 (COR). PL 2013, c. 468, §35 (AMD).

§6862. Lobster tail permit

(REPEALED)

SECTION HISTORY

PL 1985, c. 129, §2 (NEW). PL 1985, c. 805 (REEN). PL 1987, c. 402, §A214 (REEN). PL 1987, c. 753, §2 (AMD). PL 1989, c. 788, §5 (AMD). RR 1991, c. 2, §38 (COR). PL 1997, c. 84, §1 (AMD). PL 2001, c. 421, §B61 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2005, c. 239, §10 (AMD). PL 2009, c. 523, §15 (RP).

§6863. Cultchless American oyster growers license

A person may not grow cultchless American oysters in the State unless licensed under this section, except that a person who is the holder of a lease issued under section 6072, 6072-A or 6072-B that authorizes the culture of American oysters or a license issued under section 6072-C that authorizes the culture of American oysters is not required to obtain a cultchless American oyster growers license. [PL 2013, c. 509, §10 (AMD).]

1. Definitions. For the purposes of this Part, the term "cultchless" means the absence, at the shell hinge, of foreign material or a scar and the term "American oyster" means the genus and species Crassostrea virginica.
[PL 1991, c. 876, §2 (NEW).]

2. License. The commissioner shall establish by rule the criteria for a cultchless American oyster growers license.
[PL 1991, c. 876, §2 (NEW).]

3. Fee. The annual fee for a cultchless American oyster growers license is $12.
[PL 2009, c. 213, Pt. G, §43 (AMD).]

4. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged.
[PL 1999, c. 771, Pt. B, §11 (NEW); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1991, c. 876, §2 (NEW). PL 1999, c. 771, §B11 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2009, c. 213, Pt. G, §43 (AMD). PL 2013, c. 509, §10 (AMD).

§6864. Elver dealer's license

1. License required. A person may not buy, possess, transport within state limits or sell elvers without an elver dealer's license. It is unlawful for a person to possess elvers prior to the beginning of the elver season or to possess elvers 5 days beyond the end of the elver season pursuant to section 6575.
[PL 2015, c. 45, §1 (AMD).]

1-A. Limits on issuance. The department may not issue an elver dealer's license or a supplemental license after February 1st of the current licensing year.
[PL 2013, c. 492, §15 (AMD).]

2. License limited. An elver dealer's license authorizes the licensed activities at only one permanent facility. For the purposes of this section, "permanent facility" means a permanent building that is owned or legally leased by the license holder and is not a dwelling. A permanent facility must have holding tanks with water and aeration suitable to hold elvers.
[PL 2015, c. 45, §2 (AMD).]

3. Supplemental license. A supplemental license must be obtained for each vehicle or additional permanent facility. Beginning with the 2015 elver fishing season, a supplemental license authorizes a person to buy elvers from a person licensed under subsection 1 at the permanent facility identified on that person's license or to possess, transport within state limits or sell elvers.
[PL 2015, c. 45, §3 (AMD).]

4. Fee. The fee for an elver dealer's license is $376 and the fee for each supplemental license is $52.
[PL 2017, c. 284, Pt. EEEEE, §29 (AMD).]

5. Surcharge fees. In addition to the license fees established in subsection 4, the commissioner shall assess a surcharge on each license issued under this section, which must be deposited in the Eel and Elver Management Fund established under section 6505-D, as follows:

A. For an elver dealer's license, $837; and [PL 2017, c. 284, Pt. EEEEE, §30 (NEW).]

B. For a supplemental elver dealer's license, $11. [PL 2017, c. 284, Pt. EEEEE, §30 (NEW).]
[PL 2017, c. 284, Pt. EEEEE, §30 (RPR).]

6. Reporting.
[PL 2003, c. 170, §5 (RP).]

7. Violation. A person who violates this section commits a Class D crime for which a fine of $2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2013, c. 49, §16 (AMD).]

7-A. Use of elver transaction card required. The department shall issue to a dealer licensed under this section an electronic recording device that records the information on an elver transaction card issued by the department under section 6505-A, subsection 1-C. A dealer licensed under this section shall record each purchase or transfer of elvers from a harvester by using that harvester's elver transaction card. A dealer may not purchase elvers from a harvester that does not present an elver transaction card.
[PL 2013, c. 468, §37 (NEW).]

7-B. Use of elver dealer transaction card required. The department shall issue to a dealer licensed under this section an elver dealer transaction card for each dealer license and for each supplemental license to record all sales, purchases and transportation of elvers. All transfers of elvers between any license type requires the use of an elver dealer transaction card, including all transactions between holders of elver dealer licenses and holders of elver dealer supplemental licenses. A person licensed in accordance with this section must have access to an operational Internet connection when using an elver dealer transaction card to buy, sell or transport elvers.

[PL 2015, c. 45, §4 (NEW).]

8. Reporting. A dealer licensed under this section shall submit reports electronically to the department using an approved electronic format on a daily basis for the entire elver fishing season. The reporting period begins daily at 12:01 a.m. Eastern Standard Time and ends at 12:00 midnight. Reports must be received by the department by 2:00 p.m. of the following day, including the day following the last day of the season. If a correction is needed following the entry of a transaction, the dealer shall contact the department directly to request the correction. If an extension of time is needed, the dealer shall contact the department directly to request the extension.
[PL 2013, c. 468, §38 (RPR).]

8-A. Seizure of equipment. If a dealer licensed under this section fails to report, or fails to report accurately, and does not contact the department to request an extension of time or to correct information in accordance with subsection 8, a marine patrol officer may seize any recording equipment issued by the department under subsection 7-A. A marine patrol officer may also seize any department-issued equipment if an extension is requested but is not granted.
[PL 2013, c. 468, §39 (NEW).]

9. Authorized representatives. A person who holds an elver dealer's license may identify authorized representatives to act on the license holder's behalf to purchase elvers at the permanent facility. The elver dealer's license holder must identify authorized representatives on forms provided by the department.
[PL 2015, c. 45, §5 (AMD).]

10. Purchase of elvers. Until May 31, 2014, a person who holds an elver dealer's license, or the authorized representative of that person under subsection 9, may purchase elvers from licensed harvesters at locations other than the permanent facility identified on the license holder's license. Beginning in 2015, a person who holds an elver dealer's license or the license holder's authorized representative may purchase elvers from licensed harvesters only at the permanent facility identified on the license holder's license. The license holder or the license holder's authorized representative shall keep records on forms supplied by the department that identify each harvester from which elvers were purchased and the amount of elvers purchased from each harvester and each dealer to whom elvers were sold and the amount of elvers sold to each dealer. At all times, the license holder or the license holder's authorized representative must be able to fully account for the amount of elvers in the license holder's or the licence holder's authorized representative's possession. On the request of a marine patrol officer, the license holder or the license holder's authorized representative shall weigh the amount of elvers in the license holder's or the licence holder's authorized representative's possession for the purpose of determining if the amount of elvers meets the license holder's or the license holder's authorized representative's records. The license holder or the license holder's authorized representative shall make the records available for inspection by a marine patrol officer. If the license holder's or the license holder's authorized representative's records do not match the amount of elvers in the license holder's or the license holder's authorized representative's possession, the entire bulk pile is subject to seizure pursuant to section 6575-J. The license holder or the license holder's authorized representative may not purchase elvers with any form of payment other than a check or cashier's check that identifies both the seller and the buyer, each of whom must be a person holding a license issued under this section, a person who, pursuant to subsection 9, is an authorized representative of a person holding a license issued under this section or a person holding a license issued under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A.
[PL 2013, c. 468, §40 (AMD).]

11. Shipment or transport of elvers outside state limits. A person who holds an elver dealer's license or the elver dealer's license holder's authorized representative under subsection 9 who is licensed under section 6865, subsection 9 must transport elvers to a permanent facility identified on the license holder's license prior to the elvers being transported outside state limits.

[PL 2015, c. 45, §5 (AMD).]

12. Nonnegotiable checks.
[PL 2013, c. 301, §23 (RP).]

13. Record-keeping required. An elver dealer shall maintain paper records pertaining to all elver purchases and shipments. These records must be made available to the department upon request, and:

A. Each license holder must have a business address at which the records are maintained; [PL 2013, c. 468, §41 (NEW).]

B. The records must be complete, accurate and legible; [PL 2013, c. 468, §41 (NEW).]

C. The records must be sufficient to allow each purchase and shipment of elvers to be tracked by date of purchase from harvester, by harvester name and landings number and by buyer to whom the elvers were sold; and [PL 2013, c. 468, §41 (NEW).]

D. The records must be retained for a minimum of 3 years. [PL 2013, c. 468, §41 (NEW).]
[PL 2013, c. 468, §41 (NEW).]

A holder of an elver dealer's license when buying directly from a harvester may buy only from a harvester who possesses an elver fishing license under section 6505-A. The harvester shall make the elver fishing license and a government-issued identification card with the harvester's photograph and date of birth available for inspection upon the elver dealer's license holder's request. [PL 2013, c. 49, §19 (AMD).]

The commissioner may adopt rules to implement and enforce requirements under this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2011, c. 549, §9 (NEW).]

SECTION HISTORY

PL 1995, c. 536, §A10 (NEW). PL 1995, c. 536, §A13 (AFF). PL 1999, c. 7, §15 (AMD). PL 2001, c. 421, §§B62,63 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 20, §WW27 (AMD). PL 2003, c. 170, §5 (AMD). PL 2005, c. 533, §4 (AMD). PL 2009, c. 213, Pt. G, §§44, 45 (AMD). PL 2009, c. 478, §5 (AMD). PL 2011, c. 549, §9 (AMD). PL 2013, c. 49, §§16-19 (AMD). PL 2013, c. 301, §§20-23 (AMD). PL 2013, c. 468, §§36-41 (AMD). PL 2013, c. 492, §15 (AMD). PL 2015, c. 45, §§1-5 (AMD). PL 2017, c. 284, Pt. EEEEE, §§29, 30 (AMD).

§6865. Elver exporter's license

1. License required. A person may not engage in the activities authorized under this section without an elver exporter's license.
[PL 2015, c. 45, §6 (NEW).]

2. License activities. A person who holds an elver exporter's license may buy elvers from a person licensed under section 6864 and transport elvers beyond the state limits.
[PL 2015, c. 45, §6 (NEW).]

3. License limited. An elver exporter's license authorizes the licensed activities on only one vehicle, owned, leased or rented by the license holder.
[PL 2015, c. 45, §6 (NEW).]

4. Use of transaction card required. The department shall issue to an exporter licensed under this section an electronic recording device that records the information on an elver dealer transaction card issued by the department under section 6864, subsection 7-B to record all sales and purchase transactions. A person licensed in accordance with this section may not buy or transfer elvers to or from another individual licensed in accordance with section 6864 without using an elver dealer transaction card. A person licensed in accordance with this section must have access to an operational Internet connection when using an elver dealer transaction card to buy or sell elvers.

[PL 2015, c. 45, §6 (NEW).]

5. Fees. The fee for an elver exporter's license is $5,000. If the department requires inspection of elvers prior to export, the department may charge up to $500 for each inspection.
[PL 2019, c. 163, §7 (AMD).]

6. Disposition of fees. All fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D.
[PL 2015, c. 45, §6 (NEW).]

7. Violation. A person who violates this section commits a Class D crime for which a fine of $2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2015, c. 45, §6 (NEW).]

8. Records. An exporter licensed under this section shall maintain records as specified by the commissioner in rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 45, §6 (NEW).]

9. Authorized representatives. A person who holds an elver exporter's license may identify authorized representatives to act on the license holder's behalf to transport elvers beyond state limits. The elver exporter's license holder must identify authorized representatives on forms provided by the department.
[PL 2015, c. 45, §6 (NEW).]

SECTION HISTORY

PL 2015, c. 45, §6 (NEW). PL 2019, c. 163, §7 (AMD).

CHAPTER 627

GENERAL PROHIBITIONS

§6951. Fishing with dynamite or poison

It shall be unlawful to: [PL 1977, c. 661, §5 (NEW).]

1. Use dynamite or poison. Use dynamite or any poisonous or stupefying substance for the purpose of destroying or taking fish in the coastal waters;
[PL 1977, c. 661, §5 (NEW).]

2. Possess dynamite or poison. Possess or carry dynamite or other explosives or poisonous or other stupefying substance while engaged in fishing in a boat; and
[PL 1977, c. 661, §5 (NEW).]

3. Possess dynamited or poisoned fish. Possess, buy or sell fish taken by use of dynamite or other explosives or poisonous or other stupefying substance.
[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6952. Trawling, seining or netting for lobster

(REPEALED)

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 621, §§1,2 (AMD). PL 1983, c. 52 (AMD). PL 2003, c. 452, §F35 (RP). PL 2003, c. 452, §X2 (AFF).

§6952-A. Trawling, seining or netting for lobster

1. Trawling, seining or netting for lobsters prohibited. A person may not:

A. Fish for or take lobsters by use of a trawl, drag, dredge, seine or net; or [PL 2011, c. 266, Pt. A, §21 (AMD).]

B. Possess any lobsters, regardless of their source, on board any boat rigged for dragging, trawling, dredging, seining or netting. [PL 2011, c. 266, Pt. A, §21 (AMD).]

[PL 2011, c. 266, Pt. A, §21 (AMD).]

2. Exception; liberated alive. A person does not violate this section if the lobster is immediately liberated alive in the coastal waters.

[PL 2003, c. 452, Pt. F, §36 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Exceptions; boats. This section does not apply to:

A. A boat rigged for dragging, trawling, dredging or seining if all nets, drags and dredges are removed from the boat; or [PL 2011, c. 266, Pt. A, §22 (AMD).]

B. A boat rigged for netting if there are no finfish taken by gill net aboard. [PL 2003, c. 452, Pt. F, §36 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2011, c. 266, Pt. A, §22 (AMD).]

4. Penalty for possession. A violation of this section is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 6, the court shall impose a fine of $500 for each violation and, in addition, a fine of $100 for each lobster involved, up to and including the first 5, and a fine of $200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than $1,000 or more than $5,000.

[PL 2019, c. 113, Pt. C, §14 (AMD).]

SECTION HISTORY

PL 2003, c. 452, §F36 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 394, §14 (AMD). PL 2011, c. 266, Pt. A, §§21, 22 (AMD). PL 2013, c. 468, §42 (AMD). PL 2019, c. 113, Pt. C, §14 (AMD).

§6953. Stopping for inspection; penalty

It shall be unlawful for the operator of a motor vehicle, boat, vessel, airplane or conveyance of any kind, or any person: [PL 1977, c. 661, §5 (NEW).]

1. Stopping. To fail or refuse to stop immediately upon request or signal of any marine patrol officer in uniform;

[PL 1979, c. 541, Pt. B, §73 (AMD).]

2. Remaining stopped. After he has so stopped, to fail to remain stopped until the marine patrol officer reaches his immediate vicinity and makes known to that operator the reason for the request or signal;

[PL 1979, c. 541, Pt. B, §73 (AMD).]

3. Standing by. To fail or refuse to stand by immediately for inspection on request of any marine patrol officer in uniform;

[PL 1979, c. 541, Pt. B, §73 (AMD).]

4. Throwing or dumping items. Who has been requested or signaled to stop by a marine patrol officer in uniform to throw or dump into any water any marine organism, or any pail, bag, barrel or

other container of any type, or the contents thereof, before the marine patrol officer has inspected the same.
[PL 1979, c. 541, Pt. B, §73 (AMD).]

Violation of this section is a Class D crime, except that the court shall impose a fine of not less than $500. A court may not suspend a fine imposed under this section. [PL 2009, c. 394, §15 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2009, c. 394, §15 (AMD).

§6954. Dragging in cable area

1. Violation. It is unlawful to operate any watercraft when towing a drag or trawl in any waters that are identified or marked as underwater cable or pipeline areas, either as shown on the most recently published United States Government nautical chart or as shown or described by rule adopted by the commissioner. The commissioner may make rules showing or describing the locations of underwater cables or pipelines that are not identified on the most recent United States Government nautical charts. A drag or trawl must be lifted out of the water to transit the cable area.
[PL 1997, c. 78, §1 (AMD).]

2. Penalty. A violation of this section is a Class D crime, except that the minimum fine shall be $500 and may not be suspended.
[PL 1987, c. 1, §2 (RPR).]

SECTION HISTORY

PL 1983, c. 179, §3 (NEW). PL 1983, c. 663, §3 (AMD). PL 1987, c. 1, §2 (AMD). PL 1997, c. 78, §1 (AMD).

§6954-A. Dragging and scalloping prohibited in the Frenchboro area

1. Violation. Unless permitted by rules adopted under subsection 1-A, a person may not:

A. Take scallops by any means within the Frenchboro area; or [PL 2003, c. 452, Pt. F, §37 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Operate any watercraft when towing a drag or trawl within the Frenchboro area. A drag or trawl must be lifted out of the water to transit the cable area. [PL 2003, c. 452, Pt. F, §37 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

For purposes of this section, "the Frenchboro area" means the following area: starting at the easternmost point on Red Point, Swan's Island; thence in an easterly direction to the southernmost point of the western Sister's Island; thence in a southeasterly direction to the southernmost point of Crow Island; thence in a southerly direction to the northernmost point of Harbor Island, Frenchboro, Long Island; thence southerly to the state ferry terminal located on the eastern side of Lunt's Harbor, Frenchboro, Long Island, and then starting at the westernmost point of Gooseberry Point on Frenchboro, Long Island; westerly to the northeast point of John's Island; thence northwest to the easternmost point of the largest of the Baker Islands; thence northwesterly to the northeastern point of Harbor Island, Swan's Island; thence northerly to Quarry Wharf, Minturn, Swan's Island.
[PL 2003, c. 452, Pt. F, §37 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Scalloping permitted by rule. The commissioner may adopt and amend rules permitting the taking of scallops in the Frenchboro area, as defined in subsection 1, except that the rules may not permit the use of drags more than 30 inches wide and may not permit the use of drag ropes more than 3/8 inch in diameter.
[PL 1991, c. 784, §10 (NEW).]

2. Penalty. A violation of this section is a Class D crime, except that the minimum fine shall be $500 and may not be suspended.

[PL 1987, c. 1, §3 (NEW).]

SECTION HISTORY

PL 1985, c. 317 (NEW). PL 1987, c. 1, §3 (RPR). PL 1991, c. 301, §1 (AMD). PL 1991, c. 784, §§9,10 (AMD). PL 1997, c. 78, §2 (AMD). PL 2003, c. 452, §F37 (AMD). PL 2003, c. 452, §X2 (AFF).

§6954-B. Drag limits in South Bay in Lubec

(REPEALED)

SECTION HISTORY

PL 1995, c. 278, §1 (NEW). PL 1995, c. 518, §1 (AMD). PL 1997, c. 281, §2 (RP).

§6954-C. Drag limits north of international bridge, Lubec

1. Gear requirements. The holder of a scallop dragging license or sea urchin dragging license may not possess on the boat identified on that person's license or fish with, in the territorial waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada , any drag or combination of drags:

A. That measures in excess of 5 feet, 6 inches in width measuring from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge; and [PL 1997, c. 281, §3 (NEW).]

B. If used for the taking of scallops, that is greater than 8 rings deep. [PL 1997, c. 281, §3 (NEW).]

[PL 2017, c. 222, §6 (AMD).]

1-A. Exception. Notwithstanding subsection 1, the holder of a sea urchin dragging license may possess gear used for dragging scallops on the boat identified on that person's sea urchin dragging license if that boat is also identified on any scallop dragging license and there are no scallops on that boat.

[PL 2017, c. 222, §7 (NEW).]

2. Violation. Notwithstanding section 6174, a person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of $500 is imposed and all scallops on board may be seized; [PL 2007, c. 557, §11 (NEW).]

B. For the 2nd offense, a mandatory fine of $750 is imposed and all scallops on board may be seized; and [PL 2007, c. 557, §11 (NEW).]

C. For the 3rd and subsequent offenses, a mandatory fine of $750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B. [PL 2007, c. 557, §11 (NEW).]

[PL 2007, c. 557, §11 (NEW).]

SECTION HISTORY

PL 1997, c. 281, §3 (NEW). PL 2001, c. 272, §17 (AMD). PL 2007, c. 557, §11 (AMD). PL 2017, c. 222, §§6, 7 (AMD).

§6955. Fishing in waters of Union River Bay and the lower Union River

It is unlawful to fish with any type of net, fish trap or weir from April 15th to August 1st in the tidal waters of Union River Bay and the lower Union River north of a line drawn from the southernmost tip of Newbury Neck in the Town of Surry and extended eastward to the southernmost tip of Oak Point in the Town of Trenton. The closed area extends northward to the downstream side of the Bangor

Hydropower Company dam in the City of Ellsworth. Fishing for eels or smelts by means of hand dip nets, fyke nets or baited eel traps is exempt from this section. The taking of river herring under the provisions of section 6131, subsection 5 is exempt from this section. [PL 2011, c. 598, §47 (AMD).]

SECTION HISTORY

PL 1985, c. 211 (NEW). PL 2011, c. 598, §47 (AMD).

§6956. Diver's down flag required

A person licensed to harvest a marine species by hand must display a diver's down flag when using a self-contained underwater breathing apparatus to harvest that species. For the purposes of this section, "diver's down flag" means the International Code Flag "A" as defined in navigation rules adopted by the United States Coast Guard. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 and not more than $500 may be adjudged. [PL 1999, c. 771, Pt. B, §12 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

PL 1993, c. 448, §1 (NEW). PL 1999, c. 771, §B12 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§6957. Fishing near floating equipment

1. Prohibition. A person may not operate a vessel using drags, otter trawls, pair trawls, beam trawls, scottish seines or midwater trawls to fish for or take finfish, shellfish, sea urchins or any other marine organisms within 300 feet of any suspended culture floating cages, tray racks or other floating equipment authorized in a lease issued by the commissioner under section 6072, 6072-A or 6072-B, or a license issued under section 6072-C, if the equipment is marked in accordance with subsection 1-A. [PL 2007, c. 615, §22 (AMD).]

1-A. Markings. The owner of a suspended culture floating cage, tray rack or other floating equipment shall mark the area in which a vessel is prohibited under subsection 1 with at least 4 anchors, each marked by a yellow buoy at least 2 feet in diameter.
[PL 1995, c. 169, §2 (NEW).]

2. Penalty. A violation of subsection 1 is a Class D crime. In addition to any other authorized sentencing alternative, the court shall impose a minimum fine of $1,000 that may not be suspended.
[PL 2019, c. 113, Pt. C, §15 (AMD).]

SECTION HISTORY

PL 1993, c. 723, §1 (NEW). PL 1995, c. 169, §2 (AMD). PL 2007, c. 615, §22 (AMD). PL 2019, c. 113, Pt. C, §15 (AMD).

§6958. False search and rescue information

A person who intentionally provides the department or causes to be given to the department false or misleading information that results in an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort is subject to a civil penalty of up to the cost of providing the search and rescue service, payable to the State. This penalty is recoverable in a civil action. The State may also recover the cost of bringing the action, including a reasonable attorney's fee. [PL 1997, c. 300, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 300, §1 (NEW).

§6959. Dragging in the Taunton River area

(REPEALED)

SECTION HISTORY

PL 1999, c. 576, §1 (NEW). PL 2001, c. 272, §18 (AMD). MRSA T. 12 §6959 (RP).

§6959-A. Dragging in Taunton River area

(REPEALED)

SECTION HISTORY

PL 2005, c. 160, §1 (NEW). PL 2005, c. 466, §1 (RPR). MRSA T. 12 §6959-A, sub-§3 (RP).

CHAPTER 629

GREAT SALT BAY MARINE SHELLFISH PRESERVE

§6961. Great Salt Bay marine shellfish preserve

1. Designation; prohibition. The Great Salt Bay is designated as a marine shellfish preserve in which the harvesting of any shellfish species and other harvesting activities involving bottom disturbance are prohibited, except that the commissioner may authorize research activities in the area. [PL 2001, c. 558, §1 (NEW).]

2. Great Salt Bay defined. For the purposes of this section, "Great Salt Bay" means the tidal portion of the Damariscotta River in the towns of Damariscotta, Newcastle and Nobleboro that is north of a line extending between 2 points of land located 600 yards north of the U.S. Route 1 highway bridge. [PL 2001, c. 558, §1 (NEW).]

3. Research activities. This section does not apply to research activities in the Great Salt Bay that are authorized by the commissioner.
[PL 2001, c. 558, §1 (NEW).]

4. Taking of finfish. Nothing in this section may be construed to limit the taking of finfish from the Great Salt Bay.
[PL 2001, c. 558, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 558, §1 (NEW).

CHAPTER 631

ENDANGERED OR THREATENED MARINE SPECIES

§6971. Commissioner's authority over marine endangered and threatened species

In accordance with section 12801, the commissioner has authority as provided in this chapter to carry out the purpose of that section with regard to marine species. [PL 2003, c. 573, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 573, §1 (NEW).

§6972. Commissioner's programs

The commissioner may establish such programs as are necessary for the protection of marine species listed pursuant to this chapter in order to achieve compliance with the United States Endangered Species Act of 1973, Public Law 93-205, as amended. [PL 2003, c. 573, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 573, §1 (NEW).

§6973. Designation of marine species as state endangered or state threatened

1. Commissioner's authority. The commissioner may recommend a marine species found in the State for designation as a state endangered or state threatened marine species if that species is listed as an endangered or threatened species by the United States Secretary of the Interior, pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended.
[PL 2003, c. 573, §1 (NEW).]

2. Modification to list. The commissioner may recommend that a marine species designated as a state endangered or state threatened species be removed from the list in section 6975 or recommend other changes to that list.
[PL 2003, c. 573, §1 (NEW).]

3. Public notice and hearings. Prior to recommending an addition, deletion or other change to the list of state endangered and state threatened marine species in section 6975, the commissioner shall provide for public notice and public hearings on that proposed recommendation in accordance with the provisions of Title 5, chapter 375, subchapter 2.
[PL 2003, c. 573, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 573, §1 (NEW).

§6974. Legislative authority

The Legislature has sole authority to designate a marine species as a state endangered or state threatened species or to remove a species or change the designation of a species listed in section 6975.
[PL 2003, c. 573, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 573, §1 (NEW).

§6975. List of state endangered and state threatened marine species

The list of state endangered or state threatened marine species by common name, scientific name and status is as follows: [PL 2003, c. 573, §1 (NEW).]

1. Right whale. Right whale, Eubalaena glacialis, endangered;
[PL 2003, c. 573, §1 (NEW).]

2. Humpback whale. Humpback whale, Megaptera novaeangliae, endangered;
[PL 2003, c. 573, §1 (NEW).]

3. Finback whale. Finback whale, Balaenoptera physalus, endangered;
[PL 2003, c. 573, §1 (NEW).]

4. Sperm whale. Sperm whale, Physeter catodon, endangered;
[PL 2003, c. 573, §1 (NEW).]

5. Sei whale. Sei whale, Balaenoptera borealis, endangered;
[PL 2003, c. 573, §1 (NEW).]

6. Leatherback turtle. Leatherback turtle, Dermochelys coriacea, endangered;
[PL 2003, c. 573, §1 (NEW).]

7. Atlantic ridley turtle. Atlantic ridley turtle, Lepidochelys kempii, endangered;
[PL 2007, c. 6, §1 (AMD).]

8. Loggerhead turtle. Loggerhead turtle, Caretta caretta, threatened; and
[PL 2007, c. 6, §2 (AMD).]

9. Shortnose sturgeon. Shortnose sturgeon, Acipenser brevirostrum, endangered.
[PL 2007, c. 6, §3 (NEW).]

SECTION HISTORY

PL 2003, c. 573, §1 (NEW). PL 2007, c. 6, §§1-3 (AMD).

§6976. Cooperative agreements

The commissioner may enter into agreements with federal agencies, other states, state agencies, political subdivisions of this State or private persons for the establishment and maintenance of programs for the conservation of state endangered or state threatened marine species and may receive all federal funds allocated for obligations to the State pursuant to these agreements. Federal funds received for the conservation of state endangered or state threatened marine species listed pursuant to this chapter must be allocated directly to the department to ensure compliance with any conditions of the listing. [PL 2003, c. 573, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 573, §1 (NEW).

§6977. Annual report

(REPEALED)

SECTION HISTORY

PL 2003, c. 573, §1 (NEW). PL 2011, c. 598, §48 (RP).

§6978. Endangered or Threatened Marine Species Fund

The Endangered or Threatened Marine Species Fund, referred to in this section as "the fund," is established within the department. [PL 2007, c. 25, §1 (NEW).]

1. Sources. The commissioner may receive donations and funding from any source on behalf of the fund.
[PL 2007, c. 25, §1 (NEW).]

2. Purpose; use of fund. The purpose of the fund is to support activities related to the management of endangered or threatened marine species. All money received into the fund must be used for the purposes of the fund.
[PL 2007, c. 25, §1 (NEW).]

3. Interest and balances credited to fund. Any interest earned on the money in the fund must be credited to the fund. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year and credited to the fund to be used for the purposes of this section.
[PL 2007, c. 25, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 25, §1 (NEW).

PART 10

INLAND FISHERIES AND WILDLIFE

CHAPTER 701

GENERAL PROVISIONS

§7001. Definitions

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §1 (AMD). PL 1979, c. 732, §§5,31 (AMD). PL 1981, c. 12, §§1,2 (AMD). PL 1981, c. 414, §§2,3 (AMD). PL 1981, c. 461, §1 (AMD). PL 1981, c. 573 (AMD). PL 1981, c. 644, §§1,2 (AMD). PL 1983, c. 329, §1 (AMD). PL 1983, c. 797, §1 (AMD). PL 1983, c. 807, §L1 (AMD). PL 1985, c. 234, §1 (AMD). PL 1985, c. 304, §1 (AMD). PL 1985, c. 320, §1 (AMD). PL 1985, c. 369, §1 (AMD). PL 1985, c. 607, §§1,2 (AMD). PL 1985, c. 718, §1 (AMD). PL 1987, c. 175, §1 (AMD). PL 1987, c. 212, §1 (AMD). PL 1987, c. 317, §1 (AMD). PL 1987, c. 696, §§1,2 (AMD). PL 1987, c. 742, §§2,3 (AMD). PL 1989, c. 493, §1 (AMD). PL 1989, c. 705, §1 (AMD). PL 1989, c. 913, §§B1,2 (AMD). RR 1991, c. 1, §20 (COR). PL 1991, c. 443, §§1-5 (AMD). PL 1993, c. 144, §1 (AMD). PL 1993, c. 438, §§2,3 (AMD). PL 1993, c. 574, §§1-4 (AMD). PL 1995, c. 415, §1 (AMD). PL 1995, c. 536, §B1 (AMD). PL 1995, c. 667, §§A2,3 (AMD). PL 1997, c. 432, §§1-3 (AMD). RR 1999, c. 1, §20 (COR). PL 1999, c. 147, §1 (AMD). PL 1999, c. 321, §§1-4 (AMD). PL 1999, c. 401, §§BB4,5 (AMD). PL 1999, c. 402, §1 (AMD). PL 2001, c. 227, §1 (AMD). PL 2001, c. 307, §§1,2 (AMD). PL 2001, c. 421, §B64 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 610, §1 (AMD). PL 2003, c. 333, §1 (AMD). PL 2003, c. 403, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 440, §§1,2,4 (AMD). PL 2003, c. 614, §9 (AFF).

§7002. Multiple civil violations

(REPEALED)

SECTION HISTORY

PL 2001, c. 421, §B65 (NEW). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7003. Juvenile violations

(REPEALED)

SECTION HISTORY

PL 2003, c. 410, §2 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 702

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

§7011. Department established

(REPEALED)

SECTION HISTORY

PL 1983, c. 807, §Q1 (NEW). PL 1983, c. 819, §A17 (NEW). PL 1983, c. 862, §36 (RP). PL 1989, c. 53, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7012. Bureau of Administrative Services

(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A17 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7013. Bureau of Resource Management

(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A17 (NEW). PL 1985, c. 408, §1 (AMD). PL 1989, c. 493, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7013-A. Fish stocking

(REPEALED)

SECTION HISTORY

PL 1999, c. 416, §1 (NEW). PL 2003, c. 27, §1 (RP). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF).

§7014. Bureau of Warden Service

(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A17 (NEW). PL 2001, c. 387, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7015. Division of Planning

(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A17 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7016. Division of Public Information and Education

(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A17 (NEW). PL 2001, c. 387, §3 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7017. Department funds

(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A17 (NEW). PL 1985, c. 323, §1 (AMD). PL 1989, c. 103, §1 (AMD). PL 1989, c. 918, §D1 (AMD). RR 1997, c. 1, §8 (COR). PL 1997, c. 312, §1 (AMD). PL 1997, c. 513, §1 (AMD). PL 2001, c. 690, §A1 (AMD). PL 2003, c. 20, §§L1,2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 451, §HHH1 (AMD). PL 2003, c. 614, §9 (AFF).

§7018. Administrative costs recovered for work on federal and dedicated accounts

(REPEALED)

SECTION HISTORY

PL 1997, c. 24, §I1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7019. Establishment of new programs

(REPEALED)

SECTION HISTORY

PL 1997, c. 244, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7020. Land Management Fund

(REPEALED)

SECTION HISTORY

PL 2001, c. 439, §I1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 702-A

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

§7021. Department established

(REPEALED)

SECTION HISTORY

PL 1983, c. 797, §2 (NEW). PL 1983, c. 862, §37 (RP).

§7022. Bureau of Administrative Services

(REPEALED)

SECTION HISTORY

PL 1983, c. 797, §2 (NEW). PL 1983, c. 862, §37 (RP).

§7023. Bureau of Resource Management

(REPEALED)

SECTION HISTORY

PL 1983, c. 797, §2 (NEW). PL 1983, c. 862, §37 (RP).

§7024. Bureau of Warden Service

(REPEALED)

SECTION HISTORY

PL 1983, c. 797, §2 (NEW). PL 1983, c. 862, §37 (RP).

§7025. Division of Planning

(REPEALED)

SECTION HISTORY

PL 1983, c. 797, §2 (NEW). PL 1983, c. 862, §37 (RP).

§7026. Division of Public Information and Education

(REPEALED)

SECTION HISTORY

PL 1983, c. 797, §2 (NEW). PL 1983, c. 862, §37 (RP).

§7027. Department funds

(REPEALED)

SECTION HISTORY

PL 1983, c. 797, §2 (NEW). PL 1983, c. 862, §37 (RP).

CHAPTER 703

COMMISSIONER

§7031. Appointment

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1989, c. 493, §3 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7032. Office

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1989, c. 410, §22 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7033. Advisory council

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §2 (RPR). PL 1981, c. 111 (AMD). PL 1981, c. 631, §§1-3 (AMD). PL 1983, c. 812, §§87,88 (AMD). PL 1989, c. 493, §4 (AMD). PL 1989, c. 503, §B64 (AMD). PL 1989, c. 782, §2 (RP).

§7033-A. Inland Fisheries and Wildlife Advisory Council

(REPEALED)

SECTION HISTORY

PL 1989, c. 782, §3 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7034. Duties

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 679, §1 (AMD). PL 1981, c. 414, §4 (AMD). PL 1981, c. 505, §4 (AMD). PL 1981, c. 698, §§71,72 (AMD). PL 1983, c. 440, §1 (AMD). PL 1983, c. 489, §9 (AMD). PL 1983, c. 588, §2 (AMD). PL 1983, c. 774 (AMD). PL 1983, c. 819, §A18 (AMD). PL 1985, c. 369, §2 (AMD). PL 1985, c. 737, §B18 (AMD). PL 1985, c. 785, §§B69,70 (AMD). PL 1989, c. 502, §A36 (AMD). PL 1989, c. 913, §A1 (AMD). PL 1991, c. 443, §6 (AMD). PL 1993, c. 10, §1 (AMD). PL 1993, c. 574, §5 (AMD). PL 1995, c. 667, §A4 (AMD).

PL 1997, c. 112, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7035. Powers

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §3 (AMD). PL 1981, c. 414, §5 (AMD). PL 1981, c. 641, §1 (AMD). PL 1983, c. 270, §§1,2 (AMD). PL 1983, c. 588, §3 (AMD). PL 1983, c. 819, §§A19-A22 (AMD). PL 1985, c. 369, §3 (AMD). PL 1985, c. 408, §2 (AMD). PL 1985, c. 718, §2 (AMD). PL 1987, c. 534, §§B10,B23 (AMD). PL 1989, c. 177 (AMD). PL 1989, c. 441, §1 (AMD). PL 1991, c. 228 (AMD). PL 1991, c. 528, §KK1 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §KK1 (AMD). PL 1991, c. 614 (AMD). PL 1993, c. 265, §1 (AMD). PL 1993, c. 574, §6 (AMD). PL 1995, c. 346, §§1,2 (AMD). PL 1995, c. 436, §1 (AMD). PL 1995, c. 455, §1 (AMD). PL 1995, c. 667, §§A5-7 (AMD). RR 1997, c. 1, §§9,10 (COR). PL 1997, c. 113, §1 (AMD). PL 1997, c. 310, §1 (AMD). PL 1997, c. 432, §§4-6 (AMD). PL 1997, c. 562, §D2 (AMD). PL 1997, c. 562, §D11 (AFF). PL 1997, c. 796, §1 (AMD). RR 1999, c. 1, §21 (COR). PL 1999, c. 326, §1 (AMD). PL 1999, c. 401, §M1 (AMD). PL 1999, c. 447, §§1-3 (AMD). PL 1999, c. 636, §1 (AMD). PL 2001, c. 223, §1 (AMD). PL 2001, c. 348, §1 (AMD). PL 2001, c. 387, §§4-6 (AMD). PL 2003, c. 73, §§1,2 (AMD). PL 2003, c. 403, §§2-6 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 662, §1 (AMD).

§7036. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 641, §2 (AMD). PL 1983, c. 588, §4 (AMD). PL 1985, c. 532 (AMD). PL 2001, c. 307, §3 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7037. Deer wintering areas

(REPEALED)

SECTION HISTORY

PL 1985, c. 335 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7038. Advisory board established

(REPEALED)

SECTION HISTORY

PL 2003, c. 280, §2 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 705

LAW ENFORCEMENT OFFICERS

SUBCHAPTER 1

WARDENS

§7051. Appointment

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 644, §3 (AMD). PL 1983, c. 440, §2 (AMD). PL 1985, c. 785, §B71 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7052. Office

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1985, c. 785, §B72 (AMD). PL 1991, c. 9, §E10 (AMD). PL 1993, c. 34, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7053. Duties and powers

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 414, §§6,7 (AMD). PL 1987, c. 696, §3 (AMD). PL 1989, c. 170 (AMD). PL 1989, c. 493, §§5,6 (AMD). PL 1997, c. 432, §7 (AMD). PL 1999, c. 317, §§1,2 (AMD). PL 1999, c. 738, §§1-4 (AMD). PL 1999, c. 771, §A1 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 1999, c. 790, §J1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 2

OTHER LAW ENFORCEMENT OFFICERS

§7055. Officials with full powers of game wardens

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §1 (AMD). PL 1981, c. 644, §4 (AMD). PL 1985, c. 304, §2 (AMD). PL 1985, c. 633 (AMD). PL 1989, c. 493, §7 (AMD). PL 2001, c. 30, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7056. Officials with certain powers and duties of game wardens

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §2 (AMD). PL 1985, c. 108, §1 (AMD). PL 1985, c. 531, §1 (AMD). PL 1985, c. 762, §2 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 432, §§8,9 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7057. New Hampshire officers

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 3

PROHIBITED ACTS

§7060. Failure to stop for a law enforcement officer

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1987, c. 317, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7061. Impersonating a game warden

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2001, c. 421, §B66 (RP). PL 2001, c. 421, §C1 (AFF).

§7062. Nonfeasance

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7063. Failure to pay over moneys received

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7064. Illegal disposal of offal; littering

(REPEALED)

SECTION HISTORY

PL 1995, c. 667, §A8 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 707

LICENSES AND PERMITS

SUBCHAPTER 1

GENERAL PROVISIONS

§7071. Eligibility

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §4 (AMD). PL 1979, c. 723, §3 (AMD). PL 1981, c. 414, §8 (AMD). PL 1983, c. 270, §§3,4 (AMD). PL 1985, c. 90 (AMD). PL 1987, c. 351 (AMD). PL 1993, c. 459, §1 (AMD). PL 1995, c. 346, §3 (AMD). PL 1995, c. 455, §2 (AMD). PL 1995, c. 667, §A9 (AMD). PL 1997, c. 137, §1 (AMD). PL 1999, c. 403, §1 (AMD). PL 2003, c. 403, §7 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7072. Appointment of agents

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 819, §A23 (RPR). PL 1983, c. 862, §38 (AMD). PL 1985, c. 304, §3 (AMD). PL 1989, c. 440 (AMD). PL 1995, c. 667, §§A10,11 (AMD). PL 1997, c. 137, §2 (AMD). PL 1997, c. 526, §2 (AMD). PL 2003, c. 333, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7073. Application and issuance

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1985, c. 304, §§4,5 (AMD). PL 1993, c. 419, §2 (AMD). PL 1993, c. 459, §2 (AMD). PL 1993, c. 459, §3 (AFF). PL 1995, c. 667, §A12 (AMD). PL 1997, c. 137, §3 (AMD). PL 1997, c. 137, §4 (AMD). PL 1999, c. 403, §2 (AMD). PL 2001, c. 294, §1 (AMD). PL 2001, c. 690, §A2 (AMD). PL 2003, c. 403, §§8,9 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 480, §§1,2 (AMD). PL 2003, c. 614, §9 (AFF).

§7074. Use of license and permit fees

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 679, §2 (AMD). PL 1983, c. 807, §Q2 (AMD). PL 1983, c. 819, §§A24,A25 (AMD). PL 1985, c. 304, §6 (AMD). PL 1989, c. 439, §§3,8 (AMD). PL 1995, c. 455, §3 (AMD). PL 1995, c. 667, §§A13-16 (AMD). PL 1997, c. 526, §3 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7075. Expiration

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7076. Special privileges

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§5,6 (AMD). PL 1979, c. 723, §4 (AMD). PL 1979, c. 732, §§6,31 (AMD). PL 1981, c. 58 (AMD). PL 1981, c. 302 (AMD). PL 1981, c. 414, §9 (AMD). PL 1981, c. 493, §2 (AMD). PL 1981, c. 644, §5 (AMD). PL 1983, c. 154, §1 (AMD). PL 1983, c. 440, §§3-5 (AMD). PL 1983, c. 588, §5 (AMD). PL 1983, c. 797, §§3,4 (AMD). PL

1983, c. 807, §§P1,P2 (AMD). PL 1985, c. 304, §§7-9 (AMD). PL 1985, c. 369, §4 (AMD). PL 1987, c. 134 (AMD). PL 1987, c. 350, §1 (AMD). PL 1987, c. 352, §1 (AMD). PL 1987, c. 742, §4 (AMD). PL 1989, c. 52 (AMD). PL 1989, c. 199 (AMD). PL 1989, c. 264 (AMD). PL 1989, c. 493, §§8-12 (AMD). PL 1989, c. 502, §D7 (AMD). PL 1991, c. 17, §1 (AMD). PL 1991, c. 17, §2 (AFF). PL 1991, c. 59, §1 (AMD). PL 1991, c. 107 (AMD). PL 1991, c. 443, §7 (AMD). PL 1991, c. 736, §1 (AMD). PL 1993, c. 24, §1 (AMD). PL 1993, c. 24, §7 (AFF). PL 1993, c. 237, §1 (AMD). PL 1993, c. 419, §§3,4 (AMD). PL 1993, c. 574, §§7,8 (AMD). PL 1995, c. 462, §A33 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1995, c. 667, §A17 (AMD). PL 1997, c. 137, §5 (AMD). PL 1997, c. 432, §§10-15 (AMD). PL 1999, c. 249, §1 (AMD). PL 1999, c. 403, §§3,4 (AMD). PL 1999, c. 424, §B1 (AMD). PL 1999, c. 480, §1 (AMD). PL 1999, c. 558, §1 (AMD). PL 1999, c. 632, §1 (AMD). PL 1999, c. 790, §§A14,J2 (AMD). PL 2001, c. 223, §2 (AMD). PL 2001, c. 307, §4 (AMD). PL 2001, c. 351, §1 (AMD). PL 2001, c. 354, §3 (AMD). PL 2001, c. 439, §FF1 (AMD). PL 2001, c. 439, §FF2 (AFF). PL 2001, c. 596, §B1 (AMD). PL 2001, c. 596, §B25 (AFF). PL 2001, c. 690, §§A3,B1,2 (AMD). PL 2001, c. 690, §§A18,B5 (AFF). PL 2003, c. 330, §1 (AMD). PL 2003, c. 403, §10 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 451, §HHH2 (AMD). PL 2003, c. 614, §9 (AFF).

§7077. Suspension or revocation of license or permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 329, §2 (AMD). PL 1983, c. 440, §6 (AMD). PL 1987, c. 317, §§3,4 (AMD). PL 1987, c. 696, §4 (AMD). PL 1993, c. 136, §1 (AMD). PL 1995, c. 346, §§4-10 (AMD). PL 1995, c. 679, §1 (AMD). PL 1999, c. 320, §§1-3 (AMD). PL 1999, c. 403, §5 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 1999, c. 743, §2 (AMD). PL 2001, c. 269, §1 (AMD). PL 2001, c. 331, §§1-4 (AMD). PL 2001, c. 421, §§B67-69 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 667, §A9 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 491, §§1,2 (AMD). PL 2003, c. 614, §9 (AFF).

§7077-A. Mandatory license revocation for certain violations

(REPEALED)

SECTION HISTORY

PL 1993, c. 141, §1 (NEW). PL 1995, c. 346, §11 (AMD). PL 1995, c. 679, §2 (AMD). PL 2001, c. 331, §§5,6 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7077-B. Effective date for suspensions

(REPEALED)

SECTION HISTORY

PL 1995, c. 346, §12 (NEW). PL 1997, c. 432, §16 (AMD). PL 2001, c. 421, §B70 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7077-C. Notice of suspension

(REPEALED)

SECTION HISTORY

PL 1995, c. 346, §12 (NEW). PL 2001, c. 421, §B71 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7077-D. Hearings

(REPEALED)

SECTION HISTORY

PL 1995, c. 346, §12 (NEW). PL 2001, c. 421, §B72 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7078. Refusal to issue license or permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 414, §10 (RPR). PL 1987, c. 317, §5 (AMD). PL 2001, c. 421, §B73 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7079. License revocation of habitual violator

(REPEALED)

SECTION HISTORY

PL 1983, c. 329, §3 (NEW). PL 1987, c. 317, §6 (AMD). PL 2001, c. 421, §B74 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7079-A. Compliance with support orders; license qualifications and conditions

(REPEALED)

SECTION HISTORY

PL 1993, c. 410, §V3 (NEW). PL 1995, c. 694, §D11 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 537, §6 (AMD). PL 1997, c. 537, §62 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7079-B. Licensees not in compliance with a court order of support; enforcement of parental support obligations

(REPEALED)

SECTION HISTORY

PL 1993, c. 410, §V3 (NEW). PL 1995, c. 694, §D12 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 537, §7 (AMD). PL 1997, c. 537, §62 (AFF). PL 2003, c. 396, §§5,6 (AMD). PL 2003, c. 403, §11 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7079-C. Duty to exhibit a license or permit

(REPEALED)

SECTION HISTORY

PL 1999, c. 220, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7080. Incentive for early purchase of 1985 licenses

(REPEALED)

SECTION HISTORY

PL 1983, c. 792 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7081. Temporary assessment on licenses, permits and registrations

(REPEALED)

SECTION HISTORY

PL 2003, c. 20, §L3 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 2

HUNTING

§7101. General hunting license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§7,8 (AMD). PL 1979, c. 618 (AMD). PL 1979, c. 663, §66 (AMD). PL 1979, c. 675, §§1,2 (AMD). PL 1979, c. 704, §§1-3 (AMD). PL 1981, c. 414, §§11-13 (AMD). PL 1981, c. 644, §6 (AMD). PL 1983, c. 440, §7 (AMD). PL 1983, c. 588, §6 (AMD). PL 1983, c. 807, §P3 (AMD). PL 1985, c. 304, §§10,11 (AMD). PL 1987, c. 116, §§1,2 (AMD). PL 1987, c. 696, §5 (AMD). PL 1987, c. 742, §5 (AMD). PL 1989, c. 918, §D2 (AMD). PL 1993, c. 419, §5 (AMD). PL 1995, c. 346, §13 (AMD). PL 1995, c. 436, §§2,3 (AMD). PL 1995, c. 444, §1 (AMD). PL 1995, c. 455, §§4,5 (AMD). PL 1995, c. 667, §§A18-20 (AMD). PL 1997, c. 137, §6 (AMD). PL 1997, c. 432, §§17,18 (AMD). RR 1999, c. 1, §22 (COR). PL 1999, c. 134, §§1,2 (AMD). PL 1999, c. 168, §1 (AMD). PL 1999, c. 321, §5 (AMD). PL 1999, c. 467, §1 (AMD). PL 1999, c. 467, §5 (AFF). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 387, §§7,8 (AMD). PL 2003, c. 54, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7101-A. Hunting without a license

(REPEALED)

SECTION HISTORY

PL 2003, c. 333, §3 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7102. Archery hunting license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §9 (RPR). PL 1979, c. 675, §3 (AMD). PL 1979, c. 704, §§4-6 (AMD). PL 1981, c. 414, §§14-18 (AMD). PL 1981, c. 644, §7 (AMD). PL 1983, c. 588, §7 (AMD). PL 1983, c. 807, §P4 (AMD). PL 1985, c. 91, §§1,2 (AMD). PL 1985, c. 144 (AMD). PL 1987, c. 350, §2 (AMD). PL 1987, c. 354, §1 (AMD). PL 1989, c. 913, §§A2,3 (AMD). PL 1991, c. 94 (AMD). PL 1991, c. 443, §§8-10 (AMD). PL 1993, c. 24, §2 (RP). PL 1993, c. 24, §7 (AFF). PL 1993, c. 419, §6 (AMD). PL 1995, c. 455, §6 (AMD). PL 1995, c. 455, §45 (AFF).

§7102-A. Archery hunting license

(REPEALED)

SECTION HISTORY

RR 1993, c. 1, §35 (COR). PL 1993, c. 24, §3 (NEW). PL 1993, c. 24, §7 (AFF). PL 1995, c. 455, §7 (AMD). PL 1995, c. 455, §45 (AFF). PL 1997, c. 137, §7 (AMD). PL 1999, c. 403, §6 (AMD). PL 2001, c. 387, §9 (AMD). PL 2003, c. 333, §4 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7102-B. Expanded archery deer hunting license

(REPEALED)

SECTION HISTORY

PL 1997, c. 24, §I2 (NEW). PL 1997, c. 471, §§1,2 (AMD). PL 1999, c. 16, §§G1-4 (AMD). PL 1999, c. 403, §7 (AMD). PL 2001, c. 690, §B3 (RP). PL 2001, c. 690, §B5 (AFF).

§7103. Falconry license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §10 (AMD). PL 1983, c. 807, §P5 (AMD). PL 1991, c. 443, §11 (RP).

§7103-A. Falconry hunting permit

(REPEALED)

SECTION HISTORY

PL 1991, c. 443, §12 (NEW). PL 1993, c. 419, §7 (AMD). PL 1993, c. 438, §4 (AMD). PL 1993, c. 574, §9 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7104. Commercial shooting area license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 807, §P6 (AMD). PL 1993, c. 419, §8 (AMD). PL 1997, c. 432, §19 (AMD). PL 2001, c. 49, §1 (RP).

§7104-A. Prohibition on game fees

(REPEALED)

SECTION HISTORY

PL 1993, c. 216, §1 (NEW). PL 2001, c. 49, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7105. Commercial shooting area hunting license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 414, §19 (AMD). PL 1983, c. 588, §8 (AMD). PL 1983, c. 807, §P7 (AMD). PL 1993, c. 419, §9 (AMD). PL 1993, c. 574, §10 (AMD). PL 1999, c. 325, §§1,2 (AMD). PL 1999, c. 403, §8 (AMD). PL 1999, c. 790, §A15 (AMD). PL 2001, c. 49, §3 (RP).

§7105-A. License to operate a commercial shooting area

(REPEALED)

SECTION HISTORY

PL 2001, c. 49, §4 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7106. Pheasant hunting permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §11 (AMD). PL 1991, c. 59, §2 (RP).

§7106-A. Pheasant hunting permit

(REPEALED)

SECTION HISTORY

PL 1991, c. 736, §2 (NEW). PL 1993, c. 438, §5 (RPR). PL 1995, c. 462, §A34 (RP).

§7106-B. Pheasant hunting permit

(REPEALED)

SECTION HISTORY

PL 1995, c. 462, §A35 (NEW). PL 1995, c. 462, §A92 (AFF). PL 1997, c. 137, §§8,9 (AMD). PL 1999, c. 220, §2 (AMD). PL 2003, c. 139, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7107. Muzzle-loading hunting license

(REPEALED)

SECTION HISTORY

PL 1981, c. 461, §2 (NEW). PL 1985, c. 506, §§A14-A (RP).

§7107-A. Muzzle-loading hunting season

(REPEALED)

SECTION HISTORY

PL 1985, c. 320, §2 (NEW). PL 1987, c. 317, §7 (AMD). PL 1989, c. 493, §13 (AMD). PL 1991, c. 443, §13 (AMD). PL 1993, c. 47, §§1,2 (AMD). PL 1993, c. 419, §10 (AMD). PL 1993, c. 438, §§6,7 (AMD). PL 1993, c. 574, §§11-13 (AMD). PL 1995, c. 455, §8 (AMD). PL 1995, c. 667, §A21 (AMD). PL 1997, c. 137, §10 (AMD). PL 1997, c. 432, §§20-22 (AMD). PL 1999, c. 403, §9 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7108. Coyote hunting permit

(REPEALED)

SECTION HISTORY

PL 1983, c. 401 (NEW). PL 1983, c. 797, §5 (AMD). PL 1983, c. 807, §L2 (NEW). PL 1983, c. 862, §39 (RAL). PL 1985, c. 369, §§5,6 (AMD). PL 1985, c. 718, §3 (AMD). PL 1985, c. 819, §B5 (REEN). PL 1987, c. 684, §§1-4 (AMD). PL 1989, c. 676 (AMD). PL 1995, c. 667, §A22 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7109. Migratory waterfowl permit

(REPEALED)

SECTION HISTORY

PL 1983, c. 862, §39 (RAL). PL 1985, c. 304, §12 (AMD). PL 1985, c. 573, §§1,2 (AMD). PL 1997, c. 137, §§11,12 (AMD). PL 1999, c. 220, §3 (AMD). PL 2001, c. 690, §A4 (AMD). PL 2001, c. 690, §A18 (AFF). PL 2003, c. 403, §12 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7109-A. Migratory game bird certification

(REPEALED)

SECTION HISTORY

PL 1995, c. 455, §9 (NEW). PL 1999, c. 480, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7110. Bear hunting permit

(REPEALED)

SECTION HISTORY

PL 1989, c. 458, §§1,3 (NEW). PL 1989, c. 493, §14 (NEW). PL 1989, c. 878, §A34 (RPR). PL 1991, c. 443, §14 (AMD). PL 1993, c. 419, §11 (AMD). PL 1999, c. 220, §4 (AMD). PL 2001, c. 690, §A5 (AMD). PL 2001, c. 690, §A18 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7111. Unconventional weapon deer hunting license

(REPEALED)

SECTION HISTORY

PL 1989, c. 878, §A35 (NEW). PL 1993, c. 574, §14 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7112. Tracking wounded animals with leashed dogs; fee for services

(REPEALED)

SECTION HISTORY

PL 2003, c. 54, §2 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7113. Transfer of hunting areas or zones

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 480, §3 (NEW). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 3

TRAPPING

§7131. Trapping license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§12,13 (AMD). PL 1979, c. 723, §5 (RP). PL 1979, c. 729, §1 (RP).

§7131-A. Trapping license

(REPEALED)

SECTION HISTORY

PL 1979, c. 723, §6 (NEW). PL 1981, c. 244 (AMD). PL 1981, c. 414, §20 (RP). PL 1981, c. 644, §8 (RP).

§7132. Pole trap permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §14 (RP).

§7133. Trapping license

(REPEALED)

SECTION HISTORY

PL 1979, c. 729, §2 (NEW). PL 1981, c. 123, §1 (AMD). PL 1981, c. 644, §§9,10 (AMD). PL 1983, c. 797, §§6,7 (AMD). PL 1983, c. 807, §P11 (AMD). PL 1985, c. 146, §§1,2 (AMD). PL 1985, c. 304, §13 (AMD). PL 1987, c. 28, §§1,2 (AMD). PL 1987, c. 317, §§8,9 (AMD). PL 1987, c. 696, §6 (AMD). PL 1989, c. 493, §§15-17 (AMD). PL 1993, c. 419, §12 (AMD). PL 1993, c. 574, §15 (AMD). PL 1995, c. 436, §4 (AMD). PL 1997, c. 137, §13 (AMD). PL 1999, c. 403, §10 (AMD). PL 2001, c. 294, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 4

FISHING

§7151. General fishing license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §15 (AMD). PL 1979, c. 675, §4 (AMD). PL 1979, c. 704, §§7-10 (AMD). PL 1981, c. 414, §21 (AMD). PL 1983, c. 588, §9 (AMD). PL 1983, c. 797, §8 (AMD). PL 1983, c. 807, §P8 (AMD). PL 1985, c. 304, §14 (AMD). PL 1985, c. 575, §§1-4 (AMD). PL 1989, c. 493, §18 (AMD). PL 1989, c. 918, §D3 (AMD). PL 1993, c. 419, §13 (AMD). PL 1995, c. 436, §5 (AMD). PL 1995, c. 455, §10 (AMD). PL 1997, c. 137, §14 (AMD). PL 1999, c. 168, §§2,3 (AMD). PL 1999, c. 220, §5 (AMD). PL 1999, c. 321, §6 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7152. Atlantic salmon permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 662, §§3-5 (AMD). PL 1983, c. 680, §6 (RP). PL 1985, c. 506, §§B10-A (RP).

§7153. Alewife, eel, sucker and yellow perch permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §16 (AMD). PL 1983, c. 807, §P12 (AMD). PL 1993, c. 419, §14 (AMD). PL 1993, c. 438, §8 (AMD). PL 1995, c. 455, §11 (AMD). PL 1995, c. 536, §B2 (RPR). PL 1999, c. 549, §§1,2 (AMD). PL 2001, c. 387, §10 (AMD). PL 2003, c. 276, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7154. Bass tournament permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §17 (AMD). PL 1983, c. 440, §8 (AMD). PL 1983, c. 807, §P13 (AMD). PL 1989, c. 493, §19 (AMD). PL 1991, c. 443, §15 (AMD). PL 1993, c. 419, §15 (AMD). PL 1995, c. 210, §1 (AMD). PL 1995, c. 455, §12 (AMD). PL 2001, c. 690, §A6 (AMD). PL 2001, c. 690, §A18 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7155. Fishing derby and fishing tournament permits

(REPEALED)

SECTION HISTORY

PL 1985, c. 234, §2 (NEW). PL 1991, c. 443, §§16,17 (AMD). PL 1993, c. 419, §16 (AMD). PL 1995, c. 210, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 4-A

LIFETIME LICENSES

§7161. Resident lifetime licenses

(REPEALED)

SECTION HISTORY

PL 1997, c. 679, §1 (NEW). PL 1999, c. 690, §1 (AMD). PL 2001, c. 37, §1 (AMD). PL 2001, c. 351, §§2,3 (AMD). PL 2001, c. 690, §B4 (AMD). PL 2001, c. 690, §B5 (AFF). PL 2003, c. 403, §§13,14 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7162. Lifetime privileges to be honored

(REPEALED)

SECTION HISTORY

PL 1997, c. 679, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7163. Lifetime License Fund; establishment; management

(REPEALED)

SECTION HISTORY

PL 1997, c. 679, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 5

LIVE BAIT

§7171. License to deal in live smelts and baitfish

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§18,19 (AMD). PL 1979, c. 723, §7 (AMD). PL 1981, c. 414, §22 (AMD). PL 1983, c. 588, §10 (AMD). PL 1983, c. 807, §P9 (AMD). PL 1985, c. 607, §§3,9 (RPR). PL 1987, c. 317, §§10,11 (AMD). PL 1989, c. 493, §20 (AMD). PL 1989, c. 913, §B3 (AMD). PL 1993, c. 419, §17 (AMD). PL 1993, c. 438, §9 (AMD). PL 1993, c. 574, §16 (AMD). PL 1995, c. 455, §§13-16 (AMD). PL 1995, c. 667, §A23 (AMD). PL 1997, c. 432, §§23-27 (AMD). PL 2001, c. 667, §C6 (AMD). PL 2003, c. 403, §15 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7172. Live smelt bait dealer's license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §20 (AMD). PL 1983, c. 807, §P14 (AMD). PL 1987, c. 317, §12 (RP).

§7173. Permit to take baitfish

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §8 (AMD). PL 1985, c. 607, §4 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7174. Eel permit for licensed trappers

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2001, c. 387, §11 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 6

SELLING, IMPORTING, STOCKING AND CULTIVATING FISH

§7201. License to cultivate or sell commercially grown and imported fish

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §21 (AMD). PL 1979, c. 600 (AMD). PL 1983, c. 807, §P15 (AMD). PL 1993, c. 419, §18 (AMD). PL 1997, c. 432, §28 (AMD). PL 1999, c. 315,

§§1,2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7202. Permit to import live freshwater fish or eggs

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1999, c. 315, §§3-6 (AMD). PL 2001, c. 387, §12 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7203. Permit to stock inland waters

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7204. Permit to introduce fish or fish spawn into a private pond

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7205. License to cultivate or harvest fish in private ponds

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §22 (AMD). PL 1979, c. 723, §9 (AMD). PL 1981, c. 414, §23 (AMD). PL 1981, c. 644, §§11,12 (AMD). PL 1983, c. 807, §P16 (AMD). PL 1993, c. 419, §19 (AMD). PL 1997, c. 432, §29 (RP).

§7205-A. License to operate a private fee pond

(REPEALED)

SECTION HISTORY

PL 1997, c. 432, §30 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7206. Permit to transport live fish for breeding and advertising

(REPEALED)

SECTION HISTORY

PL 1997, c. 432, §31 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 7

POSSESSING, BREEDING, EXHIBITING, PURCHASING, SELLING, IMPORTING AND TRANSPORTING OF WILD ANIMALS AN

§7231. Wildlife exhibit permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §23 (AMD). PL 1979, c. 723, §10 (AMD). PL 1981, c. 12, §3 (AMD). PL 1981, c. 414, §24 (AMD). PL 1981, c. 698, §73 (AMD). PL 1983, c. 807, §P17 (AMD). PL 1985, c. 369, §7 (AMD). PL 1985, c. 718, §4 (AMD). PL 1989, c. 493, §21 (AMD). PL 1993, c. 419, §20 (AMD). PL 1995, c. 213, §1 (AMD). PL 1999, c. 403, §11 (AMD). PL 2001, c. 269, §2 (RP).

§7232. Permit to take or import moose and caribou

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 12, §4 (AMD). PL 2001, c. 269, §3 (RP).

§7233. Breeder's permit for moose, caribou and bear

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 12, §5 (AMD). PL 2001, c. 269, §4 (RP).

§7234. Permit to sell moose, caribou and bear

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 12, §6 (AMD). PL 2001, c. 269, §5 (RP).

§7235. Breeder's license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §24 (RPR). PL 1981, c. 81 (AMD). PL 1983, c. 22, §1 (AMD). PL 1983, c. 807, §P18 (AMD). PL 1985, c. 369, §§8-10 (AMD). PL 1987, c. 317, §§13,14 (AMD). PL 1987, c. 685, §2 (AMD). PL 1989, c. 493, §22 (AMD). PL 1993, c. 438, §10 (RP).

§7235-A. Permit to possess, propagate and sell wild birds and wild animals

(REPEALED)

SECTION HISTORY

PL 1993, c. 438, §11 (NEW). PL 1993, c. 574, §17 (AMD). PL 1995, c. 213, §§2,3 (AMD). PL 1995, c. 346, §14 (AMD). PL 1995, c. 455, §17 (AMD). PL 2001, c. 269, §6 (RP).

§7235-B. Wildlife rehabilitation permit

(REPEALED)

SECTION HISTORY

PL 1999, c. 403, §12 (NEW). PL 2001, c. 269, §7 (RP).

§7235-C. Permit to possess wildlife in captivity

(REPEALED)

SECTION HISTORY

PL 2001, c. 269, §8 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7235-D. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 2001, c. 269, §8 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7236. Breeder's license for migratory game birds, partridge, grouse and pheasant

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §25 (RP).

§7237. Importation permit for wildlife

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1985, c. 369, §11 (AMD). PL 1993, c. 574, §18 (AMD). PL 1995, c. 213, §4 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7237-A. Release of wild birds and wild animals into the wild

(REPEALED)

SECTION HISTORY

PL 1987, c. 317, §15 (NEW). PL 1995, c. 213, §5 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7238. Importation permit for moose and caribou

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2001, c. 269, §9 (RP).

§7239. Importation permit for mallard ducks, quail, Chukar partridge and Hungarian partridge

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 440, §9 (AMD). PL 2001, c. 49, §5 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7240. Importation permit for pheasants

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 22, §2 (AMD). PL 1995, c. 455, §18 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7241. Permit to transport wildlife for breeding and advertising

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 644, §13 (AMD). PL 1993, c. 438, §12 (AMD). PL 1997, c. 432, §32 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7242. Permit to hunt, trap, possess, band and transport wild animals and wild birds for scientific purpose

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1999, c. 403, §13 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 8

GUIDES AND CAMP TRIP LEADERS

§7301. Guide license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §26 (RPR). PL 1979, c. 723, §§11,12 (AMD). PL 1981, c. 120 (AMD). PL 1983, c. 100, §§1-6 (AMD). PL 1983, c. 588, §11 (AMD). PL 1983, c. 797, §9 (AMD). PL 1983, c. 807, §P10 (AMD). PL 1983, c. 812, §89 (AMD). PL 1985, c. 29, §1 (AMD). PL 1985, c. 718, §§5,6 (AMD). PL 1985, c. 748, §§20-23 (AMD). PL 1987, c. 44 (AMD). PL 1987, c. 742, §6 (RP).

§7302. Junior Maine guides and trip leaders; curriculum advisory board

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §27 (RPR). PL 1983, c. 812, §90 (AMD). PL 1985, c. 304, §15 (AMD). PL 1985, c. 748, §24 (AMD). PL 1987, c. 742, §6 (RP).

§7303. Trip leader permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §27 (RPR). PL 1979, c. 723, §12A (AMD). PL 1981, c. 414, §25 (AMD). PL 1983, c. 807, §P19 (AMD). PL 1987, c. 742, §6 (RP).

SUBCHAPTER 8-A

GUIDES AND CAMP TRIP LEADERS

§7311. License required

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §§7,16 (NEW). PL 1989, c. 493, §23 (AMD). PL 1989, c. 913, §§A4,B4 (AMD). PL 1993, c. 62, §1 (AMD). PL 1993, c. 419, §21 (AMD). PL 1999, c. 403, §14 (AMD). PL 1999, c. 790, §J3 (AMD). PL 2001, c. 690, §A7 (AMD). PL 2001, c. 690, §A18 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7311-A. Guides carrying passengers for hire

(REPEALED)

SECTION HISTORY

PL 1993, c. 555, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7312. Application

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7313. Examination

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 1989, c. 53, §2 (AMD). PL 1995, c. 667, §§A24,25 (AMD). PL 1997, c. 432, §§33-35 (AMD). PL 2001, c. 55, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7313-A. Approved curriculum for licensed Maine guides

(REPEALED)

SECTION HISTORY

PL 1989, c. 53, §3 (NEW). PL 1989, c. 700, §A39 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7314. Rules

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7315. Guide license revocation

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 1991, c. 443, §18 (RPR). PL 1993, c. 258, §1 (AMD). PL 1995, c. 346, §15 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7316. Other revocation or suspension

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 1991, c. 443, §19 (RP).

§7317. Hiring a guide without a license

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7318. Violations by clients

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 1999, c. 403, §15 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7319. Guided parties

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7320. Advisory board

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 1989, c. 503, §B65 (AMD). PL 1995, c. 667, §A26 (AMD). PL 2001, c. 55, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7321. Junior Maine guides

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7322. Trip leader permit

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 1989, c. 493, §24 (AMD). PL 1993, c. 419, §22 (AMD). PL 1995, c. 502, §E30 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7323. Junior Maine Guides and Trip Leaders Curriculum Advisory Board

(REPEALED)

SECTION HISTORY

PL 1987, c. 742, §7 (NEW). PL 1989, c. 503, §B66 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 9

DOG TRAINING AREAS AND FIELD TRIALS

§7331. Special dog training area license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §28 (AMD). PL 1983, c. 807, §P20 (AMD). PL 1985, c. 369, §12 (AMD). PL 1993, c. 419, §23 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7332. License to hold field trials

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§29,30 (AMD). PL 1983, c. 807, §P21 (AMD). PL 1987, c. 696, §§7,8 (AMD). PL 1993, c. 419, §24 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 10

TAXIDERMISTS AND DEALERS IN SKINS AND FURS

§7351. Taxidermist license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §31 (AMD). PL 1981, c. 123, §2 (AMD). PL 1981, c. 644, §14 (AMD). PL 1983, c. 807, §P22 (AMD). PL 1985, c. 369, §13 (AMD). PL 1987, c. 317, §16 (AMD). PL 1989, c. 913, §§C3,5 (RP).

§7352. Hide dealer's license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §32 (RPR). PL 1979, c. 723, §§12B,13 (AMD). PL 1979, c. 729, §3 (AMD). PL 1981, c. 123, §3 (AMD). PL 1981, c. 644, §15 (AMD). PL 1983, c. 807, §P23 (AMD). PL 1985, c. 369, §14 (AMD). PL 1989, c. 913, §A5 (AMD). PL 1993, c. 419, §25 (AMD). PL 2001, c. 387, §13 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7352-A. Special hide dealer's license

(REPEALED)

SECTION HISTORY

PL 1991, c. 642 (NEW). PL 1999, c. 403, §16 (AMD). PL 2001, c. 387, §14 (AMD). PL 2003, c. 269, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7353. Fur dealer license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §33 (RP).

§7354. Taxidermy; general provisions

(REPEALED)

SECTION HISTORY

PL 1989, c. 913, §C4 (NEW). PL 1993, c. 438, §§13-16 (AMD). PL 1997, c. 432, §§36,37 (AMD). PL 2001, c. 387, §15 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7355. Advisory Board for the Licensing of Taxidermists

(REPEALED)

SECTION HISTORY

PL 1989, c. 913, §C4 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7356. Licensure

(REPEALED)

SECTION HISTORY

PL 1989, c. 913, §C4 (NEW). PL 1993, c. 438, §17 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7357. Investigation; grounds for suspension of license

(REPEALED)

SECTION HISTORY

PL 1989, c. 913, §C4 (NEW). PL 1993, c. 438, §18 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 10-A

COMMERCIAL WHITEWATER RAFTING

§7361. Legislative findings

(REPEALED)

SECTION HISTORY

PL 1979, c. 723, §14 (NEW). PL 1983, c. 502, §2 (RPR). PL 1997, c. 730, §1 (AMD). PL 1997, c. 730, §22 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7362. Commercial whitewater outfitters' license

(REPEALED)

SECTION HISTORY

PL 1979, c. 723, §14 (NEW). PL 1983, c. 502, §3 (RP).

§7363. Definitions

(REPEALED)

SECTION HISTORY

PL 1983, c. 502, §4 (NEW). PL 1985, c. 29, §2 (AMD). PL 1985, c. 571, §1 (AMD). PL 1989, c. 493, §25 (AMD). PL 1989, c. 883, §1 (AMD). PL 1995, c. 455, §19 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 730, §2 (AMD). PL 1997, c. 730, §22 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7364. River management objectives

(REPEALED)

SECTION HISTORY

PL 1983, c. 502, §4 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7365. Commercial whitewater outfitters' licenses

(REPEALED)

SECTION HISTORY

PL 1983, c. 502, §4 (NEW). PL 1983, c. 786, §1 (AMD). PL 1985, c. 669 (AMD). PL 1989, c. 883, §§2-5 (AMD). PL 1989, c. 918, §D4 (AMD). PL 1993, c. 438, §§19,20 (AMD). PL 1997, c. 730, §3 (AMD). PL 1997, c. 730, §22 (AFF). PL 2001, c. 387, §16 (AMD). PL 2001, c. 421, §B75 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7365-A. Noncommercial organizations that collect dues or fees; commercial whitewater outfitters license not required

(REPEALED)

SECTION HISTORY

PL 1995, c. 626, §1 (NEW). PL 1999, c. 153, §1 (AMD). PL 2001, c. 387, §17 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7366. Whitewater guide license

(REPEALED)

SECTION HISTORY

PL 1983, c. 502, §4 (NEW). PL 1985, c. 29, §3 (RPR). PL 1989, c. 918, §D5 (AMD). PL 1993, c. 419, §26 (AMD). PL 1995, c. 667, §§B2,3 (AMD). PL 1997, c. 432, §§38,39 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7366-A. Whitewater guide advisory board

(REPEALED)

SECTION HISTORY

PL 1995, c. 667, §B4 (NEW). PL 2001, c. 387, §18 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7367. Safety

(REPEALED)

SECTION HISTORY

PL 1983, c. 502, §4 (NEW). PL 1983, c. 786, §2 (AMD). PL 1983, c. 812, §91 (AMD). PL 1985, c. 571, §2 (AMD). PL 1989, c. 503, §B67 (AMD). PL 1989, c. 883, §§6-8 (AMD). PL 1991, c. 622, §S23 (RP). PL 1991, c. 780, §§S2,3 (AFF). PL 1997, c. 730, §4 (AMD). PL 1997, c. 730,

§22 (AFF). PL 2003, c. 403, §16 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7368. Recreational use limits

(REPEALED)

SECTION HISTORY

PL 1983, c. 502, §4 (NEW). PL 1985, c. 571, §§3,4 (AMD). PL 1987, c. 317, §17 (AMD). PL 1989, c. 883, §9 (AMD). PL 1993, c. 438, §21 (AMD). PL 1995, c. 667, §B5 (AMD). PL 1997, c. 730, §22 (AFF). PL 1997, c. 730, §§5,6 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7368-A. Rapidly flowing rivers

(REPEALED)

SECTION HISTORY

PL 1989, c. 883, §10 (NEW). PL 1995, c. 455, §20 (AMD). PL 1997, c. 730, §7 (AMD). PL 1997, c. 730, §22 (AFF). PL 2001, c. 421, §B76 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7369. Allocation system

(REPEALED)

SECTION HISTORY

PL 1983, c. 502, §4 (NEW). PL 1983, c. 786, §§3-9 (AMD). PL 1985, c. 571, §§5-8 (AMD). PL 1985, c. 718, §7 (AMD). PL 1989, c. 493, §§26,27 (AMD). PL 1989, c. 883, §§11-15 (AMD). PL 1993, c. 438, §§22-26 (AMD). PL 1993, c. 574, §19 (AMD). PL 1995, c. 455, §§21,22 (AMD). PL 1995, c. 667, §§B6,7 (AMD). PL 1997, c. 730, §§8-17 (AMD). PL 1997, c. 730, §22 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7369-A. Whitewater Advisory Committee

(REPEALED)

SECTION HISTORY

PL 1983, c. 502, §4 (NEW). PL 1983, c. 812, §§92,93 (AMD). PL 1985, c. 571, §9 (AMD). PL 1985, c. 819, §C1 (AMD). PL 1989, c. 503, §B68 (AMD). PL 1993, c. 438, §27 (RP).

§7370. Whitewater Rafting Fund

(REPEALED)

SECTION HISTORY

PL 1983, c. 502, §4 (NEW). PL 1989, c. 883, §16 (AMD). PL 1997, c. 730, §18 (AMD). PL 1997, c. 730, §22 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7370-A. Penalties

(REPEALED)

SECTION HISTORY

PL 1983, c. 502, §4 (NEW). PL 1983, c. 786, §10 (AMD). PL 2001, c. 421, §B77 (RP). PL 2001, c. 421, §C1 (AFF).

SUBCHAPTER 11

PROHIBITED ACTS

§7371. License or permit violation

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7371-A. Guide license violation

(REPEALED)

SECTION HISTORY

PL 1989, c. 913, §A6 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7371-B. Purchase of live smelts from unlicensed dealers

(REPEALED)

SECTION HISTORY

PL 1993, c. 574, §20 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7372. Intentional issuance of resident license or permit to nonresident

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1995, c. 455, §23 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7373. Fraudulently obtaining license or permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7374. Possession of altered license or permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2001, c. 294, §3 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7375. Violation of suspended or revoked license or permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7376. Obtaining a suspended or revoked license or permit

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1995, c. 667, §A27 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7376-A. Unlawfully hiring guide

(REPEALED)

SECTION HISTORY

PL 1989, c. 913, §A6 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7377. Exceptions

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §34 (AMD). PL 1979, c. 723, §15 (AMD). PL 1985, c. 78 (AMD). PL 1985, c. 506, §A15 (AMD). PL 1991, c. 443, §20 (AMD). RR 1993, c. 1, §36 (COR). PL 1993, c. 438, §§28,29 (AMD). PL 1995, c. 455, §46 (AFF). PL 1995, c. 455, §§24,25 (AMD). PL 1997, c. 796, §2 (AMD). PL 1999, c. 403, §17 (AMD). PL 2001, c. 269, §10 (AMD). PL 2001, c. 270, §§1-3 (AMD). PL 2001, c. 387, §19 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 709

HUNTING AND TRAPPING

SUBCHAPTER 1

HUNTING

§7401. Open and closed season

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7402. Archery hunting

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1993, c. 24, §4 (AMD). PL 1993, c. 24, §7 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7403. Falconry

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7404. Commercial shooting areas

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2001, c. 49, §6 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7405. Pheasant hunting

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1991, c. 59, §3 (RP).

§7405-A. Pheasant hunting

(REPEALED)

SECTION HISTORY

PL 1991, c. 736, §3 (NEW). MRSA T. 12 §7405-A, sub-§1 (RP).

§7406. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §35 (AMD). PL 1979, c. 723, §§16,16A (AMD). PL 1979, c. 732, §§7,31 (AMD). PL 1981, c. 414, §§26,27 (AMD). PL 1981, c. 461, §3 (AMD). PL 1981, c. 644, §§16-18 (AMD). PL 1983, c. 215 (AMD). PL 1983, c. 440, §10 (AMD). PL 1983, c. 797, §10 (AMD). PL 1985, c. 304, §16 (AMD). PL 1987, c. 161, §§1,2 (AMD). PL 1989, c. 913, §B5 (AMD). PL 1991, c. 19 (AMD). PL 1991, c. 175 (AMD). PL 1991, c. 222 (AMD). PL 1991, c. 443, §§21-23 (AMD). PL 1991, c. 824, §A21 (AMD). PL 1993, c. 24, §7 (AFF). PL 1993, c. 24, §§5,6 (AMD). PL 1993, c. 212, §§1,2 (AMD). PL 1995, c. 116, §1 (AMD). PL 1995, c. 667, §§A28-31 (AMD). PL 1995, c. 679, §3 (AMD). PL 1997, c. 116, §1 (AMD). PL 1997, c. 243, §§1,2 (AMD). PL 1997, c. 432, §§40,41 (AMD). PL 1997, c. 796, §§3-5 (AMD). PL 1999, c. 53, §1 (AMD). PL 1999, c. 127, §D1 (AMD). PL 1999, c. 134, §3 (AMD). PL 1999, c. 219, §1 (AMD). PL 1999, c. 220, §6 (AMD). PL 1999, c. 403, §§18,19 (AMD). PL 1999, c. 457, §1 (AMD). PL 1999, c. 467, §2 (AMD). PL 1999, c. 467, §5 (AFF). PL 1999, c. 790, §J4 (AMD). PL 2001, c. 202, §1 (AMD). PL 2001, c. 269, §11 (AMD). PL 2001, c. 387, §20 (AMD). PL 2001, c. 421, §B78 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 610, §2 (AMD). PL 2003, c. 333, §§5-9 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D1 (AFF). PL 2003, c. 614, §9 (AFF).

§7406-A. Target identification while hunting

(REPEALED)

SECTION HISTORY

PL 1991, c. 350 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7407. Migratory waterfowl hunting

(REPEALED)

SECTION HISTORY

PL 1983, c. 807, §L3 (NEW). PL 1983, c. 862, §40 (AMD). PL 1985, c. 304, §17 (AMD). PL 2001, c. 49, §7 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7408. Implied consent to chemical tests

(REPEALED)

SECTION HISTORY

PL 1991, c. 443, §24 (NEW). PL 1995, c. 679, §4 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 2

TRAPPING

§7431. Open and closed seasons

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7432. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§36,37 (AMD). PL 1979, c. 663, §67 (AMD). PL 1979, c. 723, §17 (AMD). PL 1979, c. 732, §§8,31 (AMD). PL 1981, c. 414, §28 (AMD). PL 1981, c. 644, §19 (AMD). PL 1985, c. 369, §§15,16 (AMD). PL 1985, c. 718, §8 (AMD). PL 1987, c. 317, §18 (AMD). PL 1989, c. 493, §28 (AMD). PL 1989, c. 913, §B6 (AMD). PL 1991, c. 282, §1 (AMD). PL 1997, c. 283, §§1-3 (AMD). PL 2001, c. 307, §§5-10 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 3

SPECIFIC ANIMALS

§7451. Bear

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 222 (AMD). PL 1981, c. 224, §1 (AMD). PL 1981, c. 414, §§29,40 (AMD). PL 1981, c. 470, §B2 (AMD). PL 1981, c. 644, §20 (AMD). PL 1987, c. 171 (AMD). PL 1987, c. 212, §2 (AMD). PL 1987, c. 696, §9 (AMD). PL 1989, c. 493, §29 (AMD). PL 1989, c. 913, §§A7,8 (AMD). PL 1993, c. 167, §1 (AMD). PL 1995, c. 455, §26 (AMD). PL 1995, c. 667, §A32 (AMD). PL 1997, c. 432, §42 (AMD). PL 1997, c. 463, §1 (AMD). PL 2003, c. 331, §§1,2 (AMD). PL 2003, c. 333, §§10,11 (AMD). PL 2003, c. 403, §17 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7452. Prohibited acts relating to bear

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§38-40 (AMD). PL 1979, c. 723, §§18,18A,18B (AMD). PL 1981, c. 644, §§21-23 (AMD). PL 1985, c. 369, §§17,18 (AMD). PL 1987, c. 317, §§19-21 (AMD). PL 1987, c. 587 (AMD). PL 1987, c. 696, §10 (AMD). PL 1987, c. 742, §8 (AMD). PL 1989, c. 493, §§30-34 (AMD). PL 1989, c. 913, §§A9,B7 (AMD). PL 1995, c. 455, §§27,28 (AMD). PL 1997, c. 282, §1 (AMD). PL 1999, c. 322, §§1-7 (AMD). PL 1999, c. 403, §20 (AMD). PL 2003, c. 331, §§3-10 (AMD). PL 2003, c. 333, §§12-15 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7453. Beaver

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §41 (AMD). PL 1979, c. 732, §§9,31 (RP).

§7453-A. Trapping beaver

(REPEALED)

SECTION HISTORY

PL 1991, c. 282, §2 (NEW). MRSA T. 12 §7453-A, sub-§3 (RP).

§7453-B. Trapping beaver

(REPEALED)

SECTION HISTORY

PL 1993, c. 438, §30 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7454. Prohibited acts relating to beaver

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §42 (AMD). PL 1979, c. 732, §§10,31 (AMD). PL 1991, c. 443, §25 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7455. Birds

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 69 (AMD). PL 1985, c. 369, §19 (AMD). PL 1985, c. 718, §9 (AMD). PL 1999, c. 403, §21 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7456. Prohibited acts relating to birds

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 414, §30 (AMD). PL 1989, c. 252, §1 (AMD). PL 1995, c. 455, §29 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7456-A. Caribou

(REPEALED)

SECTION HISTORY

PL 1979, c. 543, §43 (NEW). PL 2001, c. 269, §12 (RP).

§7456-B. Prohibited acts relating to caribou

(REPEALED)

SECTION HISTORY

PL 1979, c. 543, §43 (NEW). PL 2001, c. 269, §12 (RP). PL 2001, c. 331, §7 (RP). PL 2001, c. 421, §B79 (RP). PL 2001, c. 421, §C1 (AFF).

§7457. Deer

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §44 (AMD). PL 1981, c. 27 (AMD). PL 1981, c. 414, §§31,32 (AMD). PL 1981, c. 624 (AMD). PL 1981, c. 644, §24 (AMD). PL 1983, c. 271 (AMD). PL 1983, c. 819, §A26 (AMD). PL 1985, c. 230 (AMD). PL 1989, c. 493, §35 (AMD). PL 1991, c. 170 (AMD). PL 1991, c. 398 (AMD). PL 1993, c. 246, §1 (AMD). PL 1993, c. 574, §21 (AMD). PL 1995, c. 455, §§30,31 (AMD). PL 1997, c. 225, §1 (AMD). PL 1997, c. 432, §43 (AMD). PL 1997, c. 463, §2 (AMD). PL 1999, c. 16, §G5 (AMD). PL 1999, c. 141, §1 (AMD). PL 1999, c. 323, §1 (AMD). PL 1999, c. 323, §3 (AFF). PL 1999, c. 636, §§2-4 (AMD). PL 1999, c. 636, §6 (AFF). PL 2001, c. 131, §1 (AMD). PL 2001, c. 296, §1 (AMD). PL 2001, c. 690, §A18 (AFF). PL 2001, c. 690, §§A8,9 (AMD). PL 2003, c. 331, §§11,12 (AMD). PL 2003, c. 333, §16 (AMD). PL 2003, c. 403, §§18-21 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7458. Prohibited acts relating to deer

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§45-47 (AMD). PL 1979, c. 704, §§11,12 (AMD). PL 1979, c. 723, §§18C-19B (AMD). PL 1981, c. 414, §§33,34 (AMD). PL 1981, c. 644, §§25-27 (AMD). PL 1983, c. 186 (AMD). PL 1985, c. 369, §20 (AMD). PL 1987, c. 144 (AMD). PL 1987, c. 685, §3 (AMD). PL 1989, c. 493, §36 (AMD). PL 1989, c. 705, §2 (AMD). PL 1993, c. 156, §§1,2 (AMD). PL 1993, c. 438, §§31-33 (AMD). PL 1995, c. 455, §§32,33 (AMD). PL 1997, c. 282, §2 (AMD). PL 1999, c. 322, §§8-12 (AMD). PL 1999, c. 403, §§22,23 (AMD). PL 1999, c. 588, §§1,2 (AMD). PL 2003, c. 331, §§13-20 (AMD). PL 2003, c. 333, §§17-19 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7459. Fisher

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §48 (RP).

§7460. Prohibited acts relating to fisher

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §48 (RP).

§7461. Hares and rabbits

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1997, c. 280, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7462. Prohibited acts relating to hares and rabbits

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §49 (AMD). PL 2001, c. 387, §21 (AMD). PL 2003, c. 331, §21 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7463. Moose

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §50 (RPR). PL 1981, c. 118, §1 (RP).

§7463-A. Moose

(REPEALED)

SECTION HISTORY

PL 1981, c. 118, §2 (NEW). PL 1983, c. 797, §11 (AMD). PL 1985, c. 120, §§1,2 (AMD). PL 1985, c. 232 (AMD). PL 1987, c. 696, §11 (AMD). PL 1987, c. 742, §9 (AMD). PL 1989, c. 134 (AMD). PL 1989, c. 493, §§37,38,76 (AMD). PL 1993, c. 206, §§1-6 (AMD). PL 1993, c. 206, §7 (AFF). PL 1993, c. 419, §27 (AMD). PL 1993, c. 574, §22 (AMD). PL 1993, c. 577, §1 (AMD). PL 1993, c. 680, §A21 (AMD). PL 1995, c. 443, §§1,2 (AMD). PL 1995, c. 455, §34 (AMD). RR 1997, c. 1, §11 (COR). PL 1997, c. 24, §I3 (AMD). PL 1997, c. 432, §§44-46 (AMD). PL 1997, c. 490, §§1,2 (AMD). PL 1999, c. 324, §1 (AMD). PL 1999, c. 402, §§2-7 (AMD). PL 2001, c. 387, §§22-26 (AMD). PL 2001, c. 690, §A18 (AFF). PL 2001, c. 690, §§A10,11 (AMD). RR 2003, c. 1, §8 (COR). PL 2003, c. 20, §L4 (AMD). PL 2003, c. 331, §22 (AMD). PL 2003, c. 333, §20 (AMD). PL 2003, c. 403, §22 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7464. Prohibited acts relating to moose

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §50 (RPR). PL 1979, c. 723, §§20,21 (AMD). PL 1981, c. 118, §§3-9 (AMD). PL 1985, c. 369, §21 (AMD). PL 1987, c. 317, §22 (AMD). PL 1987, c. 696, §§12-14 (AMD). PL 1989, c. 493, §39 (AMD). PL 1989, c. 705, §3 (AMD). PL 1993, c. 88, §1 (AMD). PL 1993, c. 438, §34 (AMD). PL 1995, c. 455, §35 (AMD). PL 1999, c. 9, §1 (AMD). PL 1999, c. 322, §13 (AMD). PL 1999, c. 403, §§24-27 (AMD). PL 1999, c. 790, §A16 (AMD). PL 2001, c. 269, §13 (AMD). PL 2003, c. 331, §§23-28 (AMD). PL 2003, c. 333, §21 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7465. Muskrat

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 797, §12 (RP).

§7466. Prohibited acts relating to muskrat

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 732, §§11,31 (AMD). PL 1991, c. 443, §26 (RP).

§7467. Raccoons

(REPEALED)

SECTION HISTORY

PL 1981, c. 575 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7468. Wild turkeys

(REPEALED)

SECTION HISTORY

PL 1985, c. 95, §1 (NEW). PL 1985, c. 506, §A16 (AMD). PL 1993, c. 574, §23 (AMD). PL 1999, c. 323, §2 (AMD). PL 1999, c. 323, §3 (AFF). PL 2001, c. 6, §1 (AMD). PL 2001, c. 56, §§1-3 (AMD). PL 2001, c. 294, §4 (AMD). PL 2001, c. 530, §1 (AMD). PL 2001, c. 655, §§1-10 (AMD). PL 2001, c. 655, §20 (AFF). PL 2001, c. 690, §A12 (AMD). PL 2003, c. 331, §29 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 510, §A9 (AMD). PL 2003, c. 614, §9 (AFF).

§7469. Prohibited acts relating to wild turkeys

(REPEALED)

SECTION HISTORY

PL 1985, c. 95, §1 (NEW). PL 2001, c. 655, §20 (AFF). PL 2001, c. 655, §§11,12 (AMD). PL 2003, c. 331, §30 (AMD). PL 2003, c. 403, §23 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7470. Commercial harvest of snapping turtles

(REPEALED)

SECTION HISTORY

PL 1987, c. 608 (NEW). PL 2001, c. 200, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7471. Taking of snakes and turtles from the wild for commercial purposes

(REPEALED)

SECTION HISTORY

PL 1993, c. 127, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7472. Pheasants

(REPEALED)

SECTION HISTORY

PL 2003, c. 139, §2 (NEW). PL 2003, c. 333, §23 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 3-A

HUNTERS FOR THE HUNGRY PROGRAM

§7481. Hunters for the Hungry Program; established

(REPEALED)

SECTION HISTORY

PL 1995, c. 667, §C2 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7482. Rules

(REPEALED)

SECTION HISTORY

PL 1995, c. 667, §C2 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7483. Food donations; exemption from civil liability

(REPEALED)

SECTION HISTORY

PL 1995, c. 667, §C2 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 4

ANIMALS OR WILD TURKEY CAUSING DAMAGE OR NUISANCE

§7501. Attacking domestic animals or destroying property

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 563, §1 (AMD). PL 2001, c. 199, §1 (AMD). PL 2001, c. 655, §14 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7502. Damage to crops or orchards

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §22 (AMD). PL 1981, c. 563, §2 (AMD). PL 2001, c. 199, §2 (AMD). PL 2001, c. 655, §15 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7503. Damage to motor vehicles by wild animals or wild birds

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §23 (AMD). PL 1981, c. 644, §28 (AMD). PL 1991, c. 443, §27 (AMD). PL 2001, c. 655, §16 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7504. Specific animals

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 563, §3 (AMD). PL 1983, c. 440, §11 (AMD). PL 1989, c. 493, §40 (AMD). PL 1993, c. 574, §§24,25 (AMD). PL 1995, c. 351, §6 (AMD). PL 2001, c. 199, §3 (AMD). PL 2001, c. 655, §17 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7505. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §24 (AMD). PL 2001, c. 199, §4 (AMD). PL 2003, c. 403, §24 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 4-A

COYOTE AWARD PROGRAM

§7521. Coyote Award Program

(REPEALED)

SECTION HISTORY

PL 1989, c. 277, §1 (NEW). MRSA T. 12 §7521, sub-§5 (RP).

SUBCHAPTER 4-B

TAGGING AND REGISTRATION OF WILD ANIMALS AND WILD BIRDS

§7523. Registration stations and agents

(REPEALED)

SECTION HISTORY

PL 2003, c. 331, §31 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7524. Tags and tagging

(REPEALED)

SECTION HISTORY

PL 2003, c. 331, §31 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7525. Registration of bear, deer, moose or wild turkey

(REPEALED)

SECTION HISTORY

PL 2003, c. 331, §31 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7526. Condition of animal presented for registration

(REPEALED)

SECTION HISTORY

PL 2003, c. 331, §31 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7527. Time limits for registering bear, deer, moose or wild turkey

(REPEALED)

SECTION HISTORY

PL 2003, c. 331, §31 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7528. False registration of bear, deer, moose or wild turkey

(REPEALED)

SECTION HISTORY

PL 2003, c. 331, §31 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7529. Possessing unregistered bear, deer, moose or wild turkey

(REPEALED)

SECTION HISTORY

PL 2003, c. 331, §31 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 5

TRANSPORTATION OF WILD ANIMALS AND WILD BIRDS

§7531. Transportation

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1999, c. 322, §14 (AMD). PL 2003, c. 331, §32 (RPR). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7532. Transportation by nonresidents

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1999, c. 322, §15 (RP).

§7532-A. Transportation by nonresidents

(REPEALED)

SECTION HISTORY

PL 1999, c. 322, §16 (NEW). PL 2003, c. 331, §33 (RP). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF).

§7533. Method of transportation

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 331, §34 (RP). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF).

§7534. Common carriers

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7535. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 331, §35 (RP). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF).

CHAPTER 710

HARASSMENT OF HUNTERS, TRAPPERS AND FISHERMEN

§7541. Harassment prohibited

(REPEALED)

SECTION HISTORY

PL 1983, c. 366 (NEW). PL 2001, c. 421, §B80 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7542. Injunction; damages

(REPEALED)

SECTION HISTORY

PL 1983, c. 366 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 711

FISHING

SUBCHAPTER 1

GENERAL PROVISIONS

§7551. Application of laws

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1997, c. 432, §47 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7552. Open and closed seasons

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §51 (AMD). PL 1979, c. 723, §25 (AMD). PL 1983, c. 274, §§1-3 (AMD). PL 1983, c. 440, §12 (AMD). PL 1987, c. 115, §§1,2 (AMD). PL 1989, c. 913, §§A10,11,B8, 10 (AMD). PL 1991, c. 443, §§28,29 (AMD). PL 1993, c. 155, §§1-3 (AMD). PL 1993, c. 349, §27 (AMD). PL 1995, c. 406, §§8,9 (AMD). PL 1999, c. 319, §1 (AMD). PL 2001, c. 387, §27 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7552-A. Smelt fishing in Long Lake

(REPEALED)

SECTION HISTORY

PL 2003, c. 336, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7553. Waters closed to fishing

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §52 (AMD). PL 1987, c. 696, §15 (AMD). PL 1989, c. 493, §§41-44 (AMD). PL 1991, c. 443, §§30,31 (AMD). RR 1999, c. 1, §23 (COR). PL 1999, c. 403, §§28-30 (AMD). PL 2003, c. 403, §25 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7554. Number and amount limits

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§53-55 (AMD). PL 1979, c. 723, §26 (RP).

§7555. Weight limits

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§56,57 (AMD). PL 1979, c. 723, §27 (RP).

§7556. Length limits

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§58,59 (AMD). PL 1979, c. 723, §28 (RP).

§7557. Identifying waters where children may fish with single baited hook and line

(REPEALED)

SECTION HISTORY

PL 1995, c. 455, §36 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7558. No special fishing regulations on Big Machias River

(REPEALED)

SECTION HISTORY

PL 1999, c. 403, §31 (NEW). MRSA T. 12 §7558 (RP).

§7559. Aroostook River

(REPEALED)

SECTION HISTORY

PL 1999, c. 642, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 2

ICE FISHING

§7571. Areas closed to ice fishing

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §60 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7572. Restrictions

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1985, c. 369, §22 (AMD). PL 1987, c. 696, §16 (AMD). PL 1989, c. 493, §§45,46 (AMD). PL 1993, c. 438, §35 (AMD). PL 2001, c. 667, §C7 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7573. Illegal use of antifreeze

(REPEALED)

SECTION HISTORY

PL 1989, c. 232 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 3

PROHIBITED ACTS

§7601. Closed season violation

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 414, §35 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7602. Fishing in inland waters closed to fishing

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7603. Illegal fishing for Atlantic salmon

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1995, c. 406, §10 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7604. Violation of number, amount, weight or size limits

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §29 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7604-A. Illegal possession of live fish

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 491, §3 (NEW). PL 2003, c. 614, §9 (AFF).

§7605. Illegally introducing fish or fish spawn

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2001, c. 387, §28 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7606. Selling, using or possessing baitfish

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1985, c. 607, §5 (RPR). PL 1989, c. 618, §§1,2 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T20 (AMD). PL 1991, c. 591, §T20 (AMD). PL 1991, c. 784, §11 (AMD). PL 2001, c. 387, §29 (AMD). PL 2003, c. 403, §26 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 688, §C3 (AMD).

§7606-A. Disturbing baitfish traps or baitfish holding boxes

(REPEALED)

SECTION HISTORY

PL 1985, c. 607, §6 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7606-B. Failure to check baitfish traps

(REPEALED)

SECTION HISTORY

PL 1995, c. 455, §37 (NEW). PL 1997, c. 432, §48 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7607. Snagging

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §61 (AMD). PL 1993, c. 438, §36 (RPR). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7608. Fishing with illegal implements or devices

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 440, §13 (AMD). PL 1987, c. 696, §17 (AMD). PL 1997, c. 432, §49 (AMD). PL 1999, c. 321, §7 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7608-A. Illegal sale of lead sinkers

(REPEALED)

SECTION HISTORY

PL 1999, c. 380, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7609. Possession of illegal implements and devices

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1999, c. 321, §8 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7610. Illegal use of a helicopter

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1999, c. 321, §9 (RP).

§7611. Fishing with more than 2 lines

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7612. Use or possession of live fish as bait in reclaimed waters

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §30 (RP).

§7613. Importing live bait

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7614. Illegal use of hellgramites

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1997, c. 432, §50 (RP).

§7615. Purchase or sale of certain fish

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7616. Illegal importation or sale of certain fresh or frozen fish

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §31 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7617. Taking fish by an explosive, poisonous or stupefying substance

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7618. Illegal angling or fishing

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §32 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7619. Use of illegal implements or devices on the Pleasant River in Washington County

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §62 (RP).

§7620. Possession of illegal implements or devices on the Pleasant River in Washington County

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §62 (RP).

§7621. Use or possession of gill net

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §33 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7622. Advance baiting

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7623. Unlawfully trolling a fly

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7624. Abuse of another person's property

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7625. Failure to label fish

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7626. Night ice fishing

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7627. Leaving an ice fishing shack

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1985, c. 304, §18 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7627-A. Illegally placing ice fishing shack

(REPEALED)

SECTION HISTORY

PL 1989, c. 493, §47 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7627-B. Removal of abandoned ice-fishing shacks

(REPEALED)

SECTION HISTORY

PL 1993, c. 144, §2 (NEW). PL 1997, c. 508, §A3 (AFF). PL 1997, c. 508, §B2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7628. Failing to label ice fishing shack

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7629. Violation of ice fishing restriction

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7630. Exceptions

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §63 (AMD). PL 1985, c. 369, §23 (AMD). PL 1985, c. 607, §§7,8 (AMD). PL 1989, c. 493, §48 (AMD). PL 1997, c. 432, §51 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 713

WILDLIFE AND FISHERIES MANAGEMENT

SUBCHAPTER 1

WILDLIFE SANCTUARIES AND WILDLIFE MANAGEMENT AREAS

§7651. Wildlife sanctuaries

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1985, c. 88 (AMD). PL 1989, c. 913, §A12 (AMD). PL 1991, c. 98 (AMD). PL 1997, c. 288, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7652. Wildlife management areas and public access sites

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §34 (AMD). PL 1981, c. 644, §29 (AMD). PL 1985, c. 304, §19 (AMD). PL 1989, c. 493, §49 (AMD). PL 1991, c. 443, §32 (AMD). PL 1995, c. 455, §38 (AMD). PL 1997, c. 796, §6 (AMD). PL 2001, c. 466, §8 (AMD). PL 2003, c. 21, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7653. Commissioner's authority over sanctuaries; wildlife management areas and access sites

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 414, §36 (AMD). PL 1995, c. 455, §39 (AMD). PL 1999, c. 403, §32 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7654. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 644, §30 (AMD). PL 2001, c. 198, §§1,2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7655. Prohibited acts in violation of rules or regulations of the Maine Indian Tribal-State Commission

(REPEALED)

SECTION HISTORY

PL 1979, c. 732, §§12,31 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 2

FISH HATCHERIES, FEEDING STATIONS, SCREENS AND SPAWNING AREAS

§7671. Hatcheries and feeding stations

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7671-A. Fish hatchery maintenance fund

(REPEALED)

SECTION HISTORY

PL 2001, c. 462, §A1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7672. Screens

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7673. Fish spawning areas

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7674. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7675. Aquaculture stock

(REPEALED)

SECTION HISTORY

PL 1991, c. 679 (NEW). PL 1995, c. 406, §11 (AMD). PL 1999, c. 401, §BB6 (RP).

SUBCHAPTER 3

FISHWAYS AND DAMS

§7701. Construction and repair of fishways

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 374, §1 (RP).

§7701-A. Fishways in dams and other artificial obstructions

(REPEALED)

SECTION HISTORY

PL 1983, c. 374, §2 (NEW). PL 2001, c. 146, §§1,2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7701-B. Construction of new dams or other artificial obstructions

(REPEALED)

SECTION HISTORY

PL 1983, c. 374, §3 (NEW). PL 1989, c. 502, §B10 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7701-C. Violations; fines

(REPEALED)

SECTION HISTORY

PL 1989, c. 275, §2 (NEW). PL 2001, c. 146, §3 (AMD). PL 2001, c. 387, §30 (AMD). PL 2001, c. 387, §55 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7701-D. Rules

(REPEALED)

SECTION HISTORY

PL 1989, c. 275, §2 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7702. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 4

WILD ANIMALS IN CAPTIVITY

§7731. Wildlife exhibits

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 644, §31 (AMD). PL 2001, c. 269, §14 (RP).

§7732. Propagating of wild animals and wild birds

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1993, c. 438, §37 (AMD). PL 2001, c. 269, §15 (RP).

§7733. Importation of wildlife

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2001, c. 269, §16 (RP).

§7734. Use of wildlife for advertising or scientific purposes

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2001, c. 269, §16 (RP).

§7735. State game farms

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7735-A. Maine Wildlife Park Fund

(REPEALED)

SECTION HISTORY

PL 1991, c. 528, §KK2 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §KK2 (NEW). PL 1999, c. 403, §33 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7736. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 644, §§32,33 (AMD). PL 1983, c. 440, §14 (AMD). PL 1993, c. 438, §38 (AMD). PL 1993, c. 680, §B1 (AMD). PL 2001, c. 269, §17 (RP).

SUBCHAPTER 5

ENDANGERED SPECIES

§7751. Declaration of purpose

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 573, §2 (AMD). PL 2003, c. 614, §9 (AFF).

§7752. Commissioner's investigations and programs

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7753. Designation of endangered species

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1995, c. 415, §2 (AMD). PL 1995, c. 667, §§A33,34 (AMD). PL 1997, c. 290, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 573, §3 (AMD). PL 2003, c. 614, §9 (AFF).

§7754. Conservation of endangered species

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1987, c. 800, §1 (AMD). PL 1995, c. 243, §1 (AMD). PL 1997, c. 290, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 573, §4 (AMD). PL 2003, c. 614, §9 (AFF).

§7755. Cooperative agreements

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7755-A. State and local cooperation

(REPEALED)

SECTION HISTORY

PL 1987, c. 800, §2 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7756. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1987, c. 175, §2 (AMD). PL 1999, c. 316, §1 (AMD). PL 2003, c. 113, §§1-4 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7757. Maine Endangered and Nongame Wildlife Fund

(REPEALED)

SECTION HISTORY

PL 1983, c. 526, §2 (NEW). PL 1983, c. 807, §J (AMD). PL 1983, c. 807, §Q3 (AMD). PL 1983, c. 819, §A27 (AMD). PL 1985, c. 304, §20 (AMD). PL 1993, c. 168, §§1,2 (AMD). PL 1993, c. 410, §BBB2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7758. Judicial enforcement

(REPEALED)

SECTION HISTORY

PL 1987, c. 800, §3 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7759. Maine Environmental Trust Fund

(REPEALED)

SECTION HISTORY

PL 1993, c. 410, §BBB3 (NEW). PL 1993, c. 567, §1 (AMD). PL 1993, c. 683, §B2 (AMD). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A28 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 217, §1 (AMD). PL 1995, c. 508, §1 (AMD). PL 1997, c. 678, §15 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7760. Introduction of wolves to State; approval required

(REPEALED)

SECTION HISTORY

PL 2001, c. 227, §2 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 6

FISH OR WILDLIFE CULTURE AND SCIENTIFIC RESEARCH

§7771. Commissioner's authority

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1987, c. 241, §§1,2 (AMD). PL 1989, c. 493, §50 (AMD). PL 1991, c. 735, §1 (AMD). PL 1997, c. 255, §1 (AMD). PL 2001, c. 387, §31 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7772. United States Fish and Wildlife Service

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7773. Fish and wildlife restoration

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7774. Penobscot Nation research

(REPEALED)

SECTION HISTORY

PL 1991, c. 357 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7775. Certain stocking prohibited

(REPEALED)

SECTION HISTORY

PL 1995, c. 121, §1 (NEW). PL 1997, c. 440, §§1,2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 7

ALTERATION OF RIVERS, STREAMS AND BROOKS

§7776. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1985, c. 481, §A45 (RP).

§7776-A. Special protection for outstanding river segments

(REPEALED)

SECTION HISTORY

PL 1983, c. 458, §6 (NEW). PL 1985, c. 481, §A46 (RP).

§7777. Permits

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 194, §2 (AMD). PL 1983, c. 458, §7 (AMD). PL 1985, c. 481, §A47 (RP).

§7778. Appeal

(REALLOCATED TO TITLE 38, SECTION 428)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1985, c. 481, §A48 (RAL).

§7779. Penalties

(REALLOCATED TO TITLE 38, SECTION 429)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 796, §6 (RPR). PL 1985, c. 481, §A49 (RAL).

§7780. Exceptions

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 458, §8 (AMD). PL 1983, c. 819, §A28 (AMD). PL 1985, c. 481, §A50 (RP).

CHAPTER 714

MAINE OUTDOOR HERITAGE FUND

§7781. Definitions

(REPEALED)

SECTION HISTORY

PL 1995, c. 494, §6 (NEW). PL 1995, c. 502, §E32 (AMD). PL 1999, c. 556, §22 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7782. Fund established

(REPEALED)

SECTION HISTORY

PL 1995, c. 494, §6 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7783. Purpose of fund

(REPEALED)

SECTION HISTORY

PL 1995, c. 494, §6 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7784. Relation to other funding

(REPEALED)

SECTION HISTORY

PL 1995, c. 494, §6 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7785. Fund availability

(REPEALED)

SECTION HISTORY

PL 1995, c. 494, §6 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7786. Fund administration

(REPEALED)

SECTION HISTORY

PL 1995, c. 494, §6 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7787. Expenditures from the fund; distribution

(REPEALED)

SECTION HISTORY

PL 1995, c. 494, §6 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7788. Maine Outdoor Heritage Fund Board

(REPEALED)

SECTION HISTORY

PL 1995, c. 494, §6 (NEW). PL 1995, c. 502, §E32 (AMD). PL 1999, c. 556, §23 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7789. Fund distribution criteria for strategic plan and grants

(REPEALED)

SECTION HISTORY

PL 1995, c. 494, §6 (NEW). PL 1995, c. 502, §E32 (AMD). PL 1999, c. 556, §24 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 715

WATERCRAFT, SNOWMOBILES, AIRMOBILES AND ALL-TERRAIN VEHICLES

SUBCHAPTER 1

WATERCRAFT

§7791. Definitions

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§64-66 (AMD). PL 1983, c. 819, §A29 (AMD). PL 1987, c. 196, §1 (AMD). PL 1989, c. 469, §1 (AMD). PL 1997, c. 540, §1 (AMD). PL 2001, c. 191, §1 (AMD). PL 2001, c. 434, §§A1,2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7792. Commissioner's rule-making authority

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §67 (AMD). PL 1983, c. 588, §12 (AMD). PL 1985, c. 579, §§1,7 (AMD). PL 1989, c. 493, §51 (AMD). PL 1991, c. 301, §§2,3 (AMD). PL 1991, c. 784, §12 (AMD). PL 1991, c. 838, §§2-5 (AMD). PL 1993, c. 349, §§28-30 (AMD). PL 2001, c. 294, §6 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7792-A. Rules on operation of airmobiles

(REPEALED)

SECTION HISTORY

PL 1979, c. 543, §68 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7793. Commissioner's powers and duties

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1985, c. 579, §§2,3,7 (AMD). PL 1997, c. 526, §14 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7793-A. Collection by commissioner

(REPEALED)

SECTION HISTORY

PL 1989, c. 588, §C1 (NEW). PL 1991, c. 586, §1 (AMD). PL 1997, c. 24, §I4 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7793-B. Original registration defined

(REPEALED)

SECTION HISTORY

PL 1989, c. 588, §C1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7793-C. Payment of sales or use tax a prerequisite to registration

(REPEALED)

SECTION HISTORY

PL 1989, c. 588, §C1 (NEW). PL 1989, c. 878, §A36 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7793-D. Certificates to be forwarded to the State Tax Assessor

(REPEALED)

SECTION HISTORY

PL 1989, c. 588, §C1 (NEW). PL 1991, c. 586, §2 (RPR). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7793-E. Collection by State Tax Assessor

(REPEALED)

SECTION HISTORY

PL 1989, c. 588, §C1 (NEW). PL 1991, c. 586, §3 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7794. Certificate of number

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§69,70 (AMD). PL 1979, c. 720, §§1,2 (AMD). PL 1983, c. 92, §§B-1-3 (AMD). PL 1983, c. 572, §§1-3,12 (AMD). PL 1983, c. 632, §§A1,A2,B1, B7 (AMD). PL 1983, c. 866, §§B1,B3 (AMD). PL 1985, c. 579, §§4,5,7 (AMD). PL 1989, c. 493, §§52,53 (AMD). PL 1989, c. 913, §B11 (AMD). PL 1995, c. 695, §§1,2 (AMD). PL 1997, c. 24, §§I5,6 (AMD). PL 1997, c. 324, §7 (AFF). PL 1997, c. 324, §§1,2 (AMD). PL 2001, c. 294, §§7,8 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7794-A. History of ownership

(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A30 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7794-B. Lake and river protection sticker

(REPEALED)

SECTION HISTORY

PL 2001, c. 434, §A3 (NEW). PL 2001, c. 626, §1 (AMD). PL 2001, c. 626, §22 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7794-C. Lake and river protection sticker required

(REPEALED)

SECTION HISTORY

PL 2001, c. 434, §A3 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §A1 (AMD). PL 2003, c. 655, §A2 (AFF).

§7795. Dealer's certificate of number

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 720, §3 (AMD). PL 1989, c. 493, §54 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7796. Twenty-day boat number and registration

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1989, c. 493, §55 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7797. Permit to hold a regatta, race, boat exhibition or water-ski exhibition

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 158 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7798. Certificate of number for motorboats carrying passengers for hire

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7798-A. Certificate of number for motorboats rented or leased

(REPEALED)

SECTION HISTORY

PL 1985, c. 304, §21 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7798-B. Personal watercraft rental agent certificate

(REPEALED)

SECTION HISTORY

PL 1999, c. 403, §34 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7799. Operator's license to carry passengers for hire

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1987, c. 742, §10 (AMD). PL 1991, c. 443, §33 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7799-A. Waste water discharge in inland waters

(REPEALED)

SECTION HISTORY

PL 1989, c. 406, §§1,3 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7800. Disposition of revenues

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 720, §4 (AMD). PL 1981, c. 414, §37 (AMD). PL 1983, c. 819, §A31 (AMD). PL 1989, c. 469, §2 (AMD). PL 1989, c. 918, §§D6-8 (AMD). PL 1997, c. 24, §I7 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7800-A. Operating airmobile on land of another

(REPEALED)

SECTION HISTORY

PL 1979, c. 543, §71 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7801. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§72-76 (AMD). PL 1979, c. 723, §§35,36 (AMD). PL 1981, c. 644, §34 (AMD). PL 1981, c. 698, §74 (AMD). PL 1983, c. 572, §§4,12 (AMD). PL 1983, c. 632, §§A3,B2,B7 (AMD). PL 1985, c. 304, §22 (AMD). PL 1987, c. 196, §§2,3 (AMD). PL 1989, c. 406, §§2,3 (AMD). PL 1989, c. 469, §§3,4 (AMD). PL 1989, c. 599, §§1,2 (AMD). PL 1989, c. 913, §§A13,B12 (AMD). PL 1991, c. 28 (AMD). PL 1995, c. 455, §40 (AMD). PL 1995, c. 667, §B8 (AMD). PL 1995, c. 679, §5 (AMD). PL 1997, c. 540, §2 (AMD). PL 1997, c. 739, §§2-6 (AMD). PL 1999, c. 400, §1 (AMD). PL 1999, c. 436, §1 (AMD). PL 1999, c. 697, §§1-4 (AMD). PL 1999, c. 790, §§O1,2 (AMD). RR 2001, c. 1, §16 (COR). PL 2001, c. 387, §§32-34 (AMD). PL 2001, c. 421, §§B81-83 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 434, §A4 (AMD). PL 2001, c. 471, §§D11,12 (AMD). PL 2001, c. 638, §§1-5 (AMD). PL 2003, c. 258, §§1,2 (AMD). PL 2003, c. 277, §1 (AMD). PL 2003, c. 403, §27 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 484, §§1,2 (AMD). PL 2003, c. 614, §9 (AFF).

§7802. Operating within the water safety zone

(REPEALED)

SECTION HISTORY

PL 1989, c. 469, §5 (NEW). PL 1989, c. 599, §3 (NEW). PL 1989, c. 878, §A37 (RPR). PL 1997, c. 277, §1 (AMD). PL 1999, c. 127, §A30 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7803. Harbor masters on inland waters

(REPEALED)

SECTION HISTORY

PL 1989, c. 469, §6 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7804. Enforcement of watercraft laws

(REPEALED)

SECTION HISTORY

PL 1989, c. 469, §7 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7805. Implied consent to chemical tests

(REPEALED)

SECTION HISTORY

PL 1989, c. 878, §A38 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7806. Lake and River Protection Fund

(REPEALED)

SECTION HISTORY

PL 2001, c. 434, §A5 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 2

SNOWMOBILES

§7821. Definitions

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1997, c. 227, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7822. Application

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7823. License

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7824. Registration

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §77 (AMD). PL 1981, c. 698, §§75-79 (AMD). PL 1983, c. 588, §13 (AMD). PL 1983, c. 658 (AMD). PL 1983, c. 819, §A32 (AMD). PL 1985, c. 256 (AMD). PL 1985, c. 459, §C2 (AMD). PL 1985, c. 459, §C3 (AMD). PL 1985, c. 631, §§1,2 (AMD). PL 1987, c. 88, §§1-3 (AMD). PL 1987, c. 737, §§C23,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 493, §56 (AMD). PL 1989, c. 918, §§D9,10 (AMD). PL 1991, c. 477, §§1-6 (AMD). PL 1993, c. 574, §26 (AMD). PL 1995, c. 467, §§1-8 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1997, c. 24, §§I8,9 (AMD). PL 1997, c. 227, §§2-5 (AMD). PL 1997, c. 432, §52 (AMD). PL 1997, c. 513, §2 (AMD). PL 1999, c. 401, §PPP1 (AMD). PL 1999, c. 403, §35 (AMD). PL 1999, c. 692, §1 (AMD). PL 2001, c. 254, §1 (AMD). PL 2001, c. 294, §§9,10 (AMD). PL 2001, c. 387, §35

(AMD). PL 2001, c. 424, §§1,2 (AMD). PL 2001, c. 471, §E3 (AMD). PL 2001, c. 471, §E4 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7824-A. Collection by commissioner

(REPEALED)

SECTION HISTORY

PL 1991, c. 586, §4 (NEW). PL 1997, c. 24, §I10 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7824-B. Original registration defined

(REPEALED)

SECTION HISTORY

PL 1991, c. 586, §4 (NEW). PL 1995, c. 467, §9 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7824-C. Payment of sales or use tax a prerequisite to registration

(REPEALED)

SECTION HISTORY

PL 1991, c. 586, §4 (NEW). PL 1995, c. 467, §10 (RP).

§7824-D. Certificates to be forwarded to the State Tax Assessor

(REPEALED)

SECTION HISTORY

PL 1991, c. 586, §4 (NEW). PL 1995, c. 467, §10 (RP).

§7824-E. Collection by State Tax Assessor

(REPEALED)

SECTION HISTORY

PL 1991, c. 586, §4 (NEW). PL 1995, c. 467, §11 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7824-F. Payment of sales or use tax prior to registration

(REPEALED)

SECTION HISTORY

PL 1995, c. 467, §12 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7824-G. Snowmobile Enforcement Fund

(REPEALED)

SECTION HISTORY

PL 1997, c. 513, §3 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7825. Dealer's registration and license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1989, c. 493, §§57,58 (AMD). PL 1989, c. 913, §A14 (AMD). PL 1991, c. 477, §7 (AMD). PL 1995, c. 467, §13 (AMD). PL 2001, c. 616, §6 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7825-A. Snowmobile repair shop registration and license

(REPEALED)

SECTION HISTORY

PL 1997, c. 451, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7825-B. Snowmobile rental agent certificate

(REPEALED)

(REALLOCATED TO TITLE 12, SECTION 7825-C)

SECTION HISTORY

PL 1997, c. 614, §1 (NEW). PL 1997, c. 739, §7 (NEW). PL 1999, c. 127, §A31 (RAL). PL 1999, c. 403, §37 (RPR). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7825-C. Personal watercraft rental agent certificate

(REPEALED)

(REALLOCATED FROM TITLE 12, SECTION 7825-B)

SECTION HISTORY

PL 1999, c. 127, §A31 (RAL). PL 1999, c. 403, §36 (RP). PL 1999, c. 403, §38 (AFF).

§7826. Operating on land of another

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7827. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §§78-80 (AMD). PL 1981, c. 644, §§35,36 (AMD). PL 1981, c. 698, §80 (AMD). PL 1987, c. 317, §§23,24 (AMD). PL 1987, c. 402, §B15 (AMD). PL 1987, c. 769, §A50 (AMD). PL 1989, c. 913, §§A15,B13 (AMD). PL 1991, c. 443, §§34,35 (AMD). PL 1993, c. 129, §1 (AMD). PL 1995, c. 65, §A29 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 467, §14 (AMD). PL 1995, c. 679, §§6,7 (AMD). PL 1997, c. 432, §53 (AMD). PL 1997, c. 451, §2 (AMD). PL 1997, c. 614, §2 (AMD). PL 1997, c. 739, §8 (AMD). PL 1997, c. 796, §7 (AMD). PL 1999, c. 127, §§B2,3 (AMD). PL 2001, c. 387, §§36-38 (AMD). PL 2001, c. 421, §B84 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 536, §1 (AMD). PL 2001, c. 667, §B7 (AMD). PL 2003, c. 122, §1 (AMD). PL 2003, c. 403, §§28-30 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7828. Implied consent to chemical tests

(REPEALED)

SECTION HISTORY

PL 1991, c. 443, §36 (NEW). PL 1995, c. 679, §8 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7829. Liability for damage by other persons

(REPEALED)

SECTION HISTORY

PL 1995, c. 455, §41 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7830. Impoundment of snowmobiles

(REPEALED)

SECTION HISTORY

PL 1995, c. 455, §41 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 3

COMMERCIAL WHITEWATER OUTFITTERS

§7841. Legislative findings

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §81 (RPR). PL 1979, c. 723, §37 (RP).

§7842. Licenses

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §81 (RPR). PL 1979, c. 723, §37 (RP).

§7843. Safety equipment

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §81 (RPR). PL 1979, c. 723, §37 (RP).

§7844. Violations

(REPEALED)

SECTION HISTORY

PL 1979, c. 543, §81 (NEW). PL 1979, c. 723, §37 (RP).

SUBCHAPTER 4

ALL-TERRAIN VEHICLES

§7851. Definitions

(REPEALED)

SECTION HISTORY

PL 1983, c. 297, §§1,3 (NEW). PL 1985, c. 762, §3 (AMD). PL 1987, c. 619, §1 (AMD). PL 1995, c. 65, §A30 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 502, §E32 (AMD). PL 1999, c. 556, §25 (AMD). PL 2001, c. 687, §1 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7852. Application

(REPEALED)

SECTION HISTORY

PL 1983, c. 297, §§1,3 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7853. License and training

(REPEALED)

SECTION HISTORY

PL 1983, c. 297, §§1,3 (NEW). PL 1985, c. 762, §4 (RPR). PL 1989, c. 493, §§59,60 (AMD). PL 1995, c. 65, §A31 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7854. Registration

(REPEALED)

SECTION HISTORY

PL 1983, c. 297, §§1,3 (NEW). PL 1985, c. 301, §§1,2 (AMD). PL 1985, c. 304, §§23,24 (AMD). PL 1985, c. 737, §A31 (AMD). PL 1985, c. 762, §§5-10 (AMD). PL 1989, c. 493, §§61-64 (AMD). PL 1989, c. 918, §§D11,12 (AMD). PL 1995, c. 65, §A32 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1997, c. 24, §I11 (AMD). PL 1997, c. 432, §54 (AMD). PL 1997, c. 643, §H3 (AMD). PL 1999, c. 692, §2 (AMD). PL 2001, c. 294, §§11,12 (AMD). PL 2001, c. 387, §§39,40 (AMD). PL 2001, c. 690, §§A13-16 (AMD). PL 2001, c. 690, §A18 (AFF). PL 2003, c. 189, §§1-3 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7854-A. Collection by commissioner

(REPEALED)

SECTION HISTORY

PL 1991, c. 586, §5 (NEW). PL 1997, c. 24, §I12 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7854-B. Original registration defined

(REPEALED)

SECTION HISTORY

PL 1991, c. 586, §5 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7854-C. Payment of sales or use tax a prerequisite to registration

(REPEALED)

SECTION HISTORY

PL 1991, c. 586, §5 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7854-D. Certificates to be forwarded to the State Tax Assessor

(REPEALED)

SECTION HISTORY

PL 1991, c. 586, §5 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7854-E. Collection by State Tax Assessor

(REPEALED)

SECTION HISTORY

PL 1991, c. 586, §5 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7855. Dealer's registration and license

(REPEALED)

SECTION HISTORY

PL 1983, c. 297, §§1,3 (NEW). PL 1985, c. 304, §§25-29 (AMD). PL 1987, c. 619, §2 (AMD). PL 1989, c. 493, §65 (AMD). PL 1989, c. 913, §A16 (AMD). PL 1995, c. 65, §A33 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7856. Operating on land of another

(REPEALED)

SECTION HISTORY

PL 1983, c. 297, §§1,3 (NEW). PL 2001, c. 421, §B85 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7857. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1983, c. 297, §§1,3 (NEW). PL 1983, c. 797, §13 (AMD). PL 1985, c. 369, §§24,25 (AMD). PL 1985, c. 762, §§11-22 (AMD). PL 1987, c. 317, §25 (AMD). PL 1989, c. 493, §§66-72 (AMD). PL 1989, c. 502, §B11 (AMD). PL 1989, c. 689 (AMD). PL 1989, c. 913, §§A17,B14 (AMD). PL 1991, c. 443, §§37,38 (AMD). PL 1991, c. 528, §E9 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E9 (AMD). PL 1993, c. 26, §1 (AMD). PL 1993, c. 438, §§39-41 (AMD). PL 1995, c. 65, §§A34-36 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 455, §§42,43 (AMD). PL 1995, c. 679, §§9,10 (AMD). PL 1997, c. 219, §§1-3 (AMD). PL 1997, c. 432, §§55,56 (AMD). PL 1999, c. 310, §1 (AMD). PL 2001, c. 289, §1 (AMD). PL 2001, c. 387, §§41-43 (AMD). PL 2001, c. 421, §B86 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 695, §A1 (AMD).

§7858. Liability for damage by other persons

(REPEALED)

SECTION HISTORY

PL 1985, c. 762, §23 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7859. Impoundment of ATV's

(REPEALED)

SECTION HISTORY

PL 1985, c. 762, §23 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7860. Implied consent to chemical tests

(REPEALED)

SECTION HISTORY

PL 1991, c. 443, §39 (NEW). PL 1995, c. 679, §11 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 717

TRAINING OF DOGS

§7861. Training

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1987, c. 177 (AMD). PL 1987, c. 696, §18 (AMD). PL 1989, c. 913, §§A18,19 (AMD). PL 1991, c. 443, §40 (AMD). PL 1993, c. 438, §42 (AMD). PL 2001, c. 269, §18 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7862. Trials

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 414, §38 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7863. Prohibited acts

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1981, c. 414, §39 (AMD). PL 1987, c. 696, §19 (AMD). PL 1989, c. 493, §73 (AMD). PL 1993, c. 438, §43 (AMD). PL 2001, c. 269, §19 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 719

LIABILITY OF LANDOWNERS

§7881. No duties created

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §82 (RP).

CHAPTER 721

ENFORCEMENT

SUBCHAPTER 1

PENALTIES AND PROCEDURES

§7901. Penalties

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 543, §83 (AMD). PL 1983, c. 329, §4 (AMD). PL 1983, c. 440, §§15,16 (AMD). PL 1983, c. 572, §5 (AMD). PL 1983, c. 588, §14 (AMD). PL 1983, c. 632, §§B3,7 (AMD). PL 1983, c. 690 (AMD). PL 1983, c. 796, §7 (AMD). PL 1983, c. 862, §41 (AMD). PL 1985, c. 95, §2 (AMD). PL 1985, c. 145 (AMD). PL 1985, c. 177, §§1-4 (AMD). PL 1985, c. 304, §§30,31 (AMD). PL 1985, c. 737, §§A32-34 (AMD). PL 1985, c. 762, §24 (AMD). PL 1987, c. 89, §§1-5 (AMD). PL 1987, c. 196, §4 (AMD). PL 1987, c. 742, §11 (AMD). PL 1989, c. 252, §§2-6 (AMD). PL 1989, c. 420 (AMD). PL 1989, c. 469, §8 (AMD). PL 1989, c. 502, §§B12,B13 (AMD). PL 1989, c. 599, §4 (AMD). PL 1989, c. 878, §§A39-41 (AMD). RR 1991, c. 2, §39 (COR). PL 1991, c. 377, §6 (AMD). PL 1991, c. 443, §41 (AMD). PL 1993, c. 438, §44 (AMD). PL 1995, c. 679, §12 (AMD). PL 1997, c. 432, §57 (AMD). PL 1997, c. 540, §3 (AMD). PL 1997, c. 614, §3 (AMD). PL 1997, c. 739, §9 (AMD). PL 1999, c. 127, §§B4,5 (AMD). PL 1999, c. 312, §§1,2 (AMD). PL 1999, c. 771, §A2 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2001, c. 269, §20 (AMD). PL 2001, c. 331, §8 (AMD). PL 2001, c. 387, §§44-53 (AMD). PL 2001, c. 421, §B87 (RP). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 471, §§G1-8 (AMD). PL 2001, c. 667, §§A10-29 (AMD).

§7901-A. Penalties

(REPEALED)

SECTION HISTORY

PL 2001, c. 421, §B88 (NEW). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 471, §§G9-12 (AMD). PL 2001, c. 471, §G13 (AFF). PL 2001, c. 536, §2 (AMD). PL 2001, c. 610, §§3,4 (AMD). PL 2001, c. 655, §18 (AMD). PL 2001, c. 667, §§A30,B8-10, C8- (AMD). PL 2003, c. 277, §2 (AMD). PL 2003, c. 331, §§36-38 (AMD). PL 2003, c. 333, §24 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 491, §§4,5 (AMD). PL 2003, c. 510, §§A10,11 (AMD). PL 2003, c. 614, §9 (AFF).

§7902. Prosecution by district attorney

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7903. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 688, §F1 (AMD).

§7904. Court procedure

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7905. Clerks to notify commissioner

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1979, c. 723, §38 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7905-A. Commissioner to keep records

(REPEALED)

SECTION HISTORY

PL 1987, c. 281, §2 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7906. Failure to appear

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7907. Seizure of fish, wildlife and equipment

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1995, c. 346, §16 (RPR). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7908. Officer's report

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7909. Forfeiture of seized fish, wildlife and equipment

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7910. Collection and disposition of moneys

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 819, §A33 (AMD). PL 1989, c. 439, §§4-6,8 (AMD). PL 1989, c. 493, §74 (AMD). PL 1989, c. 918, §§D13-16,20 (AMD). PL 1993, c. 6, §S3 (AFF). PL 1993, c. 6, §§S1,2 (AMD). PL 1993, c. 574, §27 (AMD). PL 1995, c. 368, §D1 (AMD). PL 1995, c. 395, §M1 (AMD). PL 1995, c. 502, §E30 (AMD). PL 2001, c. 421, §B89 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7911. Fish and wildlife citation form

(REPEALED)

SECTION HISTORY

PL 1983, c. 765 (NEW). PL 1991, c. 459, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7912. Hunting or operating under the influence or with an excessive blood-alcohol level; tests and procedures

(REPEALED)

SECTION HISTORY

PL 1989, c. 599, §5 (NEW). PL 1991, c. 443, §42 (AMD). PL 1995, c. 679, §§13,14 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 2

EVIDENCE

§7941. Failure to produce license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7942. Possession of fishing tackle without license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7943. Possession of hunting equipment without license

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1997, c. 432, §58 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7944. Possession of hunting equipment while intoxicated

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1997, c. 432, §58 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7945. Possession of hunting equipment on Sunday

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1997, c. 432, §58 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7946. Possession of firearm on public paved way

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1993, c. 212, §2 (AMD). PL 1997, c. 116, §2 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7947. Possession of moose and caribou

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2001, c. 269, §21 (RP).

§7948. Proof of ownership of land

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7949. Compulsory testimony and witness immunity

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7950. Records of the Department of Inland Fisheries and Wildlife

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 1983, c. 819, §A34 (AMD). PL 1989, c. 913, §B15 (RPR). PL 1995, c. 667, §A35 (AMD). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7951. Certificate of number for a motorboat

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7952. Snowmobile accident reports

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7953. Purchase or sale of wildlife by commissioner's agents

(REPEALED)

SECTION HISTORY

PL 1979, c. 420, §1 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§7954. Conviction record of habitual violator

(REPEALED)

SECTION HISTORY

PL 1983, c. 329, §5 (NEW). PL 2003, c. 414, §A1 (RP). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

PART 11

FORESTRY

CHAPTER 801

BUREAU OF FORESTRY

§8001. Bureau of Forestry established

There is established within the Department of Agriculture, Conservation and Forestry to accomplish the purposes of this Part the Bureau of Forestry, also known as the Maine Forest Service and referred to as the "bureau." [PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§8002. Bureau of Forestry; powers and duties

1. Powers and duties. The bureau shall:

A. Have the responsibility for the control of forest fires in all areas of the State; [PL 1979, c. 545, §3 (NEW).]

B. Conduct programs to protect the forest, shade and ornamental trees of the State against insects and diseases; [PL 1979, c. 545, §3 (NEW).]

C. Conduct a program of service and community forestry in order to provide advice and assistance on forest management to small woodland owners and municipalities; [PL 1979, c. 545, §3 (NEW).]

D. Provide advice and assistance on utilizing and marketing the wood products of the State, and regulate the utilization and marketing of wood products where authorized; [PL 1979, c. 545, §3 (NEW).]

E. Have the responsibility for management of particular portions of land owned by the State when management is entrusted to the bureau by statute or is transferred by mutual agreement of the bureau and other state agencies; [PL 2013, c. 18, §1 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

F. Conduct information, education, planning and research programs designed to promote the purposes of the bureau as set forth in this Part; and [PL 2013, c. 18, §1 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

G. Conduct a landowner relations program to assist landowners in dealing with public use of private lands. [PL 2013, c. 18, §2 (NEW).]

[PL 2013, c. 18, §§1, 2 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Administrative powers and duties.

A. The bureau may, in conformity with the Administrative Procedure Act, Title 5, chapter 375, adopt, amend, repeal and enforce reasonable rules and regulations, including emergency rules, necessary for the proper administration, enforcement and interpretation of those laws which the bureau administers. [PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

B. The bureau is authorized to accept federal, municipal and private funds for the purposes set forth in this Part, except federal funds received under the Stennis-McIntire Act, Public Law 87-788. The Treasurer of State shall receive allowable funds, subject to the approval of the commissioner, and the State Controller shall authorize expenditures from these funds as approved by the bureau and the commissioner. [PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

C. [PL 2013, c. 18, §3 (RP).]

D. [PL 1981, c. 542, §3 (RP).]

E. The bureau may grant funds to municipalities to strengthen local fire protection programs. Grants shall be made on a 50-50 cost-share basis with local contributions, provided that the state share for any one grant may not exceed 10% of the bureau's funds earmarked for a program of grants under this paragraph. Any municipality may apply for a grant, provided that the grant will be used for forest fire control or related activities. The department may promulgate rules to carry out the purposes and implementation of this paragraph. [PL 1987, c. 349, Pt. H, §10 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

[PL 2013, c. 18, §3 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1981, c. 542, §3 (AMD). PL 1987, c. 349, §H10 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 18, §§1-3 (AMD). PL 2013, c. 405, Pt. A, §23 (REV).

§8003. Director of the Bureau of Forestry

1. Director. The executive head of the bureau shall be the director, who shall be qualified by training, experience and skill in forestry.

[PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Conflict of interest. The director shall not, when appointed nor while in office, be directly or indirectly concerned in the purchase of state-owned lands, or the timber or grass growing or cut on these lands, except in an official capacity.
[PL 1979, c. 545, §3 (NEW).]

3. Powers and duties. The director shall exercise the powers of the office and be responsible for the execution and enforcement of the duties of the bureau as set forth in chapters 801 -- 809.

A. The director shall administer the bureau in an efficient manner and, with the consent of the commissioner, shall organize the bureau as necessary to carry out the purposes of this Part. [PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

B. [PL 1987, c. 308, §9 (RP).]

C. The director may, with the consent of the commissioner, accept grants and funds from and enter into contracts with federal, state, local or other public and private organizations to carry out the purposes of this Part. [PL 1979, c. 545, §3 (NEW).]

D. The director may, with the consent of the commissioner, employ or retain expert and professional consultants to assist in the duties of the bureau to the extent of funds available. [PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

E. The director may take measures to encourage an interest in forestry and shade trees in the schools, colleges and among the general public and to encourage some degree of elementary instruction in forestry and conservation of natural resources. [PL 1979, c. 545, §3 (NEW).]

F. The director shall on or before September 1st, annually, submit to the commissioner a report of the bureau's activities during the preceding fiscal year ending June 30th. [PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

G. The director shall biennially prepare a budget for the bureau and submit it to the commissioner. [PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

H. The director shall have prepared annually a forest fire plan for each administrative unit established according to the authority of section 8906, subsection 1. The plans shall incorporate the annual forest fire plans of municipalities. [PL 1979, c. 545, §3 (NEW).]

I. The director is authorized to collect and classify statistics relating to the forests and connected interests of the State and research the extent to which the forests of the State are being destroyed by fires, insects, diseases and by wasteful cutting. The director may also ascertain, to the extent possible, the effect of the diminution of the wooded surface of the land upon the watersheds of the lakes, rivers, water powers and other natural resources of the State. [PL 1979, c. 545, §3 (NEW).]

J. The director is authorized to conduct inspections and investigations on any lands to survey and inspect shade, ornamental or forest trees pursuant to the authority and procedures set forth in chapter 803. [PL 1979, c. 545, §3 (NEW).]

K. The director may issue and enforce any license or permit authorized by this Part. [PL 1979, c. 545, §3 (NEW).]

L. The director may, with the consent of the commissioner, acquire and hold any right or interest in real or personal property on behalf of the State. [PL 1979, c. 545, §3 (NEW).]

M. Except for lands acquired under the authority of paragraph N, the director is authorized, with the consent of the commissioner, to sell, grant, lease, transfer or otherwise convey any real or personal property under the jurisdiction of the bureau. The director shall deposit the proceeds from

the sale or lease of property into the forest protection unit account. At least 60 days prior to offering any surplus property for sale under this paragraph, the director shall notify the Executive Director of the Legislative Council and the joint standing committee of the Legislature having jurisdiction over forest resources of the director's intent to sell the property. [PL 2011, c. 657, Pt. X, §5 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

M-1. The proceeds under paragraph M may be used only to upgrade existing structures owned by the forest protection unit within the bureau, to consolidate operations of the unit through the improvement, repair, replacement, purchase or construction of structures and to purchase land upon which to build structures. Ownership of any land purchased under this paragraph or structures purchased or constructed under this paragraph must be held in the name of the unit. Ownership of land or property purchased under this paragraph may also be held in the name of the Bureau of General Services when the unit participates in the consolidation of facilities with other state agencies. Any purchase of land or a structure pursuant to this paragraph must be approved by the Director of the Bureau of General Services. [PL 2011, c. 657, Pt. X, §6 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

N. The director may, with the advice and consent of the Governor, purchase, when funds are available from bequests or trusts other than bequests made or inter vivos trusts created by the late Percival Proctor Baxter, or accept on the part of the State gifts of parcels or tracts of land to the State, or may purchase land in the name of the State for state forest purposes and may also designate and set aside such lands or portions thereof as natural areas. The director shall not under this section acquire title by purchase to more than 4% of the land area within any one municipality without the written consent of the municipal officer thereof. The title to lands acquired under this section shall be investigated and approved by the Attorney General.

The purpose of acquisition of land under this paragraph is the preservation of scenic beauty and recreation as nearly unrestricted and general as is practicable for the people of the State and those whom they admit to the privilege, the production of timber for watershed protection, as a crop, as state forest demonstration areas for research purposes and for the application of model forestry techniques under a well defined criteria of full-use management. The lands acquired by the Bureau of Forestry and designated by it as state forests or natural areas shall never be sold, but may be exchanged for other land to permit consolidation, better access or more efficient administration. Net revenues including, but not limited to, stumpage shall be paid to the Treasurer of State by the director and constitute a fund to be applied to the care and improvement of these lands or for the acquisition of other lands for similar purposes, except that 25% of such revenues shall be returned by the Treasurer of State to the municipality wherein the land is located to be used for municipal purposes.

"Natural areas" means limited areas of land which have retained their wilderness character, although not necessarily completely natural and undisturbed, or have rare or vanishing species of plant or animal life or similar features of interest which are worthy of preservation for the use of present and future residents of the State. Natural areas held by the State shall include and be designated as one or more of the following 3 types and the location of each shall be described in the designation:

Type 1. Semiwilderness areas which by their size or location offer the experience of solitude and self-reliance. Whereas, lands at the higher elevations are important for protection of watersheds, are ecologically vulnerable if unwisely altered by human interference and often may be uneconomic for logging or construction, it is hereby found that such lands generally may be suitable for this classification;

Type 2. Units of importance for all the natural sciences, especially ecology, and with outstanding value for education and research and for the appreciation of natural processes. Preservation in the

desired condition shall be the prevailing purpose of such holdings. Visitation shall be regulated so as to ensure this preservation on a permanent basis; and

Type 3. Areas which are not of ecological or semiwilderness stature but which have the appearance of being in an untouched natural state or which are capable of attaining that appearance if held and managed for this purpose.

Relating to natural areas of Type 1, 2 or 3, all land uses and practices shall be subject to regulations of the bureau, promulgated pursuant to Title 5, chapter 375, subchapter II, in carrying out the purposes of this paragraph to manage or maintain the areas for the preservation of their natural condition. Areas designated under these classifications can be removed from such designation only by approval of the director, with the advice and consent of the Governor, following public notice and hearing. All lands acquired and administered under this paragraph and all other state forests shall be managed under the same principles which govern the management of the public reserve lands, to the extent not inconsistent with this section and management of such state forests shall, in any event, be coordinated with the management of the public reserved lands in order to facilitate the accomplishment of applicable management objectives. [PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

O. The director may delegate the powers and duties of this Part to the director's agents and representatives, including municipal forest fire wardens appointed by the director. [PL 1979, c. 545, §3 (NEW).]

P. The director shall act as a liaison with the Department of Environmental Protection, the Maine Land Use Planning Commission, the Department of Inland Fisheries and Wildlife and the Cooperative Extension Service on forestry issues. [PL 1991, c. 722, §1 (AMD); PL 1991, c. 722, §11 (AFF); PL 2011, c. 682, §38 (REV).]

Q. The director, in cooperation with public and private landowners, shall actively pursue creating areas on public and private land where the principles and applicability of outcome-based forest policy, as defined in section 8868, subsection 2-B, can be applied and tested. No more than 6 such areas may be designated. The director shall seek to designate areas of various sizes owned by different landowners. The designated areas must represent differing forest types and conditions and different geographic regions of the State. Prior to entering into an outcome-based forestry agreement, the director and the panel of technical experts under section 8869, subsection 3-A shall conduct a comprehensive review of the proposed outcome-based forestry agreement. The term of initial agreements may not exceed 5 years. The director may renew an agreement if requirements under this section and section 8869, subsection 3-A are met. The term of a subsequent agreement may not exceed 5 years. [PL 2013, c. 542, §1 (AMD).]

[PL 2013, c. 542, §1 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 663, §69 (AMD). PL 1983, c. 819, §A35 (AMD). PL 1985, c. 785, §B73 (AMD). PL 1987, c. 308, §§9,10 (AMD). PL 1989, c. 555, §6 (AMD). PL 1991, c. 722, §1 (AMD). PL 1991, c. 722, §11 (AFF). RR 1993, c. 1, §150 (COR). PL 1993, c. 335, §1 (AMD). PL 1997, c. 536, §§1,2 (AMD). PL 1999, c. 155, §§A2,3 (AMD). PL 2001, c. 339, §1 (AMD). PL 2005, c. 550, §2 (AMD). PL 2007, c. 271, §1 (AMD). PL 2011, c. 488, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2011, c. 657, Pt. X, §§5, 6 (AMD). PL 2011, c. 682, §38 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2013, c. 542, §1 (AMD).

§8004. Juvenile violations

Notwithstanding other provisions of law, a person who has not attained 18 years of age and who is convicted of a crime for a violation of a provision of this Part that is not defined as a juvenile crime under Title 15, section 3103, subsection 1 may not be sentenced to imprisonment but may be ordered

to serve a period of confinement in a Department of Corrections juvenile correctional facility that may not exceed 30 days, which may be suspended in whole or in part, if the court determines that: [PL 2005, c. 507, §2 (AMD).]

1. Crime. The crime is one that, if committed by a person who has attained 18 years of age, would carry a mandatory term of imprisonment that may not be suspended;
[PL 2005, c. 328, §2 (NEW).]

2. Nature. The aggravated nature and seriousness of the crime warrants a period of confinement; or
[PL 2005, c. 507, §2 (AMD).]

3. History. The record or previous history of the defendant warrants a period of confinement.
[PL 2005, c. 507, §2 (AMD).]

The court is not required to impose a period of confinement notwithstanding that there is a mandatory term of imprisonment applicable to a person who has attained 18 years of age. [PL 2005, c. 507, §2 (AMD).]

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that subchapter. [PL 2019, c. 113, Pt. C, §16 (AMD).]

SECTION HISTORY

PL 2003, c. 410, §3 (NEW). PL 2005, c. 328, §2 (AMD). PL 2005, c. 507, §2 (AMD). PL 2019, c. 113, Pt. C, §16 (AMD).

§8005. Certain information confidential

1. Contact information. Social security numbers, addresses, telephone numbers and electronic mail addresses of landowners owning less than 1,000 acres of forest land statewide and collected by the bureau for the purposes of contacting landowners under section 8611, or received by the bureau in notifications filed under section 8883-B, or in reports received under Title 36, section 581-G are confidential and may be disclosed only in accordance with this section.
[PL 2005, c. 358, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Forest management plan and information. Social security numbers, forest management plans and supporting documentation of forest management activities on private forest land and held by the bureau for the purposes of administering landowner assistance programs authorized under this chapter and chapter 805 are confidential and may be disclosed only in accordance with this section.
[PL 2005, c. 358, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

3. Disclosure. Except as provided in subsection 4, the director may disclose confidential information in accordance with this subsection. Confidential information disclosed pursuant to this subsection remains the property of the bureau. Recipients of the confidential information may not disclose this information or use this information except as authorized by the director.

A. The director may disclose information designated as confidential under this section to a governmental entity that, in the opinion of the director, requires this information. [PL 2005, c. 358, §1 (NEW).]

B. The director shall provide names, addresses and electronic mail addresses upon request to a nonprofit corporation that provides educational services to forest landowners regarding sound forest management as long as the information disclosed is used to provide information about forest management. [PL 2005, c. 358, §1 (NEW).]

[PL 2005, c. 358, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. Information designated as confidential by state or federal agency. The director may not disclose information furnished to the director that has been designated as confidential by a state or federal agency furnishing the information unless disclosure is authorized by the furnishing agency.
[PL 2005, c. 358, §1 (NEW).]

5. Penalty. A person who receives confidential information pursuant to subsection 3, paragraph B and uses that information for a purpose other than that authorized by the director commits a civil violation punishable by a fine of not more than $1,000.
[PL 2005, c. 358, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 358, §1 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

CHAPTER 801-A

FOREST CERTIFICATION INCENTIVE COST-SHARE FUND

§8011. Cost-share fund established; purpose

(REPEALED)

SECTION HISTORY

PL 2001, c. 439, §KKKK1 (NEW). PL 2005, c. 513, §2 (RPR). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 11, §1 (RP).

§8012. Definitions

(REPEALED)

SECTION HISTORY

PL 2001, c. 439, §KKKK1 (NEW). PL 2005, c. 513, §§3,4 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 11, §1 (RP).

§8013. Administration of grant fund; procedure

(REPEALED)

SECTION HISTORY

PL 2001, c. 439, §KKKK1 (NEW). PL 2005, c. 513, §5 (RP).

§8014. Administration of cost-share fund; procedure

(REPEALED)

SECTION HISTORY

PL 2005, c. 513, §6 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 11, §1 (RP).

CHAPTER 803

FOREST HEALTH AND MONITORING

SUBCHAPTER 1

GENERAL PROVISIONS

§8101. Forest Health and Monitoring program

1. Powers and duties. The Director of the Bureau of Forestry shall maintain sufficient resources, both personnel and technical information, within the limit of funds available, in order to:

A. Maintain a statewide surveillance system to detect and monitor insects, diseases and abiotic agents, including air pollution and acid deposition potentially injurious to the forest resources of the State; [PL 1987, c. 183, §1 (AMD).]

B. Provide information and technical advice and assistance to individuals and other state and federal agencies on the identification and control of forest insects and diseases; [PL 1979, c. 545, §3 (NEW).]

C. Conduct and supervise control programs for forest diseases and insects where authorized; [PL 1987, c. 183, §1 (AMD).]

D. Assist in the enforcement of federal and state quarantine laws relating to forest insects and diseases; [PL 1987, c. 183, §1 (AMD).]

E. Conduct applied research related to the management of insects, diseases and abiotic agents potentially injurious to the forest resources of the State, including forest management strategies, insecticide and spray application technologies, integrated pest management techniques and other issues pertinent to the purposes of this chapter. The director shall maintain up-to-date information on the injurious impacts of insects, diseases and abiotic agents, including air pollution and acid deposition on the forests of the State; and [PL 1987, c. 183, §1 (NEW).]

F. Consult and cooperate with other agencies of the United States, other state governments, the federal and provincial governments of Canada and public and private landowners in the State on applied research, survey and management of forest pest problems. [PL 1987, c. 183, §1 (NEW).]

[PL 1999, c. 790, Pt. A, §18 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1987, c. 183, §1 (AMD). PL 1999, c. 790, §A18 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

SUBCHAPTER 2

DETECTION; TECHNICAL ASSISTANCE

§8201. Detection

The director may go on any land for the purpose of surveying, inspecting or detecting the presence of a forest insect or disease which may, in the judgment of the director, pose a danger or public nuisance to the shade, ornamental and forest trees of the State. [PL 1979, c. 545, §3 (NEW).]

The director may do any work involved in ascertaining the presence of these organisms. If survey work involves the use of so-called "trap" material on developed lands, the landowner shall be notified of the intent to go on the land. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8202. Information and recommendations

1. Resources. The director shall maintain sufficient resources, including research materials and technical expertise, within the limits of available funds, in order that the bureau may:

A. Respond to requests to identify forest insects and diseases of concern to landowners and municipalities; [PL 1979, c. 545, §3 (NEW).]

B. Determine the severity of forest insect or disease problems; [PL 1979, c. 545, §3 (NEW).]

C. Provide advice on control measures; [PL 1979, c. 545, §3 (NEW).]

D. Refer individuals to other state or federal agencies for technical or financial assistance; and [PL 2013, c. 37, §1 (AMD).]

E. [PL 2013, c. 37, §2 (RP).]

F. Respond to requests for information on insects, other than forest insects, including their identification and control. [PL 1979, c. 545, §3 (NEW).]

[PL 2013, c. 37, §§1, 2 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Results of investigations. The director shall provide the results of any investigation completed pursuant to this section or section 8201 to the affected landowner and municipality.
[PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 37, §§1, 2 (AMD). PL 2013, c. 405, Pt. A, §23 (REV).

SUBCHAPTER 3

SUPPRESSION ACTIVITIES

§8301. Emergencies

Responsibility for control of forest insect and disease outbreaks shall, in all but emergencies, rest with the owners of the property whether private or public. [PL 1979, c. 545, §3 (NEW).]

Emergencies, for the purposes of this chapter, shall be so considered when, in the opinion of the director, the infestation or disease is likely to kill or seriously injure trees in large numbers, or is so localized that immediate control will prevent a large possible outbreak, or is of recent foreign origin. [PL 1987, c. 183, §2 (AMD).]

In emergencies, the director may enter into agreement with municipal officials to pay up to 1/2 the cost of control if state funds are available for this purpose. Whenever the State does contribute funds for this purpose, it shall have the authority to determine the control methods to be used. The State may

make similar agreements with groups of private owners if the project is approved by municipal officials. [PL 1979, c. 545, §3 (NEW).]

In an emergency, control measures may be done directly by the State or may be done on a contract basis with responsible private companies or individuals. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1987, c. 183, §2 (AMD).

§8302. Locally requested control work

Whenever any municipality shall appropriate or raise a sum of money and shall pay the same into the State Treasury for the purpose of controlling, within its borders, a forest insect or disease declared a public nuisance pursuant to section 8303, the director shall cause the amount to be expended in the municipality, together with such sum as may be determined by the director from the state appropriation made therefor. If the director finds it to be unnecessary or impracticable to expend the entire amount or any part thereof during the year following the payment to the Treasurer of State, the unexpended proportion shall be reimbursed to the municipality. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8303. Declared a public nuisance

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1987, c. 183, §3 (RP).

§8304. Control measures; protest

Any public agency or group of owners carrying on or planning control measures may appeal to the director for permission to carry out the project in case the owner or owners of property in or adjacent to the control area refuses to do control work or to allow control work to be done on their property. The director may, after careful inspection and survey has shown an emergency exists according to the requirements of section 8301, grant authority for control measures to be carried out on the protestors' lands. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8305. Shipment prohibited

The director may prohibit, prevent or regulate the entry into or movement within the State of any plants of the genus Ribes or other nursery or wilding plants, stock or parts of plants or wood or wood products that may cause the introduction or spread of a dangerous forest insect or disease. The director may issue orders, permits and notices necessary to carry out this section. Orders, permits and notices issued under this section do not require or constitute an adjudicatory proceeding under the Maine Administrative Procedure Act. [PL 2009, c. 585, §1 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2009, c. 585, §1 (AMD).

§8306. Authority to quarantine and destroy pest host material

1. Quarantines. Notwithstanding any other provision of law, the director may establish by rule a quarantine to restrict or prohibit the transportation within, into or from the State or any portion of the State of any forest or shade tree or part of any forest or shade tree, including, but not limited to, logs,

bark, branches, seeds or scion material, or alternate host materials capable of supporting a disease or insect infestation when the following conditions are met:

A. The director finds that there exists within the State or in any other state, country or province a plant disease caused by a plant pathogen not native to the State or an infestation of insects not native to the State that, in the opinion of the director, is likely to kill or seriously injure forest or shade trees in large numbers; and [PL 2001, c. 547, §1 (NEW).]

B. A quarantine to protect against the plant disease or insect infestation has not been established by the Commissioner of Agriculture, Conservation and Forestry or the Secretary of Agriculture of the United States or is not in effect. [PL 2001, c. 547, §1 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

[PL 2013, c. 196, §1 (AMD).]

2. Rulemaking. The director shall adopt rules to establish:

A. Quarantines as needed and authorized under subsection 1; and [PL 2001, c. 547, §1 (NEW).]

B. A process for the seizure, inspection, destruction or other mitigation of any forest or shade tree or any material that:

(1) Exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine;

(2) Is in proximity to a tree or material that exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine; or

(3) Is transported into the State in violation of a quarantine established by the director, the Commissioner of Agriculture, Conservation and Forestry or the Secretary of Agriculture of the United States. [PL 2013, c. 196, §2 (RPR).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[PL 2013, c. 196, §2 (AMD).]

3. Salvage of condemned material. Prior to ordering the destruction of forest or shade trees or parts of forest or shade trees, the director shall consult with the landowner and the person owning stumpage rights to determine if there are methods of destruction that allow recovery of the value or a portion of the value of the condemned material and effectively safeguard the forest resource.

[PL 2001, c. 547, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 547, §1 (NEW). PL 2011, c. 657, Pt. W, §6 (REV). PL 2013, c. 196, §§1, 2 (AMD).

§8307. Penalties

1. Civil violation. A person who violates a rule adopted pursuant to section 8306 or a condition or term of an order, permit or notice issued by the director or the Commissioner of Agriculture, Conservation and Forestry in accordance with section 8305 commits a civil violation.

[PL 2019, c. 595, §2 (NEW).]

2. Penalty. Except as provided in subsection 3, the following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 and not more than $1,000 may be adjudged for each day of that violation. [PL 2019, c. 595, §2 (NEW).]

B. A person who violates this section after having been adjudicated of a violation of this section within the previous 5-year period commits a civil violation for which a fine of not less than $1,000

and not more than $2,000 may be adjudged for each day of that violation. [PL 2019, c. 595, §2 (NEW).]

[PL 2019, c. 595, §2 (NEW).]

3. Economic benefit. If the economic benefit resulting from a violation under subsection 1 exceeds the applicable penalties under subsection 2, the maximum fines may be increased. The maximum fine may not exceed an amount equal to twice the economic benefit resulting from the violation. The court shall consider as economic benefit, without limitation, the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

[PL 2019, c. 595, §2 (NEW).]

4. Costs permitted. In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is substantially justified if the defense had a reasonable basis in law or fact at the time it was raised.

[PL 2019, c. 595, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 595, §2 (NEW).

SUBCHAPTER 4

SPRUCE BUDWORM SUPPRESSION ACT

§8401. Short title

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8402. Legislative policy

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8403. Definitions

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1981, c. 517, §1 (AMD). MRSA T. 12 §8420 (RP).

§8404. Spruce Fir Forest Protection District

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §3 (RPR). MRSA T. 12 §8420 (RP).

§8405. Funding

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §4 (AMD). PL 1981, c. 517, §2 (AMD). MRSA T. 12 §8420 (RP).

§8406. Taxation

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §5 (RPR). PL 1981, c. 259, §1 (AMD). MRSA T. 12 §8420 (RP).

§8407. Designated spray areas

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8407-A. Settlement corridors

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §6 (NEW). MRSA T. 12 §8420 (RP).

§8408. Automatic withdrawals

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8409. Silvicultural treatment designation

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1981, c. 470, §A30 (AMD). MRSA T. 12 §8420 (RP).

§8410. General conditions for withdrawals

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8411. Duties and authority of the Director of the Bureau of Forestry

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §7 (AMD). PL 1981, c. 259, §2 (AMD). MRSA T. 12 §8420 (RP).

§8412. Committee on Spruce Fir Silviculture

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8413. Rules relating to silviculture

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8414. Forest Insect Manager

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8415. Service foresters

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §8 (RP). MRSA T. 12 §8420 (RP).

§8416. Other state and municipal agencies

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8417. Research

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §9 (RPR). MRSA T. 12 §8420 (RP).

§8417-A. Technical programs

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §10 (NEW). MRSA T. 12 §8420 (RP).

§8418. Appeals

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8419. Review

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §11 (NEW). MRSA T. 12 §8420 (RP).

§8420. Repeal

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §11A (NEW). MRSA T. 12 §8420 (RP).

SUBCHAPTER 4-A

MAINE SPRUCE BUDWORM MANAGEMENT ACT

§8421. Short title

This subchapter shall be known and may be cited as the "Maine Spruce Budworm Management Act." [PL 1979, c. 737, §12 (NEW).]

SECTION HISTORY

PL 1979, c. 737, §12 (NEW).

§8422. Legislative policy

The Legislature declares that it shall be the policy of the State to undertake a spruce budworm management program to minimize the short-term and long-term impacts of spruce budworm insect infestations upon the state's spruce and fir forests in accordance with the following policy objectives: [PL 1979, c. 737, §12 (NEW).]

1. Supply of wood. Monitoring the status of and reporting on the present and future supply of wood to support the long-term economic needs of the State and of its forest products industries;
[PL 2015, c. 314, §1 (AMD).]

2. Development of program. The development and utilization in both the public and private sectors of forest protection and management programs that are cost-effective, biologically sound and responsive to the public's environmental and health concerns;
[PL 2015, c. 314, §1 (AMD).]

3. Reduction in use of insecticides. The reduction in reliance upon the use of chemical insecticides in spruce budworm suppression programs;
[PL 1979, c. 737, §12 (NEW).]

4. Private efforts; pest management. The encouragement of private efforts to undertake a variety of integrated pest management techniques that result in a long-term reduction in the vulnerability of the State's forests to spruce budworm infestation and loss;
[PL 2015, c. 314, §1 (AMD).]

4-A. Presalvage and salvage harvesting. The regulation of presalvage and salvage harvesting designed to reduce losses of timber while protecting public trust resources and supporting the protection of wildlife habitat through the retention of non-susceptible tree species where silviculturally and ecologically appropriate;
[PL 2015, c. 314, §2 (NEW).]

5. Implementation. The implementation of methods for determining private and public participation in spruce budworm management programs, including provision for voluntary participation in future insecticide spray projects;
[PL 2015, c. 314, §3 (AMD).]

6. Regulatory review. The provision for adequate regulatory review of any proposed insecticide spray projects by the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control; and
[PL 2015, c. 314, §3 (AMD).]

7. Management options. The provision of management options for forest landowners designed to minimize impacts of spruce budworm infestation and loss.
[PL 2015, c. 314, §3 (AMD).]

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 2015, c. 314, §§1-3 (AMD).

§8423. Definitions

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §1 (RP).

§8423-A. Definitions

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1981, c. 278, §2 (NEW).]

1. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry.
[PL 1981, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

2. Designated spray area.
[PL 2015, c. 314, §4 (RP).]

3. Director. "Director" means the Director of the Bureau of Forestry.
[PL 1981, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. District.
[PL 2015, c. 314, §4 (RP).]

5. Forest land owners. "Forest land owners" means persons who own forest lands.
[PL 2015, c. 314, §5 (AMD).]

6. Management program. "Management program" means all activities undertaken by the Bureau of Forestry in connection with the short-term and long-term management of spruce budworm infestations, including, without limitation, any activities undertaken in connection with spruce budworm survey and detection activities, targeting silvicultural and integrated pest management programs, research, methods development and related activities and any involvement in any spray activities.
[PL 2015, c. 314, §6 (AMD).]

7. Person. "Person" means any individual, partnership, joint venture, corporation or other legal entity or any group of persons which acts as a tenancy in common or joint tenancy for ownership purposes and includes any government or any agency, bureau or commission thereof.
[PL 1981, c. 278, §2 (NEW).]

7-A. Presalvage and salvage harvesting. "Presalvage and salvage harvesting" means the harvesting of trees vulnerable to damage.
[PL 2015, c. 314, §7 (NEW).]

8. Rebate.
[PL 2015, c. 314, §8 (RP).]

9. Rule. "Rule" means a duly-adopted regulation of general applicability promulgated by the Bureau of Forestry. These rules shall have the force and effect of law.
[PL 1981, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

10. Spray program area.
[PL 2015, c. 314, §8 (RP).]

11. Spray project.
[PL 2015, c. 314, §9 (RP).]

12. Spruce budworm. "Spruce budworm" means the insect of the species known as Choristoneura fumiferana, Clem., at any stage of its biological development.
[PL 1981, c. 278, §2 (NEW).]

13. Spruce budworm timber harvesting standards. "Spruce budworm timber harvesting standards" means standards for presalvage and salvage harvesting of spruce and fir stands vulnerable to and subject to spruce budworm damage.
[PL 2015, c. 314, §10 (NEW).]

SECTION HISTORY

PL 1981, c. 278, §2 (NEW). PL 2011, c. 657, Pt. W, §§6, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §§4-10 (AMD).

§8423-B. Spruce Fir Forest Protection District

(REPEALED)

SECTION HISTORY

PL 1981, c. 278, §3 (NEW). PL 2015, c. 314, §11 (RP).

§8423-C. Presalvage and salvage harvesting

1. Regulation. The Department of Agriculture, Conservation and Forestry shall regulate the presalvage and salvage harvesting of forest stands in areas that, based on the proportion of balsam fir, white spruce, red spruce, black spruce, other softwood and hardwood components present, have significant risk of damage from spruce budworm and are subject to a credible threat of imminent spruce budworm damage.

A. The assessments of risk and vulnerability of a specific forest stand must be supported by adequate data, including but not limited to:

(1) Forest stand type information; and

(2) A documented history of recent elevated spruce budworm moth presence or foliage damage from spruce budworm feeding. [PL 2015, c. 314, §12 (NEW).]

B. The director shall designate areas for presalvage and salvage harvesting subject to rules adopted pursuant to subsection 5 no later than January 1st of each year. Areas designated for presalvage and salvage harvesting must be inspected and verified by a licensed forester in the employ of the bureau. The director shall seek public comment for a 30-day period prior to designating such areas. [PL 2015, c. 314, §12 (NEW).]

C. A forest stand that is identified for presalvage and salvage harvesting must be located within the areas designated pursuant to paragraph B. [PL 2015, c. 314, §12 (NEW).]
[PL 2015, c. 314, §12 (NEW).]

2. Notification. Prior to beginning timber harvesting pursuant to this subchapter, a landowner or designated agent shall notify the bureau in accordance with the notification requirements set forth in chapter 805, subchapter 5.
[PL 2015, c. 314, §12 (NEW).]

3. Reporting. Timber harvests conducted pursuant to this subchapter are subject to the same reporting requirements set forth in chapter 805, subchapter 5, except that the director may require additional information to be reported to satisfy the requirements of this subchapter.
[PL 2015, c. 314, §12 (NEW).]

4. Confidentiality. Reports filed in accordance with subsection 3 are confidential. The director may publish summary reports that use aggregated data that do not reveal the activities of an individual

person or firm. Reports submitted pursuant to subsection 3 must be available for the use of the State Tax Assessor for the administration of Title 36.
[PL 2015, c. 314, §12 (NEW).]

5. Rules. The commissioner shall adopt rules to implement this subchapter, including rules establishing spruce budworm timber harvesting standards. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

A. The rules must:

(1) Exclude presalvage and salvage harvesting in protection subdistricts within the jurisdiction of the Maine Land Use Planning Commission and in areas subject to timber harvesting regulation under section 8867-B;

(2) Identify the areas subject to a credible threat of imminent spruce budworm damage and the forest stand criteria needed for presalvage and salvage harvesting; and

(3) Define the size and scope of presalvage and salvage harvesting projects that will require additional review by the bureau. [PL 2015, c. 314, §12 (NEW).]

B. The Commissioner of Agriculture, Conservation and Forestry shall consult with the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to ensure that rules adopted under this subsection are consistent with wildlife habitat and environmental protection. [PL 2015, c. 314, §12 (NEW).]

C. Except as otherwise provided in this subchapter or in rules developed pursuant to this subsection, the provisions of chapter 805, subchapter 3-A do not apply to presalvage and salvage harvesting regulated under this subchapter. [PL 2015, c. 314, §12 (NEW).]

D. The rules must provide that regeneration requirements adopted by rule pursuant to section 8869, subsection 1 apply to spruce budworm timber harvesting conducted pursuant to this subchapter. [PL 2015, c. 314, §12 (NEW).]

[PL 2015, c. 314, §12 (NEW).]

6. Penalties. A person who violates this section or a rule adopted pursuant to this section commits a civil violation and is subject to the following penalties:

A. A person who violates this section or a rule adopted pursuant to this section commits a civil violation for which a fine of not less than $100 and not more than $1,000 may be adjudged for each day of that violation; and [PL 2015, c. 314, §12 (NEW).]

B. A person who violates this section or a rule adopted pursuant to this section after having previously been adjudicated of a violation of this section within the previous 5-year period commits a civil violation for which a fine of not less than $1,000 but not more than $2,000 may be adjudged for each day of that violation. [PL 2015, c. 314, §12 (NEW).]

If the economic benefit resulting from the violation exceeds the applicable penalties under paragraphs A and B, the maximum fines may be increased. The maximum fine may not exceed an amount equal to twice the economic benefit resulting from the violation. The bureau shall consider as economic benefit, without limitation, the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.
[PL 2015, c. 314, §12 (NEW).]

SECTION HISTORY

PL 2015, c. 314, §12 (NEW).

§8424. Program planning

1. General authority. In accordance with the provisions of this subchapter, the Bureau of Forestry, acting under the supervision of the director, may plan for and undertake activities related to spruce budworm management programs on behalf of the State.
[PL 2015, c. 314, §13 (AMD).]

2. Application for spray project eligibility.

[PL 2015, c. 314, §14 (RP).]

3. Effect of application.

[PL 2015, c. 314, §15 (RP).]

4. Spray project designation.

[PL 2015, c. 314, §16 (RP).]

5. General conditions for applications and requests.

[PL 2015, c. 314, §16 (RP).]

6. Settlement corridors.

[PL 2015, c. 314, §17 (RP).]

7. Technical assistance programs. The Bureau of Forestry shall use its authorized technical assistance programs to assist landowners with spruce budworm management issues.
[PL 2015, c. 314, §18 (AMD).]

8. Supply-demand analyses. The Bureau of Forestry shall conduct or cause to be conducted analyses of future supply and demand for the spruce and fir resources of the State.
[PL 2015, c. 314, §18 (AMD).]

9. Environmental health monitoring.
[PL 2015, c. 314, §19 (RP).]

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §§4-6 (AMD). PL 1981, c. 565 (AMD). PL 1983, c. 623 (AMD). PL 1983, c. 656, §§1,2 (AMD). PL 1985, c. 58, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2011, c. 662, §10 (AMD). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §§13-19 (AMD).

§8425. Regulatory Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §20 (RP).

§8426. Funding

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §7 (AMD). PL 1983, c. 109, §1 (AMD). PL 1983, c. 810, §§1-3 (AMD). PL 1983, c. 819, §A36 (AMD). PL 1985, c. 58, §2 (AMD). PL 1985, c. 664, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §21 (RP).

§8427. Taxation

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §§8-10 (AMD). PL 1981, c. 630, §1 (AMD). PL 1983, c. 109, §2 (AMD). PL 1983, c. 810, §§4,5 (AMD). PL 1985, c. 58, §§3,4 (AMD). PL 1985, c. 664, §2 (AMD). RR 2009, c. 2, §26 (COR). RR 2013, c. 2, §19 (COR). PL 2015, c. 314, §22 (RP).

§8428. Duties and authority of the Director of the Bureau of Forestry

1. General. The director shall supervise and coordinate the activities of bureau personnel in connection with all management programs.
[PL 1979, c. 737, §12 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Rules.
[PL 2015, c. 314, §23 (RP).]

3. Applications.
[PL 2015, c. 314, §23 (RP).]

4. Declaration of termination of spray projects.
[PL 2015, c. 314, §24 (RP).]

5. Entry on lands. The director or the director's representatives may enter any tract of land on which a spruce budworm management program is being conducted or is proposed to be conducted.
[PL 2015, c. 314, §25 (AMD).]

6. Inspection of records.
[PL 2015, c. 314, §26 (RP).]

7. Contractual authority. The director may enter into contracts for management programs and for other purposes related to this subchapter.
[PL 2015, c. 314, §27 (AMD).]

8. Reimbursement to state agencies.
[PL 2015, c. 314, §28 (RP).]

9. Cooperation. The director shall consult and cooperate with the United States Forest Service, other agencies of the United States and of any state, the dominion government of Canada, the governments of any provinces of Canada and public and private landowners in the State in developing and undertaking joint management program activities.
[PL 1985, c. 664, §3 (NEW).]

10. Report. The director shall, at the end of each calendar year, undertake a review of any spruce budworm management program activities undertaken that year and shall make a full report on the activities to the joint standing committee of the Legislature having jurisdiction over forestry management matters during the next session of the Legislature. The report must include, but is not limited to, spruce budworm survey and monitoring activities and findings, outcomes of any research or methods development activities, levels and outcomes of harvest monitoring for harvests conducted under rules adopted pursuant to this subchapter, scopes of landowner assistance activities conducted and other issues as appropriate. The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control must report information on spray activities related to spruce budworm management and outcomes annually to the bureau no later than March 1st. Reports required under this subsection must use aggregated data that do not reveal the activities of an individual person or firm.
[PL 2015, c. 314, §29 (AMD).]

11. Permit applications.
[PL 2015, c. 314, §30 (RP).]

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1985, c. 664, §3 (AMD). PL 2011, c. 657, Pt. W, §§6, 7 (REV). RR 2013, c. 1, §24 (COR). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §§ 23-30 (AMD).

§8429. Forest insect manager

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §11 (AMD). PL 1985, c. 664, §4 (RP). PL 1985, c. 785, §B74 (AMD). PL 1987, c. 402, §A97 (AMD).

§8430. Research

1. Authority. The Bureau of Forestry, acting through its director, with the approval of the commissioner, may make grants of funds and enter into contracts for purposes of research related to forest management strategies, effects on wildlife and wildlife habitat, insecticide and spray application technologies, integrated pest management techniques, forest product marketing and utilization and other issues pertinent to the purposes of this subchapter. This research may be funded with any funds available, as long as the cost of environmental and health monitoring of spray projects are part of annual spray project costs and not paid out of General Fund moneys.
[PL 2015, c. 314, §31 (AMD).]

2. Research on public lands. The commissioner, director or other chief executive officer of any state agency having jurisdiction over any public land may make that land over which the commissioner, director or officer has jurisdiction available on such terms and conditions as the commissioner, director or officer considers reasonable to any public or private nonprofit entity engaged in spruce budworm control research and related silvicultural control research. The director shall likewise encourage private landowners within the State to make their lands available for the same purposes.
[PL 2015, c. 314, §31 (AMD).]

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §12 (AMD). PL 1987, c. 183, §4 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §31 (AMD).

§8431. Effect of other laws

This subchapter does not exempt any presalvage and salvage harvesting on public reserved lands and nonreserved public lands from any other law governing management of those lands, including but not limited to management of deer wintering areas. [PL 2015, c. 314, §32 (NEW).]

SECTION HISTORY

PL 2015, c. 314, §32 (NEW).

SUBCHAPTER 5

PEST CONTROL COMPACT

§8501. Pest Control Compact

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8502. Findings -- Article I

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8503. Definitions -- Article II

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8504. The insurance fund -- Article III

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8505. The insurance fund; internal operations and management -- Article IV

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8506. Compact and Insurance fund administration -- Article V

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8507. Assistance and reimbursement -- Article VI

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8508. Advisory and technical committees -- Article VII

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8509. Relations with nonparty jurisdictions -- Article VIII

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8510. Finance -- Article IX

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8511. Entry into force and withdrawal -- Article X

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8512. Construction and severability -- Article XI

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8513. Cooperation

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8514. Bylaws filed

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8515. Compact administrator

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8516. Request

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8517. Appropriations

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8518. Definition

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

CHAPTER 805

COOPERATIVE FORESTRY MANAGEMENT

SUBCHAPTER 1

TECHNICAL ASSISTANCE

§8601. Advice; recommendations

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1989, c. 555, §7 (RP).

§8602. Foresters

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1985, c. 785, §B75 (AMD). PL 1989, c. 555, §7 (RP).

§8603. Annual timber-cut report

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1981, c. 34 (AMD). PL 1987, c. 402, §A98 (AMD). PL 1987, c. 861, §11 (AMD). PL 1989, c. 555, §7 (RP).

§8604. Reports by forest landowners

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1985, c. 488, §9 (AMD). PL 1987, c. 402, §A99 (AMD). PL 1989, c. 555, §7 (RP).

SUBCHAPTER 1-A

TECHNICAL ASSISTANCE

§8611. Bureau of Forestry advisory programs

The bureau shall undertake the following programs to provide information and educational services for forest management in this State. [PL 1989, c. 555, §8 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

1. Forest management information. The bureau shall provide a forest management information clearinghouse service with a statewide toll-free number. The information and referral service must include, but is not limited to:

A. Reporting, notification and management requirements pursuant to this chapter; [PL 1989, c. 555, §8 (NEW).]

B. Timber and forest management options; [PL 1989, c. 555, §8 (NEW).]

C. Soil conservation practices; [PL 1989, c. 555, §8 (NEW).]

D. Insect and disease management practices; [PL 1989, c. 555, §8 (NEW).]

E. Recreation management options; and [PL 1989, c. 555, §8 (NEW).]

F. Wildlife management options. [PL 1989, c. 555, §8 (NEW).]

Addresses, telephone numbers and electronic mail addresses collected by the bureau for the purpose of contacting forest landowners owning less than 1,000 acres statewide to provide them with forest management information are confidential and may be disclosed only in accordance with section 8005. The bureau shall provide copies of forest management information sent to landowners to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters.
[PL 2005, c. 358, §2 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Natural resource educator. The director shall employ a natural resource educator to develop and coordinate natural resource education, workshops and training opportunities for school-age children, forest landowners, forest products harvesters and forest managers.

A. [PL 2005, c. 133, §1 (RP).]

B. [PL 2005, c. 133, §1 (RP).]
[PL 2005, c. 133, §1 (AMD).]

SECTION HISTORY

PL 1989, c. 555, §8 (NEW). PL 1989, c. 700, §A40 (AMD). PL 2003, c. 346, §1 (AMD). PL 2005, c. 133, §1 (AMD). PL 2005, c. 358, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§8612. Field foresters

The bureau shall employ by 1991, at least 16 field foresters to be located in field offices. [PL 1989, c. 555, §8 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

1. Duties. These foresters shall provide outreach services and referrals to small woodland owners and wood processors for harvesting, marketing and utilization of wood products. The foresters shall assist landowners and processors in:

A. Obtaining and explaining required forms for harvest notification and reporting; [PL 1989, c. 555, §8 (NEW).]

B. Obtaining information to comply with the performance standards under this chapter; [PL 1989, c. 555, §8 (NEW).]

C. Following up with landowners after harvest notification; [PL 1989, c. 555, §8 (NEW).]

D. Reviewing landowner forest management plans; [PL 1989, c. 555, §8 (NEW).]

E. Obtaining information to comply with environmental standards; [PL 1989, c. 555, §8 (NEW).]

F. Explaining forest management options; [PL 1989, c. 555, §8 (NEW).]

G. Promoting involvement in grants and incentive programs; [PL 1989, c. 555, §8 (NEW).]

H. Disseminating educational material; and [PL 1989, c. 555, §8 (NEW).]

I. Other duties as the director prescribes. [PL 1989, c. 555, §8 (NEW).]
[PL 1989, c. 555, §8 (NEW).]

2. Limitations. Field foresters are limited to 3 site visits per landowner over a 5-year period, except as necessary to administer federal programs related to forestry or to determine compliance with provisions of this Title.
[PL 1989, c. 555, §8 (NEW).]

3. Comprehensive plans. The foresters may provide technical assistance on forestry issues to municipalities in developing their comprehensive plans.

[PL 1989, c. 555, §8 (NEW).]

4. Reporting requirements. The commissioner shall report biannually beginning in 1991, to the joint standing committee of the Legislature having jurisdiction over forestry matters on activities under the field forester program. This report, to be completed by February 1st, must include a description of the types of assistance given to landowners and wood processors, a description of the activities of the field foresters and any recommendations for changes in the program.
[PL 2003, c. 346, §2 (AMD).]

SECTION HISTORY

PL 1989, c. 555, §8 (NEW). PL 2003, c. 346, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

SUBCHAPTER 2

MATERIAL ASSISTANCE

§8701. Establishment of nurseries

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 663, §70 (AMD). PL 1983, c. 819, §§A37,A38 (AMD). PL 1989, c. 21, §§1-3 (AMD). PL 2005, c. 133, §2 (RP).

§8702. Public shade trees

To promote aesthetic and environmental values of trees to communities and to restore those values lost through death of trees from insect and disease depredation, soil depletion, adverse growth factors and old age, the director may enter into agreement with municipal officials and Penobscot and Passamaquoddy tribal governments to pay, so far as funds are available, up to 50% of the costs of procuring young tree-planting stock and planting and general care of public shade trees. Whenever the State does contribute funds for this purpose, it shall have the authority to establish requirements for a municipal tree care program and requirements and procedures relative to selecting, planting, and care of such trees. This program is not intended to extend beyond village or community limits, except for municipal parks or cemeteries. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8702-A. Elm Tree Restoration Fund

(REPEALED)

SECTION HISTORY

PL 1999, c. 98, §1 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 12, §1 (RP).

§8703. Municipal forests

The director may establish a program to provide, at cost, forest seedlings or transplants for use on lands acquired by municipalities for forest purposes as allowed in Title 30, chapter 227. Application for such material shall be made on forms as the director prescribes. The director, whenever providing forest seedlings or transplants, shall recommend procedures for the planting, management and protection of the municipal forest lands. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8704. Rehabilitation program

The director may carry out a forest rehabilitation program on unstocked and poorly stocked potential forest land either public or private with first priority to burned areas. He shall make use of federal funds as and if available and of inmates of state institutions, including penal, whenever possible or feasible. The State shall participate in the cost of such forest rehabilitation up to 50% of the total cost on private land including the value of trees, any such rehabilitation on private lands to be only at the landowner's request. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8705. Community Forestry Fund

1. Establishment of fund. The Community Forestry Fund, referred to in this section as the "fund," is established as a nonlapsing fund under the jurisdiction of the bureau to promote the community forestry activities in the municipalities of the State. The bureau may apply for and accept any appropriation, grant, gift or service made available from any public or private sources consistent with the purpose of this section and shall deposit any such money into the fund.
[PL 2001, c. 439, Pt. XXX, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Use of the fund. The bureau shall develop a process for municipalities to submit proposals and establish criteria for reviewing proposals and awarding grants from the fund for the purpose of developing and maintaining community forestry activities.
[PL 2001, c. 439, Pt. XXX, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 2001, c. 439, §XXX1 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

SUBCHAPTER 3

REGULATION

ARTICLE 1

COMMERCIAL STANDARD FOR MAINE WHITE-CEDAR SHINGLES

§8821. Purpose

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2013, c. 13, §1 (RP).

§8822. Raw material

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2013, c. 13, §1 (RP).

§8823. Maine commercial standard shingles

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 13, §1 (RP).

§8824. Grades

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2013, c. 13, §1 (RP).

§8825. Nomenclature and definitions

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2013, c. 13, §1 (RP).

§8826. Dimension of shingles

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2013, c. 13, §1 (RP).

§8827. Dimension of bundles

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2013, c. 13, §1 (RP).

§8828. Sawing

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2013, c. 13, §1 (RP).

§8829. Area coverage

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2013, c. 13, §1 (RP).

§8830. Labeling

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 13, §1 (RP).

§8831. Registration

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 13, §1 (RP).

§8832. Grading and reinspection

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2003, c. 452, §F38 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 13, §1 (RP).

§8833. Penalties and revocation

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1999, c. 547, §B31 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2013, c. 13, §1 (RP).

ARTICLE 2

TRANSPORTATION OR CUTTING OF CHRISTMAS TREES

§8841. Definitions

For the purpose of this Article the following terms shall have the following meanings. [PL 1979, c. 545, §3 (NEW).]

1. Christmas tree. "Christmas tree" means any species of coniferous tree severed from the stump and cut for commercial purposes as a Christmas tree.
[PL 1979, c. 545, §3 (NEW).]

2. Evergreen boughs. "Evergreen boughs" means boughs or tips of all species of coniferous trees cut for commercial purposes.
[PL 1979, c. 545, §3 (NEW).]

3.

[PL 1983, c. 507, §1 (RP).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 507, §1 (AMD).

§8842. Owner's permission required

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 507, §2 (RPR). PL 2003, c. 452, §F39 (RP). PL 2003, c. 452, §X2 (AFF).

§8842-A. Owner's permission required

1. Cutting prohibited. A person may not:

A. Cut Christmas trees or evergreen boughs on land of another without securing written permission or a bill of sale from the owner or the owner's authorized agents and having a copy of this written permission or bill of sale in immediate possession. Violation of this paragraph is a Class E crime; or [PL 2015, c. 55, §1 (AMD).]

B. Violate paragraph A when:

(1) The value of the trees or boughs is more than $10,000. Violation of this subparagraph is a Class B crime;

(2) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(3) The value of the trees or boughs is more than $2,000 but not more than $10,000. Violation of this subparagraph is a Class C crime;

(4) The value of the trees or boughs is more than $1,000 but not more than $2,000. Violation of this subparagraph is a Class D crime; or

(5) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of Title 17-A, section 401 in which the crime intended to be committed inside the structure is theft; any violation of Title 17-A, section 651; any violation of Title 17-A, section 702, 703 or 708; or attempts thereat. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime. [PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2015, c. 55, §1 (AMD).]

2. Transport prohibited. A person may not:

A. Transport Christmas trees or evergreen boughs without written permission or a bill of sale from the owner of the land where the trees or evergreen boughs were harvested or that owner's authorized agents. Violation of this paragraph is a Class E crime; or [PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Violate paragraph A when:

(1) The value of the trees or boughs is more than $10,000. Violation of this subparagraph is a Class B crime;

(2) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(3) The value of the trees or boughs is more than $2,000 but not more than $10,000. Violation of this subparagraph is a Class C crime;

(4) The value of the trees or boughs is more than $1,000 but not more than $2,000. Violation of this subparagraph is a Class D crime; or

(5) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of Title 17-A, section 401 in which the crime intended to be committed inside the structure is theft; any violation of Title 17-A, section 651; any violation of Title 17-A, section 702, 703 or 708; or attempts thereat. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime. [PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Inspections and investigations. An officer authorized to make inspections and investigations under this article may require of any person, firm or corporation engaged in cutting or transporting Christmas trees or evergreen boughs to show:

A. If engaged in cutting trees or boughs belonging to another, a current written permit or bill of sale issued pursuant to subsection 1, paragraph A; and [PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. If engaged in transportation, a current written permit, bill of sale, port of entry statement or other written proof of ownership when transporting for commercial purposes trees, loose or in

bundles, or boughs, loose or baled. A driver shall carry this permit on the driver's person or in the vehicle. [PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Remedies not exclusive. Prosecution under this section does not preclude the civil remedy available under Title 14, section 7552.

[PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 2003, c. 452, §F40 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2015, c. 55, §1 (AMD).

§8843. Forgery

Every permit, bill of sale, port of entry statement, or other written document specified in this Article shall be deemed to be a written instrument subject to the laws relating to forgery. [PL 1983, c. 507, §2 (RPR).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 507, §2 (RPR).

§8844. Seizure or attachment

Any officer authorized to make inspections, investigations or arrests under this Article may seize and hold Christmas trees or evergreen boughs until proof of ownership has been established. If no proof of ownership has been established, the officer shall try to determine where those trees or boughs were cut and notify the landowner. If the owner does not want the trees or boughs, or ownership cannot be determined, the State may dispose of them and any money derived from the disposition of the trees and boughs shall be paid to the landowner, if his identity can be established and, otherwise, to the Treasurer of State to be credited to the General Fund. [PL 1983, c. 507, §2 (RPR).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 507, §2 (RPR).

§8845. Federal quarantine regulations

Compliance with this Article does not relieve or exempt from legal responsibility any person from compliance with the federal regulations concerning any quarantine law. [PL 1983, c. 507, §2 (RPR).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 507, §2 (RPR).

§8846. Trees from out-of-state

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 507, §3 (RP).

§8847. Enforcement agencies

State police, county sheriffs, municipal law enforcement officers, state forest rangers and game wardens are authorized to make inspections, investigations, arrests and disposals of trees and boughs under this Article. [PL 1983, c. 507, §4 (RPR).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 507, §4 (RPR).

§8848. Registration

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 507, §5 (RP).

§8849. Penalty

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 507, §6 (RPR). PL 2003, c. 452, §F41 (RP). PL 2003, c. 452, §X2 (AFF).

ARTICLE 3

FORESTRY SUPERVISION OF BIOMASS FUEL WOOD HARVESTING

§8860. Purpose

(REPEALED)

SECTION HISTORY

PL 1987, c. 286 (NEW). PL 1989, c. 555, §9 (RP).

§8861. Definitions

(REPEALED)

SECTION HISTORY

PL 1987, c. 286 (NEW). PL 1989, c. 502, §B14 (AMD). PL 1989, c. 555, §9 (RP). PL 2007, c. 466, Pt. A, §36 (RP).

§8862. Certification of harvest required

(REPEALED)

SECTION HISTORY

PL 1987, c. 286 (NEW). PL 1989, c. 555, §9 (RP).

§8863. Sample forms

(REPEALED)

SECTION HISTORY

PL 1987, c. 286 (NEW). PL 1989, c. 555, §9 (RP).

§8864. Repeal

(REPEALED)

SECTION HISTORY

PL 1987, c. 286 (NEW). PL 1987, c. 749, §2 (AMD). PL 1989, c. 555, §9 (RP).

SUBCHAPTER 3-A

FOREST PRACTICES

§8866. Purpose

The Legislature finds and declares that the State's forests are resources of great significance to the people of the State. These resources have great economic value, environmental value, scenic beauty and unique characteristics and unsurpassed recreational, cultural and historical values of present and future benefit to the citizens of the State. The well-being of communities of the State depends upon sustainable forest management. Liquidation harvesting is a serious and direct threat to forest management, forest industries and rural communities over the landscape of Maine. Liquidation harvesting produces significant adverse economic and environmental effects and threatens the health, safety and general welfare of the citizens of the State. Liquidation harvesting is incompatible with responsible forest stewardship and must be substantially eliminated. [PL 2003, c. 422, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 422, §A1 (NEW).

§8867. Rulemaking

(REPEALED)

SECTION HISTORY

PL 1989, c. 555, §10 (NEW). PL 1991, c. 528, §G8 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §G8 (AMD). PL 1991, c. 722, §2 (AMD). PL 1991, c. 722, §3 (AMD). PL 1991, c. 722, §4 (AMD). PL 1991, c. 722, §11 (AFF). PL 1997, c. 720, §1 (RP).

§8867-A. Rulemaking

The Commissioner of Agriculture, Conservation and Forestry may adopt rules to implement this subchapter. Rules adopted pursuant to this subchapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2013, c. 405, Pt. D, §9 (AMD).]

The Commissioner of Agriculture, Conservation and Forestry shall consult with the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to ensure that rules adopted under this subchapter are consistent with wildlife habitat and environmental protection. [PL 2013, c. 405, Pt. D, §9 (AMD).]

SECTION HISTORY

PL 1997, c. 720, §2 (NEW). PL 2013, c. 405, Pt. D, §9 (AMD).

§8867-B. Regulation of timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters

In accordance with the purposes of chapter 206-A and Title 38, chapter 3, the Commissioner of Agriculture, Conservation and Forestry shall adopt rules in accordance with Title 5, chapter 375 to establish performance standards for timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. The rules must provide the maximum opportunity for flexibility that achieves the goal of protecting the public resources while minimizing the impact on private resources. The initial rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Subsequent amendments to those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2013, c. 405, Pt. D, §10 (AMD).]

SECTION HISTORY

PL 1999, c. 695, §1 (NEW). PL 2001, c. 566, §1 (AMD). PL 2003, c. 335, §2 (AMD). PL 2013, c. 405, Pt. D, §10 (AMD).

§8867-C. Enhancement of cold water fisheries habitat

By November 1, 2012, the Commissioner of Agriculture, Conservation and Forestry shall adopt rules to allow activities that enhance cold water fishery habitat without a permit or fee. The rules must establish standards for the placement of wood in stream channels and specify that only a licensed forester trained by the bureau in cooperation with the Department of Inland Fisheries and Wildlife in techniques to enhance fisheries habitat may implement these techniques. [PL 2011, c. 599, §3 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

In developing standards to enhance brook trout habitat and the training required to implement habitat enhancement, the Commissioner of Agriculture, Conservation and Forestry shall consult with the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Environmental Protection. The bureau shall notify the departments of habitat enhancement activities conducted under this section. [PL 2011, c. 599, §3 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

A permit is not required for activities conducted in accordance with the rules adopted under this section in stream segments that have been identified by the Department of Inland Fisheries and Wildlife as lacking desired habitat features. The Department of Marine Resources must be consulted and approve of any habitat enhancement under this section on a stream that is identified as Atlantic salmon habitat. [PL 2011, c. 599, §3 (NEW).]

The initial rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Subsequent amendments to those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. This section does not relieve a person from meeting the requirements of section 8867-B or Title 38, chapter 3, subchapter 1, article 2-B. [PL 2011, c. 599, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 599, §3 (NEW). PL 2011, c. 657, Pt. W, §6 (REV).

§8867-D. Regulation of timber harvesting and timber harvesting activities within the unorganized and deorganized areas of the State

Beginning November 1, 2012, the director of the bureau shall administer and enforce the regulation of timber harvesting and timber harvesting activities in areas classified as protection districts and management districts by the commission in accordance with section 685-A. The Commissioner of Agriculture, Conservation and Forestry shall establish standards in rule to implement this section. [PL 2011, c. 599, §4 (NEW); PL 2011, c. 657, Pt. W, §§6, 7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

The initial rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Subsequent amendments to those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2011, c. 599, §4 (NEW).]

SECTION HISTORY

PL 2011, c. 599, §4 (NEW). PL 2011, c. 657, Pt. W, §§6, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§8867-E. Regulation of land management roads, gravel pits and water crossings within the unorganized and deorganized areas of the State

1. Regulation. In accordance with section 685-A, subsection 14, beginning November 1, 2012, the director of the bureau shall administer and enforce the regulation of construction, maintenance and repair of land management roads, water crossings by land management roads and gravel pits of less than 5 acres in areas designated as protection districts and management districts by the commission. [PL 2013, c. 256, §11 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Rules. The Commissioner of Agriculture, Conservation and Forestry shall adopt rules to implement this section. Initial rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Subsequent amendments to those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted under this subsection must be adopted in consultation with the commission. The rules must:

A. Require a permit from the bureau for activities located within areas of special flood hazard as defined in the commission's rules; [PL 2011, c. 599, §5 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

B. Include standards to protect outstanding river segments, historic, scenic, scientific, recreational and aesthetic resources in districts classified by the commission for special protection and delineated on land use maps adopted under section 685-A, subsection 7-A; and [PL 2011, c. 599, §5 (NEW).]

C. Require review by and approval from the commission for any activity in a protection district described in paragraph B that requires a permit. [PL 2011, c. 599, §5 (NEW).]

[PL 2011, c. 599, §5 (NEW); PL 2011, c. 657, Pt. W, §§6, 7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 2011, c. 599, §5 (NEW). PL 2011, c. 657, Pt. W, §§6, 7 (REV). PL 2013, c. 256, §11 (AMD). PL 2013, c. 405, Pt. A, §23 (REV).

§8867-F. Fee schedule

The bureau shall establish a schedule of fees through rulemaking for the administration of sections 8867-D and 8867-E. Notwithstanding Title 5, section 8071, subsection 2, paragraph A, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The bureau may not issue an approval, certificate, special exception or variance until the required fee has been paid. [PL 2011, c. 599, §6 (NEW).]

SECTION HISTORY

PL 2011, c. 599, §6 (NEW).

§8868. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 555, §10 (NEW).]

1. Clear-cut. "Clear-cut" means any timber harvesting on a forested site greater than 5 acres in size that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under section 8869, subsection 1.

A. [PL 1997, c. 720, §3 (RP).]

B. [PL 1999, c. 361, §1 (RP).]

[PL 1999, c. 361, §1 (RPR).]

1-A. Commission. "Commission" means the Maine Land Use Planning Commission established under section 683-A.

[RR 2013, c. 1, §25 (COR).]

2. Forest management plan. "Forest management plan" means a site-specific document signed by a professional forester outlining proposed activities to ensure compliance with performance standards and regeneration requirements established pursuant to this subchapter.
[PL 1989, c. 555, §10 (NEW).]

2-A. Parcel. "Parcel" means a contiguous tract or plot of forest land owned by a landowner. Multiple contiguous tracts, plots or parcels of forest land owned by the same landowner are considered a single parcel for the purposes of this subchapter.
[PL 1997, c. 720, §4 (NEW).]

2-B. Outcome-based forest policy. "Outcome-based forest policy" means a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's forests, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests.
[PL 2013, c. 542, §2 (AMD).]

3. Professional forester. "Professional forester" means a person licensed pursuant to Title 32, chapter 76.
[PL 2001, c. 261, §2 (AMD).]

3-A. Separation zone. "Separation zone" means an area that surrounds a clear-cut and separates it from other clear-cuts.
[PL 1997, c. 720, §5 (NEW).]

4. Timber harvesting. "Timber harvesting" means the cutting or removal of timber for the primary purpose of selling or processing forest products.
[PL 1997, c. 720, §6 (AMD).]

5. Timber harvesting activities. "Timber harvesting activities" means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting, the mining of gravel used for the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.
[PL 2011, c. 599, §8 (AMD).]

6. Liquidation harvesting. "Liquidation harvesting" means the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years.
[PL 2003, c. 422, Pt. A, §2 (NEW).]

7. Land management road. "Land management road" means a road constructed and used primarily for agricultural or forest management activities.
[PL 2011, c. 599, §9 (NEW).]

SECTION HISTORY

PL 1989, c. 555, §10 (NEW). PL 1997, c. 720, §§3-6 (AMD). PL 1999, c. 361, §1 (AMD). PL 1999, c. 695, §2 (AMD). PL 2001, c. 261, §2 (AMD). PL 2001, c. 339, §2 (AMD). PL 2003, c. 422, §A2 (AMD). PL 2005, c. 550, §3 (AMD). PL 2007, c. 271, §2 (AMD). PL 2011, c. 488, §2 (AMD). PL 2011, c. 599, §§7-9 (AMD). RR 2013, c. 1, §25 (COR). PL 2013, c. 542, §2 (AMD).

§8869. Forest harvest regulations

To promote a healthy and sustainable forest that contains a balance of age classes necessary for a sustainable timber supply and spatial and compositional diversity, forest harvesting and liquidation harvesting are regulated pursuant to this subchapter. [PL 2003, c. 422, Pt. A, §3 (AMD).]

1. Standards for regeneration after harvests. The commissioner shall adopt rules to ensure adequate regeneration of commercial tree species on a site within 5 years of completion of any timber harvest. Rules to implement this requirement shall include identification of commercial tree species, minimum stocking standards and methods to mitigate inadequate regeneration. In developing regeneration standards, the commissioner shall take into consideration regional differences in forest types, tree species and physiographic conditions.
[PL 1989, c. 555, §10 (NEW).]

2. Performance standards for clear-cuts. The commissioner shall establish, by rule, performance standards for clear-cuts, including limitations on size. These standards shall protect water quality, minimize soil erosion, ensure adequate regeneration, address adverse impacts on wildlife habitat and provide for a healthy and sustainable forest. The commissioner shall incorporate regional variations in developing performance standards that consider growing conditions, tree species and site quality.
[PL 1989, c. 555, §10 (NEW).]

2-A. Separation zones. A clear-cut must be separated from any other clear-cut by at least 250 feet except where a property line is closer than 250 feet from the edge of the clear-cut. Unless an exemption is provided in rules adopted pursuant to section 8867-A, a separation zone must be equal to or greater than the area clear-cut.
[PL 1999, c. 361, §2 (AMD).]

3. Forest management plans for clear-cuts over 20 acres. For a clear-cut of 20 acres or more, the landowner, or agent of the landowner, shall develop, prior to harvest, a forest management plan for that clear-cut signed by a professional forester that conforms to the standards set forth in subsections 1 and 2. The plan must state the purpose of the clear-cut. This plan must be kept on file by the landowner or agent of the landowner and be available for inspection by the bureau until adequate regeneration in accordance with the standards set forth in subsection 1 is established.
[PL 1999, c. 361, §3 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

3-A. Plans for outcome-based forestry areas. Practices applied on an area created pursuant to section 8003, subsection 3, paragraph Q must provide at least the equivalent forest and environmental protection as provided by existing rules and any applicable local regulations. At a minimum, tests of outcome-based forestry principles must address:

A. Soil productivity; [PL 2001, c. 339, §3 (NEW).]

B. Water quality, wetlands and riparian zones; [PL 2001, c. 339, §3 (NEW).]

C. Timber supply and quality; [PL 2001, c. 339, §3 (NEW).]

D. Aesthetic impacts of timber harvesting; [PL 2001, c. 339, §3 (NEW).]

E. Biological diversity; [PL 2013, c. 542, §3 (AMD).]

F. Public accountability; [PL 2013, c. 542, §3 (AMD).]

G. Economic considerations; [PL 2013, c. 542, §3 (NEW).]

H. Social considerations; and [PL 2013, c. 542, §3 (NEW).]

I. Forest health. [PL 2013, c. 542, §3 (NEW).]

The Governor shall appoint a panel of at least 6 technical experts to work with the director to implement, monitor and assess tests of outcome-based forestry principles. The panel of technical experts must have expertise in all of the principles listed in paragraphs A to I. In order to participate in an outcome-based forestry project, the landowner, director and technical panel must develop agreed-upon desired outcomes for the outcome-based forestry area and develop a method for determining if the outcomes

have been attained and a system for reporting results to the public. The technical panel shall assess whether the practices applied on the outcome-based forestry area provide at least the equivalent forest and environmental protection as provided by rules and regulations otherwise applicable to that outcome-based forestry area. The technical panel may not delegate this assessment to any other person, except that the technical panel may consider information provided by the bureau, the landowner or a 3rd-party forest certification program auditor.
[PL 2013, c. 542, §3 (AMD).]

3-B. Reporting and notification; outcome-based forestry projects. The director, in consultation with the technical panel under subsection 3-A, shall report to the joint standing committee of the Legislature having jurisdiction over forestry matters as follows.

A. Beginning March 1, 2015 and annually thereafter, the director shall submit a report detailing the progress on each outcome-based forestry agreement under section 8003, subsection 3, paragraph Q. The report must include an assessment of the landowner's progress toward attaining the outcomes under subsection 3-A. The report must be presented to the joint standing committee of the Legislature having jurisdiction over forestry matters at a public meeting no sooner than 30 days after submission of the report to the committee. [PL 2013, c. 542, §4 (NEW).]

B. When an initial outcome-based forestry agreement is approved by the director as provided by section 8003, subsection 3, paragraph Q, the director shall notify the joint standing committee of the Legislature having jurisdiction over forestry matters within 15 days. In the notification, the director shall address how the proposed agreement will provide at least the equivalent forest and environmental protection as provided by rules and regulations that otherwise would apply to that outcome-based forestry area. [PL 2013, c. 542, §4 (NEW).]

C. When an outcome-based forestry agreement under this section is renewed as provided by section 8003, subsection 3, paragraph Q, the director shall notify the joint standing committee of the Legislature having jurisdiction over forestry matters no later than 15 days after the agreement is renewed. [PL 2013, c. 542, §4 (NEW).]

A report, notification or any information concerning outcome-based forestry projects under this subsection must be placed on the Department of Agriculture, Conservation and Forestry's publicly accessible website.
[PL 2013, c. 542, §4 (NEW).]

4. Exemption for natural disaster. If the regeneration on a harvested clear-cut, or portion thereof, is destroyed by fire, disease, insect infestation or other natural disaster, the regeneration requirement does not apply. Vegetative cover sufficient to prevent accelerated erosion must be established on the site.
[PL 1989, c. 555, §10 (NEW).]

5. Variance. The commissioner shall establish, by rule, standards to permit activities that exceed the standards set forth under subsection 2. In developing standards, the commissioner shall consider the unique characteristics of a site and any related economic hardship which would result from noncompliance with these standards.
[PL 1989, c. 555, §10 (NEW).]

6. Transfer or sale of property. Upon sale or other transfer of ownership of land that has been harvested, the transferee becomes responsible for the regeneration requirements on the site. The transferor shall disclose in writing to the transferee the regeneration requirements of this section at, or prior to, the time of sale or transfer. Failure of the transferor to comply with the disclosure requirement shall result in the transferor being responsible for compliance with the regeneration requirements of subsection 1.
[PL 1989, c. 555, §10 (NEW).]

7. Application. This section applies to all forest lands within the State, including land in municipal and state ownership. Except as provided in subsection 7-A, only state-owned or operated research forests or industrially owned research forests certified by the commissioner are exempt from these requirements.
[PL 2001, c. 339, §4 (AMD).]

7-A. Exemption for outcome-based forestry areas. An outcome-based forestry area designated under section 8003, subsection 3, paragraph Q is exempt from the requirements of this section if specifically exempted in the agreement establishing the outcome-based forestry area.
[PL 2013, c. 542, §5 (AMD).]

8. Relationship to municipal rules and regulations. Nothing in this subchapter may be construed to preempt or otherwise limit the existing authority of municipalities to regulate harvesting, except that municipalities regulating timber harvesting shall adopt definitions for forestry terms used in their ordinances that are consistent with definitions in section 8868 and with forestry terms adopted by the commissioner pursuant to this subchapter. Municipal timber harvesting ordinances adopted before September 1, 1990 must meet this standard of compliance with definitions no later than January 1, 2001.

A municipality may not adopt an ordinance that is less stringent than the minimum standards established in this section and in rules adopted by the commissioner to implement this section and section 8867-B. A municipality may not adopt or amend an ordinance that regulates timber harvesting unless the process set out in this subsection is followed in the development and review of the ordinance.

A. A licensed professional forester must participate in the development or amendment of the ordinance. [PL 1999, c. 263, §1 (AMD).]

B. A meeting must take place in the municipality during the development or amendment of the ordinance between representatives of the department and municipal officers and officials involved in developing the ordinance. Discussion at the meeting must include, but is not limited to, the forest practices goals of the municipality. At this meeting and subsequently, the department shall provide guidance to the municipality on how the municipality may use sound forestry practices to achieve the municipality's forest practices goals. [PL 1999, c. 263, §1 (AMD).]

C. The municipality shall hold a public hearing to review a proposed ordinance or ordinance amendment at least 45 days before a vote is held on the ordinance. The municipality shall post and publish public notice of the public hearing according to the same general requirements of posted and published notice for zoning ordinance public hearings as provided by Title 30-A, section 4352, subsection 9.

In addition, when a municipality proposes to adopt or amend a timber harvesting ordinance pursuant to its home rule authority as provided by Title 30-A, section 3001, the municipality shall mail notice of the hearing by first-class mail at least 14 days before the hearing to all landowners in the municipality at the last known address of the person on whom a property tax on each parcel is assessed. In the case of a timber harvesting ordinance or amendment that applies only to certain zones or land use districts in the municipality, the municipality may meet the requirements of this paragraph by mailing notice only to those landowners whose land is in a zone or land use district or immediately abutting the affected zone or land use district.

Mailed notice to individual landowners is not required under this subsection for any type of amendment to an existing local land use ordinance merely to conform that ordinance to the minimum timber harvesting guidelines required by Title 38, section 439-A, as those guidelines may be subsequently amended, or to conform any timber harvesting ordinance to the requirements of this section for conformity of definitions when the proposed amendments do not substantially change any previously established timber harvesting standards adopted pursuant to home rule authority.

The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those landowners to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. The certificate constitutes prima facie evidence that notice was sent to those landowners named in the certificate.

Any action challenging the validity of the adoption or amendment of a municipal timber harvesting ordinance based on the municipality's alleged failure to comply with the landowner notice requirement must be brought in Superior Court within 90 days after the adoption of the ordinance or amendment. The Superior Court may invalidate an ordinance or amendment only if the landowner demonstrates that the landowner was entitled to receive a notice under this section, that the municipality failed to send the notice as required, that the landowner had no knowledge of the proposed ordinance or amendment and that the landowner was materially harmed by that lack of knowledge. [PL 1999, c. 263, §1 (AMD).]

D. The municipal clerk shall notify the department of the time, place and date of the public hearing and provide the department with a copy of the proposed ordinance that will be reviewed at the hearing at least 30 days before the date of the hearing. [PL 1999, c. 263, §1 (AMD).]

E. At the public hearing, representatives of the department must be provided an opportunity to present and discuss for the municipality's information any reports, articles, treatises or similar materials published by acknowledged experts in the field of sound forestry or silvicultural management to the extent such information is relevant to the proposed ordinance or ordinance amendment.

The proposed ordinance or ordinance amendment may be revised after the public hearing. The ordinance or amendment must be submitted to the legislative body of the municipality in accordance with the procedures the municipality uses for adopting ordinances. [PL 1999, c. 263, §1 (NEW).]

F. Municipal timber harvesting ordinances may not be unreasonable, arbitrary or capricious and must employ means appropriate to the protection of public health, safety and welfare. [PL 1999, c. 263, §1 (NEW).]

G. All direct costs incurred by a municipality associated with landowner notification requirements and other required public notice must be paid to the municipality in accordance with a distribution schedule established under Title 30-A, section 5685, subsection 5. All direct costs incurred by a municipality in order to comply with this subsection for the amendment of ordinances adopted before September 1, 1990 must be paid to the municipality in accordance with a distribution schedule established under Title 30-A, section 5685, subsection 5. [PL 1999, c. 263, §1 (NEW).]

[PL 2003, c. 335, §3 (AMD).]

9. Centralized listing of municipal ordinances. The bureau shall maintain for informational purposes a statewide centralized listing of municipal ordinances that specifically apply to forest practices.

A. Within 30 days after the legislative body of the municipality votes on a timber harvesting ordinance developed according to the procedures of subsection 8, the clerk shall notify the bureau of the outcome and shall file a copy of the ordinance with the bureau. [PL 1999, c. 263, §2 (RPR); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

B. [PL 1999, c. 263, §2 (RP).]

[PL 1999, c. 263, §2 (RPR); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

10. Right of enforcement. Enforcement of this subchapter shall be by any state, county or municipal law enforcement officer, including forest rangers and field foresters of the bureau and wardens of the Department of Inland Fisheries and Wildlife.

[PL 1989, c. 555, §10 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

11. Right of entry. Agents of the bureau have rights of access to all lands within the State to carry out the duties they are authorized by law to administer and enforce. This subsection does not authorize entry into any building or structure.
[PL 1997, c. 694, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

12. Right of action. A landowner found in violation of this section and penalized under section 9701 as a result of actions of a harvester has a right of action to recover the penalty against the harvester who undertook the harvest operation found in violation. In addition to all other defenses permitted by law, it is a defense that the harvester operated under the landowner's instructions. For the purposes of this subsection, the terms "harvester" and "harvest operation" have the same meanings as in section 8881.
[PL 1993, c. 217, §1 (NEW).]

13. Confidential information. Information provided to the bureau voluntarily or to fulfill reporting requirements for the purposes of establishing and monitoring outcome-based forestry areas, as created pursuant to section 8003, subsection 3, paragraph Q, is public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available. The bureau, working with the landowner and the panel of technical experts appointed under subsection 3-A, may publish reports as long as those reports do not reveal confidential information.
[PL 2013, c. 542, §6 (AMD).]

14. Substantial elimination of liquidation harvesting. The commissioner shall adopt rules to substantially eliminate liquidation harvesting. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 422, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1989, c. 555, §10 (NEW). PL 1991, c. 863, §1 (AMD). PL 1993, c. 217, §1 (AMD). PL 1995, c. 122, §1 (AMD). PL 1995, c. 122, §2 (AFF). PL 1997, c. 694, §1 (AMD). PL 1997, c. 720, §§7,8 (AMD). PL 1999, c. 263, §§1,2 (AMD). PL 1999, c. 361, §§2,3 (AMD). PL 2001, c. 339, §§3-6 (AMD). PL 2003, c. 335, §3 (AMD). PL 2003, c. 422, §§A3,4 (AMD). PL 2005, c. 550, §§4-6 (AMD). PL 2007, c. 271, §§3-5 (AMD). PL 2009, c. 567, §9 (AMD). PL 2011, c. 488, §§3-5 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2013, c. 542, §§3-6 (AMD).

§8869-A. Prior bureau approval for harvesting trees and authority to issue stop-work orders

The bureau shall establish a prior approval process for harvesting trees by a person that has committed 2 violations of unlawful cutting of trees pursuant to Title 17, section 2510, subsection 1. The process must include at a minimum the following: [PL 2013, c. 405, Pt. A, §23 (REV); PL 2013, c. 412, §1 (NEW).]

1. Written approval. Requiring written approval from the bureau for the person to harvest trees on any land in the State; and
[PL 2013, c. 405, Pt. A, §23 (REV); PL 2013, c. 412, §1 (NEW).]

2. Bonding. Requiring the person to post a private bond in an amount not less than $500,000 before commencing tree harvesting.

[PL 2013, c. 412, §1 (NEW).]

The bureau shall issue a stop-work order if the requirements of this section are not met at the time harvesting is occurring. [PL 2013, c. 405, Pt. A, §23 (REV); PL 2013, c. 412, §1 (NEW).]

For the purposes of this section, "person" means an individual, corporation, partnership, association or any other legal entity. [PL 2013, c. 412, §1 (NEW).]

The Commissioner of Agriculture, Conservation and Forestry shall adopt rules to carry out the provisions of this section. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. [PL 2013, c. 412, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 405, Pt. A, §23 (REV). PL 2013, c. 412, §1 (NEW).

§8870. Penalties

1. Civil violation. A person who violates a rule adopted pursuant to section 8869, subsection 14 or a condition or term of a permit, variance or decision issued by the director or the commissioner in accordance with rules adopted pursuant to section 8869, subsection 14 commits a civil violation. [PL 2003, c. 694, §1 (NEW).]

2. Penalty. Except as provided in subsection 3, the following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 and not more than $1,000 may be adjudged for each day of that violation. [PL 2003, c. 694, §1 (NEW).]

B. A person who violates this section after having previously been adjudicated of a violation of this section within the previous 5-year period commits a civil violation for which a fine of not less than $1,000 but not more than $2,000 may be adjudged for each day of that violation. [PL 2003, c. 694, §1 (NEW).]

[PL 2003, c. 694, §1 (NEW).]

3. Economic benefit. If the economic benefit resulting from the violation exceeds the applicable penalties under subsection 2, the maximum fines may be increased. The maximum fine may not exceed an amount equal to twice the economic benefit resulting from the violation. The bureau shall consider as economic benefit, without limitation, the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements. [PL 2003, c. 694, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. Effective date.

[PL 2005, c. 514, §1 (RP).]

5. Supplemental environmental projects. In settling a civil enforcement action for any violation of this subchapter or any rule adopted under this subchapter, the parties may agree to a supplemental environmental project that mitigates not more than 80% of the assessed penalty. "Supplemental environmental project" means an environmentally beneficial project primarily benefiting the public health or the environment that a violator is not otherwise required or likely to perform.

A. An eligible supplemental environmental project is limited to the following categories:

(1) Environmental enhancement projects in the same ecosystem or geographic area of the violation that significantly improve an area beyond what is required to remediate any damage caused by the violation that is the subject of the enforcement action;

(2) Community forestry projects in the same ecosystem or geographic area of the violation that are conducted in accordance with the purposes of section 8705;

(3) Environmental awareness projects substantially related to the violation that provide training, publications or technical support to members of the public and that are regulated by the Department of Agriculture, Conservation and Forestry; or

(4) Scientific research and data collection projects that advance the scientific basis on which regulatory decisions are made. [PL 2005, c. 514, §2 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

B. A supplemental environmental project may not be used in the following situations:

(1) Repeat violations of the same or a substantially similar law administered by the Department of Agriculture, Conservation and Forestry by the same person;

(2) When a project is required by law;

(3) If the violator had previously planned and budgeted for the project;

(4) To offset any calculable economic benefit of noncompliance;

(5) If the violation is the result of reckless or intentional conduct; or

(6) If the project primarily benefits the violator. [PL 2005, c. 2, §11 (COR); PL 2011, c. 657, Pt. W, §5 (REV).]

Any settlement that includes a supplemental environmental project must provide that expenditures are not tax deductible.
[RR 2005, c. 2, §11 (COR); PL 2011, c. 657, Pt. W, §5 (REV).]

6. Costs permitted. In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund of the State if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is "substantially justified" if the defense had a reasonable basis in law or fact at the time it was raised.
[PL 2009, c. 536, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 694, §1 (NEW). RR 2005, c. 2, §11 (COR). PL 2005, c. 514, §§1,2 (AMD). PL 2009, c. 536, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

SUBCHAPTER 4

ASSESSMENT OF FOREST RESOURCES

§8871. Maine's forests

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1989, c. 555, §11 (RP). PL 1989, c. 600, §B11 (AMD).

§8872. Assessment of forest resources

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1989, c. 555, §11 (RP). PL 1989, c. 600, §B11 (AMD).

§8873. Annual report

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1989, c. 555, §11 (RP). PL 1989, c. 600, §B11 (AMD).

§8874. Cooperation

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1989, c. 555, §11 (RP). PL 1989, c. 600, §B11 (AMD).

§8875. Authority

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1989, c. 555, §11 (RP). PL 1989, c. 600, §B11 (AMD).

SUBCHAPTER 4-A

FOREST RESOURCE ASSESSMENT PROGRAM

§8876. Forest Resource Assessment Program

(CONFLICT)

There is established in the Bureau of Forestry a Forest Resource Assessment Program. The purpose of the Forest Resource Assessment Program is to systematically and continually assess the ability of the State's forests to provide sustainable forest resources and socioeconomic benefits for the people of this State. The Director of the Bureau of Forestry, referred to in this subchapter as "the director," shall implement this program to: [PL 1997, c. 720, §9 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

1. Current status. Assess the current status of forest resources, using standards of forest sustainability developed in accordance with section 8876-A;
[PL 1997, c. 720, §9 (AMD).]

2. (CONFLICT: Text as amended by PL 2019, c. 343, Pt. D, §12) Future demand. Project future demand for forest resources based on a common economic forecast developed by the Governor's Office of Policy Innovation and the Future and on other appropriate economic projections;
[PL 2019, c. 343, Pt. D, §12 (AMD).]

2. (CONFLICT: Text as amended by PL 2019, c. 343, Pt. IIII, §6) Future demand. Project future demand for forest resources based on a common economic forecast developed by the Consensus Economic Forecasting Commission and on other appropriate economic projections;
[PL 2019, c. 343, Pt. IIII, §6 (AMD).]

3. Trends. Identify trends in resource utilization and forecast supply available to meet the projected demands; and
[PL 1997, c. 720, §9 (AMD).]

4. Potential shortfalls. Identify potential shortfalls in forest resources and the management and policy actions necessary in the public and private sector to avoid shortfalls.
[PL 1997, c. 720, §9 (AMD).]

5. Recomendations.
[PL 1997, c. 720, §9 (RP).]

The director shall coordinate the efforts of this program fully with ongoing bureau and federal forestry program planning efforts and with the efforts of the Maine Economic Growth Council to develop a long-term plan for the State's economy pursuant to Title 10, section 929-B. [PL 1997, c. 720, §9 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1989, c. 875, §J10 (NEW). PL 1997, c. 720, §9 (AMD). PL 2011, c. 655, Pt. DD, §9 (AMD). PL 2011, c. 655, Pt. DD, §24 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2019, c. 343, Pt. D, §12 (AMD). PL 2019, c. 343, Pt. IIII, §6 (AMD).

§8876-A. Forest sustainability

The director shall establish a process to assess forest sustainability. In developing this process, the director shall build on the principles of sustainability developed by the Northern Forest Lands Council established by Congress in 1990 and the criteria developed by the Maine Council on Sustainable Forest Management pursuant to Executive Order #11 dated April 25, 1995. [PL 1997, c. 720, §10 (NEW).]

1. Standards. Standards must be established to assess each of the criteria listed in this subsection by January 1st of the year indicated. The following standards must be specific, measurable and understandable by both forest managers and the general public:

A. Soil productivity by 2001; [PL 1997, c. 720, §10 (NEW).]

B. Water quality, wetlands and riparian zones by 1999; [PL 1997, c. 720, §10 (NEW).]

C. Timber supply and quality by 1999; [PL 1997, c. 720, §10 (NEW).]

D. Aesthetic impacts of timber harvesting by 2003; [PL 1997, c. 720, §10 (NEW).]

E. Biological diversity by 2002; [PL 1997, c. 720, §10 (NEW).]

F. Public accountability of forest owners and managers by 1999; and [PL 1997, c. 720, §10 (NEW).]

G. Traditional recreation by 2003. [PL 1997, c. 720, §10 (NEW).]
[PL 1997, c. 720, §10 (NEW).]

2. Process. The director shall identify individuals with scientific background and practical experience in each of the criteria areas listed in subsection 1 and convene technical working groups. In the development of standards pursuant to subsection 1, the director and working groups shall assess current status and trends, the desired objectives and actions to reach the objectives. Each working group shall identify a range of alternative standards and recommend a set of standards based on a comprehensive review of available information and an assessment of the economic impacts of implementing the standards. The director shall coordinate the efforts of each working group and provide an opportunity for public comment on the recommended standards prior to final adoption.
[PL 1997, c. 720, §10 (NEW).]

3. Report. The director shall report to the joint standing committee of the Legislature having jurisdiction over forestry matters with a recommendation for each set of standards and an articulated goal for each criterion by the date specified in subsection 1. At the time of the report, the director shall indicate the recommended timetable for revisiting the particular criterion and standards.
[PL 1997, c. 720, §10 (NEW).]

4. Monitoring. As each set of standards is adopted, the director shall develop a system to monitor statewide progress in achieving those standards and begin monitoring. Standards and monitoring systems must be in place for all criteria by July 1, 2004.

[PL 1997, c. 720, §10 (NEW).]

SECTION HISTORY

PL 1997, c. 720, §§10,11 (NEW).

§8877. Review and coordination

(REPEALED)

SECTION HISTORY

PL 1989, c. 875, §J10 (NEW). PL 1991, c. 528, §G9 (RP). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §G9 (RP).

§8877-A. Determination of supply and demand for timber resources

The director shall use a variety of methods, including those specified in this section, to assess the status of timber resources, project future demand for these resources and forecast the supply available to meet the projected demands. [PL 1997, c. 720, §11 (NEW).]

1. Forest inventory. The director, in cooperation with the United States Forest Service, shall conduct a forest inventory and analysis program. The inventory must be based on plot data collected annually in a manner that provides for the entire State to be inventoried on a cycle of not more than 5 years. Plot data must be collected and compiled to provide for analysis by ownership class and geographic region. The director shall provide for collection of supplemental plot data when needed to assess the impact of catastrophic events on the State's forests or significant changes in harvesting levels or methods.
[PL 1997, c. 720, §11 (NEW).]

2. Remote sensing data. The director shall review data collected using remote sensing technology to determine the area of forest types and gross changes in forest types.
[PL 1997, c. 720, §11 (NEW).]

3. Timber supply modeling. The director shall coordinate efforts to project future timber supply using forest models based on growth, harvest and other dynamic factors affecting the forest. The models must allow for statewide projections and projections for geographic regions and landowner classes.
[PL 1997, c. 720, §11 (NEW).]

SECTION HISTORY

PL 1997, c. 720, §11 (NEW).

§8878. Reports

(REPEALED)

SECTION HISTORY

PL 1989, c. 875, §J10 (NEW). PL 1997, c. 720, §12 (RP).

§8878-A. Annual report on clearcutting

(REPEALED)

SECTION HISTORY

PL 1997, c. 720, §13 (NEW). PL 2011, c. 532, §1 (RP).

§8879. Report on the state of the State's forests

The director shall publish a report on the state of the State's forests every 5 years. The director must submit a copy of the report to the joint standing committee of the Legislature having jurisdiction

over forestry matters by January 1st every 5 years beginning January 1, 2016. [PL 2011, c. 532, §2 (AMD).]

1. Content. The report must describe the condition of the State's forests based on historical information and information collected and analyzed by the bureau for the 5-year period. The report must provide an assessment at the state level of progress in achieving the standards developed pursuant to section 8876-A, including an assessment of designated outcome-based forestry projects authorized under section 8003, subsection 3, paragraph Q, including a recommendation to continue, change or discontinue the outcome-based forestry projects. The director shall also provide observations on differences in achieving standards by landowner class. The report must summarize importing and exporting of forest products for foreign and interstate activities. The director shall obtain public input during the preparation of the report through appropriate methods.
[PL 2013, c. 542, §7 (AMD).]

1-A. Report on changes in ownership of forest land. Using information received under Title 36, section 581-G, the director shall monitor changes in ownership of parcels of forest land that are 1,000 acres or greater in area within the municipalities of the State and classified under the Maine Tree Growth Tax Law. Using information received under Title 36, sections 581-F and 581-G, the director shall monitor the number of parcels classified under the Maine Tree Growth Tax Law and the distribution of parcels by size. The report must include information on the number of parcels, classified by size categories, for the organized and unorganized territories of the State. The information must be presented in a manner that facilitates comparison from year to year.

In assessing changes in forest land ownership, the director shall also consider information reported pursuant to Title 36, sections 305 and 2728. The director shall provide a summary of changes in ownership of forest land in the report.
[PL 2011, c. 532, §2 (AMD).]

2. Recommendations. The report must include recommendations for state and private actions designed to address the needs identified in the assessment.

A. State action recommendations must be defined in terms of necessary policies, programs, staff and budgetary requirements to achieve specific goals. [PL 1997, c. 720, §13 (NEW).]

B. Recommendations for actions on privately held forest lands may be developed separately for large, industrial ownerships and small, nonindustrial ownerships. These recommendations must be defined in terms of actions needed to achieve specific goals. [PL 1997, c. 720, §13 (NEW).]
[PL 1997, c. 720, §13 (NEW).]

SECTION HISTORY

PL 1997, c. 720, §13 (NEW). PL 2001, c. 339, §7 (AMD). PL 2001, c. 564, §2 (AMD). PL 2005, c. 683, §A15 (AMD). PL 2011, c. 532, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2013, c. 542, §7 (AMD).

SUBCHAPTER 5

FOREST LANDOWNER AND WOOD PROCESSOR REPORTING REQUIREMENTS

§8881. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

1. All-weather road. "All-weather road" means a public or private road that may be traversed during all seasons of the year.

[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

2. Designated agent. "Designated agent" means a person, firm, company, corporation or other legal entity representing the landowner in timber sales or land management.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

3. Forest products. "Forest products" means logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass fuel wood, fuel wood or other products commonly known as forest products, but does not include Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, cones or other seed crops.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

4. Harvester. "Harvester" means a person, firm, company, corporation or other legal entity which harvests or contracts to harvest a forest product.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

5. Harvest operation. "Harvest operation" means a harvest of forest products on land in a single municipality or township. Land harvested need not be contiguous and more than one harvester may work a harvest operation.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

5-A. Landowner. "Landowner" means a person, company or other entity that holds title to land, including joint owners or tenants in common. If the ownership of the timber located on the land is different from the fee ownership of the land, the owner of the timber is deemed to be a landowner and is jointly and severally responsible with the fee landowner for compliance with this subchapter. If a corporate landowner is a wholly owned subsidiary of another corporation, both parent and subsidiary are deemed to be the same landowner.
[PL 2001, c. 603, §1 (NEW).]

6. Lump-sum sale. "Lump-sum sale" means a sale in which the owner of standing timber sells the timber for one price and that price is not broken down by species or product.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

7. Precommercial silvicultural activities. "Precommercial silvicultural activities" means chemical or mechanical thinning operations, planting, stand conversion or timber stand improvement activities where no forest products are sold.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

8. Residue. "Residue" means by-products of a processed log, including, but not limited to bark, woodchips or sawdust.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

9. Roundwood. "Roundwood" means logs, bolts and other round sections of wood as they are cut from a tree.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

10. Roundwood processing operation. "Roundwood processing operation" means sawmills; bolter mills; shingle mills; veneer mills; fence pole and piling making operations; pulp and paper mills; wafer board, particle board and plywood mills; whole tree chippers; commercial fuel wood processors; and custom processing mills of these products.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

11. Stumpage. "Stumpage" means standing timber.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

12. Timber harvesting. "Timber harvesting" has the same meaning as in section 8868, subsection 4.
[PL 2011, c. 532, §3 (NEW).]

SECTION HISTORY

PL 1989, c. 555, §12 (NEW). PL 1989, c. 600, §B11 (AMD). PL 2001, c. 603, §1 (AMD). PL 2011, c. 532, §3 (AMD).

§8882. Forms

Forms required under this subchapter must be provided by the bureau and must be written in an easily understandable format. In addition to the information required under section 8883-B, the bureau may request information regarding business practices and workers' compensation coverage. [PL 2003, c. 452, Pt. F, §42 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1989, c. 555, §12 (NEW). PL 1989, c. 600, §B11 (AMD). PL 1997, c. 648, §3 (AMD). PL 2003, c. 452, §F42 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§8883. Notification

(REPEALED)

SECTION HISTORY

PL 1989, c. 555, §12 (NEW). PL 1989, c. 600, §B11 (AMD). PL 1997, c. 648, §§4-6 (AMD). PL 1999, c. 361, §§4-7 (AMD). PL 2001, c. 603, §2 (AMD). PL 2003, c. 345, §1 (AMD). PL 2003, c. 452, §F43 (RP). PL 2003, c. 452, §X2 (AFF).

§8883-A. Notification of importing or exporting

(REPEALED)

SECTION HISTORY

PL 1995, c. 242, §1 (NEW). PL 2005, c. 133, §3 (RP).

§8883-B. Notification

1. Notification required prior to harvest. Unless exempted under subsection 6 or by rule, a landowner or designated agent shall notify the bureau prior to beginning timber harvesting.

A. [PL 2011, c. 532, §4 (RP).]

B. [PL 2011, c. 532, §4 (RP).]

When the timber harvesting is occurring within a municipality, the bureau shall send a copy of the notification form to the municipal clerk.
[PL 2011, c. 532, §4 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Notification form. Unless an alternate form or method of reporting is provided in rule, notification must be on forms supplied by the bureau and must include the following information:

A. The name, address and phone number of the landowner, any designated agent and, if known, any harvester or harvesters; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. The name and address of any licensed professional forester consulting the landowner on forest management or harvesting practices; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. The municipality or township and county of harvest; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. The name of the nearest public or private all-weather road; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

E. The approximate dates the harvest will begin and finish; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

F. The anticipated acreage to be harvested; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

G. An indication whether the land being harvested is taxed under the Maine Tree Growth Tax Law; [PL 2011, c. 532, §5 (AMD).]

H. Whether the land is being harvested to convert to another use within 2 years and, if so, what that use is to be; [PL 2011, c. 532, §6 (AMD).]

I. The signatures of the harvester when listed on the form in accordance with paragraph A and the licensed professional forester when listed on the form in accordance with paragraph B; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

J. The signature of the landowner and the signature of the designated agent when a designated agent is listed in accordance with paragraph A. If the designated agent is a licensed professional forester who has a fiduciary responsibility to the landowner, the signature of the landowner is not required; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

K. A map locating the harvest site in relation to known or easily identifiable terrain features such as a road junction or a stream and road junction. The map must be a copy of a 7.5 or 15 minute series topographical map produced by the United States Geological Survey or a map of equivalent or superior detail in the location of roads; and [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

L. The date of notification. [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2011, c. 532, §§5, 6 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

3. Harvest reporting forms. Upon receipt by the bureau of the form required under subsection 2, the bureau shall mail forms to the landowner or designated agent for reporting harvest information pursuant to this subchapter.

[PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. Notification form on file; posted. The landowner or designated agent shall retain a copy of the notification form and produce it upon request of agents as specified in section 8888. The landowner or designated agent shall post the notification number at the harvest site in a clearly visible location.

[PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Duration. A notification shall remain valid for 2 years from the date of issue or upon completion of the harvest, whichever occurs first. If the harvest extends beyond 2 years, a new notice under this section must be filed.

[PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Notification exemption. The following activities are exempt from the notification requirement under this section:

A. Activities when forest products are harvested for an owner's own use and are not sold or offered for sale or used in the owner's primary wood-using plants; [PL 2011, c. 532, §7 (AMD).]

B. Precommercial silvicultural forestry activities; and [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Harvesting performed by the landowner within a 12-month period when the total area harvested on land owned by that landowner does not exceed 2 acres. [PL 2011, c. 532, §7 (AMD).]

[PL 2011, c. 532, §7 (AMD).]

6-A. Alternative notifications. The bureau may develop alternative notification forms and methods for reporting:

A. A timber harvesting operation 10 acres or less in area; and [PL 2011, c. 532, §8 (NEW).]

B. Timber harvesting for the purpose of converting the land to another use when a person certified in erosion control practices by the Department of Environmental Protection is responsible for management of erosion and sedimentation control at the harvest site. [PL 2011, c. 532, §8 (NEW).]

[PL 2011, c. 532, §8 (NEW).]

7. Penalties. The following penalties apply to the failure to notify the bureau pursuant to this section. Each day of failure to notify is a separate offense.

A. [PL 2011, c. 532, §9 (RP).]

B. [PL 2011, c. 532, §9 (RP).]

C. Failure to notify the bureau of a timber harvesting operation constitutes a civil violation for which a fine not to exceed $1,000 for each occurrence may be adjudged and for which immediate cessation of the operation may be ordered by the court. Continued operation after receiving an order to cease operation constitutes a civil violation for which a fine not to exceed $1,000 for each day the operation continues may be adjudged. [PL 2011, c. 532, §9 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

D. Providing inaccurate information on a notification form for a timber harvesting operation is a civil violation for which a fine of not more than $1,000 for each occurrence may be adjudged. [PL 2011, c. 532, §9 (AMD).]

[PL 2011, c. 532, §9 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

8. Confidentiality. The addresses, telephone numbers and electronic mail addresses of forest landowners owning less than 1,000 acres statewide contained in notifications filed under this section are confidential and may be disclosed only in accordance with section 8005.

[PL 2005, c. 358, §3 (NEW).]

9. Rulemaking. No later than November 1, 2012, the bureau shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 532, §10 (NEW).]

SECTION HISTORY

PL 2003, c. 452, §F44 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 358, §3 (AMD). PL 2011, c. 532, §§4-10 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§8884. Annual wood processing reports

1. Wood processor reports. Owners or operators of all roundwood processing operations shall submit an annual report to the director of the bureau during the month of January for the roundwood used or processed by the operation during the preceding year. The report shall specify the amount of roundwood processed by species and county where cut from the stump.

[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

1-A. Reclaimed waste wood and cedar waste report.
[PL 2013, c. 513, §1 (RP).]

2. Imports and exports. Persons, firms, corporations or companies selling forest products out of the State or buying forest products to bring into the State shall submit an annual report to the director of the bureau during the month of January for the forest products sold out of the State or brought into the State. The report must also identify the origin of imported forest products by state or country, the county in the State in which exported forest products were harvested and the destination of exported forest products by state or country.
[PL 2005, c. 133, §4 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

3. Confidentiality. Information collected by the bureau under this section is public except for:

A. Volumes of forest products; [PL 2013, c. 513, §2 (NEW).]

B. Species of forest products; [PL 2013, c. 513, §2 (NEW).]

C. Types of forest products; [PL 2013, c. 513, §2 (NEW).]

D. County of origin of forest products; and [PL 2013, c. 513, §2 (NEW).]

E. Personally identifying information of forest product suppliers to roundwood processing operations and importers and exporters of forest products. [PL 2013, c. 513, §2 (NEW).]

Summary reports that use aggregate data that do not reveal the activities of an individual person or firm are public records.
[PL 2013, c. 513, §2 (RPR).]

4. Failure to submit report; penalty. Failure to submit reports pursuant to this section constitutes a civil violation for which a fine not to exceed $1,000 for each failure may be adjudged.
[PL 2003, c. 452, Pt. F, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1989, c. 555, §12 (NEW). PL 1989, c. 600, §B11 (AMD). PL 1989, c. 935, §1 (AMD). PL 1991, c. 528, §G10 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §G10 (AMD). PL 1995, c. 242, §2 (AMD). PL 2003, c. 452, §F45 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 133, §4 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2013, c. 513, §§1, 2 (AMD).

§8885. Reports by forest landowners

1. Harvest report. Except as provided in subsection 1-A, an owner of forest land who sells forest products or harvests forest products for that owner's commercial use shall submit a report to the director stating the species, volume and stumpage price per unit of measure for each transaction, the municipality or township where the stumpage was located, the estimated acreage of the harvest, the harvest method employed and the extent of whole-tree harvesting of both solid and chipped wood. For lump-sum sales, the purchaser shall be responsible for submitting the report.
[PL 1997, c. 720, §14 (AMD).]

1-A. Alternate harvest report. The director may develop alternate forms for or methods of collecting harvest information from landowners who do not harvest timber on a regular basis. The director shall define landowners subject to the provisions of this subsection and provide report forms pursuant to section 8883-B, subsection 3.
[PL 2003, c. 452, Pt. F, §46 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Precommercial silvicultural practices report. Owners of forest land on which precommercial silvicultural practices have been performed on more than 10 acres in any year shall report these practices to the director.

[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

2-A. Report on clear-cuts. When timber harvesting produces a clear-cut as defined in section 8868, the landowner shall report to the director the acreage of the clear-cut and the purpose of the clear-cut.
[PL 1997, c. 720, §16 (NEW).]

3. Reports. Reports required under subsections 1 and 2 are due during the month of January. If the period of cutting under subsection 1 or 2 extends beyond December 31st of any calendar year, a report must be submitted during the month of January for the preceding year. A person filing a harvest notification form pursuant to section 8883-B must complete and return to the bureau a harvest report whether or not the landowner has harvested that year.
[PL 2003, c. 452, Pt. F, §47 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. Confidentiality. Information contained in reports filed under this section may not be made public, except that summary reports may be published that use aggregated data that do not reveal the activities of an individual person or firm. Forms submitted pursuant to this section must be available for the use of the State Tax Assessor for the administration of Title 36.
[PL 2009, c. 568, §1 (AMD).]

5. Disclosure. Nothing in this section may be construed to prevent the disclosure of information to duly authorized officers of the United States and of other states, districts and territories of the United States and of the provinces and Dominion of Canada. The information shall be given only on the written request of the duly authorized officer when that officer's government permits the exchange of similar information with the taxing officials of this State and when that officer agrees that the information shall be used only for tax collection purposes.
[PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

6. Failure to submit report; penalty. Failure to submit reports pursuant to this section constitutes a civil violation for which a fine not to exceed $1,000 for each failure may be adjudged.
[PL 2003, c. 452, Pt. F, §48 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1989, c. 555, §12 (NEW). PL 1989, c. 600, §B11 (AFF). PL 1997, c. 720, §§14-17 (AMD). PL 2003, c. 452, §§F46-48 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 568, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§8886. Reports

The director shall produce the following reports. [PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF).]

1. Harvesting practices. Utilizing a sample of forest landowner reports and any other appropriate survey methods, the director shall tabulate an annual survey of the methods of harvesting and the harvest practices employed. The information on harvesting must include, but is not limited to, the silvicultural prescriptions employed, the estimated acreage of various harvest methods, including clear-cutting, the extent of whole-tree harvesting of both solid and chipped wood, the number of clear-cuts over 75 acres in size, the total acres planted and the total acres precommercially thinned.
[PL 2011, c. 532, §11 (AMD).]

2. Annual price reports. The bureau shall publish, annually, a report on prices as specified below. These reports must be reported by zones as determined by the director and must include a statewide average of all zones.

A. The reports must include stumpage prices paid for forest tree species of the State as reported pursuant to section 8885. Prices for other forest products may be collected using acceptable survey techniques. [PL 1997, c. 720, §18 (AMD).]

B. [PL 2005, c. 133, §5 (RP).]

[PL 2005, c. 133, §5 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1989, c. 555, §12 (NEW). PL 1989, c. 600, §B11 (AMD). PL 1997, c. 720, §18 (AMD). PL 2005, c. 133, §5 (AMD). PL 2011, c. 532, §11 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§8887. Penalties

(REPEALED)

SECTION HISTORY

PL 1989, c. 555, §12 (NEW). PL 1989, c. 600, §B11 (AMD). PL 2001, c. 603, §3 (AMD). PL 2003, c. 452, §F49 (RP). PL 2003, c. 452, §X2 (AFF).

§8888. Enforcement

Enforcement of this subchapter shall be by any state, county or municipal law enforcement officer, including forest rangers and field foresters of the Bureau of Forestry and wardens of the Department of Inland Fisheries and Wildlife. [PL 1989, c. 555, §12 (NEW); PL 1989, c. 600, Pt. B, §11 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1989, c. 555, §12 (NEW). PL 1989, c. 600, §B11 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

CHAPTER 807

FOREST FIRE CONTROL

SUBCHAPTER 1

GENERAL PROVISIONS

§8901. Forest rangers

1. Appointment. The Director of the Bureau of Forestry shall appoint forest rangers, subject to the Civil Service Law and the State Supervisor of the forest protection unit of the Bureau of Forestry. Rangers assigned to posts at Clayton Lake, St. Pamphile, Estcourt Station, Daaquam, Musquacook Lake, Snare Brook and Baker Lake must be bilingual in French and English.

A. The forest protection unit of the Bureau of Forestry shall employ no fewer than 45 and no more than 50 forest rangers classified as Forest Ranger II to serve as wildfire control specialists and forestry law enforcement officers, and no fewer than 16 forest rangers classified as follows: 3 Regional Rangers, 8 District Rangers, one Forest Fire Prevention Specialist, one Ranger Pilot Supervisor and 3 Ranger Pilots. Each forest ranger and the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry must meet the training requirements of Title 25, section 2804-L. [PL 2017, c. 456, §1 (AMD).]

[PL 2017, c. 456, §1 (AMD).]

2. Powers and duties. Forest rangers and the state supervisor shall:

A. Subject to supervision of the director, supervise the state wildfire control program, including personnel and facilities of all types; [PL 2013, c. 130, §1 (AMD).]

B. Have the final on-site authority and responsibility for the control of wildfires; [PL 2013, c. 130, §1 (AMD).]

C. Develop and carry out a comprehensive program of wildfire prevention education and training of persons at all levels of command in order to meet supervisory needs during wildfire emergencies; [PL 2013, c. 130, §1 (AMD).]

D. Enforce Title 36, chapter 701 relating to blueberries, all laws relating to forests and forest preservation, laws relating to the Maine Land Use Planning Commission and laws and rules relating to lands under the jurisdiction of the Bureau of Parks and Lands; [PL 2013, c. 130, §1 (AMD); PL 2013, c. 405, Pt. A, §24 (REV).]

E. Investigate and gather evidence regarding the cause of wildfires; [PL 2013, c. 130, §1 (AMD).]

F. Have the authority to set backfires to control wildfires; [PL 2013, c. 130, §1 (AMD).]

G. Carry out such other duties as the director prescribes; and [PL 1989, c. 174, §1 (AMD).]

H. Have rights of access to all lands within the State to carry out the duties they are authorized by law to administer and enforce. Entry into private property under this paragraph is not a trespass. This paragraph does not authorize entry into any building or structure. [PL 1989, c. 174, §2 (NEW).]

Forest rangers and the state supervisor may also exercise the powers in this subsection when appropriate for agricultural and park fires.
[PL 2013, c. 130, §1 (AMD); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Law enforcement powers. In addition to any law enforcement powers expressly provided to forest rangers by another law:

A. Forest rangers and the state supervisor, for the purpose of enforcing Title 36, chapter 701 relating to blueberries, forest and forest preservation laws, laws of the Maine Land Use Planning Commission and laws and rules relating to the lands under the jurisdiction of the Bureau of Parks and Lands, have statewide law enforcement powers equivalent to those of a sheriff, or a sheriff's deputy, in the sheriff's county, including the right to execute or serve criminal and civil violation processes against offenders, make warrantless arrests for crimes, investigate and prosecute offenders, require aid in executing forest ranger duties and deputize temporary aides; [PL 2013, c. 130, §2 (AMD); PL 2013, c. 405, Pt. A, §24 (REV).]

B. The Director of the Bureau of Forestry, at the director's discretion, may authorize forest rangers and the state supervisor while on duty to arrest without a warrant a person who has committed or is committing in the ranger's or supervisor's presence any crime involving the use or threatened use of physical force against a person.

For the purposes of this paragraph, criminal conduct has been committed or is being committed in the presence of a law enforcement officer when one or more of the officer's senses afford that officer personal knowledge of facts that are sufficient to warrant a prudent and cautious law enforcement officer's belief that a crime involving the use or threatened use of physical force against a person is being or has just been committed and that the person arrested has committed or is committing that crime. An arrest made pursuant to this paragraph must be made at the time of the commission of the criminal conduct, or some part thereof, or within a reasonable time thereafter or upon fresh pursuit; and [PL 1999, c. 352, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

C. Forest rangers and the state supervisor while on or off duty are authorized to provide assistance in a life-threatening emergency consistent with agency policies and within the scope of individual training. [PL 1999, c. 351, §1 (NEW).]

[PL 2013, c. 130, §2 (AMD); PL 2013, c. 405, Pt. A, §§23, 24 (REV).]

3-A. Liability. When a forest ranger or the state supervisor provides assistance under subsection 3, paragraph C, the forest ranger or the state supervisor has the same immunity from tort liability and all the pension, relief, disability, workers' compensation and insurance benefits and any other benefits the forest ranger or the state supervisor enjoys while performing duties under subsection 3, paragraphs A and B.

[PL 1999, c. 352, §2 (NEW).]

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

A. "Escaped prescribed fire" means an uncontrolled fire on wildland caused by a prescribed fire that escaped control efforts and burned unintended land area. [PL 2013, c. 130, §3 (NEW).]

B. "Escaped wildland fire use" means an out of control fire caused by a wildland fire use that escaped control efforts and burned unintended land area. [PL 2013, c. 130, §3 (NEW).]

C. "Prescribed fire" means a forest or land management practice using fire, applied in a knowledgeable manner to naturally occurring fuels on a specific land area under selected weather conditions to accomplish predetermined, well-defined management objectives. [PL 2013, c. 130, §3 (NEW).]

D. "Wildfire" means an unplanned, unwanted wildland fire including an unauthorized human-caused fire, an escaped wildland fire use, an escaped prescribed fire and any other wildland fire with respect to which the Director of the Bureau of Forestry has determined that the objective is to put the fire out. [PL 2013, c. 130, §3 (NEW); PL 2013, c. 405, Pt. A, §23 (REV).]

E. "Wildland" means an area in which development is essentially nonexistent, except for roads, railroads, powerlines and similar transportation facilities, and structures, if any, are widely scattered. [PL 2013, c. 130, §3 (NEW).]

F. "Wildland fire use" means a management practice using a naturally occurring fire burning forest fuels on wildland that is not immediately controlled. The fire is allowed to burn within a predetermined area and is used to promote certain wilderness or management objectives. [PL 2013, c. 130, §3 (NEW).]

[PL 2013, c. 130, §3 (NEW); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1985, c. 108, §2 (AMD). PL 1985, c. 785, §B76 (AMD). PL 1987, c. 69, §1 (AMD). PL 1987, c. 349, §H11 (AMD). PL 1987, c. 769, §A51 (AMD). PL 1987, c. 816, §§KK14,KK15 (AMD). PL 1989, c. 174, §§1,2 (AMD). PL 1991, c. 652, §§1,2 (AMD). PL 1995, c. 502, §E30 (AMD). PL 1999, c. 155, §A4 (AMD). PL 1999, c. 352, §§1,2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2011, c. 657, Pt. X, §7 (AMD). PL 2011, c. 682, §38 (REV). PL 2013, c. 130, §§1-3 (AMD). PL 2013, c. 405, Pt. A, §§23, 24 (REV). PL 2015, c. 267, Pt. Z, §1 (AMD). PL 2017, c. 284, Pt. SS, §1 (AMD). PL 2017, c. 456, §1 (AMD).

§8902. Forest fire wardens

The director shall appoint a forest fire warden in each organized municipality. The municipal fire chief shall be appointed as forest fire warden if practicable and no other person may be appointed without the approval of the municipal officers. All appointed forest fire wardens shall serve at the pleasure of the director and shall be sworn to the faithful discharge of these duties and a certificate thereof shall be returned to the bureau. Whoever has been notified of this appointment shall file with

the director his acceptance or rejection within 10 days. The appointed forest fire warden may appoint one or more deputy forest fire wardens subject to approval of the municipal officers. A deputy forest fire warden may act for the forest fire warden in the absence of the appointed forest fire warden, but no compensation in addition to that provided in this section may be made. [PL 1985, c. 108, §3 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

The State shall pay the appointed forest fire warden an annual fee of $100. This payment shall be made contingent upon attendance at forest fire training schools, preparation of an annual forest fire plan for his town and such reports as the director may require. This fee in no way limits payment to the warden from his town. His services for work on actual forest fires, as well as that of deputy forest fire wardens, shall be paid by the town and at a rate determined by the town. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 556, §6 (AMD). PL 1985, c. 108, §3 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§8903. General deputy wardens

The director may appoint general deputy wardens as an adjunct to the personnel regularly employed in the forest fire control program. They shall aid in forest fire prevention and shall take immediate action to control any unauthorized forest fires, employ assistance when required and notify the nearest forest ranger or town forest fire warden with dispatch. Such general deputy wardens and those they employ may receive the prevailing local fire fighting wages for the period so engaged. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8904. Coordinating protective agencies

The director shall formulate emergency plans of action to establish staffing pools, equipment reserves, facilities for feeding, transportation and communication on forest fires. In preparing the plan, other agencies and organizations having needed facilities should be contacted, such as fire chiefs, emergency management units, the American Red Cross, sheriffs, the American Legion, the State Police, the Maine National Guard, the Department of Transportation, the Department of Inland Fisheries and Wildlife, the State Grange, colleges, the Civil Air Patrol and any other protective group as determined by the director. Whenever or wherever a major forest fire occurs or threatens, the bureau is the coordinating agency until the Governor declares an emergency. [PL 2013, c. 462, §1 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2013, c. 462, §1 (AMD).

§8905. Chain of command

The director shall be responsible for the control of forest fires in all areas of the State. In carrying out these duties, the director shall have an unbroken chain of command down to, and including, town forest fire wardens. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8906. Other authority

1. Administrative units. The director shall have the authority to divide the State into administrative units so as to most effectively provide for protection against loss or damage by forest fires.

[PL 1979, c. 545, §3 (NEW).]

2. Equipment. The director may establish lookout stations connected by telephone and radio, and construct, equip and maintain office-storehouse headquarters for necessary supplies, tools and equipment and provide for any other facilities essential for forest fire control. All fire lookout towers must be staffed during periods of fire danger. The director shall notify the joint standing committees of the Legislature having jurisdiction over energy and natural resources and appropriations and financial affairs in writing prior to implementing any major policy changes in the operation and staffing of the fire lookout tower system. Within the unorganized territory, the director may, in addition to this subsection, construct and maintain roads and trails. In the event the director determines that any currently active fire tower should not be reopened for the subsequent fire season, the director shall provide notice to the Legislature of intended action by January 15th. This notice must include the location of the fire towers affected and the justifications for the closures. Notice of closures must be reviewed by the joint standing committee of the Legislature having jurisdiction over natural resources. Unless the Legislature determines otherwise, the director may close towers so indicated. If any fire tower is not reopened, the department shall work closely with the municipality in which the fire tower is located to minimize the impact that action will have on the municipality's responsibility to control forest fires.
[PL 1991, c. 9, Pt. Y, §2 (AMD).]

3. Contingency. If the funds available for forest fire control are not sufficient to meet actual suppression costs in any year, the Governor may make additional funds available from the treasury not otherwise appropriated.
[RR 2011, c. 2, §11 (COR).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 367 (AMD). PL 1983, c. 556, §7 (AMD). PL 1983, c. 819, §A39 (AMD). PL 1985, c. 506, §A17 (AMD). PL 1991, c. 9, §Y2 (AMD). RR 2011, c. 2, §11 (COR).

§8907. Forest service citation form

1. Form. The Director of the Bureau of Forestry, referred to in this section as the "director," shall designate the Uniform Summons and Complaint as the citation form to be used by the Maine Forest Service, except that the director may permit the use of any citation forms approved by the Chief Judge of the District Court before May 1, 1991 that are in current stock as of May 1, 1991 until those stocks are depleted.
[PL 1991, c. 459, §3 (RPR); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Citation books. The director is responsible for any forms approved by the Chief Judge of the District Court prior to May 1, 1991. The director may provide citation books to other law enforcement agencies and officers for their use in the enforcement of chapters 807 and 809. The director may not require other agencies to use this form. The Department of Public Safety is responsible for all Uniform Summons and Complaints issued to the Maine Forest Service. The director or the director's designee is responsible for the further issuance of Uniform Summons and Complaint books to individual law enforcement officers and for the proper disposition of those books.
[PL 1991, c. 459, §3 (RPR).]

3. Disposition; prohibited act. It is unlawful and official misconduct for any forest ranger or other public employee to dispose of an official citation form or Uniform Summons and Complaint except in accordance with law and as provided for in an applicable official policy or procedure of the Maine Forest Service.
[PL 1991, c. 459, §3 (RPR).]

4. Lawful complaint. A Maine Forest Service citation form or a Uniform Summons and Complaint may be filed in a court having jurisdiction and constitutes a lawful complaint to commence any criminal prosecution or civil violation proceeding if the form or Uniform Summons and Complaint is duly sworn to as required by law and otherwise legally sufficient in respect to the form of a complaint and charging an offense.
[PL 1991, c. 459, §3 (RPR).]

5. Lawful summons. A Maine Forest Service citation or a Uniform Summons and Complaint, when served upon a person by a law enforcement officer, functions as a summons to appear in court. Any person who fails to appear in court after having been served with a summons commits a Class E crime. Upon that person's failure to appear, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear resulted from just cause.

A. [PL 1991, c. 459, §3 (RP).]

B. [PL 1991, c. 459, §3 (RP).]
[PL 1991, c. 459, §3 (RPR).]

6. Refusal to sign; prohibited act. Any person who refuses to sign a citation or a Uniform Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime.
[PL 1991, c. 459, §3 (RPR).]

7. Refusal to sign; prohibited act.

[PL 1991, c. 459, §3 (RP).]

SECTION HISTORY

PL 1989, c. 174, §3 (NEW). PL 1991, c. 459, §3 (RPR). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§8908. Aerial Fire Suppression Fund

1. Establishment of fund. The Aerial Fire Suppression Fund, referred to in this section as "the fund," is established through the Office of the State Controller as a nonlapsing fund under the jurisdiction of the bureau to ensure the viability of its aerial fire suppression program. The bureau may assess charges to agencies of the State for the use of the bureau's aerial fire suppression resources for purposes other than fire suppression and shall deposit any such money received into the fund. The bureau may apply for and accept any appropriation, grant, gift or service made available from any public or private source consistent with the purpose of this section and shall deposit any such money into the fund.
[PL 2005, c. 28, §1 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Use of fund. The bureau may use the fund to pay operating expenses and to purchase aerial fire suppression resources, including helicopters, airplanes and spare parts, in accordance with the bureau's plan to diversify and modernize its aerial fire suppression fleet.
[PL 2019, c. 616, Pt. K, §1 (AMD).]

SECTION HISTORY

PL 2005, c. 28, §1 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2019, c. 616, Pt. K, §1 (AMD).

SUBCHAPTER 2

FIRE PREVENTION EMERGENCY

§9001. Proclamation by Governor

1. Determination by director. The director shall inform the Governor when the director determines that:

A. A high degree of forest fire danger exists in any part of the State; and [PL 1979, c. 545, §3 (NEW).]

B. Human activity is likely to pose a forest fire menace. [PL 1995, c. 586, §1 (AMD).]
[PL 1995, c. 586, §1 (AMD).]

2. Proclamation. The Governor may, by proclamation, suspend the open season for hunting or fishing or prohibit out-of-door smoking or building or using out-of-door fires or prohibit any other human activity likely to be a menace to the forests for such time and in such areas of the State as considered necessary. The type and manner of hunting and fishing or other human activity that is prohibited must be designated in the proclamation.
[PL 1995, c. 586, §1 (AMD).]

3. Out-of-door fires at campgrounds.

[PL 1995, c. 586, §2 (RP).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1995, c. 586, §§1,2 (AMD).

§9001-A. Definitions

As used in this subchapter, the following terms have the following meanings. [PL 1995, c. 586, §3 (NEW).]

1. Licensed camping facility. "Licensed camping facility" means a recreational camp, youth camp or camping area licensed under Title 22, section 2495.
[PL 2009, c. 211, Pt. B, §4 (AMD).]

SECTION HISTORY

PL 1995, c. 586, §3 (NEW). PL 2009, c. 211, Pt. B, §4 (AMD).

§9001-B. Exemptions

1. General. The Governor may, in a proclamation issued under section 9001, exempt from the prohibitions specified in the proclamation human activities or out-of-door fires that the Governor determines are not a significant menace to the forests.
[PL 1995, c. 586, §3 (NEW).]

2. Certain public campsites. The Governor may, in a proclamation issued under section 9001, exempt from the prohibitions specified in the proclamation out-of-door fires and the use of charcoal and gas grills at campsites under the jurisdiction of the Department of Agriculture, Conservation and Forestry or the Baxter State Park Authority, as long as the campsite and the use of out-of-door fires and charcoal and gas grills at the campsite comply with rules adopted under subsection 4.
[PL 1995, c. 586, §3 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

3. Licensed camping facilities. The Governor may, in a proclamation issued under section 9001, exempt from the prohibitions specified in the proclamation out-of-door fires and the use of charcoal and gas grills at a licensed camping facility if:

A. The facility and the use of out-of-door fires and charcoal and gas grills at the facility comply with rules adopted under subsection 4; [PL 1995, c. 586, §3 (NEW).]

B. The owner or operator of the facility notifies the director in writing that the facility complies with rules adopted pursuant to subsection 4; and [PL 1995, c. 586, §3 (NEW).]

C. The director provides the owner or operator of the facility written confirmation of receipt of notification required under paragraph B. Confirmation of receipt does not imply a determination that the facility complies with the rules adopted pursuant to subsection 4. [PL 1995, c. 586, §3 (NEW).]

[PL 1995, c. 586, §3 (NEW).]

4. Rules. The director shall adopt rules that establish standards of design, construction and use under which the use of an out-of-door fire or a charcoal or gas grill at a public campsite or licensed camping facility may be exempted pursuant to subsections 2 and 3.

Rules adopted pursuant to this subsection are major substantive rules as defined in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A.

[PL 1995, c. 586, §3 (NEW).]

5. Inspection. The director may at any time inspect a licensed camping facility to determine whether that facility complies with rules adopted under subsection 4. If the director determines that a facility fails to comply with the rules, the facility is not exempt. A facility that fails an inspection may not be granted a future exemption unless the director inspects the facility and determines that it complies with the rules. The director may delegate authority to conduct inspections to a state or municipal employee.

[PL 1995, c. 586, §3 (NEW).]

6. Notification. The owner or operator of a licensed camping facility and the supervisor of a campsite under the jurisdiction of the Department of Agriculture, Conservation and Forestry or the Baxter State Park Authority shall post a notice of a proclamation issued under section 9001 and any standards of use to be met under rules adopted pursuant to subsection 4.

[PL 1995, c. 586, §3 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1995, c. 586, §3 (NEW). PL 2011, c. 657, Pt. W, §5 (REV).

§9002. Posting and publishing

The proclamation must be published in such newspapers of the State and posted in such places as the Governor considers necessary and a copy of that proclamation must be filed with the Secretary of State. A copy must be furnished to the director, who shall attend to the posting and publication of the proclamation. The expense of posting and publication and the expense of enforcing the proclamation are paid by the director, after allowance by the State Controller, from the appropriation for general forestry purposes. [PL 1995, c. 586, §4 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1995, c. 586, §4 (AMD).

§9003. Repeal; amend

If, after issuing the proclamation provided for in section 9001, by reason of rains or otherwise the Governor is satisfied that the occasion for the issuance of the proclamation has passed, the Governor may amend, repeal and replace it by another proclamation affecting the sections covered by the original proclamation, or any part of the original proclamation, and that new proclamation must be published and posted in the same manner as provided for the issuance of the original proclamation. [PL 1995, c. 586, §4 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1995, c. 586, §4 (AMD).

§9004. Penalty

1. Violation of proclamation. Notwithstanding section 9701, any person who in fact violates the provisions of a proclamation issued under section 9001 commits a Class E crime.
[PL 1995, c. 586, §5 (NEW).]

2. Violation at licensed camping facility. Notwithstanding subsection 1 and section 9701, a person who is an occupant or customer of a licensed camping facility commits a Class E crime if that person:

A. Is notified of a proclamation in accordance with section 9001-B, subsection 6 and violates a proclamation issued under section 9001. [PL 1995, c. 586, §5 (NEW).]
[PL 1995, c. 586, §5 (NEW).]

3. Violation at exempt licensed camping facility. Notwithstanding subsection 1 and section 9701, a person who is an occupant or customer of a licensed camping facility provided an exemption under section 9001-B, subsection 3 commits a Class E crime if that person:

A. Is notified of an exemption and standard of use in accordance with section 9001-B, subsection 6 and burns an out-of-door fire or utilizes a charcoal or gas grill in violation of a rule adopted under section 9001-B, subsection 4. [PL 1995, c. 586, §5 (NEW).]
[PL 1995, c. 586, §5 (NEW).]

4. Violation by owner or operator of licensed camping facility. Notwithstanding section 9701, an owner or operator of a licensed camping facility commits a Class E crime if the owner or operator:

A. Fails to notify a person in accordance with section 9001-B, subsection 6; [PL 1995, c. 586, §5 (NEW).]

B. Allows a person to violate a proclamation issued under section 9001; or [PL 1995, c. 586, §5 (NEW).]

C. Operates a facility that is exempt pursuant to section 9001-B that does not comply with rules adopted under section 9001-B, subsection 4. [PL 2013, c. 588, Pt. A, §10 (AMD).]
[PL 2013, c. 588, Pt. A, §10 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1995, c. 586, §5 (RPR). PL 2013, c. 588, Pt. A, §10 (AMD).

SUBCHAPTER 3

LOCAL CONTROL

§9201. Responsibility for control of forest fires

Responsibility for the control of forest fires in municipalities lies in the first instance with the town forest wardens appointed for these municipalities by the director. When in the judgment of a forest ranger the situation so warrants, the forest ranger may relieve a town forest fire warden of responsibility for control of a forest fire within a municipality and assume responsibility therefor. Final authority and responsibility for the control of a forest fire shall be that of the forest ranger. [PL 1983, c. 556, §8 (AMD).]

Municipal fire department personnel and equipment shall not be moved within or without municipal limits upon the order of a town forest fire warden or a forest ranger, except with the approval of the fire chief or proper municipal official having authority to grant such approval. [RR 2019, c. 2, Pt. A, §18 (COR).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 556, §8 (AMD). RR 2019, c. 2, Pt. A, §18 (COR).

§9202. Right to call and employ assistance

Forest rangers and town forest fire wardens may employ any person considered necessary to assist in fighting forest fires. All called and employed for assistance shall proceed to help control forest fires as directed by the forest ranger or forest fire warden in charge. [PL 1983, c. 556, §9 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 556, §9 (AMD).

§9203. Compensation

Town forest fire wardens shall receive compensation for forest fire fighting services at the prevailing rate in the town. Labor and equipment may be provided by individuals or goups on a forest fire without pay. All requested assistance, persons or equipment used in fighting forest fires shall, upon application, receive compensation fixed by the town in which the forest fire occurred, but labor coming from outside such town shall receive a rate of pay not less than that established annually by the Department of Transportation for state highway labor. Fire departments, organized crews or other groups used outside the town in which the forest fire occurred may receive pay at their usual rates. Forest fire fighters may be provided with subsistance while on the fire. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9204. Payment of costs

Municipalities shall pay the costs for controlling and extinguishing forest fires up to 1/4 of 1% of their state valuation on a calendar year basis. These costs must be approved by the forest fire warden in charge. A municipality going to the aid of another, even to protect itself, when requested by the state forest ranger in charge, is entitled to be paid by the municipality aided if the total suppression cost of the municipality is not over 1/4 of 1% of its state valuation. [PL 1991, c. 780, Pt. MM, §1 (RPR).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 556, §10 (AMD). PL 1985, c. 108, §4 (AMD). PL 1991, c. 780, §MM1 (RPR).

§9205. Payment of costs beyond 1/4 of 1% of state valuation

All forest fire suppression costs in municipalities in an amount greater than 1/4 of 1% of the state valuation of the municipality in which the fire occurred, excluding any costs for use or loss of that municipality's municipally owned equipment, must be paid by the State on a calendar year basis. Any municipality, in order to pay labor quickly, may pay beyond 1/4 of 1% of its state valuation and submit for full state reimbursement or forward the unpaid bills, approved by the state forest ranger in charge, for payment. [PL 1991, c. 780, Pt. MM, §2 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 556, §11 (AMD). PL 1985, c. 108, §5 (AMD). PL 1991, c. 780, §MM2 (AMD).

§9205-A. Payment of costs in the unorganized territory

Responsibility for the control of forest fires in the unorganized territory lies with the State. The unorganized territory shall reimburse the State for the costs of controlling and extinguishing forest fires up to 1/4 of 1% of the state valuation of the unorganized territory. The State may not require reimbursement for costs of services in the unorganized territory unless a municipality would be required to pay for the service under sections 9204 and 9205. [PL 1991, c. 780, Pt. MM, §3 (AMD).]

SECTION HISTORY

PL 1983, c. 556, §12 (NEW). PL 1983, c. 855, §1 (RPR). PL 1991, c. 780, §MM3 (AMD).

§9206. Reports and payrolls

Town forest fire wardens and state forest rangers shall promptly prepare a report of their investigation of the cause, extent and damage on all forest fires in their charge. They shall prepare an exact and detailed statement of expenses incurred therein immediately after total extinguishment of the forest fire on forms provided by the director. [PL 1979, c. 545, §3 (NEW).]

Statements of expenses shall have proper payroll receipts and vouchers. Forest fire suppression costs qualifying for town and state payment are labor, transportation, food, fire department equipment from outside the affected town, privately owned equipment and other costs approved by the state forest ranger in charge. [PL 1979, c. 545, §3 (NEW).]

All requests for the state 1/2 reimbursement shall be presented to the director within 60 days after total extinguishment of the forest fire or become void. The director may extend the time provided a preliminary report has been made. [PL 1979, c. 545, §3 (NEW).]

The director shall examine all forest fire suppression bills rendered by the town to the State for reimbursement or direct payment. After items not qualifying have been deducted, the director shall approve them for payment. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

SUBCHAPTER 4

REGULATION OF OPEN BURNING

ARTICLE 1

DUMPS

§9301. Hazard clearance

Any municipal or private dump within the State established and maintained for the disposal of solid waste, as defined in Title 38, section 1303, which might facilitate either the origin or spread of forest fires shall be operated under the following preventive measures: A strip 10 feet wide cleared to mineral soil shall be constructed on all sides of the dump; a water supply, the suitability of which shall be determined by the forest ranger and town forest fire warden, may be substituted for the cleared strip along any portion of the perimeter; and all grass, weeds, slash, brush and debris and other inflammable material shall be removed for a distance of 100 feet in all directions outside the cleared mineral soil strip. Live trees need not be removed, except that green branches of conifers and dead branches of all trees shall be pruned to a height of 10 feet above the ground. Dead snags of all trees shall be removed. During periods of high forest fire hazard if a municipal dump is burning, municipal officers shall maintain a watchkeeper at such dumps and owners and operators of private dumps shall do the same. [PL 1989, c. 174, §4 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1989, c. 174, §4 (AMD).

§9302. Closing

A municipal or private dump within the State not carrying out this subchapter shall be posted as "Closed to Dumping" by the town forest fire warden, or the director. Thereafter no person shall deposit

refuse of any kind within, along the road leading to, or on land adjacent to such closed dump. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9303. Deposits on other's land forbidden

No person shall deposit refuse of any kind on land not his own without the consent of the owner or the public authority having custody or maintenance responsibility of such land. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9304. Loss of state reimbursement

Any municipality in which a municipal dump has been posted "Closed to Dumping" as set forth in this subchapter, which continues to permit dumping therein, shall, during that period, lose the benefits of state reimbursement of forest fire suppression costs on fires which escape from such dump as provided by section 9204 up to an amount equal to 1% of the state valuation of the municipality. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

ARTICLE 2

OUT-OF-DOOR FIRES

§9321. Criteria for allowable burning

1. Criteria. In issuing any permit or permission for allowable burning, the director shall consider the following criteria:

A. Forest fire danger indices and location of proposed burning; [PL 1979, c. 545, §3 (NEW).]

B. The time of day and season of the year; [PL 1979, c. 545, §3 (NEW).]

C. The temperature, humidity, wind speed and direction; [PL 1979, c. 545, §3 (NEW).]

D. The matter and type of burning proposed, giving due consideration to prohibitions and permissible open-burning rules of the Department of Environmental Protection; [PL 1991, c. 36, §1 (AMD).]

E. With regard to recreational fires, the feasibility of use of public campsites; [PL 1979, c. 545, §3 (NEW).]

F. The length of the burning period; [PL 1979, c. 545, §3 (NEW).]

G. The presence or availability of sufficient force and equipment to control the burning; [PL 1997, c. 512, §1 (AMD).]

H. Experience and capability of the permittee in the safe use and control of the proposed burning; [PL 1997, c. 672, §1 (AMD).]

I. In issuing a permit under section 9325, subsection 1, paragraph E, any prior convictions for violating that paragraph or section 9324, subsection 7-A; and [PL 2001, c. 626, §2 (AMD).]

J. In issuing a permit under section 9325, subsection 1, paragraph E, the public health risk from toxic chemicals in the smoke plume in accordance with guidelines issued by the Department of Environmental Protection and the practicality of locating the incinerator at least 300 feet from any abutting property boundary and at least 150 feet from any residential dwelling. These setback criteria may not be used to deny a permit. [PL 1997, c. 672, §3 (NEW).]

[PL 2001, c. 626, §2 (AMD).]

2. Revocation. The director or the director's delegate may revoke any permit during a period of high forest fire danger or any permit which results in creation of a nuisance condition without compliance with the provisions of Title 4, chapter 5 or Title 5, chapter 375.

[PL 1999, c. 547, Pt. B, §32 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

3. Delegation. The director may delegate the issuance of permits to forest rangers or town forest fire wardens and their deputies. A town forest fire warden or deputy authorized to issue permits pursuant to this subsection may issue permits using burn permit software acquired from a private party to establish a publicly accessible online system in accordance with section 9327.

[PL 2017, c. 449, §1 (AMD).]

4. Conditions. The director may issue a permit with stated conditions or restrictions to insure adequate control of permitted fires in accordance with criteria of subsection 1 and conformity to rules of the Department of Environmental Protection.

[PL 1991, c. 36, §2 (AMD).]

5. Stricter requirements. Nothing in this section shall prohibit a municipality from adopting ordinances specifying stricter criteria for out-of-door fires.

[PL 1979, c. 545, §3 (NEW).]

5-A. Notification. Any person authorized by this subchapter to issue permits for open burning who issues a permit for out-of-door burning within a municipality shall notify the municipal officers or fire chief of that municipality that the permit has been issued.

[PL 1987, c. 618, §1 (NEW).]

6. Penalty. Notwithstanding section 9701, any person who engages in out-of-door burning in violation of this article, or who fails to comply with any stated permit condition or restriction, commits a Class E crime. In addition, if the State proves that while in violation that person's out-of-door fire resulted in fire suppression costs to municipal or State Government, the court, as part of any sentence imposed, may order restitution, pursuant to Title 17-A, chapter 69, to be paid to the government entities incurring the suppression costs. For each violation of this article:

A. The monetary award for restitution to a municipality may not exceed $25,000; and [PL 2003, c. 556, §1 (AMD).]

B. The total combined monetary award for restitution to municipalities and State Government may not exceed $125,000. [PL 2003, c. 556, §1 (AMD).]

When bringing an action under this article, the State shall, to the fullest extent permitted by law, seek restitution of fire suppression costs incurred by state governmental entities relating to the violation.

[PL 2019, c. 113, Pt. C, §17 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 504, §§1-3 (AMD). PL 1987, c. 618, §1 (AMD). PL 1989, c. 174, §5 (AMD). PL 1991, c. 36, §§1,2 (AMD). PL 1991, c. 528, §E10 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E10 (AMD). PL 1997, c. 512, §§1,2 (AMD). PL 1997, c. 672, §§1-3 (AMD). PL 1999, c. 547, §B32 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 626, §2 (AMD). PL 2003, c. 556, §1 (AMD). PL 2017, c. 449, §1 (AMD). PL 2019, c. 113, Pt. C, §17 (AMD).

§9321-A. Possession and production of permit required; violation

1. Possession and production of permit in organized territory. Any person, firm or corporation that engages in out-of-door burning in any municipality, plantation or village corporation as permitted by this article shall possess the permit at the scene of the burning and shall produce the permit on the demand of authorized persons, including fire chiefs, town forest fire wardens or their designated agents, state forest rangers, municipal code enforcement officers and any law enforcement officer as defined in Title 17-A. A person, firm or corporation that is issued an electronic permit pursuant to section 9326 or section 9327 may produce the permit on an electronic device.
[PL 2017, c. 449, §2 (AMD).]

2. Violation. Any person, firm or corporation which violates this section commits a civil violation for which a forfeiture not to exceed $100 may be adjudged.
[PL 1987, c. 618, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 618, §2 (NEW). PL 1997, c. 512, §3 (AMD). PL 2017, c. 449, §2 (AMD).

§9322. Permits in the unorganized territory

1. Permits. No person may kindle or use an out-of-door fire in the unorganized territory unless a permit has been obtained from the director. The director may issue a permit on lands of another unless the majority ownerships of the land have withdrawn permission in writing to the director.
[PL 1983, c. 556, §13 (AMD).]

2. Exemptions. This section does not apply to the use of portable stoves which are fueled by propane gas, gasoline or sterno; to recreational fires kindled when the ground is covered with snow; or to residential use of outdoor grills and fireplaces for recreational purposes, such as preparing food.
[PL 1989, c. 174, §6 (AMD).]

3. Resident guides. Upon application, the Director of the Bureau of Forestry may issue a statewide yearly permit for out-of-door fires to resident guides licensed by the Department of Inland Fisheries and Wildlife. The director may restrict the scope of a permit to correspond with the classification of the guide license. Use of the permit is conditional upon the permittee:

A. Possessing a valid guide license; [PL 1993, c. 555, §2 (NEW).]

B. Complying with any landowner campfire restrictions; [PL 1993, c. 555, §2 (NEW).]

C. Complying with applicable out-of-door burning laws; and [PL 1993, c. 555, §2 (NEW).]

D. Complying with out-of-door fire restrictions established by the director for the area in which and the time during which fires are made. [PL 1993, c. 555, §2 (NEW).]

The director shall revoke the permit of any person who violates any condition or restriction established by this subsection. The director is not required to comply with the provisions of Title 4, chapter 5 or Title 5, chapter 375 in revoking a permit under this subsection.
[PL 1999, c. 547, Pt. B, §33 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. Saco River Corridor. For the purpose of issuing permits under this section, the lands within Oxford County within the Saco River Corridor, so designated by Private and Special Law 1973, chapter 150, as amended, shall be subject to the same requirements and procedures as lands within the unorganized territory.
[PL 1983, c. 556, §14 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 663, §71 (AMD). PL 1981, c. 698, §81 (AMD). PL 1983, c. 556, §§13,14 (AMD). PL 1985, c. 108, §6 (AMD). PL 1989, c. 174, §6 (AMD). PL 1993, c. 555, §2 (AMD). PL 1999, c. 547, §B33 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§9323. Slash and brush permits

1. Prohibition. No person shall kindle or use a fire for clearing land or burning logs, stumps, roots, brush, slash, fields of grass, pasture or blueberry lands without a permit from the director.
[PL 1979, c. 545, §3 (NEW).]

2. Jurisdiction. The requirement for a permit under this section shall apply statewide.
[PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9324. Prohibited acts

1. Extinguishment of fire. Whoever by himself or by his servant, agent or guide or as the servant, agent or guide of any other person shall build a camp, cooking or other fire or use an abandoned camp, cooking or other fire in or adjacent to any woods in this State, shall, before leaving such fire, totally extinguish the same.
[PL 1979, c. 545, §3 (NEW).]

2. Time and manner of kindling. Whoever kindles or uses a fire on his own land shall do so at a suitable time and in a careful and prudent manner and is liable in a civil action to any person injured by his failure to comply with this provision.
[PL 1979, c. 545, §3 (NEW).]

3. Disposal of lighted material. No person shall dispose of a lighted match, cigarette, cigar, ashes or other flaming or glowing substance or any other substance or thing in such a condition that it is likely to ignite forest, brush, grass or other lands or dispose of any of the aforesaid objects or substances from a moving vehicle.
[PL 1979, c. 545, §3 (NEW).]

4. No person shall kindle or use an out-of-door fire on land of another without permission of the owner, except at public campsites and lunch grounds maintained or authorized by the bureau, state parks and state highway picnic areas. This subsection shall not apply to the use of portable stoves which are fueled by propane gas, gasoline or sterno.
[PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

5. Permit required. No person, firm or corporation may burn out of doors without a permit from a town forest fire warden or forest ranger, except as provided in sections 9322, 9324 and 9325.
[PL 1991, c. 36, §3 (AMD).]

6. Domestic trash.

[PL 1997, c. 512, §4 (RP).]

7. Trash.

[PL 2001, c. 626, §3 (RP).]

7-A. Solid waste. Except as provided in this subsection, the out-of-door burning of plastic, rubber, styrofoam, metals, food wastes, chemicals, treated wood or other solid wastes is prohibited in all areas of the State. For the purposes of this subsection, the term "lumber" means material that is entirely made of wood and is free from metal, plastics, coatings and chemical treatments and the term "wood wastes"

means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects that are not mixed with other solid or liquid waste. The following materials are exempt from this subsection:

A. Wood wastes; [PL 2001, c. 626, §4 (NEW).]

B. Painted and unpainted wood from construction and demolition debris; [PL 2001, c. 626, §4 (NEW).]

C. Empty containers, including fiberboard boxes and paper bags, previously containing explosives and being disposed of in accordance with the provisions of Title 25, section 2472; and [PL 2001, c. 626, §4 (NEW).]

D. Explosives being disposed of under the direct supervision and control of the State Fire Marshal. [PL 2001, c. 626, §4 (NEW).]

[PL 2001, c. 626, §4 (NEW).]

8. Construction and demolition debris.

[PL 2001, c. 626, §5 (RP).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 504, §4 (AMD). PL 1991, c. 36, §3 (AMD). PL 1997, c. 512, §§4,5 (AMD). PL 2001, c. 277, §§1,2 (AMD). PL 2001, c. 626, §§3-5 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§9325. Open burning

1. Permissible open burning with permit. When not prohibited by statute, rule of any state agency or local ordinance, the types of burning described in this subsection are allowed provided that a permit has been obtained from the town forest fire warden or from the forest ranger having jurisdiction over the location where the fire is to be set. The burning must be conducted according to the terms and conditions of the permit and may not create a nuisance. A permit is required for:

A. Recreational campfires kindled when the ground is not covered by snow; [PL 1991, c. 36, §4 (NEW).]

B. Fires in conjunction with holiday and festive celebrations; [PL 1991, c. 36, §4 (NEW).]

C. Burning of solid or liquid fuels and structures for research or bona fide instruction and training of municipal, volunteer and industrial firefighters when conducted under the direct control and supervision of qualified instructors; [PL 1991, c. 36, §4 (NEW).]

D. Burning for agricultural purposes including, but not limited to, open burning of blueberry fields, potato tops and hayfields and prescribed burning for timberland management; [PL 1991, c. 36, §4 (NEW).]

E. Out-of-door burning of wood wastes as defined in section 9324, subsection 7-A and painted and unpainted wood from construction and demolition debris in the open or in an incinerator with a primary chamber volume no greater than 133 cubic feet or 1,000 gallons that is not licensed by the Department of Environmental Protection; [PL 2003, c. 245, §1 (AMD).]

F. Open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land unless expressly prohibited by municipal ordinance; [PL 2001, c. 626, §7 (AMD).]

G. Burning on site for the disposal of wood wastes and painted and unpainted wood from construction and demolition debris generated from the clearing of any land or by the erection, modification, maintenance, demolition or construction of any highway, railroad, power line, communication line, pipeline, building or development; [PL 2001, c. 626, §7 (AMD).]

H. Burning for hazard reduction purposes such as, but not limited to, the burning of grass fields; [PL 1991, c. 36, §4 (NEW).]

I. Burning for the containment or control of spills of gasoline, kerosene, heating oil or similar petroleum products; [PL 2001, c. 626, §7 (AMD).]

J. The burning of wood wastes and painted and unpainted wood from construction and demolition debris at solid waste facilities; and [PL 2001, c. 626, §7 (AMD).]

K. The burning of empty containers, including fiberboard boxes and paper bags, previously containing explosives and being disposed of in accordance with the provisions of Title 25, section 2472. [PL 2001, c. 626, §8 (NEW).]

[PL 2003, c. 245, §1 (AMD).]

2. Permissible open burning without permit. When not prohibited by state rule, local ordinance or water utility regulation, the following types of burning are permissible without a permit if no nuisance is created:

A. Recreational campfires kindled when the ground is covered by snow or on frozen bodies of water; [PL 1991, c. 36, §4 (NEW).]

B. Residential use of outdoor grills and fireplaces for recreational purposes such as preparing food; and [PL 1991, c. 36, §4 (NEW).]

C. Use of outdoor grills and fireplaces for recreational purposes such as preparing food at commercial campgrounds in organized towns as long as the commercial campgrounds are licensed by the health engineering division of the Department of Human Services. [PL 1991, c. 36, §4 (NEW).]

[PL 1991, c. 36, §4 (NEW).]

SECTION HISTORY

PL 1991, c. 36, §4 (NEW). PL 1997, c. 512, §6 (AMD). PL 2001, c. 626, §§6-8 (AMD). PL 2003, c. 245, §1 (AMD).

§9326. Electronic issuance of permits

The Director of the Bureau of Forestry shall develop or cause to be developed a system to electronically issue permits for burning in all areas of the State using a publicly accessible site on the Internet. [PL 2013, c. 35, §1 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

The system developed under this section for electronically issuing permits must provide a fire warden with the ability to change the criteria for issuing a permit in a municipality except for times when the director imposes more restrictive criteria or a ban on the issuance of permits. [PL 2005, c. 12, Pt. U, §2 (NEW).]

A person may apply for a permit to burn using the Internet or as otherwise provided in this article. When a person applies for and is issued a permit electronically pursuant to this section, a fee of $7 must be paid. From the $7 fee, $4 must be deposited in the General Fund, $2 must be transferred to the municipality in which the permit is issued and the remainder of $1 must be used to cover administrative costs. For a permit issued in the unorganized and deorganized areas, from the $7 fee, $6 must be deposited in the General Fund and the remainder of $1 must be used to cover administrative costs. [PL 2017, c. 449, §3 (AMD).]

SECTION HISTORY

PL 2005, c. 12, §U2 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 35, §1 (AMD). PL 2013, c. 405, Pt. A, §23 (REV). PL 2017, c. 449, §3 (AMD).

§9327. Private party burn permit software

The Director of the Bureau of Forestry shall allow a municipality to use burn permit software acquired from a private party to establish a publicly accessible online system to issue a permit to burn pursuant to section 9325 if the issuance of a permit to burn using the private party burn permit software is in accordance with the criteria in section 9321. [PL 2017, c. 449, §4 (NEW).]

1. Approval. The Director of the Bureau of Forestry shall approve private party burn permit software within 10 business days after a vendor or owner of a private party burn permit software system submits a request for review of the software to the director if the software submitted meets the requirements of this section and there are fewer than 2 private party burn permit software programs approved and in use pursuant to this section.
[PL 2017, c. 449, §4 (NEW).]

2. Limit on private party burn permit software. No more than 2 private party burn permit software programs may be approved and in operation in the State.
[PL 2017, c. 449, §4 (NEW).]

3. Notification. If the Director of the Bureau of Forestry does not approve the private party burn permit software that has been submitted for review under subsection 1, the director shall notify the vendor or owner of the private party burn permit software in writing of the reasons why the software has not been approved.
[PL 2017, c. 449, §4 (NEW).]

4. Appeal. A denial of approval of a private party burn permit software system is a final agency action that may be appealed in accordance with Title 5, chapter 375, subchapter 7.
[PL 2017, c. 449, §4 (NEW).]

5. Fee. If a person uses private party burn permit software to apply for a permit to burn, that person may not be charged a fee for the permit.
[PL 2017, c. 449, §4 (NEW).]

6. Private party burn permit software to be provided at no charge. A vendor or owner of a private party burn permit software system may not charge a municipality for use of private party burn permit software approved under subsection 1.
[PL 2017, c. 449, §4 (NEW).]

7. Application for burn permit not using private party burn permit software. A person may not be required to apply for a permit to burn using private party burn permit software, but may apply as otherwise provided in this article.
[PL 2017, c. 449, §4 (NEW).]

8. Rules. The Director of the Bureau of Forestry may adopt rules relating to private party burn permit software requirements. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2017, c. 449, §4 (NEW).]

SECTION HISTORY

PL 2017, c. 449, §4 (NEW).

ARTICLE 3

DISPOSAL OF SLASH

§9331. Slash defined

For the purposes of this Part "slash" is defined as branches, bark, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees and shrubs left on the ground as a result of logging, right-of-way construction or maintenance and land clearance. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9332. Disposal along highways

A stumpage owner, operator, landowner or agent who cuts or causes or permits to be cut any forest growth on lands that are within or border the right-of-way of a public highway within the State shall dispose of the slash that is within the right-of-way or within 50 feet of the nearer side of the shoulder of the right-of-way as provided in this section. [PL 1999, c. 332, §1 (RPR).]

1. Slash may not remain. Except as provided in this section, slash may not remain on the ground within the right-of-way or within 50 feet of the nearer side of the shoulder of the right-of-way.
[PL 1999, c. 332, §1 (NEW).]

2. Slash with diameter of 3 inches or less. Slash with a diameter of 3 inches or less must be hauled away, burned or chipped.
[PL 1999, c. 332, §1 (NEW).]

3. Slash more than 3 inches in diameter. Slash that is more than 3 inches in diameter must be removed or limbed and placed on the ground surface so that the pieces are separated and not piled one piece over another. Usable timber products generated from right-of-way maintenance may be piled within the right-of-way but must be removed within 30 days.
[PL 1999, c. 332, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1999, c. 332, §1 (RPR).

§9333. Disposal along railroads and utility lines

1. Stumpage owner. A stumpage owner, operator, landowner or agent who cuts or causes or permits to be cut any forest growth on lands that are within or border the right-of-way of a railroad, a pipeline or an electric power, telegraph, telephone or cable line may not place slash or allow it to remain on the ground within the right-of-way or within 25 feet of the nearer side of the right-of-way.
[PL 1999, c. 332, §1 (NEW).]

2. Construction. Slash accumulated by the construction and maintenance of a railroad, a highway, a pipeline or an electric power, telegraph, telephone or cable line may not be left on the ground but must be hauled away, burned or chipped. Slash may not be left or placed within the right-of-way or within 25 feet of the nearer side of the right-of-way. If a burning permit is denied or revoked under this chapter, the director may allow logs that are too large to be chipped to remain in the right-of-way until the director determines that their removal is economically feasible.
[PL 1999, c. 332, §1 (NEW).]

3. Utility line maintenance. Slash accumulated by the periodic maintenance of a pipeline or an electric power, telegraph, telephone or cable line may be disposed of in the following manner.

A. Slash with a diameter of 3 inches or less may be left in piles on the ground within the maintained portion of the right-of-way. A pile may not be higher than 18 inches from the ground or longer than 50 feet and must be separated from other piles by a minimum of 25 feet in every direction. A buffer strip with a minimum width of 10% of the total width of the maintained right-of-way must be kept totally free of slash with a diameter of 3 inches or less. [PL 1999, c. 332, §1 (NEW).]

B. Slash with a diameter of more than 3 inches must be removed, chipped or limbed and placed on the ground surface. The pieces must be separated and may not be piled one piece over another. Slash of this size may be left within the maintained buffer strips. [PL 1999, c. 332, §1 (NEW).]

C. If a utility line right-of-way is adjacent to a road, slash that is 3 inches or less in diameter must be removed, burned or chipped. Slash with a diameter of more than 3 inches may be left on the ground within the right-of-way and must be limbed and separated and may not be piled one piece over another. Usable timber products generated from the maintenance of a utility right-of-way may be piled within the right-of-way but must be removed within 30 days. [PL 1999, c. 332, §1 (NEW).]

[PL 1999, c. 332, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1999, c. 332, §1 (RPR).

§9334. Along land bordering on another

Whoever, as stumpage owner, operator, landowner or agent, cuts, causes or permits to be cut any forest growth on land which borders land of another outside the limits of the unorganized territory or within the unorganized territory which borders property outside shall dispose of the slash in the manner described: All slash resulting from such cutting of forest growth shall not remain on the ground within 25 feet of the property line, provided that the director on his own initiative or upon written complaint of another declares that the situation constitutes a fire hazard. [PL 1983, c. 556, §15 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 556, §15 (AMD).

§9335. -- by dwelling houses

The director, by written notice to any stumpage owner, operator, landowner or agent cutting forest growth, may require the removal of slash within 100 feet of buildings and trailers currently used for human occupancy when, in his judgment, such slash constitutes an unusual hazard endangering other property through the setting or spreading of forest fires. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9336. Manner of

All slash resulting from cutting of forest growth shall be removed the required distances under this Article and scattered or chipped and not piled in windrows within 30 days after cutting or within 30 days of notification to remove by the director, as provided. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9337. Primary processors

All primary processors of wood products, including, but not limited to, sawmills, except a person processing for his own domestic use, and owners of lands on which such processing plants are located shall keep any slash resulting from cutting forest growth removed for a distance of 50 feet in all directions from the mill, sawdust pile and any open incinerator. Live trees need not be removed from the 50-foot cleared area but coniferous trees shall be pruned to a height of 10 feet above the ground and dead snags shall be removed. The sawdust pile shall be clear of all trees, free of slabs and edgings and located not less than 25 feet from any open incinerator and mill. All such processors and owners shall observe the slash provisions of this Article when on, or after change of, location. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9338. Prohibition

Failure to comply with the slash disposal requirements of this Article shall subject the person responsible to a penalty as set forth in section 9701. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

ARTICLE 4

PUBLIC CAMPSITES

§9341. Establishment

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1985, c. 696, §1 (RPR). PL 1997, c. 678, §16 (RP).

§9342. Seasonal use only

No person may place any trailer, camper, shelter or tent from May 1st to November 30th at any public campsite maintained or authorized pursuant to section 1825, subsection 4 and keep that trailer, camper, shelter or tent so located, vacant or occupied, for more than 14 days in any 30-day period. Persons already having placed a trailer, camper, shelter or tent at such a campsite for more than 14 days shall remove any such item and leave at the request of the commissioner, the commissioner's designee or any fish and wildlife warden. [PL 1997, c. 678, §17 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1985, c. 696, §2 (AMD). PL 1997, c. 678, §17 (AMD).

SUBCHAPTER 5

RAILROADS

§9401. Patrol along tracks

Whenever in the judgment of the director the woodlands along the railroads traversing the forest lands of the State are in a dry and dangerous condition, he shall maintain a competent and efficient fire patrol along the right-of-way or lands of such railroads if, in his judgment, a satisfactory railroad fire patrol is not being provided. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9402. Report of fires

All fires starting upon the right-of-way of any railroad or lands adjacent thereto shall be immediately reported to the forest ranger or town forest fire warden by any railroad employee stating the location and origin of such fire and, if the fire was started by a locomotive, the number thereof. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9403. Expense of fire patrol paid by railroad

The director shall keep, or cause to be kept, an account of the cost of maintenance by the State of such fire patrol along the line of such railroad, including therein the wages and expenses of the employees engaged in maintaining such fire patrol, and the total cost thereof shall be paid to the director by the railroad company along whose land or right-of-way such patrol is maintained. All such funds received by the director shall be credited to the General Fund. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9404. Liability of railroad not affected

Nothing in sections 9401 to 9403 shall be construed as releasing any railroad company from any damage caused by fires set by their locomotives or employees. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9405. Removal of inflammable material

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1987, c. 464, §1 (AMD). PL 1993, c. 271, §1 (RP). PL 1993, c. 271, §4 (AFF).

§9405-A. Railroad right-of-way; director may order flammable materials removed

A person, firm or corporation operating a railroad on or through forest, brush, grass-covered land or areas of high-value property shall maintain its right-of-way according to the minimum standards established in this section by destroying, removing, or modifying so as not to be flammable any vegetation or other flammable material as defined in this section. The director or an authorized agent is the final authority as to whether material is considered a flammable material and whether a condition is considered a fire hazard. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

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

A. "Authorized agent" means any forest ranger of the State. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

B. "Authorized railroad representative" means a person designated by a railroad to accept a legal summons and other documents. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

C. "Distance" means horizontal distance and not slope distance. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

D. "Fire hazard" means a condition resulting from a combination of the factors of ease of ignition, heat yield, and rate of fire spread as influenced by particular vegetation and other flammable materials, weather and slope. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

E. "Fire-start area" means an area that has experienced one or more railroad-caused fires in the previous 5 calendar years. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

F. "Flammable material" includes, but is not limited to, grass, weeds, brush, logs, waste railroad ties, refuse material, debris, dead and desiccated vegetation, and all materials that burn easily. "Flammable material" does not include:

(1) Wooden poles or towers and cross arms supporting switching circuits or other electrical power or communication conductors;

(2) Wooden components of trestles, tunnels and other structures; or

(3) Material that an authorized agent has evaluated and determines not flammable. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

G. "Forest, brush and grass-covered land" means land covered wholly or in part by timber, trees, brush, shrubs, grass, including grain and hay, and other natural vegetation. Cultivated agricultural land planted to crops other than grain or hay is not included. [RR 1993, c. 1, §37 (COR).]

H. "Operator" means the person or entity responsible for maintenance of the railroad right-of-way. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

I. "Railroad-caused fire" means a preventable fire resulting from operations upon a railroad right-of-way. It does not mean unpreventable fires such as those caused by wrecks, bombs or natural causes such as lightning or controlled burning for the purpose of destroying flammable materials. [RR 1993, c. 1, §37 (COR).]

J. "Right-of-way" means the strip of land, outside of yard limits, owned or controlled by the person or entity operating a railroad for a distance not exceeding 100 feet or to the property boundary measured at right angles to the axis of the rail at any given location. The distance must be measured from the outermost rail on both sides of the mainline or mainlines, on sidings, and also includes intervening strips between sidings and mainlines. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

K. "Towpath" means a narrow strip of right-of-way adjacent to each side of ballast that is commonly referred to as the walkway and is normally kept clear for personnel safety and is not less than 6 feet from outside rail to outer edge. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

L. "High-value property" means homes, structures, fuel tanks, cut forest products, equipment and other improvements that are near the right-of-way and at risk should a fire start on the right-of-way. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

[RR 1993, c. 1, §37 (COR).]

2. Minimum standards. A railroad right-of-way must be maintained and kept in compliance with the following minimum fire hazard reduction standards.

A. The area within 7 feet of outside of rail, including ballast and towpath, must be kept clear of flammable material that by its physical arrangement or its accumulation is likely to contribute to the propagation of railroad-caused fires. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

B. For a fire-start area, the area within 25 feet of outside of rail, including ballast and towpath, must be kept clear of flammable material that by its physical arrangement or its accumulation is likely to contribute to the propagation of railroad-caused fires. A linear distance of 1/4 mile on either side of an identified fire-start area must be maintained along both sides of the railroad track as specified in this paragraph. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

C. Where a right-of-way passes through an area of high-value property and the right-of-way contains sufficient flammable material so that a fire starting on the right-of-way could travel to and threaten the high-value property, the minimum 7-foot standard is extended to 25 feet. [PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

[PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

3. Communications. The bureau shall inform annually a railroad company operating within the State of the 5-year fire-start areas and the areas that are high-value property along its right-of-way. In addition, the bureau shall notify a railroad company of new forest fire occurrences and changes in high-value property as they are observed.

A railroad company shall notify the bureau of the name and mailing address of its authorized railroad representative on the effective date of this section and thereafter whenever the name or mailing address changes.
[RR 1993, c. 1, §38 (COR); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. Failure to maintain. Failure to maintain a railroad right-of-way as provided in this section constitutes a violation. For the purposes of this section, every day from January 1st of the calendar year in which the violation occurred and continuing until full compliance is achieved is a separate offense.
[PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

5. Legal service. Legal service of a summons under this section occurs when a legal summons is delivered in person or by certified mail, return receipt requested, to the railroad company's authorized representative.
[PL 1993, c. 271, §2 (NEW); PL 1993, c. 271, §4 (AFF).]

SECTION HISTORY

RR 1993, c. 1, §§37,38 (COR). PL 1993, c. 271, §2 (NEW). PL 1993, c. 271, §4 (AFF). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§9406. Devices to prevent fires

Every railroad operating locomotives powered by diesel or other type fuel shall equip the same with devices designed to prevent the escape of live coals, sparks or carbon deposits which may cause fires. Employees shall exercise due care to keep such devices in effective operating condition. Every such railroad shall make and enforce regulations concerning the use of open-flame type signals or flares in such manner as to prevent the spread of fire upon the right-of-way or to adjacent land. No person shall throw or drop burning matches, burning cigars, burning cigarettes or parts thereof from any railroad equipment. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

SUBCHAPTER 6

FIRE PREVENTION PRACTICES

§9601. Spark arrester

1. Illegal operation. A person is guilty of illegal operation of power-driven equipment if that person knowingly:

A. Operates power-driven equipment in, through or within 1,000 feet of forest lands without an approved spark arrester; [PL 1989, c. 174, §7 (NEW).]

B. Requires the operation of power-driven equipment in, through or within 1,000 feet of forest lands without an approved spark arrester; or [PL 1989, c. 174, §7 (NEW).]

C. Permits the operation of power-driven equipment owned by that person in, through or within 1,000 feet of forest lands without an approved spark arrester. [PL 1989, c. 174, §7 (NEW).]

For the purposes of this section, "power-driven equipment" means vehicles, tools or other equipment with an internal combustion engine, but does not include boat motors.

Notwithstanding section 9701, any person who violates this subsection commits a Class E crime. In addition, if the State proves that while in violation of this section fires resulting from that person's power-driven equipment resulted in fire suppression costs to municipal or State Government, the court, as part of any sentence imposed, may, pursuant to Title 17-A, chapter 69, order restitution to be paid to the government entities incurring the suppression costs in an amount not to exceed the limitations established in section 9321.
[PL 2019, c. 113, Pt. C, §18 (AMD).]

2. Approved spark arresters. Spark arresters shall be approved by the director if judged effective to prevent the escape of sparks, carbon deposits or other substances likely to cause fires. The director may permit the use of spark arresters certified by the United States Forest Service, Department of Agriculture.
[PL 1989, c. 174, §7 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1989, c. 174, §7 (RPR). PL 1991, c. 528, §E11 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E11 (AMD). PL 2019, c. 113, Pt. C, §18 (AMD).

§9601-A. Prohibition on sale of equipment without spark arresters

No person may sell or offer to sell any internal combustion all-terrain vehicle, chain saw or skidder in this State that has not been provided with a spark arresting device approved by the director. This prohibition does not apply to casual sales as defined in Title 36, section 1752. [PL 1989, c. 174, §8 (AMD).]

SECTION HISTORY

PL 1983, c. 104 (NEW). PL 1989, c. 174, §8 (AMD).

§9602. Obstruction of discontinued woods roads prohibited

No person, unless authorized by the director, shall obstruct any improved woods road or way used for the removal of forest growth, upon the discontinuance from use or abandonment of the same, if it may be reasonably utilized for preventing or suppressing forest fires. This provision shall not prohibit a landowner from his right to close or cause to be closed such woods roads or ways by chains or gates.
[PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

SUBCHAPTER 7

FOREST FIRE ADVISORY COUNCIL

§9621. Forest Fire Advisory Council

(REPEALED)

SECTION HISTORY

PL 1983, c. 556, §16 (NEW). PL 1983, c. 812, §94 (AMD). PL 1989, c. 502, §A37 (AMD). PL 1991, c. 622, §S24 (RP).

CHAPTER 809

JURISDICTION AND PENALTIES

§9701. Penalty

Unless otherwise specifically stated, any person who violates any requirement of this Part, the condition or terms of any permit or license issued by the director or the provision of any rule or regulation of the bureau commits a civil violation for which a forfeiture not to exceed $1,000 may be adjudged. Each day of a violation shall be considered a separate offense. [PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund of the State if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is "substantially justified" if the defense had a reasonable basis in law or fact at the time it was raised. [PL 2009, c. 536, §2 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2009, c. 536, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§9702. Hindering state forest ranger or town forest fire warden

1. Hinder performance of duties or access. A person may not:

A. Prevent or obstruct a state forest ranger or town forest fire warden in the performance of the ranger's or warden's duties or the exercise of the rights of entry, access or examination by any state forest ranger or town forest fire warden. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; or [PL 2003, c. 452, Pt. F, §50 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Attempt to prevent or obstruct a state forest ranger or town forest fire warden in the performance of the ranger's or warden's duties or the exercise of the rights of entry, access or examination by any state forest ranger or town forest fire warden. [PL 2003, c. 452, Pt. F, §50 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §50 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

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

[PL 2003, c. 452, Pt. F, §50 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2003, c. 452, §F50 (RPR). PL 2003, c. 452, §X2 (AFF).

§9703. Partial payment of costs of suppressing forest fires

Any person who intentionally or negligently causes a fire that burns forest, brush, grass or other lands or intentionally fails to take reasonable action to control a fire on that person's own land is liable civilly for restitution of costs incurred by state or municipal government entities in the suppression of that fire, up to the maximum amount of restitution permitted under section 9321. Compliance with section 9405-A does not relieve a railroad company of liability under this section. [PL 1993, c. 271, §3 (AMD); PL 1993, c. 271, §4 (AFF).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1987, c. 464, §2 (AMD). PL 1991, c. 528, §E12 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E12 (AMD). PL 1993, c. 271, §3 (AMD). PL 1993, c. 271, §4 (AFF).

§9704. Penalties not substitutes for existing liabilities

None of the penalties imposed by this Part shall be considered as substitutes for or as repealing laws making persons guilty of crimes, offenses or acts of trespass or liable for civil damages to persons injured by such acts, except that any person who invokes the remedy of section 9324, subsection 2, is barred from an action at common law for damages so sued for. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9705. Recovery of certain penalties

The penalty set forth in section 9701 when applied to the acts enumerated in section 9324, subsections 1 to 3, may be recovered in a civil action and payable 1/2 to the municipality, if any, where the offense is committed and 1/2 to the State. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9706. Jurisdiction for prosecutions

The District Court shall have original and concurrent jurisdiction with the Superior Court in all prosecutions under this Part. Any person arrested as a violator may, with reasonable diligence, be taken before the District Court in the division nearest to where the offense is alleged to have been committed for a warrant and trial or to the District Court in adjoining divisions to the division, jurisdiction to be exercised in the same manner as if the offense had been committed in such division. [PL 1979, c. 545, §3 (NEW).]

If such person fails to appear in court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposited forfeited and may take any other action considered necessary. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1989, c. 174, §9 (AMD). PL 1989, c. 704, §1 (AMD).

§9707. Acceptance of personal recognizance with deposit

A forest ranger may accept recognizances in accordance with the following procedures: [PL 1989, c. 704, §2 (NEW).]

1. Acceptance. A forest ranger making an arrest for any crime defined in this chapter at a point more than 50 miles distant from the nearest District Court may accept the personal recognizance of the arrested person in an amount not to exceed $500 for the arrested person's appearance before the nearest District Court on a specified date and a deposit in money to the amount of that recognizance;
[PL 1989, c. 704, §2 (NEW).]

2. Report. The forest ranger shall report any personal recognizance with deposit accepted and forward that deposit to the District Court to which the recognizance is returnable; and
[PL 1989, c. 704, §2 (NEW).]

3. Forfeiture of deposit. If the person on bail fails to appear in the court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposit forfeited and may take any other action necessary. Forfeited money collected by the court must be paid to the General Fund.
[PL 1989, c. 704, §2 (NEW).]

SECTION HISTORY

PL 1989, c. 704, §2 (NEW).

PART 12

ATLANTIC SALMON COMMISSION

CHAPTER 811

GENERAL PROVISIONS

§9901. Atlantic Salmon Authority

(REPEALED)

SECTION HISTORY

PL 1995, c. 406, §12 (NEW). PL 1995, c. 535, §1 (AMD). PL 1999, c. 401, §§BB8-10 (AMD). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9902. Powers

(REPEALED)

SECTION HISTORY

PL 1995, c. 406, §12 (NEW). PL 1995, c. 535, §§2,3 (AMD). PL 1995, c. 667, §A36 (AMD). PL 1999, c. 401, §BB11 (AMD). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9902-A. Members; appointment; composition; term; compensation

(REPEALED)

SECTION HISTORY

PL 1999, c. 401, §BB12 (NEW). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9902-B. Offices; meetings

(REPEALED)

SECTION HISTORY

PL 1999, c. 401, §BB12 (NEW). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9902-C. Executive director; appointment; term; duties

(REPEALED)

SECTION HISTORY

PL 1999, c. 401, §BB12 (NEW). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9902-D. Atlantic salmon advisory panels; appointment; composition

(REPEALED)

SECTION HISTORY

PL 1999, c. 401, §BB12 (NEW). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9903. Head of tide; Union River

(REPEALED)

SECTION HISTORY

PL 1995, c. 406, §12 (NEW). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9904. Atlantic salmon license

(REPEALED)

SECTION HISTORY

PL 1995, c. 406, §12 (NEW). PL 1995, c. 535, §4 (AMD). PL 1999, c. 401, §BB13 (AMD). PL 2003, c. 414, §B25 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9905. Registration of Atlantic salmon

(REPEALED)

SECTION HISTORY

PL 1995, c. 406, §12 (NEW). PL 1999, c. 401, §BB14 (AMD). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9906. Atlantic salmon imports; exemption from prohibition for fisheries enhancement

(REPEALED)

SECTION HISTORY

PL 1995, c. 406, §12 (NEW). PL 1999, c. 401, §BB15 (AMD). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9907. Atlantic salmon; limits; method of taking; closed season

(REPEALED)

SECTION HISTORY

PL 1995, c. 406, §12 (NEW). PL 1999, c. 401, §BB16 (AMD). PL 2007, c. 240, Pt. QQ, §10 (RP).

§9908. Unlawful fishing for Atlantic salmon

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §C2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2007, c. 240, Pt. QQ, §10 (RP).

PART 13

INLAND FISHERIES AND WILDLIFE

SUBPART 1

GENERAL DEFINITIONS

CHAPTER 901

DEFINITIONS

§10001. Definitions

As used in this Part, unless the context otherwise indicates, the following terms have the following meanings. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Aircraft. "Aircraft" means a machine or device designed for flight.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Alien.
[PL 2017, c. 427, §1 (RP); PL 2017, c. 427, §19 (AFF).]

3. Antlerless moose. "Antlerless moose" means a moose without antlers.
[PL 2019, c. 355, §1 (AMD).]

3-A. Aquarium. "Aquarium" means an enclosed container used in importing, possessing or displaying nonnative and exotic species of fish or other aquatic organisms that has a closed operating system, that is located within a home, exhibition building or other permanent all-season structure and that does not allow the discharge of water or aquatic organisms into the inland waters of the State.
[PL 2003, c. 655, Pt. B, §1 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Artificial lure. "Artificial lure" means a fishing lure constructed by humans as an imitation of or substitute for natural bait or fish forage. "Artificial lure" includes, but is not limited to, artificial flies, spinners, spoons, poppers, plugs, jigs and plastic, rubber or other artificial imitations of natural bait.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Atlantic salmon. "Atlantic salmon" means the anadromous fish species Salmo salar that customarily migrates from inland waters to the ocean as part of its life cycle.
[PL 2007, c. 240, Pt. QQ, §11 (AMD).]

6. Baitfish. "Baitfish" means only those species in the following list:

A. Lake chub, (Couesius plumbeus); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Eastern silvery minnow, (Hybognathus regius); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Golden shiner, (Notemigonus crysoleucas); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. [PL 2017, c. 150, §1 (RP).]

E. [PL 2015, c. 298, §1 (RP).]

F. Common shiner, (Luxilus cornutus); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. [PL 2017, c. 150, §1 (RP).]

H. [PL 2017, c. 150, §1 (RP).]

I. Northern redbelly dace, (Phoxinus eos); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

J. Finescale dace, (Phoxinus neogaeus); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

K. Fathead minnow, (Pimephales promelas); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

L. Blacknose dace, (Rhinichthys atratulus); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

M. [PL 2015, c. 298, §1 (RP).]

N. Creek chub, (Semotilus atromaculatus); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

O. Fallfish, (Semotilus corporalis); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

P. Pearl dace, (Margariscus margarita); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Q. Banded killifish, (Fundulus diaphanus); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

R. Mummichog, (Fundulus heteroclitus); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

S. Longnose sucker, (Catostomus catostomus); [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

T. White sucker, (Catostomus commersoni); and [PL 2015, c. 298, §2 (AMD).]

U. [PL 2015, c. 298, §3 (RP).]

V. American eel, (Anquilla rostrata). [PL 2007, c. 159, §1 (AMD).]

W. [PL 2007, c. 159, §1 (RP).]
[PL 2017, c. 150, §1 (AMD).]

7. Baitfish trap. "Baitfish trap" means a device used to take baitfish fitted with rigid entrance or exit holes and having a volume no greater than 50 cubic feet.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Bear bait. "Bear bait" means an animal or plant or derivative of an animal or plant used to attract bear. "Bear bait" does not include packaging or container materials that fall within the definition of litter under Title 17, section 2263.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

9. Boundary waters between Maine and New Brunswick. "Boundary waters between Maine and New Brunswick" means:

A. In Aroostook County: St. Francis River; Glazier Lake; St. John River; Monument Brook; North Lake; the thoroughfare between North Lake and East Grand Lake; and East Grand Lake; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. In Washington County: East Grand Lake; Mud Lake; St. Croix River; Spednic Lake; and Grand Falls flowage. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §2 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §2 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

10. Closed season.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §3 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

10-A. Commercially. "Commercially" means, with regard to the buying, selling, bartering or trading of wildlife parts, for the purpose of resale or profit or receiving any form of remuneration.
[PL 2013, c. 333, §1 (NEW).]

11. Commissioner. "Commissioner" means the Commissioner of Inland Fisheries and Wildlife.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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.
[PL 2019, c. 325, §1 (NEW).]

12. Department. "Department" means the Department of Inland Fisheries and Wildlife.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

12-A. Dip net. "Dip net" means:

A. Except when taking smelts in a tributary or within 100 feet of the mouth of a tributary, a device consisting of a rigid frame filled with netting, firmly attached to a rigid handle and manually operated by a single person; and [PL 2005, c. 237, §1 (NEW).]

B. When used to take smelts in a tributary or within 100 feet of the mouth of a tributary, a device consisting of a rigid circular frame that is not more than 24 inches in diameter as measured at any point on the hoop, filled with netting, firmly attached to a rigid handle and manually operated by a single person. [PL 2005, c. 237, §1 (NEW).]
[PL 2005, c. 237, §1 (RPR).]

13. Domicile. "Domicile" means the place where a person's true, fixed and permanent home is located.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

14. Drive deer or moose.
[PL 2013, c. 408, §1 (RP).]

15. Drowning set. "Drowning set" means a trap set for wild animals that is:

A. Set completely underwater; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Rigged in such a way as to reasonably ensure the drowning of any species of trapped furbearer that would reasonably be expected to visit the set location and be held in the type of trap used at the set. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

16. Eel. "Eel" means a member of the species Anguilla rostrata in that stage of its life cycle when it is 9 inches or more in length.
[PL 2015, c. 298, §4 (AMD).]

17. Eel pot. "Eel pot" means a cylindrical or rectangular trap with funnels that is baited and used to harvest eels. An eel pot is 50 cubic feet or less in total volume and utilizes wire or slatting no smaller than 1/2 inch square measure.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

18. Elver. "Elver" means a member of the species Anguilla rostrata in that stage of its life cycle when it is less than 9 inches in length.
[PL 2015, c. 298, §4 (AMD).]

19. Endangered species. "Endangered species" means a species of fish or wildlife that has been determined by the commissioner to be in danger of extinction throughout all or a significant portion of its range and that is listed as a state endangered species under section 12803, subsection 3.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

20. Exotic. "Exotic" means of foreign nature or character, not native.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §4 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

20-A. Finished wildlife products. "Finished wildlife products" means tanned animal hides and finished taxidermy mounts, including full or partial body mounts or antlers mounted on a plaque.
[PL 2013, c. 333, §2 (NEW).]

21. Firearm. "Firearm" means any instrument used in the propulsion of pellets, shot, shells or bullets by action of gunpowder, compressed air or gas exploded or released within it.

A. "Autoloading firearm" means a firearm that reloads itself after each shot and requires that the trigger be pulled for each shot. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. "Automatic firearm" means a firearm that will continue to fire as long as the trigger is held back. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

22. Fish, the noun. "Fish" means a cold-blooded, completely aquatic vertebrate characteristically having gills, fins and an elongated streamlined body usually covered with scales and includes any physical part of a fish. The term refers to fish living predominantly in inland waters and to anadromous and catadromous fish while in inland waters. Whenever the name of a fish, such as "bass" or "trout," is used, it means the named fish or any of its physical parts.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §5 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

23. Fish, the verb. To "fish" means to take, catch, kill, molest or destroy fish or to attempt to take, catch, kill, molest or destroy fish.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

24. Fishing derby. "Fishing derby" means an organized fishing event conducted on inland waters during which contestants compete for cash awards or other prizes.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

25. Fishway. "Fishway" means an artificial device, including fish elevators, fish locks and fish ladders, used to enable fish to migrate upstream past dams, waterfalls, rapids or other obstacles.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

26. Fly. "Fly" means a single, pointed hook dressed with feathers, hair, thread, tinsel or any similar material to which no additional hook, spinner, spoon or similar device is added.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

27. Fly-fishing. "Fly-fishing" means casting upon water and retrieving in a manner in which the weight of the fly line propels the fly.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §6 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

28. Guide. "Guide" means a person who receives any form of remuneration for that person's services in accompanying or assisting a person in the fields or forests or on the waters or ice within the jurisdiction of the State while hunting, fishing, trapping, boating, snowmobiling, using an all-terrain vehicle or camping at a primitive camping area.
[PL 2013, c. 88, §1 (AMD).]

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.
[PL 2019, c. 325, §1 (NEW).]

29. Harass. "Harass" means an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

30. Hook. "Hook" means a single fishhook constructed with one, 2 or 3 points.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

31. Hunt. To "hunt" means to pursue, catch, take, kill or harvest wild animals or wild birds or to attempt to catch, take, kill or harvest wild animals or wild birds.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

32. Hunter orange. "Hunter orange" means a daylight fluorescent orange color with a dominant wave length between 595 and 605 nanometers, excitation purity not less than 85% and luminance factor of not less than 40%.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

33. Hunting equipment. "Hunting equipment" means:

A. Firearms of any type that are permitted under the laws governing hunting, including muzzle-loading firearms; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Archery equipment that is permitted under the hunting laws governing archery, including, but not limited to, recurved bows and compound bows. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

34. Ice-fishing shack. "Ice-fishing shack" means a temporary structure used for ice fishing on frozen inland waters.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

35. Inland waters. "Inland waters" means all waters within the State above the rise and fall of the tide and wholly or partially within the territorial limits of the State, except private ponds as defined in subsection 51.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

36. Jacklight. "Jacklight" means any artificial light used while hunting, except lights used and permitted under rules regarding raccoons under the authority of section 10104, subsection 1.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

36-A. Lamprey eel. "Lamprey eel" means the species Petromyzon marinus (sea lamprey).
[PL 2015, c. 298, §5 (NEW).]

37. Landlocked salmon. "Landlocked salmon" means the subspecies Salmo salar Sebago that does not customarily migrate from inland waters to the ocean as part of its life cycle.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

38. Merrymeeting Bay. "Merrymeeting Bay" means the waters of the Kennebec River bounded as follows: from the high-tension wires at Chop's Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadassett and Eastern Rivers and to the Richmond-Dresden Bridge on the Kennebec River, in the counties of Cumberland, Sagadahoc and Lincoln.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

39. Migratory game bird. "Migratory game bird" means any of the following birds:

A. Anatidae, or waterfowl, including brant, wild ducks, geese and swans; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Columbidae, including doves, but not including rock doves, also known as rock pigeons; [PL 2013, c. 280, §1 (AMD).]

C. Gruidae, or cranes, including little brown and sandhill cranes; [PL 2013, c. 280, §1 (AMD).]

D. Limicolae, or shorebirds, including Wilson's snipe and American woodcock; and [PL 2013, c. 280, §1 (AMD).]

E. Rallidae, or rails, including coots, gallinules and sora or other rails. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2013, c. 280, §1 (AMD).]

40. Migratory waterfowl. "Migratory waterfowl" means anatidae, or waterfowl, including brant, wild ducks, geese and swans.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

41. Motor vehicle. "Motor vehicle" means any motor-driven vehicle, except motorboats.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

42. Muzzle-loading firearm. "Muzzle-loading firearm" means a muzzleloader, a traditional muzzleloader or a muzzle-loading shotgun.

A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §7 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §7 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §7 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §7 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §7 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

42-A. Muzzleloader. "Muzzleloader" means a firearm that:

A. Is capable of being loaded only through the muzzle; [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Is ignited by a matchlock, wheel lock, flintlock or caplock, including an in-line caplock or shotgun or rifle primer mechanism; [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Has a rifled or smooth-bored barrel or barrels, each barrel capable of firing only a single charge; [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Propels a ball, bullet or charge of shot; and [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. May have any type of sights, including scopes. [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

42-B. Muzzle-loading shotgun. "Muzzle-loading shotgun" means a firearm that:

A. Is capable of being loaded only through the muzzle; [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Is ignited by a matchlock, wheel lock, flintlock or caplock with an exposed ignition mechanism; [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Has a smooth-bored single or double barrel, each barrel capable of firing only a single charge; [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Is charged with black powder or black powder replica only; [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. Propels a load of shot for the purpose of fowling or small game hunting; [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

F. Propels a charge of buckshot, patched round ball or full-bore diameter lead bullet for purposes of big or small game hunting; and [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

G. May have only open or aperture sights. [PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §8 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

42-C. Naturally shed. "Naturally shed" means naturally dropped from the animal without any human manipulation.

[PL 2013, c. 333, §3 (NEW).]

43. Nonresident. "Nonresident" means a person who does not fall within the definition of resident in subsection 53.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

44. Open firearm season on deer. "Open firearm season on deer" means the time during which it is lawful to hunt deer with a firearm, including the special muzzle-loading season as described in section 11404.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

45. Open season.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §9 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

46. Organization. "Organization" means a corporation, partnership or unincorporated association.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

47. Paved way. "Paved way" means a public road treated with bituminous or concrete material.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

48. Person. "Person" means a human being or an organization.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

49. Premises. "Premises" includes lands, private ways and any buildings and structures located on the lands or private ways.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

50. Primitive camping area. "Primitive camping area" means a camping location that does not have access to a water supply that is approved by the Department of Health and Human Services.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

51. Private pond. "Private pond" means an artifically constructed pond impounded within the limits of the riparian owner, even though the water is not supplied directly from a brook, stream or river. "Private pond" does not include a natural pond or lake having a surface area of more than 10 acres.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

52. Raptor. "Raptor" means a bird of the order Strigiformes and of the families Accipitridae and Falconidae commonly called buteos, accipiters, falcons and owls.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

53. Resident. "Resident" means a citizen of the United States or a person who is not a citizen of the United States who has been domiciled in the State for one year who:

A. If registered to vote, is registered in this State; [PL 2007, c. 651, §2 (AMD).]

B. If licensed to drive a motor vehicle, has made application for or possesses a motor vehicle operator's license issued by the State; [PL 2007, c. 651, §2 (AMD).]

C. If owning a motor vehicle located within the State, has registered each such vehicle in the State; and [PL 2007, c. 651, §2 (AMD).]

D. Is in compliance with the state income tax laws. [PL 2007, c. 651, §2 (AMD).]

A person who is a full-time student at a college or university in the State and has satisfied the requirements of paragraphs A to D is rebuttably presumed to be a resident in the State during that period.
[PL 2017, c. 427, §2 (AMD); PL 2017, c. 427, §19 (AFF).]

53-A. River herring. "River herring" means the species Alosa pseudoharengus, commonly called alewife, and Alosa aestivalis, commonly called blueback herring.
[PL 2017, c. 150, §2 (NEW).]

54. Salmon. The word "salmon" standing alone without other identification means "landlocked salmon."
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

55. Seine. "Seine" means an ordinary commercial-type minnow seine, not exceeding 1,200 square feet, used vertically to enclose baitfish when its ends are brought together or drawn ashore.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

56. Set line. "Set line" means a line extending into the water and rigged to catch fish that has one end secured to the shore or to a fixed or buoyant object and that is not personally attended.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

57. Single-baited hook. "Single-baited hook" means a single baited apparatus designed to catch only one fish at a time.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

58. Snagging. "Snagging" means to fish by manipulating a hook or hooks in such a manner as to pierce or snag the fish in a part of the body other than the mouth.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

59. Sporting dogs. "Sporting dogs" means sporting dogs as defined by the American Kennel Club, including pointers, retrievers, setters, spaniels, Vizslas, Weimaraners and wirehaired pointing griffons.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

59-A. Sucker. "Sucker" means only the species Catostomus commersoni (white sucker) and the species Catostomus catostomus (longnose sucker).
[PL 2015, c. 298, §6 (NEW).]

60. Sunrise. "Sunrise" means the time computed and established for sunrise for Bangor, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §10 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

61. Sunset. "Sunset" means the time computed and established for sunset for Bangor, Maine, by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §10 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

62. Threatened species. "Threatened species" means a species of fish or wildlife that has been determined by the commissioner as likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range and that is listed as a state threatened species under section 12803, subsection 3.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

62-A. Traditional muzzleloader. "Traditional muzzleloader" means a firearm that:

A. Is capable of being loaded only through the muzzle; [PL 2003, c. 655, Pt. B, §11 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Is ignited by a matchlock, wheel lock, flintlock or caplock with an exposed ignition mechanism; [PL 2003, c. 655, Pt. B, §11 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Has a rifled or smooth-bored barrel or barrels, each barrel capable of firing only a single charge; [PL 2003, c. 655, Pt. B, §11 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Is charged with black powder or black powder replica only; [PL 2003, c. 655, Pt. B, §11 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. Propels a lead ball, full-bore diameter lead bullet or charge of shot; and [PL 2003, c. 655, Pt. B, §11 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

F. May have only open or aperture sights. [PL 2003, c. 655, Pt. B, §11 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §11 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

63. Trap, the noun. "Trap" means a device that is designed primarily to catch or hold wild animals, including, but not limited to, a foothold trap, a killer-type trap, a cage-type trap or a snare.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

64. Trap, the verb. To "trap" means to set, place or tend a trap within the fields, forests or waters of the State, to kill an animal that is caught in a trap or to aid or assist another person in setting or placing a trap, tending a trap or killing an animal that is caught in a trap.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

65. Trap net. "Trap net" means a funnel-shaped net designed to intercept and retain fish in a confined space.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

66. Tributary. "Tributary" means a brook, stream or river flowing directly or indirectly into a lake, pond or another brook, stream or river. "Tributary" does not include a lake or great pond. The tributary to a great pond is not considered a tributary to the outlet of that great pond.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

67. Troll. "Troll" means to fish by trailing a line rigged to catch fish behind a watercraft being propelled by mechanical, wind or manual power.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

67-A. Valid license or valid permit. "Valid license" or "valid permit" means a license or permit lawfully obtained in the licensee's or permittee's name and signed by that person.
[PL 2003, c. 655, Pt. B, §12 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

68. Weir. "Weir" means a device placed in the inland waters of a river, stream or brook that is designed to entrap fish and that exceeds more than 1/3 of the wetted width of the channel.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

69. Wild animal. "Wild animal" means a species of mammal, wild by nature, whether or not bred or reared in captivity, as distinguished from the common domestic animals, and includes any physical part of that species of animal. Whenever the name of a wild animal, such as "deer" or "bear," is used, it means the named wild animal or any of its physical parts.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

70. Wild bird. "Wild bird" means a species of bird wild by nature, whether or not bred or reared in captivity, as distinguished from common domestic birds, and includes any physical part of that species of bird. Whenever the name of a wild bird, such as "pheasant" or "eagle," is used, it means the named wild bird or any of its physical parts.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

71. Wildlife. "Wildlife" means any species of the animal kingdom, except fish, that is wild by nature, whether or not bred or reared in captivity, and includes any part, egg or offspring of the animal, or the dead body or parts of the animal. "Wildlife" includes wild animals and wild birds.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

72. Wildlife exhibit. "Wildlife exhibit" means a place where wildlife is kept in captivity, either in an enclosure or by tether, upon any street or highway or upon land, public or private, for the evident purpose of exhibition or attracting trade. The term "wildlife exhibit" does not include the showing of an animal in connection with a theatrical exhibition, circus or agricultural fair.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

73. Wildlife management. "Wildlife management" means the art or science of producing wild animals and birds and of improving wildlife conditions in the State. It may specifically include:

A. Regulation of hunting and trapping; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Environmental controls, such as control of water, food, cover, special features and animal diseases; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Research or investigations to provide a basis for sound management in the State; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Manipulation of hunting pressure; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Establishment of game lands, such as parks, forests, refuges and game management areas; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. Predator control; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. Artificial replenishment, such as game farming and restocking; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

H. Introduction of exotic species of wild animals or birds where needed. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

74. Wildlife management area. "Wildlife management area" means a tract of land or body of water owned or leased by the department for the purposes of wildlife management as defined in subsection 73 or created by an act of the Legislature with the landowner's permission, and subject to the commissioner's authority under section 12701.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

75. Wolf. "Wolf" means the Gray Wolf (Canis lupus).
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §1 (AMD). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B1-12 (AMD). PL 2003, c. 655, §§B422,C2,6 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 237, §1 (AMD). PL 2007, c. 159, §1 (AMD). PL 2007, c. 240, Pt. QQ, §11 (AMD). PL 2007, c. 651, §2 (AMD). PL 2009, c. 415, Pt. A, §8 (AMD). PL 2013, c. 88, §1 (AMD). PL 2013, c. 280, §1 (AMD). PL 2013, c. 333, §§1-3 (AMD). PL 2013, c. 408, §1 (AMD). PL 2015, c. 298, §§1-6 (AMD). PL 2017, c. 150, §§1, 2 (AMD). PL 2017, c. 427, §§1, 2 (AMD). PL 2017, c. 427, §19 (AFF). PL 2019, c. 325, §1 (AMD). PL 2019, c. 355, §1 (AMD).

SUBPART 2

DEPARTMENT ORGANIZATION

CHAPTER 903

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

SUBCHAPTER 1

DEPARTMENT ESTABLISHED

§10051. Department established

The Department of Inland Fisheries and Wildlife is established to preserve, protect and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; to provide for effective management of these resources; and to use regulated hunting, fishing and trapping as the basis for the management of these resources whenever feasible. [PL 2015, c. 416, §1 (AMD).]

The department consists of the Commissioner of Inland Fisheries and Wildlife, a deputy commissioner, the Division of Licensing, Registration and Engineering, the Bureau of Resource Management and the Bureau of Warden Service. The department also includes the Advisory Board for the Licensing of Guides and whatever state agencies that are designated. The department is under the control and supervision of the commissioner. [PL 2009, c. 652, Pt. A, §13 (RPR).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2009, c. 340, §1 (AMD). PL 2009, c. 369, Pt. A, §26 (AMD). PL 2009, c. 652, Pt. A, §13 (AMD). PL 2015, c. 416, §1 (AMD).

§10052. Division of Licensing and Registration

The Division of Licensing and Registration is established within the Department of Inland Fisheries and Wildlife. The division is equal in organizational level and status with other major organizational units within the department or its successors. The division is administered by a director who is immediately responsible to the deputy commissioner. The director possesses full authority and responsibility for administering all the powers and duties of the division, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the division include, but are not limited to: [PL 2011, c. 253, §1 (AMD).]

1. Financial accounting.
[PL 2009, c. 340, §2 (RP).]

2. Personnel activities.
[PL 2009, c. 340, §2 (RP).]

3. Licensing and registration. The administration and issuance of department licenses, stamps and permits and the registration of snowmobiles, watercraft and all-terrain vehicles.
[PL 2011, c. 253, §1 (AMD).]

4. Engineering.
[PL 2011, c. 253, §1 (RP).]

5. Land acquisition.
[PL 2009, c. 340, §2 (RP).]

6. Equipment inventory.
[PL 2009, c. 340, §2 (RP).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B13 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 340, §2 (AMD). PL 2011, c. 253, §1 (AMD).

§10052-A. Division of Engineering

The Division of Engineering is established within the Department of Inland Fisheries and Wildlife. The division is equal in organizational level and status with other major organizational units within the department or its successors. The division is administered by a director who is immediately responsible to the deputy commissioner. The director possesses full authority and responsibility for administering all the powers and duties of the division, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the division include the design, maintenance and repair of department-owned facilities, including the preparation of a capital improvement plan to be printed in the budget document. [PL 2011, c. 253, §2 (NEW).]

SECTION HISTORY

PL 2011, c. 253, §2 (NEW).

§10053. Bureau of Resource Management

The Bureau of Resource Management is established within the Department of Inland Fisheries and Wildlife. The bureau is equal in organizational level and status with other major organizational units within the department or its successors. The bureau is administered by a director who is immediately responsible to the deputy commissioner. The director possesses full authority and responsibility for administering all the powers and duties of the bureau, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the bureau include, but are not limited to: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Wildlife management. The management of the wildlife resources in the State for their preservation, protection, enhancement and use;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Fisheries management. The management of the inland fisheries resources in the public waters of the State for their preservation, protection, enhancement and use;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Propagation of fish. The propagation of fish for the effective management of inland fisheries resources in public waters of the State;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Habitat management. The management of habitat for the protection, preservation, enhancement and use of inland fisheries and wildlife resources;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Wildlife sanctuaries; wildlife management areas. The management of wildlife sanctuaries and wildlife management areas for the State as designated in chapter 925;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Data collection. The collection of data for the effective management of inland fisheries and wildlife resources;
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §14 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Research. Research activities for the effective management of inland fisheries and wildlife resources;
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §14 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

8. Animal damage control. The coordination of animal damage control functions throughout the State, including supplemental assistance for the control of coyotes and other nuisance wildlife that exceeds normal funding and staffing levels within the department;
[PL 2009, c. 340, §3 (AMD).]

9. Rules. The development of rules governing the effective management of the inland fisheries and wildlife resources of the State;
[PL 2017, c. 205, §2 (AMD).]

10. Land acquisition. The acquisition and development of land for the protection, preservation and enhancement of inland fisheries and wildlife resources; and
[PL 2017, c. 205, §3 (AMD).]

11. Resource planning. The coordination with other resource management staff to develop both short-term and long-term plans for the preservation, protection, enhancement and use of inland fisheries and wildlife resources. The bureau shall undertake activities as directed by the commissioner.
[PL 2017, c. 205, §4 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B14 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 340, §§3-5 (AMD). PL 2017, c. 205, §§2-4 (AMD).

§10054. Bureau of Warden Service

The Bureau of Warden Service is established within the Department of Inland Fisheries and Wildlife. It is equal in organizational level and status with other major organizational units within the department or its successors. The bureau is administered by a director who is immediately responsible to the deputy commissioner. The director is the Game Warden Colonel and is employed pursuant to section 10103, subsection 3 and Title 5, chapter 59, which are applicable to this position. The director possesses full authority and responsibility for administering all the powers and duties of the bureau, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the bureau include, but are not limited to: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. General enforcement. Enforcement of laws or rules as designated by this Part, or as specified;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Wildlife and fisheries enforcement. Enforcement of laws and department rules pertaining to the management and protection of inland fisheries and wildlife resources as further designated by section 10353;
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §15 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Snowmobile, watercraft and all-terrain vehicle enforcement. Enforcement of laws and department rules pertaining to the registration and operation of snowmobiles, watercraft and all-terrain vehicles;
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §15 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Search and rescue. The coordination and implementation of all search and rescue operations as specified under section 10105, subsection 4;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Safety. Assistance with programs for hunter safety and for the safe operation of snowmobiles, watercraft and all-terrain vehicles;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Data collection. The collection of data as needed for the management and protection of the inland fisheries and wildlife resources; and
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Other. Such responsibilities as specified in state law.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §16 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B15,16 (AMD). PL 2003, c. 655, §B422 (AFF).

§10055. Division of Planning

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2017, c. 205, §5 (RP).

§10056. Division of Public Information and Education

The Division of Public Information and Education is established within the Department of Inland Fisheries and Wildlife and is responsible for the administration of programs to increase the public's knowledge and understanding of inland fisheries and wildlife resources and the management of these resources, including the administration of education programs for hunter safety and for the safe operation of snowmobiles, watercraft and all-terrain vehicles. The division's responsibilities include public education, promotion of inland fisheries and wildlife resources and the dissemination of information. The division's responsibilities also include conducting annual campaigns promoting safety in the handling and use of firearms, watercraft, all-terrain vehicles and snowmobiles as well as campaigns promoting safety with respect to other outdoor activities to the extent the division determines doing so would help improve safety in the woodlands and inland waters of the State. Campaigns to promote safety must be designed to reach target audiences effectively through television, radio, Internet or other communication mediums. [PL 2019, c. 190, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B17 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2019, c. 190, §1 (AMD).

SUBCHAPTER 2

COMMISSIONER: POWERS AND DUTIES

§10101. Appointment

The commissioner is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters and to confirmation by the Legislature. The commissioner serves at the pleasure of the Governor. Any candidate for the office of commissioner must have a record of demonstrated support for, and an understanding of, the basics of modern wildlife and fisheries management and have experience in hunting, fishing or trapping. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10102. Office

1. Facilities. The commissioner is entitled to have an office at the seat of government and adequate facilities for the transaction of the business of the department.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Traveling expenses. The commissioner is entitled to receive all necessary traveling expenses.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10103. Duties

In addition to other duties set out in this Part, the commissioner has the following duties. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Appointment of deputy. The commissioner shall appoint, to serve at the commissioner's pleasure, the Deputy Commissioner of Inland Fisheries and Wildlife, who must be qualified by training and experience in fisheries and wildlife management or conservation law enforcement. Under the commissioner's direction, the deputy commissioner assists in the administration of the department. The deputy commissioner serves as the commissioner if the commissioner is disabled or absent or if the office of the commissioner becomes vacant. The commissioner may appoint an appropriate administrative officer in the department to perform the functions of the commissioner if both the commissioner and deputy commissioner are disabled or absent.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Administration and enforcement. Except as provided by statute, the commissioner has general supervision of the administration and enforcement of the inland fisheries and wildlife laws and has the responsibility for the management of all inland fish and wildlife in the State. The commissioner has responsibility for investigations carried out on behalf of the State in matters related to the status and needs of any inland fisheries and wildlife species and is the representative of the State in providing information associated with the status and needs of these natural resources to municipalities, political subdivisions of the State and the Federal Government. The commissioner is authorized to enter into an interstate wildlife violator compact to promote compliance with the laws, regulations and rules that

relate to the management of wildlife resources in the respective member states and may adopt rules necessary to implement certain provisions of the compact.
[PL 2011, c. 220, §1 (AMD).]

3. Employment of personnel. The commissioner shall employ, subject to the Civil Service Law, such employees as are necessary to carry out the duties of the department, except that persons in the following positions are appointed by and serve at the pleasure of the commissioner: deputy commissioner; Game Warden Colonel; and Assistant to the Commissioner for Public Information.

The Game Warden Colonel is appointed from among the game wardens of the department. In the event that the Game Warden Colonel is not reappointed, the Game Warden Colonel has the right to be restored to the classified position from which the Game Warden Colonel was promoted or to a position equivalent in salary grade in an agency, without impairment of personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would have entitled the Game Warden Colonel. If service in that unclassified supervisory position is terminated for cause, the right to be restored to that position must be determined by the State Civil Service Appeals Board.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Report to Governor. The commissioner shall make a report to the Governor on or before the 31st day of December of each year for the year ending the previous June 30th.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Code of operating procedure of warden service. The commissioner shall prepare a written code covering the operating procedure of the warden service that is consistent with the Civil Service Law and contractual agreements.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Administration of department. The commissioner shall adopt written policies establishing procedures to control the use of department equipment and vehicles. The commissioner shall review and control all administrative expenses, including reimbursement of moving expenses.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Copies of laws for town clerks or agents.
[PL 2007, c. 539, Pt. E, §2 (RP).]

8. Biennial revision of fish and wildlife laws. As soon as practicable after the adjournment of the Legislature, the Revisor of Statutes, with the assistance of the commissioner, shall issue a revision of all the public laws relating to inland fisheries and wildlife. The revision must be printed in a pamphlet of the same size pages as the Maine Revised Statutes Annotated, and its printing and distribution must be the same as that of the biennial laws, except that the commissioner may issue as many extra copies of this Part as necessary in a pamphlet of whatever size seems best to inform the people about the fish and wildlife laws. Fees may be established to offset the cost of printing extra copies of this Part as provided in this subsection.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §18 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Availability of financial statement. The commissioner shall make the annual financial statement for the department available for public inspection within 180 days after the close of the fiscal year that is the subject of the report.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

10. Water level danger zones. The commissioner may establish, in accordance with section 10104, subsection 1, water level danger zones. These zones are areas of rivers and streams below water impoundment that are subject to rapidly changing water levels. The commissioner may adopt rules to protect individuals using those areas for hunting, fishing, trapping and boating purposes. The

commissioner may not regulate the flow of water under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §19 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

11. Report to Legislature. The commissioner shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. This report must identify all specific extended responsibility services provided by the department to individuals who do not pay a particular fee to the department for the provision of that service, including all search and rescue activities conducted by the department. This report must include an estimate of the total cost of providing the identified extended responsibility services. The report must be submitted on or before January 1st of each year. Upon receipt of the report, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall give separate consideration to funding the department's estimated cost of providing the identified extended responsibility services.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

12. Criminal history record information. The commissioner shall collect and maintain criminal history record information pertinent to violations of this Part. The commissioner may collect and maintain other records and information pertinent to other functions of the department, including the enforcement of civil violations.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B18,19 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 539, Pt. E, §2 (AMD). PL 2011, c. 220, §1 (AMD).

§10104. Rule-making power

In addition to other powers granted in this Part, the commissioner has the following powers. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Rules. The commissioner may, with the advice and consent of the advisory council and in conformity with Title 5, Part 18, and except as otherwise provided, adopt, amend and repeal reasonable rules, including emergency rules, necessary for the proper administration, implementation, enforcement and interpretation of any provision of law that the commissioner is charged with the duty of administering. These rules duly adopted have the full force and effect of law and are effective upon filing with the Secretary of State, unless a later date is required by statute or specified in the rule.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Filing of rules. The commissioner may file certified copies of all rules adopted by the commissioner and any and all amendments to the rules with the clerks of the District Court and Superior Court. These certified copies are considered official publications of the State for all purposes, including, but not limited to, the Maine Rules of Civil Procedure, Rule 44(a)(1) and the Maine Rules of Evidence, Rule 902 (5), and judicial notice must be taken accordingly. A facsimile of the signature of the commissioner imprinted by or at the commissioner's discretion upon any such certificate of true copy has the same validity as the commissioner's written signature.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10105. Other powers

1. Authorize taking or destruction of wildlife. Whenever the commissioner determines it necessary for the accomplishment of the commissioner's statutory duties, the commissioner may authorize a person to assist the commissioner in the taking and destruction of any wildlife. The commissioner may place conditions or restrictions on any authorization granted under this subsection. A person who violates a condition or restriction placed on an authorization granted under this subsection invalidates that authorization and subjects that person to applicable laws under this Part.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §20 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. Authorize taking and destruction of fish. Notwithstanding sections 12454, 12456 and 12457 and chapter 923, subchapters 4 and 5, whenever an illegal introduction of invasive fish species occurs and the commissioner determines it necessary for resource protection and management, the commissioner may authorize licensed anglers to assist the commissioner in the taking and destruction or sale of that invasive fish species.
[PL 2009, c. 340, §6 (AMD).]

2. Commissioner's authority to terminate coyote season.
[PL 2013, c. 408, §2 (RP).]

3. Coyote control program.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §21 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Search and rescue. Whenever the commissioner receives notification that any person has gone into the woodlands or onto the inland waters of the State on a hunting, fishing or other trip and has become lost, stranded or drowned, the commissioner shall exercise the authority to take reasonable steps to ensure the safe and timely recovery of that person, except in cases involving downed or lost aircraft covered by Title 6, section 303.

A. The commissioner may summon any person in the State to assist in search and rescue attempts. Each person summoned must be paid at a rate set by the commissioner with the approval of the Governor and must be provided with subsistence while engaged in these activities. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The commissioner may enter into written agreements with other agencies or corporations, including commercial recreational areas, allowing partial search and rescue responsibility within specified areas. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The commissioner may terminate a search and rescue operation by members of the department when, in the commissioner's opinion, all reasonable efforts have been exhausted. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The commissioner may recover all costs directly related to a specific search and rescue operation:

(1) From the person for whom the search and rescue operation was conducted; or

(2) If a person knowingly provided false information that led to a search and rescue operation, from the person who provided that false information. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §22 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §22 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

4-A. Search and rescue dogs. A person assisting the commissioner under subsection 4 with a search and rescue dog certified by or in training with an organization recognized by the Bureau of Warden Service may be accompanied by the search and rescue dog in a place of public accommodation

without being required to pay an extra charge or security deposit for the search and rescue dog. The owner of the search and rescue dog is liable for any damages done to the premises by that animal. For purposes of this subsection, "place of public accommodation" has the same meaning as in Title 5, section 4553, subsection 8, paragraph A.
[PL 2009, c. 543, §1 (NEW).]

5. Boundary waters with New Hampshire and Canada. The commissioner may prescribe bag limits, size limits, open or closed seasons and methods of taking fish from the inland boundary waters between the states of Maine and New Hampshire and provinces of Canada. These rules must be mutually agreed upon by the commissioners of Maine and New Hampshire and the fishery authorities of Canada and approved by the Inland Fisheries and Wildlife Advisory Council.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Establishing line of demarcation. The commissioner, through an agent designated by the commissioner, may establish a line of demarcation between a lake or pond and its outlet or tributaries in areas where the commissioner determines it necessary.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Sale or destruction of confiscated property. The commissioner may sell all property held or confiscated by the State for violation of laws relating to the protection of inland fisheries and wildlife that has been forfeited to the State pursuant to sections 10502 and 10503. A confiscated or forfeited handgun that was confiscated or forfeited because it was used to commit a homicide must be destroyed by the State, unless the handgun was stolen and the rightful owner was not the person who committed the homicide, in which case the handgun must be returned to the owner if ascertainable. For purposes of this subsection, "handgun" means a firearm, including a pistol or revolver, designed to be fired by use of a single hand. The commissioner shall transmit all money received from sales under this subsection to the Treasurer of State to be credited to the department.
[RR 2003, c. 2, §18 (COR).]

8. Employee discipline. The commissioner may dismiss, suspend or otherwise discipline any department employee for cause. This right is subject to the right of appeal and arbitration of grievances as set forth in Title 5.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §23 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Possession and disposal of fish and wildlife. The commissioner may take possession of sick, injured or dead fish and wildlife that is not the property of another person. For any fish and wildlife possessed by the commissioner under this subsection, the commissioner may:

A. For sick or injured fish or wildlife, destroy that fish or wildlife when necessary in a manner consistent with the provisions of Title 17, section 1043; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. For dead fish or wildlife, dispose of that fish or wildlife in any manner considered appropriate by the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

This subsection does not apply to fish or wildlife seized by the commissioner under section 10502.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

10. Taking and importing wildlife. The commissioner may:

A. For scientific purposes, take fish and wildlife and import fish and wildlife into the State or authorize others to do so; and [PL 2003, c. 655, Pt. B, §24 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Take or import wild animals or wild birds of any kind, dead or alive, for the purpose of inspection, cultivation, propagation or distribution or for scientific or other purposes considered by

the commissioner to be of interest to the game industry of this State. [PL 2003, c. 655, Pt. B, §24 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §24 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

11. Take or import animals and birds.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §25 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

12. Purchase or sale of wildlife for use as evidence. An agent of the commissioner may buy or sell wildlife for use as evidence in the prosecution of a violation of this Part.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §26 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

13. Prevention of introduction of harmful pathogens into Maine's fish and wildlife population. To prevent the introduction of pathogens into the State that pose a significant risk to the health of Maine's unique fish and wildlife populations, the commissioner may prohibit or otherwise regulate the transportation of a fish or wildlife species or any part of a fish or wildlife species into or within the State. The commissioner may adopt rules to carry out the purpose of this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2005, c. 470, §1 (NEW).]

14. Regulating the feeding of deer, bear, moose and wild turkey. The commissioner may by rule:

A. Prohibit or limit the feeding of deer, bear, moose and wild turkey at any location if there is documented evidence of chronic wasting disease, as defined in Title 7, section 1821, subsection 1, in the State or within 50 miles of the border of the State or if the commissioner has reason to believe that the type or location of feed may create a public safety hazard or may have a detrimental effect on deer, bear, moose and wild turkey; and [PL 2019, c. 355, §2 (AMD).]

B. [PL 2019, c. 355, §3 (RP).]

C. Prohibit or otherwise limit the placement of garbage or other known attractants for deer, bear, moose and wild turkey if the department has reason to believe the placement creates a public safety hazard. [PL 2013, c. 280, §2 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 355, §§2, 3 (AMD).]

15. Commissioner's authority to terminate hunting, fishing or trapping season. The commissioner, after consultation with the Governor and the advisory council and by proclamation of the Governor, may terminate an open season for hunting, fishing or trapping at any time in any area if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or unlawful hunting, fishing or trapping activity. If a section of the State is closed to hunting, fishing or trapping pursuant to this subsection, the commissioner, following the annulment of the proclamation of the Governor, with the consent of the Governor may extend the open season in that section of the State for a period of days not to exceed the number of days lost due to the termination proclamation. Whenever a section of the State is closed to hunting pursuant to this subsection during the open season on birds, the commissioner, following the annulment of the proclamation of the Governor, with the consent of the Governor may extend the open season for bird hunting in that section of the State for a period not to exceed the number of days lost as permitted by regulations of the federal Migratory Bird Treaty Act, 16 United States Code, Sections 703 to 712.

[PL 2013, c. 588, Pt. A, §11 (AMD).]

16. Hunting and fishing adventure permits for children. In addition to the permits issued by the commissioner pursuant to section 11154, subsection 13, in extenuating circumstances the commissioner may issue up to 2 additional permits or licenses for other hunting or fishing adventures to a nonprofit organization dedicated to providing hunting and fishing adventures to children under 21 years of age with life-threatening, critical or terminal illnesses.
[PL 2013, c. 408, §3 (NEW).]

17. Postpone or cancel the start of an open hunting season. Notwithstanding any provision of subpart 4, the commissioner, based on sound scientific wildlife management principles, may postpone or cancel an open hunting season on any game species if the commissioner has concerns regarding disease, weather conditions, reduction in population or other unforeseen factors that may prevent publicly derived management goals from being met.
[PL 2015, c. 57, §1 (NEW).]

18. Extend a trapping season. The commissioner, based on sound scientific wildlife management principles, may extend any open trapping season on any game species for up to 21 days if the commissioner has concerns about weather conditions or other unforeseen factors that may prevent publicly derived management goals from being met.
[PL 2019, c. 19, §1 (NEW).]

SECTION HISTORY

RR 2003, c. 2, §18 (COR). PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B20-26 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 470, §1 (AMD). PL 2007, c. 73, §1 (AMD). PL 2009, c. 340, §6 (AMD). PL 2009, c. 543, §1 (AMD). PL 2011, c. 668, §1 (AMD). PL 2013, c. 280, §2 (AMD). PL 2013, c. 408, §§2, 3 (AMD). PL 2013, c. 588, Pt. A, §11 (AMD). PL 2015, c. 57, §1 (AMD). PL 2019, c. 19, §1 (AMD). PL 2019, c. 355, §§2, 3 (AMD).

§10106. Fish and wildlife restoration

1. Commissioner's authority. The State assents to the Federal Aid in Wildlife Restoration Act, Public Law, September 2, 1937, chapter 899, as amended, and the Federal Aid in Fish Restoration Act, Public Law, August 9, 1950, chapter 658, as amended. The commissioner is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife and fish restoration projects, as defined in those Acts of Congress, in compliance with those Acts and with rules and regulations promulgated by the United States Secretaries of Agriculture and Interior under those Acts. In accordance with the Constitution of Maine, Article IX, Section 22, the commissioner shall ensure that none of the revenue collected, received or recovered by the department from license and permit fees; fines; the sale, lease or rental of property; penalties; and all other revenue sources pursuant to the laws of the State administered by the department, is diverted to any purpose other than administration of the department.
[PL 2013, c. 189, §1 (AMD).]

2. Control of distribution and conservation of hares and rabbits. The commissioner may at any time take and transport live hares or rabbits by purchasing them from local trappers whenever the commissioner determines it necessary for the proper distribution and conservation of hares and rabbits.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §27 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B27 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2013, c. 189, §1 (AMD).

§10107. Deer wintering areas

1. Identification of deer wintering areas. The commissioner shall, by rule, establish criteria for the identification of deer wintering areas in the State. The criteria must include:

A. Observation by department personnel; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Deer tracks; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Evidence of current or past browsing; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Deer pellet depositions; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Bedding sites. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Notification. Whenever evidence indicates, according to criteria established by the commissioner, the existence of a deer wintering area in any municipality or plantation, the commissioner shall notify the officials of the municipality or plantation and the owner or owners of record of the property on which the area is located of the existence of the deer wintering area and shall provide information to those persons as to actions that may be taken to protect the deer in that area.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10107-A. Deer population goals and 5-year benchmark report

The department shall establish 5-year benchmarks for managing the deer population in each wildlife management district and report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. The annual report must include, but is not limited to: [PL 2011, c. 381, §3 (NEW).]

1. Updates. Updates on meeting each 5-year benchmark;
[PL 2011, c. 381, §3 (NEW).]

2. Annual goals. Annual goals for wildlife management districts, funding needed to meet the goals and the progress toward meeting the goals;
[PL 2011, c. 381, §3 (NEW).]

3. Deer mortality. Data on deer mortality, including, but not limited to, predation on deer;
[PL 2011, c. 381, §3 (NEW).]

4. Efforts. An assessment of the efforts of animal depredation control agents;
[PL 2011, c. 381, §3 (NEW).]

5. Annual flights. The number of flights made annually by agents of the department to assess the deer population; and
[PL 2011, c. 381, §3 (NEW).]

6. Work with others. The department's efforts to work with interest groups regarding predator control.
[PL 2011, c. 381, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 381, §3 (NEW).

§10108. Programs

1. Training in firearm safety. The commissioner shall establish a program for training individuals in the safe handling of firearms and for this purpose may cooperate with any public or

private association or organization having as one of its objectives the promotion of safety in firearms handling.

In establishing the program under this subsection, the commissioner shall:

A. Prescribe the qualifications of instructors. Each instructor authorized by the commissioner to conduct training under the program must be covered by liability insurance 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 must be a charge against the funds credited to the department; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Prescribe the type and course of instruction and the time and place of examinations; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Issue a certificate of competency to individuals who successfully complete the examination. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Promotion of hunting, fishing and camping. The commissioner may implement a program designed to promote fisheries and wildlife resources and attract hunters and anglers to the State. As part of this program, the commissioner may reduce the price of certain types of licenses for specified periods of time to promote license sales for hunting and fishing in the State. The commissioner may offer complimentary licenses as part of a department program or for promotional purposes. Any loss of revenue due to the issuance of complimentary licenses under this subsection may be offset by revenues from other department programs and funds dedicated to the Division of Public Information and Education. The commissioner may implement a program that expends funds for the purpose of recognizing individuals who contribute, either through volunteer efforts or some other form of contribution, to the mission of the department. These programs may include coordination of activities between the public and private sectors and utilization of promotional missions, exhibits, brochures, technical assistance and expertise as necessary to develop and promote hunting, fishing and camping activities within the State. The commissioner shall coordinate these programs with the activities of the Department of Economic and Community Development. Any purchases made as a result of that coordination must be by competitive bid.

[PL 2013, c. 408, §4 (AMD).]

3. Supersport certificate.

[PL 2011, c. 576, §1 (RP); PL 2011, c. 576, §10 (AFF).]

4. Landowner relations program.

[PL 2011, c. 576, §2 (RP).]

4-A. Landowner relations program. The commissioner shall develop and implement a landowner relations program, referred to in this section as "the program."

A. The program must:

(1) Encourage landowners to allow outdoor recreationists access to their property to hunt, fish or engage in other outdoor recreational pursuits;

(2) Foster good relationships between landowners and outdoor recreationists; and

(3) Promote high standards of courtesy, respect and responsibility by outdoor recreationists in their relations with landowners. [PL 2011, c. 576, §3 (NEW).]

B. The commissioner shall appoint a landowner relations coordinator to oversee the program and any other landowner relations activities of the department. [PL 2011, c. 576, §3 (NEW).]

C. To the extent resources allow, the program must include the following elements:

(1) Building and maintaining an educated and motivated group of outdoor recreationists who meet and promote high standards of courtesy, respect and responsibility in their relations with landowners and who are willing to volunteer in program-related projects or efforts to improve landowner relations;

(2) Issuing a certificate to persons wishing to support or participate in the program. The commissioner may establish a fee for the certificate, which may not exceed $20. All proceeds from the fees must be deposited in the Landowner Relations Fund established in section 10265;

(3) Developing and disseminating to outdoor recreationists a code of ethics or other information promoting high standards of courtesy, respect and responsibility in their relations with landowners;

(4) Developing an outreach program that provides educational materials and signs and that disseminates information to landowners and land users about landowner rights, landowner liability protections, the tradition of allowing outdoor recreationists to use private land and law enforcement resources available to landowners;

(5) Engaging organizations and companies representing landowners, conservation groups, recreationists, land trusts and other organizations involved in outdoor recreation in developing, implementing and publicizing the program;

(6) Organizing or otherwise promoting landowner appreciation events;

(7) Working with representatives of various state agencies to promote and broaden public access to private lands for recreational use and to enhance enforcement of applicable laws; and

(8) Seeking and developing sources of funding to support the program. [PL 2011, c. 576, §3 (NEW).]

[PL 2011, c. 576, §3 (NEW).]

4-B. Keep Maine Clean program. The commissioner shall develop and implement a Keep Maine Clean program to recruit volunteers to pick up trash in fields and forests while engaging in outdoor recreation. The commissioner shall recruit volunteers for the program from outdoor recreationists, the media and other for-profit and nonprofit organizations, and shall build a database of volunteers and encourage their participation in the program. The commissioner shall promote the program through a publicly accessible website, e-mail and a monthly e-mail newsletter to volunteers, including stories about the program's sponsors, volunteers, contests, good landowner relations and other helpful information.

The commissioner shall seek sponsorship of the Keep Maine Clean program from businesses, groups representing outdoor recreationists and other individuals and groups. The commissioner may accept money, goods or services donated to the department for the program. Money, goods and services accepted by the commissioner under this subsection may be used only for program activities, including providing gifts to program volunteers and promoting and marketing the program. Money accepted by the commissioner under this subsection must be deposited in the Landowner Relations Fund established in section 10265.

[PL 2015, c. 277, §1 (NEW).]

5. Youth and family programs and activities. Youth and family outdoor recreational programs and activities may be established in the department to encourage hunting and fishing activities as well as shooting sports in the State. The commissioner may accept money, goods or services donated to the department for these programs and activities. Money, goods and services accepted by the commissioner under this subsection may be used only for these programs and activities, including providing gifts to program participants, and to promote and market the programs and activities. Gifts may include but are not limited to complimentary hunting and fishing licenses, equipment, gear and tackle.

[PL 2017, c. 164, §1 (AMD).]

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 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; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Prescribe the type and length of instruction and the time and place of examinations; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Issue a certificate of competency to individuals who successfully complete the examination. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6-A. Crossbow hunting education program. The commissioner shall establish a program for training individuals in safe and responsible crossbow hunting skills and behavior. This program may include instruction in 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 crossbow hunting to establish this program.

In establishing the program, the commissioner shall:

A. Prescribe the qualifications of instructors; [PL 2005, c. 419, §1 (NEW); PL 2005, c. 419, §12 (AFF).]

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; [PL 2005, c. 419, §1 (NEW); PL 2005, c. 419, §12 (AFF).]

C. Prescribe the type and length of instruction and the time and place of examinations; and [PL 2005, c. 419, §1 (NEW); PL 2005, c. 419, §12 (AFF).]

D. Issue a certificate of competency to individuals who successfully complete the examination. [PL 2005, c. 419, §1 (NEW); PL 2005, c. 419, §12 (AFF).]

[PL 2005, c. 419, §1 (NEW); PL 2005, c. 419, §12 (AFF).]

7. Trapper education program established. The commissioner shall establish a program for training individuals in safe and responsible trapping skills and behavior. This program must include instruction in the applicable laws and rights and in the 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. For the purpose of establishing the program, the commissioner may cooperate with any public or private association having similar goals.

In establishing the program, the commissioner shall:

A. Prescribe the qualifications of instructors; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Provide for insurance. Each instructor authorized by the commissioner to conduct training under the program must be covered by liability insurance 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 must be a charge against the funds credited to the department; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Prescribe the type and length of instruction and the time and place of examinations; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Issue a certificate of competency to individuals who successfully complete the examination. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Hunters for the Hungry Program. The Hunters for the Hungry Program, referred to in this subsection as the "program," is established to allow the department and persons who are lawfully in the possession of wild game meat to donate that wild game meat for distribution to needy persons through the food assistance programs of the Department of Agriculture, Conservation and Forestry.

A. The department shall develop and implement this program in cooperation with the Department of Agriculture, Conservation and Forestry. In developing the program, the department shall investigate, in cooperation with the Department of Agriculture, Conservation and Forestry, the costs and benefits of establishing a toll-free telephone line for facilitating the donation of meat. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

B. The department may adopt rules to implement the program. If rules are determined necessary, the department shall develop those rules in cooperation with the Department of Agriculture, Conservation and Forestry. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted under this subsection may include, but are not limited to:

(1) Procedures for donating wild game meat;

(2) Provisions for a quality control program;

(3) Procedures for distributing donated wild game meat through the food assistance programs administered by the Department of Agriculture, Conservation and Forestry;

(4) Methods for supporting private sporting groups throughout the State with program education and promotion efforts; and

(5) Limiting the distribution of wild game meat to certain types of facilities. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

C. A person who donates lawfully obtained wild game meat that is apparently fit for human consumption to the program and a charitable, nonprofit or other organization authorized by the department to receive and distribute meat donated under the program are immune from civil liability arising from injury or death due to the condition of the donated food, unless the injury or death is a direct result of the intentional misconduct of the donor or the organization. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

9. Pheasant program. The commissioner may enter into an agreement with a qualified rod and gun club or qualified hunting-oriented organization to allow the club or organization to purchase and raise pheasants. An agreement entered into pursuant to this subsection may provide for the use of

department facilities for raising pheasants by a qualified rod and gun club or qualified hunting-oriented organization. For purposes of this subsection, "qualified rod and gun club or qualified hunting-oriented organization" means a rod and gun club or a hunting-oriented organization that has demonstrated involvement in raising and releasing pheasants in the year prior to entering into an agreement with the commissioner to purchase and raise pheasants.

The following provisions must be observed.

A. The department is not authorized to purchase or raise pheasants. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. All pheasants purchased and raised under an agreement with the commissioner pursuant to this subsection must be released under the direction of department officials in areas open to hunting for the general public. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

10. Becoming an Outdoors Woman. The Becoming an Outdoors Woman program is established in the department to encourage women to participate in hunting, fishing and other outdoor activities within the State. The commissioner may sponsor Becoming an Outdoors Woman events, establish appropriate fees for participation and accept money, goods and services donated to the department for the Becoming an Outdoors Woman program. Money, goods and services accepted by the commissioner under this subsection may be used only for program activities, including activities designed to enhance the program such as giving gifts to program participants, or to assist in promoting and marketing the program.

[PL 2013, c. 408, §5 (AMD).]

11. Coyote control program. Pursuant to section 10053, subsection 8, the commissioner shall maintain a coyote control program as follows.

A. The commissioner may employ qualified persons to serve as agents of the department for purposes of coyote control. These agents must be trained by the department in animal damage control techniques and must be utilized by the department to perform coyote control duties in areas where predation by coyotes is posing a threat to deer or other wildlife. Each agent shall execute a cooperative agreement with the department specifying the conditions and limitations of the agent's responsibilities as an agent, including any terms for reimbursement of expenses or payment of wages. [PL 2003, c. 655, Pt. B, §30 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. An agent employed pursuant to paragraph A may use snares to control coyotes during winter months under the following conditions.

(1) An agent may use snares only for animal damage control purposes to help meet management goals established by the commissioner for deer, threatened or endangered species or other wildlife species or to benefit agricultural interests as described in paragraph C.

(2) An agent must be trained and certified by the department in the use of snares.

(3) An agent must be deployed by a department wildlife biologist before setting snares.

(4) An agent shall post access points to areas in which snaring activity is taking place, including, but not limited to, roads and trails for motorized vehicles, cross-country skiers or hikers or other obvious travel ways that may be used by people.

(5) An agent shall plainly label snares with the full name and address of that agent.

(6) An agent shall keep an accurate record of the number and location of snares set by that agent and must be able to account for those snares at all times.

(7) An agent shall check that agent's snares that are equipped with relaxing locks on a daily basis.

(8) A department employee may accompany an agent at any time an agent is checking snares.

(9) An agent shall report monthly to the department, on forms provided by the department, the coyotes and nontarget species taken by snaring during the reporting period.

The commissioner shall revoke the snaring certificate of an agent who violates any provision of this paragraph.

The commissioner shall adopt policies and procedures on the use of snares as necessary to minimize the potential for taking nontarget species and to adequately protect threatened and endangered species. [PL 2003, c. 655, Pt. B, §30 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. An agent employed pursuant to paragraph A may be employed for the benefit of agricultural interests as long as the department is reimbursed annually for the cost of those efforts by the Department of Agriculture, Conservation and Forestry from funds specifically appropriated or otherwise made available to the Department of Agriculture, Conservation and Forestry for that purpose. [PL 2003, c. 655, Pt. B, §30 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

[PL 2003, c. 655, Pt. B, §30 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

12. Camp North Woods program. The Camp North Woods program, referred to in this subsection as "the program," is established to provide youth opportunities to learn outdoors skills about conservation of the State's natural resources. Department staff shall mentor in the program, which may include, but is not limited to, instruction and training in recreational vehicle operation, paddle sports, hunting, fishing, trapping, outdoor survival, navigation, firearm and archery training and wildlife and fish identification. The program is funded solely from the Camp North Woods fund, established under section 10266.

[PL 2015, c. 301, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B28-30 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 419, §1 (AMD). PL 2005, c. 419, §12 (AFF). PL 2011, c. 576, §§1-3 (AMD). PL 2011, c. 576, §10 (AFF). PL 2011, c. 657, Pt. W, §5 (REV). PL 2013, c. 408, §§4, 5 (AMD). PL 2015, c. 277, §1 (AMD). PL 2015, c. 301, §2 (AMD). PL 2017, c. 164, §1 (AMD).

§10109. Acquisition and disposal of land

1. Acquisition of land; wildlife management and public access. The commissioner may acquire property pursuant to this subsection for fish hatchery or fish feeding stations or wildlife management areas or public access sites.

A. The commissioner may acquire in the name of the State, by gift, bequest or otherwise, real and personal property for the location, construction and convenient operation of a fish hatchery or fish feeding station or a wildlife management area or public access sites to inland or coastal waters. When acquiring land or interest in land for a wildlife management area or for a public access site, the commissioner shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the commissioner shall describe the acquisition in the annual report submitted pursuant to section 10103, subsection 11 and the justification for that acquisition. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The commissioner may purchase, lease or take and hold, for and on behalf of the State as for public uses, land and all materials in and upon it or any rights necessary for the purpose of establishing, erecting and operating fish hatcheries or fish feeding stations or wildlife management

areas or public access sites to inland or coastal waters. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §31 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. When the commissioner finds that a public need requires the taking of any land or rights for the purposes set out in this subsection, the commissioner shall cause the land or rights to be surveyed, located and described so that the land or rights can be located. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. A plan of the land or rights must be filed and recorded in the registry of deeds where the land or rights are located. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. The filing of the plan and description vests the title to the land and right in the State or its grantees, to be held at the pleasure of the State. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §31 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Acquisition of land; state game farms. The commissioner may purchase suitable lands and erect buildings on those lands within this State necessary for the operation of state game farms for the propagation of wild animals and wild birds for restocking the woods and forests of the State.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Compensation to landowners. The owners of property taken under this section must be compensated for that taking.

A. The owners of property, either real or personal, taken by the commissioner under this section, are entitled to damages equal to the reasonable value of the property, as is provided when land is taken for highway purposes under Title 23, chapter 3. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. In the event of a disagreement over the value of property taken under this section, the reasonable value must be determined by the county commissioners of the county in which the land is situated, upon the written application of any interested party. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. If any party in interest is aggrieved by the decision of the county commissioners under paragraph B rendered in conformity with this section, an appeal may be made to the Superior Court of the county in the same manner as is provided when land is taken by the State for highway purposes. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Unneeded property. The Governor, on recommendation of the commissioner, may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under this Part and determined no longer necessary for the purposes of this Part. The commissioner, with the approval of the Governor, may lease these same properties. The proceeds from these sales or leases must be credited to the funds of the department.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Transfer of property containing deer wintering habitat. Prior to final negotiations and legislative and administrative review of the sale of state-designated lands or an interest in designated lands that contain significant deer wintering habitat, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over conservation matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding the proposed sale. For purposes of this section, "designated lands" has the same meaning as in section 598-A.

[PL 2011, c. 381, §4 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B31 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 381, §4 (AMD).

§10110. Hunting and fishing license; confidential

1. Indication of confidentiality. The commissioner shall allow an applicant for a hunting or fishing license to indicate that the applicant's e-mail address is confidential.
[PL 2011, c. 185, §1 (NEW).]

2. Confidential information. If a person indicates that the person's e-mail address submitted as part of the application process for a hunting or fishing license is confidential as provided in subsection 1, that information is confidential.
[PL 2011, c. 185, §1 (NEW).]

3. Exception. E-mails designated as confidential under this section are not confidential to department personnel or law enforcement officers or for purposes of court proceedings.
[PL 2011, c. 185, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 185, §1 (NEW).

SUBCHAPTER 3

ADVISORY COUNCIL, BOARDS AND COMMITTEES

§10151. Inland Fisheries and Wildlife Advisory Council

1. Appointment. The Inland Fisheries and Wildlife Advisory Council, established by Title 5, section 12004-G, subsection 20 and referred to in this Part as the "advisory council," consists of 10 members representing the 16 counties of the State in the following manner: one member representing Androscoggin County, Kennebec County and Sagadahoc County; one member representing Aroostook County; one member representing Cumberland County; one member representing Franklin County and Oxford County; one member representing Hancock County; one member representing Knox County, Lincoln County and Waldo County; one member representing Penobscot County; one member representing Piscataquis County and Somerset County; one member representing Washington County; and one member representing York County. Members of the advisory council are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters and to confirmation by the Legislature. The commissioner or the commissioner's designee is a nonvoting, ex officio member of the advisory council, but may vote to break a tie.

An employee of the department may not serve as a member of the advisory council prior to the expiration of one year from that employee's last day of employment with the department. A Legislator may not serve as a member of the advisory council. A former Legislator who was a member of the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters may not serve as a member of the advisory council prior to the expiration of one year from that former Legislator's last day of membership on that committee.
[PL 2013, c. 375, §1 (AMD).]

2. Length of terms. Appointments are for a term of 3 years and until successors are appointed and qualified. A person may not serve more than 2 consecutive 3-year terms. On the death, resignation or removal from office of any person appointed to the advisory council, the Governor shall appoint a member to serve for the unexpired term.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Expenses. The members of the advisory council are entitled to compensation as provided in Title 5, chapter 379.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Duties. The advisory council shall:

A. [PL 2013, c. 375, §2 (RP).]

B. [PL 2013, c. 375, §2 (RP).]

C. Hold regular meetings with the commissioner or the deputy commissioner to provide information and advice on enhancing fisheries and wildlife resource management in the State; [PL 2013, c. 375, §2 (NEW).]

D. Form stakeholder groups with relevant areas of expertise to obtain information and make recommendations on enhancing fisheries and wildlife resource management in the State; [PL 2013, c. 375, §2 (NEW).]

E. Convene stakeholder group meetings at least annually in areas of the State where deer populations need to be enhanced; [PL 2013, c. 375, §2 (NEW).]

F. Attend public hearings on rules proposed by the commissioner and make recommendations based on public and stakeholder input regarding those rules; and [PL 2013, c. 375, §2 (NEW).]

G. Provide and present a written annual summary of the advisory council's activities and accomplishments to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. [PL 2013, c. 375, §2 (NEW).]
[PL 2013, c. 375, §2 (RPR).]

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.
[PL 2019, c. 639, §1 (AMD).]

6. Officers. At the meeting held in May of each year, the advisory council may elect one member as chair and one member as vice-chair.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Quorum. A quorum is a majority of the current members of the advisory council.
[PL 2013, c. 408, §6 (NEW).]

8. Advisory council actions. An affirmative vote of a majority of the members of the advisory council present at a meeting or polled is required for any action.
[PL 2013, c. 408, §6 (NEW).]

9. Attendance at meetings. If a member of the advisory council is not present for 3 consecutive meetings, that member may be replaced.
[PL 2013, c. 408, §6 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2011, c. 668, §2 (AMD). PL 2013, c. 375, §§1, 2 (AMD). PL 2013, c. 408, §6 (AMD). PL 2019, c. 639, §1 (AMD).

§10152. Disabled hunter, trapper and angler advisory committee

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B32 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 301, §3 (RP).

§10153. Advisory Board for the Licensing of Guides

1. Members. The Advisory Board for the Licensing of Guides, established by Title 5, section 12004-I, subsection 23 and referred to in this section as "the board," consists of the following 8 members:

A. One subordinate officer of the department designated by the commissioner; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Two wardens of the department; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Four representatives of the public, with no more than 3 holding a license under chapter 927, to be appointed by the Governor for a term of 3 years to reflect a wide diversity of guiding experience. At least 2 members must be chosen for their expertise in outdoor recreation. The public members must be compensated as provided in Title 5, chapter 379; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. One marine patrol officer of the Department of Marine Resources. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Duties. The board has the following duties:

A. To provide advice and consent regarding rules proposed by the commissioner; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. At the request of the commissioner, to conduct oral examinations of applicants for guide licenses; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. To advise the commissioner on granting and revoking guide licenses; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. At the board's discretion, to designate examiners for the purpose of conducting oral examinations pursuant to section 12855, subsection 6. Examiners must be selected from active or retired members of the Bureau of Warden Service, current or former board members, active or retired members of the marine patrol or currently licensed Maine guides. Designated examiners are entitled to compensation under the same provisions as the board. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Quorum. Five members of the board constitute a quorum.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10154. Junior Maine Guides and Trip Leaders Curriculum Advisory Board

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 689, §B6 (REV). PL 2009, c. 211, Pt. B, §5 (AMD). PL 2009, c. 369, Pt. A, §27 (RP). PL 2009, c. 652, Pt. A, §14 (RP).

§10155. Advisory Board for the Licensing of Taxidermists

The Advisory Board for the Licensing of Taxidermists is established by Title 5, section 12004-I, subsection 23-A and referred to in this section as "the board." [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Membership. Members of the board must be residents of the State. The board consists of the following 4 members:

A. Two employees of the department, appointed by the commissioner, one of whom may be a retired employee who has experience in taxidermy; and [PL 2011, c. 533, §1 (AMD).]

B. Two licensed taxidermists with expertise in the art of taxidermy, appointed by the Governor. [PL 2011, c. 533, §1 (AMD).]

C. [PL 2011, c. 533, §1 (RP).]

[PL 2011, c. 533, §1 (AMD).]

2. Term. The term of office for members of the board is 3 years, except that the terms must be staggered to the extent possible. Appointments for terms of less than 3 years may be made in order to stagger the terms. Upon expiration of a member's term, that member shall serve until a qualified successor is appointed. The successor's term is 3 years from the date of the expiration, regardless of the date of appointment. A vacancy in the office of a member is filled by the appointing authority for that position for the unexpired term. The department members may be removed by the commissioner for cause. All other members may be removed by the Governor for cause.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Staff assistance. The department shall provide staff assistance as necessary.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Duties. The board shall advise the commissioner regarding implementation of sections 10909, 12952, 12953 and this section and any related rules and shall assist in the development and conduct of examinations.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Quorum. Three members of the board constitute a quorum for the transaction of business.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Compensation. All members of the board except state employees are entitled to receive compensation as provided in Title 5, chapter 379.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §33 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Rules. The commissioner may adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 655, Pt. B, §34 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B33,34 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 253, §3 (AMD). PL 2011, c. 533, §1 (AMD).

§10156. Advisory Board for the Licensing of Whitewater Guides

1. Members. The Advisory Board for the Licensing of Whitewater Guides, referred to in this section as the "board" and established by Title 5, section 12004-I, subsection 23-B, consists of the following 10 members:

A. The commissioner or an employee of the department who is the commissioner's designee; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. One warden or retired warden of the department, appointed by the commissioner; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Eight persons representing the public who are licensed whitewater guides, appointed by the Governor for staggered terms of 3 years. In making appointments under this paragraph, the Governor shall ensure that those appointments establish and maintain a wide diversity of whitewater guide experience on the State's rapidly flowing rivers. A person who holds a commercial whitewater outfitter's license is ineligible for appointment to the board. At least 5 persons appointed under this paragraph must have expertise in whitewater rafting on both the Kennebec River and the West Branch of the Penobscot River, including the cribworks. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §35 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §35 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Compensation. Members who are not employed by the department are entitled to compensation as provided in Title 5, chapter 379.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Duties. The board has the following duties:

A. To provide advice regarding rules proposed by the commissioner; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. At the request of the commissioner, to conduct an examination of applicants for the whitewater guide's license as provided in section 12909, except that oral examinations are conducted by 2 members; [PL 2007, c. 651, §3 (AMD).]

C. To advise the commissioner on granting and revoking whitewater guide's licenses; and [PL 2007, c. 651, §4 (AMD).]

D. To advise the commissioner on establishing and reviewing safety requirements for whitewater trips, developing a safety information program and reviewing the safety record of whitewater guides and outfitters. [PL 2007, c. 651, §5 (NEW).]

[PL 2007, c. 651, §§3-5 (AMD).]

4. Quorum. Five members of the board constitute a quorum.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B35 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 651, §§3-5 (AMD).

§10157. Landowners and Sportsmen Relations Advisory Board

1. Appointment and composition.

[PL 2015, c. 277, §2 (RP).]

1-A. Appointment and composition. The Landowners and Sportsmen Relations Advisory Board, referred to in this chapter as "the advisory board" and established by Title 5, section 12004-I, subsection 49-C, consists of the following members:

A. Eleven members, appointed by the Commissioner of Inland Fisheries and Wildlife:

(1) One representative of a statewide small woodland owners association;

(2) One representative of a large landowners association;

(3) One representative of a statewide farmers organization;

(4) Three representatives of sportsmen;

(5) Two representatives of outdoor recreationists;

(6) Two representatives of environmentalist organizations; and

(7) One representative of land trust organizations. [PL 2015, c. 277, §3 (NEW).]

[PL 2015, c. 277, §3 (NEW).]

2. Terms. Members of the advisory board serve for 3 years. When a vacancy occurs, the Commissioner of Inland Fisheries and Wildlife shall fill the vacancy by appointing a member from the same category as the member who vacated the advisory board and that new member continues to serve for the remainder of the term.

[PL 2015, c. 277, §4 (AMD).]

3. Chair; election of board officers. The members of the advisory board shall annually elect one of its members as chair and one of its members as vice-chair. The chair is responsible for scheduling at least 3 advisory board meetings a year and for preparing the agenda for each meeting.

[PL 2015, c. 277, §4 (AMD).]

4. Quorum. A majority of the advisory board members representing landowners and a majority of the advisory board members representing land users combined constitute a quorum.

[PL 2003, c. 655, Pt. B, §36 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Staffing of advisory board. The department shall provide administrative and staff support to the advisory board. Department staff shall attend all meetings of the advisory board.

[PL 2015, c. 277, §5 (AMD).]

6. Meetings. The advisory board shall hold 3 meetings each year. Additional meetings may be held as necessary to conduct the business of the advisory board. At least once per year, the advisory board and the department shall convene a group of stakeholders to discuss any landowner and outdoor recreationist issues and to provide recommendations to the department and the advisory board for improvements to the landowner relations program.

[PL 2015, c. 277, §5 (AMD).]

7. Duties. The advisory board shall:

A. Propose changes to or advise the commissioner on landowner-related laws, rules, department policies and other significant landowner and land user issues; [PL 2003, c. 655, Pt. B, §36 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Review landowner-related policies and procedures, conduct studies, evaluate programs and make recommendations to the commissioner; [PL 2003, c. 655, Pt. B, §36 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Obtain public use of private and public land for recreational activities by assisting with conflict resolution as it pertains to public access issues on both private and public lands and promote greater understanding and cooperation between owners and users of these lands; [PL 2003, c. 655, Pt. B, §36 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Review and make recommendations regarding programs administered by other agencies. The commissioner shall coordinate all reviews; [PL 2011, c. 208, §1 (AMD).]

E. Conduct an organizational review of the advisory board every 5 years. This review must be designed to provide the information necessary to ascertain whether the advisory board has the membership required by subsection 1-A and the advisory board is fulfilling its duties. If the review indicates that the advisory board does not have the correct representational membership, a subcommittee of the members of the advisory board must be convened to recommend to the commissioner appropriate changes. At any time, the advisory board may recommend to the commissioner ways to improve the advisory board's membership or function, and the commissioner shall act upon those recommendations; [PL 2015, c. 277, §6 (AMD).]

F. Establish a protocol to contact and work with the courts to identify public service opportunities for a person who has violated a litter law under Title 17, section 2264-A; and [PL 2015, c. 277, §7 (AMD).]

G. Issue an annual report that includes the following:

(1) A summary of the major accomplishments of the program over the last year and plans for the coming year;

(2) A summary of how the department administrative and staff support time was spent, including any time spent by the landowner relations coordinator on matters unrelated to landowner relations;

(3) A summary of landowner-related complaints received and any resulting action on behalf of the department or advisory board;

(4) An accounting of income and expenses of the Landowner Relations Fund established in section 10265; and

(5) An explanation of what the advisory board accomplished pursuant to each of its statutory duties. [PL 2015, c. 277, §8 (NEW).]

[PL 2015, c. 277, §§6-8 (AMD).]

SECTION HISTORY

PL 2003, c. 655, §B36 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 208, §§1-3 (AMD). PL 2011, c. 576, §4 (AMD). PL 2013, c. 405, Pt. D, §11 (AMD). PL 2015, c. 277, §§2-8 (AMD).

SUBCHAPTER 4

FINANCES

§10201. Power to raise revenue

1. Sale of publications. If the commissioner determines it advisable for the more effective dissemination of factual information, information of public interest or information tending to promote better public relations, the commissioner may fix the price, if any, of certain publications and materials of the department and sell and deliver them. Publications and materials included within this authority are all publications, articles, biological and statistical data, professional and technical service reports by departmental personnel and other materials in the department's possession and pertaining to the department. These publications may not carry any advertising of a political nature but may carry commercial advertising. The commissioner shall accept commercial advertising in the department's general circulation magazine entitled "Maine Fish and Wildlife" and any successor or similar publication developed by the department.

The commissioner may sell or lease video and audio recordings, photographs and negatives owned by the department and may fix the price, if any, giving consideration to their fair market value.
[PL 2007, c. 539, Pt. E, §3 (AMD).]

2. Sale of advertising in abstracts of fish and wildlife laws.
[PL 2007, c. 539, Pt. E, §4 (RP).]

3. Sale of general merchandise. The commissioner may engage in the selling and marketing of general merchandise products such as T-shirts, aprons, coffee mugs and greeting cards when the express purpose is to accommodate public demand and generate supplemental funds. These funds may not be used for any costs associated with a quarterly magazine produced by the department.

A. The commissioner may create dedicated accounts to deposit money received from the sale of general merchandise pursuant to this subsection. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §38 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Funds received by the commissioner from the sale of general merchandise products pursuant to this subsection must be deposited in a dedicated account to be used only for the purposes described in section 10108, subsection 2. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §38 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Promotion and education on lead sinkers and lures. The commissioner may accept money, goods or services donated to the department for the purpose of educating the public on ways to minimize the threat to loons and other bird species from discarded or lost lead sinkers and lures. Any money, goods or services accepted by the commissioner under this subsection may be used only for those purposes.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Design of migratory waterfowl permit; sale of prints. The design of migratory waterfowl permits pursuant to section 11157 and sale of prints must be as follows.

A. The commissioner may provide for the reproduction, sale, licensing, distribution and other disposal of any art created in conjunction with the permit. The commissioner shall establish by rule the procedures governing the design of the permit and the reproduction, sale, licensing, distribution and other disposal of any art created in conjunction with the permit. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §39 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. The design of the permit and any art created in conjunction with it may be selected through an art contest. The commissioner may award a cash prize for the winning entry selected in a contest. [PL 2009, c. 340, §7 (AMD).]
[PL 2009, c. 340, §7 (AMD).]

6. Donations. The commissioner may accept money, goods and services donated to the department to support specific programs carried out by the department. Any money donated to the department in support of a specific program must be deposited into a dedicated account for the purpose of funding activities carried out by that program.
[PL 2003, c. 655, Pt. B, §40 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Donations for disabled veterans. The commissioner may accept money donated to support hunting opportunities in the State for disabled veterans. Any money donated to the department for this purpose must be transferred to the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services to be deposited into the Hunting Opportunities for Disabled Veterans Fund established in Title 37-B, section 516.
[PL 2019, c. 199, §1 (NEW); PL 2019, c. 377, §6 (REV).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B37-40 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 539, Pt. E, §§3, 4 (AMD). PL 2009, c. 340, §7 (AMD). PL 2019, c. 199, §1 (AMD). PL 2019, c. 377, §6 (REV).

§10202. Department funds

1. Appropriation. The amount of funds appropriated to the department in each fiscal year may not be less than the dollar amount collected, received or recovered by the department from license and permit fees, fines, penalties and all other money received by the department, except for any funds received from the Federal Government and money relating to the following:

A. The department's account for the acquisition of waterfowl habitat set forth in section 10206, subsection 4; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Whitewater rafting; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The Maine Endangered and Nongame Wildlife Fund established in section 10253; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The watercraft fund of the Department of Marine Resources; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. The Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

F. The ATV Recreational Management Fund of the Department of Agriculture, Conservation and Forestry; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

G. Boating access sites. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Additional funding. The appropriation of certain additional funds is governed by the following.

A. Appropriations to the department for costs that are associated with search and rescue are not considered amounts appropriated to the department under the Constitution of Maine, Article IX, Section 22. The liability of the General Fund for search and rescue costs is limited to the amount appropriated. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §41 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. General Fund appropriations to the Fiscal Stability Program under subsection 9 are not considered amounts appropriated to the department under the Constitution of Maine, Article IX, Section 22. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §41 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §41 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Revenues. Actual revenues received in excess of that estimated and allocated by the Legislature may not be expended without allocation by the Legislature, except that excess federal revenues received are subject to the expenditure provisions of Title 5, section 1669.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Unencumbered balances. Any unencumbered allocated balances, including existing balances, must be carried forward into the next fiscal year and may not be expended without allocation by the Legislature, except as provided in this section. Unencumbered balances in the boating access sites account are nonlapsing and must be carried forward to be used for the same purpose.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Nonlapsing appropriations. General Fund appropriations to the department are nonlapsing and must be carried forward in a separate General Fund program to be used by the department for the purposes described in section 10801, subsection 5. The department, in accordance with the Constitution of Maine, Article IX, Section 22, shall seek legislatively authorized transfers from this program to meet the various costs associated with the department's other programs.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §42 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Savings fund; offset against future fee increases. A savings fund, referred to in this subsection as the "fund," is established in the department. Appropriations to the fund are considered funds appropriated to the department under the meaning of the Constitution of Maine, Article IX, Section 22. Money appropriated to the fund does not lapse but must be carried forward and may be used by the department only to offset license fee increases if the use of that money for that purpose is approved by the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Cash reserve. The department shall maintain as practical a cash reserve for the purpose of ensuring an adequate cash flow.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Snowmobile enforcement expenditures not to diminish. In every fiscal year, the department shall budget from appropriations to the enforcement operations program an amount for snowmobile enforcement activities that is not less than the average General Fund expenditures from that program for those purposes over the previous 2 fiscal years. Expenditures from the Snowmobile Enforcement Fund, established in section 10258, may not be included in calculating average expenditures.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

9. Fiscal Stability Program. The Fiscal Stability Program is established to ensure that the general public and hunters and anglers share the cost of the fish and wildlife conservation programs of the department. To achieve this goal, beginning with the 2022-2023 biennial budget and for each biennial budget thereafter, the biennial budget submitted by the executive branch must include an additional General Fund appropriation of 18% in excess of the department's requested biennial budget.
[PL 2019, c. 343, Pt. LLL, §1 (AMD).]

10. Review of budget. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall review that part of the current services budget bill and any supplemental budget bills pertaining to the department in accordance with Title 5, section 522-A.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

11. Review of license and permit fees, fines and penalties. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall review license and permit fees, fines, penalties and all other money received by the department and shall submit a written report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on or before March 1st of each year.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

12. Monthly report. By the 15th day of each month, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. When the Legislature is in session, the department shall submit its report at a meeting of the committee. When the Legislature is not in session, the department shall mail the report to each member of the committee with a copy to the Executive Director of the Legislative Council. The report must identify for the immediately preceding month:

A. Revenues of the department; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Expenditures of the department; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The difference between the projected revenues and expenditures of the department and the actual revenues and expenditures. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

13. Equipment. The department shall notify the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters of any vehicle or heavy equipment purchase prior to that purchase, including the name of the item and expected cost. In addition, the department shall develop and implement a formal replacement schedule for the department's radio communication system. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall review the replacement schedule.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §44 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

14. Bond issue. The department shall submit to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters plans for a bond issue prior to submission of the bond issue to the full Legislature.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

15. Temporary assessment on licenses, permits and registrations.

[PL 2005, c. 12, Pt. III, §1 (RP).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B41-45 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §§Z1,III1 (AMD). PL 2007, c. 240, Pt. O, §1 (AMD). PL 2009, c. 213, Pt. I, §1 (AMD). PL 2011, c. 380, Pt. HH, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 368, Pt. ZZ, §1 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2015, c. 267, Pt. NNN, §1 (AMD). PL 2017, c. 284, Pt. VVVV, §1 (AMD). PL 2019, c. 343, Pt. LLL, §1 (AMD).

§10203. Collection and disposition of money

1. General. The following money must be paid to the Treasurer of State as undedicated revenue to the General Fund:

A. All fees, fines, penalties and officers' costs and all other money received, collected or recovered by the court or the department under any provisions of this Part except section 10206, subsections 1 and 3; section 10259; section 10353, subsection 3; section 11157; chapter 925, subchapter 3; and chapter 929; and [PL 2009, c. 146, §1 (AMD).]

B. Any fees, fines and penalties recovered by the court from any prosecution by wardens pursuant to their acting, under section 10353, subsection 3, with the same powers and duties as sheriffs. [PL 2009, c. 146, §2 (AMD).]

C. [PL 2009, c. 146, §3 (RP).]

[PL 2009, c. 146, §§1-3 (AMD).]

2. Counties not to pay unpaid officers' fees. Officers' fees taxed against a respondent, if any, under this Part that are not paid by or recovered from the respondent may not be assumed or paid by the county where the offense was committed.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. License and permit fees. License and permit fees must be collected and expended in accordance with section 10801.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Watercraft. Money relating to watercraft laws and rules must be collected and expended in accordance with section 10206, subsection 3.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Snowmobiles and trail-grooming equipment. Money relating to snowmobile and trail-grooming equipment laws and rules must be collected and expended in accordance with section 1893, subsection 3 and section 10206, subsection 2.
[PL 2005, c. 93, §1 (AMD).]

6. Failure to pay fine or fee. A person who receives money for any fine, or part thereof, for a violation of this Part, or any fee for a license or permit issued under the authority of this Part, may not neglect for more than 30 days to pay the money over as provided in this section.

A person who violates this subsection commits a Class E crime.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §46 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Department-owned property. Money received from the sale, lease or rental of department-owned property or products must be deposited into the program account that originally expended funds for that property.
[PL 2009, c. 146, §4 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B46 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 93, §1 (AMD). PL 2009, c. 146, §§1-4 (AMD).

§10204. Administrative costs recovered; federal and dedicated money

The department is entitled to reimbursement for administrative costs associated with activities of the department performed in support of federal and other special revenue accounts from those accounts.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10205. Funding of new programs

Any new program or service involving a mandated responsibility to the department must include provisions that specify that full funding for the new program or service is collected from those individuals who receive the service from the department. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10206. Disposition of specific revenues

1. All-terrain vehicle revenues. Revenues received under the provisions of this Part relating to ATVs, including chapter 939, must be disbursed and used as follows.

A. After administrative costs and the disbursements required under section 13155, subsection 5, revenues received under the provisions of this Part relating to ATVs, including chapter 939, are credited as undedicated revenue to the General Fund except that 50% of those revenues is credited to the ATV Recreational Management Fund of the Department of Agriculture, Conservation and

Forestry. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those administrative costs must be verified by the Department of Agriculture, Conservation and Forestry and the Department of Administrative and Financial Services. [PL 2019, c. 75, §1 (AMD).]

B. [PL 2005, c. 397, Pt. E, §1 (RP).]
[PL 2019, c. 75, §1 (AMD).]

2. Snowmobile and trail-grooming equipment revenues. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. The department's administrative costs must be verified by the Department of Agriculture, Conservation and Forestry and the Department of Administrative and Financial Services.

A. After the transfers provided in section 13104, subsection 4, the snowmobile and trail-grooming equipment registration fee for residents collected under chapter 937 is credited as follows:

(1) Twenty-two percent is credited to the General Fund as undedicated revenue;

(2) Fifty-two percent is credited to the Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands; and

(3) Twenty-six percent is annually distributed to the municipality of the owner's residence as shown on the owner's registration certificate, except that in unorganized territory, 26% is annually distributed to the county of the owner's residence as shown on the owner's registration certificate and credited to the unorganized territory fund of that county established in Title 30-A, section 7502. [PL 2007, c. 556, §1 (AMD); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. After the transfers provided in section 13104, subsection 4, the snowmobile registration fee for nonresidents collected under chapter 937 is credited as follows.

(1) Eighteen percent is credited to the General Fund as undedicated revenue.

(2) Seven percent is credited to the Snowmobile Enforcement Fund established under section 10258.

(3) The remainder is credited to the Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands. [PL 2007, c. 556, §2 (AMD); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

C. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §48 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. The annual fee for each snowmobile dealer number plate issued pursuant to section 13109 is credited as follows:

(1) Thirty percent is credited to the General Fund as undedicated revenue; and

(2) Seventy percent is credited to the Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

E. All money received under the provisions of this Part relating to snowmobiles, including chapter 937, other than that credited pursuant to paragraphs A to D, including snowmobile dealer license fees, is credited to the General Fund as undedicated revenue. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2007, c. 556, §§1, 2 (AMD); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

3. Watercraft revenues. Except as provided in subsection 6, all revenues collected under the provisions of this Part relating to watercraft, including chapter 935, are disposed of as follows.

A. All fees collected for certificates, licenses and permits by the commissioner are paid daily to the Treasurer of State and accrue as undedicated revenue to the General Fund and as dedicated revenue to the Department of Marine Resources in accordance with paragraph C. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Each court shall pay all fines, forfeitures and penalties collected for violations of the provisions of this Part relating to watercraft, including chapter 935, and all officers' costs collected for either coastal wardens or game wardens to the Treasurer of State, monthly, and that money accrues as undedicated revenue to the General Fund, except that all fines, forfeitures and penalties collected as a result of the efforts of municipal law enforcement officers or harbor masters enforcing the provisions of this Part relating to watercraft, including chapter 935, in their respective jurisdictions are paid to that municipality for the local enforcement efforts. The department shall record as dedicated revenue to the Department of Marine Resources that portion of fines, forfeitures and penalties allocable to the Department of Marine Resources in accordance with paragraph C. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §49 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. All revenues collected under the provisions of this Part relating to watercraft, including chapter 935, including fines, fees and other available money deposited with the Treasurer of State, must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to a formula that is jointly agreed upon by the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources biannually that pays to the department the administrative costs of the Division of Licensing and Registration. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those costs must be verified by the Department of Marine Resources and the Department of Administrative and Financial Services. The remainder of revenues after reduction for administrative costs and after allowing for any necessary year-end reconciliation and accounting distribution must be allocated 75% to the department and 25% to the Department of Marine Resources and approved by the Department of Administrative and Financial Services, Bureau of the Budget.

Prior to January 1, 2020, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a $10 fee for invasive species prevention and control. Beginning January 1, 2020, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a $15 fee for invasive species prevention and control. This fee is disposed of as follows:

(1) Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and

(2) Twenty percent must be credited to the Lake and River Protection Fund established within the department under section 10257. [PL 2019, c. 264, §1 (AMD).]

[PL 2019, c. 264, §1 (AMD).]

4. Migratory waterfowl revenues. All revenues derived from the sale of permits and art in conjunction with the permits under section 10201, subsection 5 and section 11157 must be deposited into a special account within the department, and that account must be used for acquisition of waterfowl habitat and waterfowl management activities.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Sucker and yellow perch permit revenues. All fees collected pursuant to section 12506 accrue to the Eel and Elver Management Fund established in section 6505-D, except that $42 accrues to the General Fund for each eel pot or eel weir permit issued pursuant to section 12506.
[PL 2007, c. 463, §1 (AMD); PL 2007, c. 463, §9 (AFF).]

6. Lake and river protection sticker revenues. All fees collected by the commissioner from the sale of stickers under section 13058, subsection 3 must be paid daily to the Treasurer of State. Notwithstanding subsection 3, the Treasurer of State shall credit funds received under this subsection as follows:

A. Eighty percent of the revenues must be credited to the Invasive Aquatic Plant and Nuisance Species Fund established in the Department of Environmental Protection under Title 38, section 1863; and [PL 2019, c. 264, §2 (AMD).]

B. Twenty percent of the revenues must be credited to the Lake and River Protection Fund established in the department under section 10257. [PL 2019, c. 264, §2 (AMD).]
[PL 2019, c. 264, §2 (AMD).]

7. Resident lifetime license revenues. Revenue from the sale of lifetime licenses under section 10851 is dedicated revenue and must be deposited in the Lifetime License Fund established in subchapter 5. The department may establish payment procedures for licenses under section 10851; a license may not be issued until full payment is received.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Moose hunting permit revenues. All revenues derived from the sale of moose hunting permits under section 11154, subsection 11, including all bidding fees, must be deposited into a special nonlapsing account within the department, and that account must be used to pay the costs of administering the process of issuing permits and to fund youth conservation education programs.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

9. Moose hunting revenues; moose hunting research and management.
[PL 2011, c. 370, §1 (RP).]

10. Pheasant hunting permit revenues. Revenues generated from the sale of pheasant hunting permits must be deposited into a separate account within the department, to be known as the Pheasant Fund and referred to in this subsection as the "fund." The fund is nonlapsing. The fund may be used only for costs directly related to the administration of the pheasant program, including grants to a qualified rod and gun club or qualified hunting-oriented organization to help defray the costs of purchasing and raising pheasants in accordance with an agreement with the commissioner entered into in accordance with section 10108, subsection 9.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

11. Species 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 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. The department may contract with a private entity to provide this education. Education provided pursuant to this section must include information about how hunting and fishing helps to manage specific species. The department may continue its activities pursuant to this subsection during ballot initiative campaigns concerning wildlife issues.
[PL 2015, c. 245, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B47-50 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 695, §B3 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2005, c. 12, §III2 (AMD). PL 2005, c. 93, §2 (AMD). PL 2005,

c. 397, §E1 (AMD). PL 2007, c. 44, §1 (AMD). PL 2007, c. 463, §1 (AMD). PL 2007, c. 463, §9 (AFF). PL 2007, c. 556, §§1, 2 (AMD). PL 2009, c. 213, Pt. OO, §1 (AMD). PL 2009, c. 340, §8 (AMD). PL 2009, c. 652, Pt. A, §15 (AMD). PL 2011, c. 370, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 368, Pt. AAA, §1 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2013, c. 580, §1 (AMD). PL 2015, c. 245, §1 (AMD). PL 2019, c. 75, §1 (AMD). PL 2019, c. 264, §§1, 2 (AMD).

SUBCHAPTER 5

SPECIAL FUNDS

§10251. Lifetime License Fund; establishment; management

1. Fund established. The Lifetime License Fund, referred to in this section as the "fund," is established in the department to accept all revenue derived from the sale of lifetime hunting and fishing licenses under section 10851. The Treasurer of State shall administer the fund and shall invest the fund, subject to the limitations of this section, for growth and income in a manner consistent with the Treasurer of State's fiduciary responsibilities. Money in the fund may not be expended for any purpose except as provided in this section.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Treasurer of State. The Treasurer of State shall contract with investment firms as necessary to manage the fund; may agree to the payment of reasonable management fees to those firms, using money in the fund; and may direct those firms to purchase or sell investment opportunities as necessary to prudently manage the fund. The Treasurer of State annually may reimburse the State for costs incurred to oversee the fund from earnings of the fund.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Commissioner. The commissioner may accept donations to the fund but may not use any principal or earnings of the fund except upon the approval of the Treasurer of State and for the purposes set forth in this section.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Uses of fund. Prior to July 1, 2010, the Treasurer of State continuously shall reinvest all earnings of the fund and may not authorize any payments from the fund or use any earnings of the fund, except those necessary to pay the costs of administering the fund. On July 1, 2010, and on July 1st of each year thereafter, the Treasurer of State shall transfer to the department an amount determined by the department, not to exceed 5% of the fund principal. Additional interest earned by the fund, if any, must be reinvested. Unexpended balances from funds transferred to the department in any fiscal year may be carried forward to the next fiscal year to be used for the same purpose.
[PL 2017, c. 2, Pt. H, §1 (AMD).]

5. Report. The Treasurer of State shall report quarterly to the commissioner and to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the status of the fund, including the sources and amount of revenue deposited into the fund, interest earnings and payments from the fund.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2015, c. 267, Pt. MMM, §1 (AMD). PL 2017, c. 2, Pt. H, §1 (AMD).

§10252. Fish hatchery maintenance fund

The fish hatchery maintenance fund, referred to in this section as the "fund," is established in the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding engineering designs for the Embden Hatchery, a statewide assessment of all other hatchery facilities and maintenance, repair and capital improvements at fish hatcheries and feeding stations owned by the State. The fund may not be used to fund personnel services costs or general operating costs of a fish hatchery. The commissioner may accept and deposit into the fund any monetary gifts, donations or other contributions from public or private sources and must use that money for the purposes specified in this section. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §51 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B51 (AMD). PL 2003, c. 655, §B422 (AFF).

§10253. Maine Endangered and Nongame Wildlife Fund

1. Fund established. The Maine Endangered and Nongame Wildlife Fund, referred to in this section as the "fund," is established. The fund receives money deposited by the Treasurer of State pursuant to section 10255 and Title 36, section 5284, revenues generated in accordance with this section and any money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the management of nongame wildlife and for necessary administrative and personnel costs associated with the management of nongame wildlife and may not be deposited in the General Fund or any other fund, except as specifically provided by law.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Report and allocation. The commissioner shall include a report on the fund as part of the report submitted to the Governor pursuant to section 10103. This report must also be submitted to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters. The commissioner shall submit a budget for each biennium in accordance with Title 5, sections 1663 to 1666. The State Controller shall authorize expenditures from the fund as allocated by the Legislature.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Grants. Any person, organization or agency of the State may apply to the department for a grant to undertake research and nongame wildlife management activities. The department may award grants out of the fund. For the purposes of this section, "nongame wildlife" includes all unconfined terrestrial, freshwater and saltwater species that are not ordinarily collected, captured or killed for sport or profit.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Fundraising. The commissioner or the commissioner's authorized agent may provide for the creation, reproduction, sale, licensing, distribution and other disposal of any art or products for the purpose of generating revenues for the management of the State's nongame wildlife. All money generated from the sale of these items must be deposited in the fund.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. WE CARE support program. The Wildlife Enthusiast's Conservation Appreciation, Recreation and Enjoyment, or "WE CARE," support program is established to encourage voluntary support for the programs and services provided by the department. The fee for participating in this program is $19. All money generated pursuant to this subsection must be deposited in the fund.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10254. Maine Wildlife Park Fund

1. Fund established. The Maine Wildlife Park Fund, referred to in this section as the "fund," is established. The fund receives all funds collected by the department from the operation of the Maine Wildlife Park, including gate fees, the proceeds of any sales at the Maine Wildlife Park and any donations, grants or other funds presented to the department for the benefit of the Maine Wildlife Park, except that any funds that are solicited by and earned by volunteers for the benefit of the Maine Wildlife Park may not be used, directly or indirectly, to supplant appropriations from the General Fund or allocations from other revenue sources. All money deposited in the fund and the earnings on the money remain in the fund to be used for the management and maintenance of the Maine Wildlife Park. Unexpended balances in the fund at the end of the fiscal year are nonlapsing and must be carried forward to the next fiscal year to be used for the same purposes.
[PL 2005, c. 504, §1 (AMD).]

2. Report.
[PL 2007, c. 651, §6 (RP).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B52 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 504, §1 (AMD). PL 2007, c. 651, §6 (AMD).

§10255. Maine Environmental Trust Fund

1. Fund established. The Maine Environmental Trust Fund, referred to in this section as the "fund," is established as a nonlapsing fund administered by the commissioner for the purposes of improving state parks and historic sites by supporting the Parks General Operations Fund established in section 1825, subsection 1-A and managing nongame wildlife by supporting the Maine Endangered and Nongame Wildlife Fund established in section 10253, subsection 1. Money deposited with the Treasurer of State to the credit of the fund may be invested as provided by law. Income from these investments must be credited to the fund.
[PL 2019, c. 343, Pt. Y, §3 (AMD).]

2. Fund sources. The fund receives money deposited by the Treasurer of State pursuant to Title 29-A, section 455 and any other gift, grant or other source of revenue deposited for that use.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Distribution from fund. Money distributed from the fund may be used for marketing the plates and for the production and marketing of goods using the environmental plate design. After the Treasurer of State has reimbursed the Secretary of State for costs of producing and issuing environmental registration plates in accordance with section 455, the Treasurer of State shall, at the end of each quarter in the fiscal year, distribute the balance in the fund as follows:

A. Sixty percent of the balance must be deposited in the Parks General Operations Fund established in section 1825, subsection 1-A; and [PL 2019, c. 343, Pt. Y, §4 (AMD).]

B. Forty percent of the balance must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 10253. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2019, c. 343, Pt. Y, §4 (AMD).]

4. Budget. The commissioner shall submit a budget for each biennium pursuant to Title 5, sections 1663 and 1666.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2019, c. 343, Pt. Y, §§3, 4 (AMD).

§10256. Land Management Fund

The Land Management Fund is established within the department. The fund is authorized to receive revenue from the sale of timber, lease of lands, gifts and other revenues associated with the use of department-owned land. The fund must be held separate and apart from all other money, funds and accounts. Any balance remaining in the fund at the end of any fiscal year must be carried forward to the next fiscal year. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10257. Lake and River Protection Fund

1. Fund established. The Lake and River Protection Fund, referred to in this section as the "fund," is established within the department as a nonlapsing fund. The fund must be administered by the commissioner. The fund is funded from a portion of the fees collected for lake and river protection stickers issued under section 13058, subsection 3 and from other funds accepted for those purposes by the commissioner or allocated or appropriated by the Legislature. Money in the fund may be used for enforcing laws pertaining to invasive aquatic plants and nuisance species, inspecting watercraft for invasive aquatic plant and nuisance species materials, educational and informational efforts targeted at invasive aquatic plant and nuisance species prevention, eradication and management activities and the production and distribution of lake and river protection stickers required under section 13058, subsection 3. For purposes of this section, "nuisance species" has the same meaning as in Title 38, section 1861, subsection 2.
[PL 2013, c. 580, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2011, c. 74, §1 (AMD). PL 2013, c. 580, §2 (AMD).

§10258. Snowmobile Enforcement Fund

1. Fund established. The Snowmobile Enforcement Fund, referred to in this section as the "fund," is established in the department's Bureau of Warden Service. All funds credited to the fund are available for use by the Game Warden Colonel of the Bureau of Warden Service only for the purposes established in this section. Money in the fund may be used only to supplement other funds appropriated to the enforcement operations program. Money in the fund at the end of each fiscal year does not lapse and must be carried forward to the next fiscal year.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Fund uses. The Game Warden Colonel may use money in the fund only for the following purposes:

A. Regular or overtime personnel services costs of the warden service related to enforcement of snowmobile laws; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Safety or other education programs conducted by the department or authorized by the department that are related to the operation of snowmobiles; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Purposes, including the purchase of equipment or machinery, determined by the Game Warden Colonel as necessary for effective snowmobile safety and enforcement activities. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10259. Whitewater Rafting Fund

1. Fund established. The Whitewater Rafting Fund, referred to in this section as the "fund," is established to be used by the department, the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands and the affected counties and municipalities to fund activities related to river recreation with primary emphasis on those activities that relate to whitewater trips.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

2. Funding. All fees and surcharges collected under chapter 929 must be credited to the fund, except for license fees collected in accordance with sections 12907 and 12909.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Budget.
[PL 2013, c. 368, Pt. LLLL, §4 (RP).]

4. Use of fund. The fund must be used according to this subsection.

A. The money deposited in the fund must be credited as follows.

(1) Sixty-five percent of each fee or surcharge must be credited to the department.

(2) Twenty-five percent of each fee or surcharge must be credited to the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands.

(3) Ten percent of each fee or surcharge must be credited to the county in which the river is located for distribution among the affected municipalities and for use in the affected unorganized townships. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

B. All money from the fund must be expended solely for purposes related to river recreation, with primary emphasis on those activities that relate to whitewater trips, including, but not limited to, administration, regulation, safety education, enforcement, mitigation of environmental and safety problems and mitigation of any adverse effect on competing use of the river. The fund may not be used to pay the cost of administering the whitewater outfitters' license program or the guide license program. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Any amount of the fund that is not expended at the end of a fiscal year does not lapse but must be carried forward. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this section. Those costs must be verified by the Department of Administrative and Financial Services. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2007, c. 651, §7 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 368, Pt. LLLL, §4 (AMD). PL 2013, c. 405, Pt. A, §24 (REV).

§10260. Black Bear Research Fund

The Black Bear Research 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 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. [RR 2015, c. 1, §6 (COR).]

SECTION HISTORY

PL 2007, c. 168, §1 (NEW). PL 2007, c. 168, §8 (AFF). RR 2015, c. 1, §6 (COR).

§10261. Boat Launch Facilities Fund

The Boat Launch Facilities 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 the establishment, improvement and maintenance of publicly owned boat launch facilities on inland waters. The commissioner may accept and deposit into the fund any monetary gifts, donations or other contributions from public or private sources. Funds deposited in the fund must be used for the purposes specified in this section. [PL 2007, c. 240, Pt. LLLL, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 240, Pt. LLLL, §1 (NEW).

§10262. Warden Service Aircraft Fund

1. Fund established. The Warden Service Aircraft Fund, referred to in this section as "the fund," is established through the Office of the State Controller as a nonlapsing fund under the jurisdiction of the Bureau of Warden Service within the department, referred to in this section as the "bureau," to ensure the viability of its aviation program.
[PL 2009, c. 146, §5 (NEW).]

2. Funding. The bureau may assess charges consisting of direct operating costs of the aircraft to agencies of the State for the use of the bureau's aircraft resources for purposes other than warden service activities and shall deposit any such money received into the fund. The bureau may apply for and accept any appropriation, grant, gift or service made available from any public or private source consistent with the purpose of this section and shall deposit any such money into the fund.
[PL 2009, c. 146, §5 (NEW).]

3. Fund uses. The bureau may use the fund to purchase aviation equipment and pay for operational expenses, including but not limited to maintenance, repairs, fuel and spare parts, in accordance with the bureau's plan to diversify and modernize its aviation program.
[PL 2009, c. 146, §5 (NEW).]

SECTION HISTORY

PL 2009, c. 146, §5 (NEW).

§10263. Moose Research and Management Fund

The Moose 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 the research and the management of moose. One hundred dollars from each nonresident moose hunting permit issued under section 11154, subsection 3 must be deposited in the fund. In addition, up to $25,000 may be deposited in the fund from the revenues generated by moose hunting application and permit fees to carry out the department's documented moose research. 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. [PL 2017, c. 427, §3 (AMD); PL 2017, c. 427, §19 (AFF).]

REVISOR'S NOTE: §10263. Predator Control and Deer Habitat Fund (As enacted by PL 2011, c. 381, §5 is REALLOCATED TO TITLE 12, SECTION 10264)

SECTION HISTORY

RR 2011, c. 1, §14 (RAL). PL 2011, c. 370, §2 (NEW). PL 2011, c. 381, §5 (NEW). PL 2017, c. 427, §3 (AMD). PL 2017, c. 427, §19 (AFF).

§10264. Maine Deer Management Fund

(REALLOCATED FROM TITLE 12, SECTION 10263)

The Maine Deer 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 predator control and to enhance deer habitat. The commissioner shall establish on the department's online licensing system checkoff options that allow a person to donate money for predator control or deer habitat enhancement. The checkoff options must be prominently displayed and contain web links to information about how the checkoff revenues have been and will be used. The commissioner shall also print in a prominent place on every paper application for a hunting license checkoff options that allow a person to donate money to the fund for predator control or deer habitat enhancement. Revenues from the checkoffs must be deposited in the fund and used for purposes indicated by the checkoffs. [PL 2011, c. 668, §3 (AMD).]

Notwithstanding section 10801, subsection 4, $2 of each deer registration fee collected under section 12301-A, subsection 3, paragraph C must be deposited in the fund. Fifty percent of the funds deposited in the fund from the deer registration fees must be used for predator control purposes and 50% of the deposited fees must be used to enhance deer habitat. 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. The department shall report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the fund and its utilization. [PL 2011, c. 668, §3 (AMD).]

SECTION HISTORY

RR 2011, c. 1, §14 (RAL). PL 2011, c. 668, §3 (AMD).

§10265. Landowner Relations Fund

The Landowner Relations 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 the landowner relations program established pursuant to section 10108, subsection 4-A and the Keep Maine Clean program established in section 10108, subsection 4-B. All funds from fees collected under section 10108, subsection 4-A, paragraph C and money accepted by the commissioner pursuant to section 10108, subsection 4-B must be deposited in the fund. The fund receives any other funds appropriated or allocated to 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. [PL 2019, c. 501, §7 (AMD).]

SECTION HISTORY

PL 2011, c. 576, §5 (NEW). PL 2015, c. 277, §9 (AMD). PL 2019, c. 501, §7 (AMD).

§10266. Camp North Woods fund

The Camp North Woods 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 the Camp North Woods program established under section 10108, subsection 12. All funds collected by the department from the operation of the Camp North Woods program and any donations, grants or other funds presented to the department for the benefit of the Camp North Woods program must be deposited into the fund. All money deposited in the fund and the earnings on the money remain in the fund to be used for the operation of the Camp North Woods program. Unexpended balances in the fund at the end of the fiscal

year are nonlapsing and must be carried forward to the next fiscal year to be used for the same purposes. [PL 2015, c. 301, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 301, §4 (NEW).

§10267. ATV Enforcement Fund

1. Fund established. The ATV Enforcement Fund, referred to in this section as "the fund," is established in the Bureau of Warden Service to be used by the Game Warden Colonel for the purposes established in subsection 2. All funds collected by the department pursuant to this section must be deposited in the fund. Unexpended balances in the fund at the end of the fiscal year are nonlapsing and must be carried forward to the next fiscal year to be used for the same purposes.
[PL 2019, c. 75, §2 (NEW).]

2. Fund uses. The Game Warden Colonel may use money in the fund only for:

A. Supplementing other funds appropriated to the enforcement operations program; [PL 2019, c. 75, §2 (NEW).]

B. Regular or overtime personnel services costs of the warden service related to enforcement of ATV laws; [PL 2019, c. 75, §2 (NEW).]

C. Safety or other education programs conducted by the department or authorized by the department that are related to the operation of ATVs; or [PL 2019, c. 75, §2 (NEW).]

D. The purchase of equipment or machinery determined by the Game Warden Colonel as necessary for effective ATV safety and enforcement activities. [PL 2019, c. 75, §2 (NEW).]
[PL 2019, c. 75, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 75, §2 (NEW).

SUBCHAPTER 6

MAINE OUTDOOR HERITAGE FUND

§10301. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Acquisition. "Acquisition" means fee ownership, easement, lease, right-of-way and other less-than-fee interests in land.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Board. "Board" means the Maine Outdoor Heritage Fund Board established in section 10308.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §53 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Coordinator of the Natural Areas Program. "Coordinator of the Natural Areas Program" means the person appointed by the Commissioner of Agriculture, Conservation and Forestry to be responsible for coordinating the Natural Areas Program.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §6 (REV).]

4. Fund. "Fund" means the Maine Outdoor Heritage Fund.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Matching funds. "Matching funds" means any combination of public and private funds used in conjunction with the Maine Outdoor Heritage Fund for the purpose of this subchapter, including, but not limited to, private contributions of cash or securities, money from municipal or other public agencies, money from a federal matching program, in-kind contributions or any combination thereof. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Natural resources agencies. "Natural resources agencies" means state agencies, bureaus, boards, commissions or other instrumentalities having jurisdiction over the protection of the State's natural resources.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Public-private partnership. "Public-private partnership" means any partnership between federal agencies, state agencies or individuals or any combination of federal agencies, state agencies or individuals, including corporations and private persons or organizations, where at least 1/3 of the funding is contributed by a nongovernmental organization or individual.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Wildlife. "Wildlife" means wild organisms, including vertebrate, invertebrate and plant species. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B53 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 657, Pt. W, §6 (REV).

§10302. Fund established

There is established the Maine Outdoor Heritage Fund. The fund consists of revenues received pursuant to Title 8, section 387 and any funds received as contributions from private and public sources. The fund, to be accounted within the department, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund at the end of any fiscal year must be carried forward to the next fiscal year. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10303. Purpose of fund

The fund is for the sole purpose of maintaining, improving and expanding state and local natural resource conservation programs and associated compatible public uses in accordance with the strategic plan provided for by section 10308, subsection 5, paragraph A. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10304. Relation to other funding

The fund supplements sources and levels of funding appropriated and allocated by the Legislature to natural resources agencies. It is the intent of the Legislature that a grant received from the fund not be considered a substitute for funds previously appropriated or allocated to a natural resources agency. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10305. Fund availability

The fund must be available to natural resources agencies in accordance with section 10307. Natural resources agencies may contract with nongovernmental organizations and individuals for the purpose of carrying out projects funded by the fund. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10306. Fund administration

The Maine Outdoor Heritage Fund Board shall administer the fund. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10307. Expenditures from fund; distribution

The board shall make grants, applications for which must be reviewed in accordance with section 10309, to natural resources agencies for projects found consistent with the criteria and the strategic plan adopted by the board pursuant to section 10308, subsection 5, paragraph A. Except as otherwise provided in this subchapter, the board shall distribute annually available grant money as follows: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Fisheries and wildlife; habitat conservation. Thirty-five percent of the money in the fund for fisheries and wildlife and habitat conservation projects;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Public lands and access; outdoor recreation sites and facilities. Thirty-five percent of the money in the fund for acquisition and management of public lands, parks, wildlife conservation areas and public access and outdoor recreation sites and facilities;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Endangered and threatened species. Fifteen percent of the money in the fund for endangered and threatened species conservation projects; and
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Natural resources law enforcement. Fifteen percent of the money in the fund for natural resources law enforcement.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The board is authorized to carry forward money in any of the percentage categories of this section into a successive year in the same category in the event that this carry-over better serves the strategic plan or that no grant applications in a particular year adhere to the strategic plan for a particular percentage category. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10308. Maine Outdoor Heritage Fund Board

The Maine Outdoor Heritage Fund Board is established within the department and shall carry out its duties in accordance with this section. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Members. The board consists of 7 members. The commissioner, the Commissioner of Agriculture, Conservation and Forestry and the Coordinator of the Natural Areas Program are permanent members and their designees may represent them at board meetings. The Governor shall appoint the remaining 4 citizen members subject to the review of the joint standing committee of the

Legislature having jurisdiction over natural resources matters and confirmation by the Senate. One of these members must be a representative of a state sportsmen's organization, one must be a representative of a state wildlife conservation organization and one must work in a field related to natural resources. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §6 (REV).]

2. Terms. The Governor shall appoint citizen members to staggered 4-year terms. Appointed citizens may not serve more than 2 consecutive 4-year terms.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Chair. The Governor shall appoint a citizen member of the board to serve as chair. The chair may not serve more than 2 consecutive 4-year terms.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Board meetings, rules and administration. The board shall conduct its meetings as follows.

A. The board shall meet at least 3 times a year at the call of the chair. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The board, acting in accordance with the Maine Administrative Procedure Act, may adopt any rules necessary for the conduct of its business. The board shall adopt by rule a schedule for submission and action on grant proposals submitted pursuant to subsection 5, paragraph B. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Appointed citizen members are entitled to compensation equal to legislative per diem and travel expenses under Title 5, section 12004-G, subsection 29-B while engaged in board activities. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. A quorum of the board for the transaction of business is 4 members. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Board members are governed by the conflict of interest provisions in Title 5, section 18. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Board functions. The board has the following functions.

A. The board, in accordance with the rule-making provisions of the Maine Administrative Procedure Act and in consultation with natural resources agencies, shall adopt a strategic plan for each of the funding categories listed in section 10307. The board may cooperate with other state or federal agencies in developing the plan or carrying out other functions under this subchapter. The strategic plan must identify the priority areas for funding for 6 years using the criteria listed in section 10309. The board may amend the strategic plan. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The board shall review and award annually funding requests for specific projects from natural resources agencies. The board may award grants only to proposals that conform to the strategic plan adopted pursuant to paragraph A. Grant proposals that establish a public-private partnership are encouraged. Grant proposals must include a stated purpose, a time line, potential outcomes, a budget and an explanation of need. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The board shall submit an annual report to the Governor and the joint standing committees of the Legislature having jurisdiction over natural resources matters and inland fisheries and wildlife matters. In the annual report, the board shall detail expenditures made from the fund and the board's progress in implementing the strategic plan. [PL 2005, c. 397, Pt. E, §2 (AMD).]

D. Responsibility for administration of the board lies with the chair. The board shall hire an executive director. The executive director may hire an additional staff person, if the board

determines it necessary. The executive director directs the daily operation of the board. Staff positions may be part-time. The executive director position is unclassified and the executive director serves at the pleasure of the board. The board shall prepare and adopt an annual budget to be included with the report required under paragraph C. The board may obtain the services of consultants as necessary to carry out its functions under this subchapter. The board may spend money to cover administrative costs. The board shall endeavor to keep the level of administrative expenses as low as practicable and include, in its annual report, discussion of efforts to minimize administrative expenses. State natural resources agencies shall provide staff support and assistance as determined necessary by the board. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2005, c. 397, Pt. E, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2005, c. 397, §E2 (AMD). PL 2011, c. 657, Pt. W, §6 (REV).

§10309. Fund distribution criteria for strategic plan and grants

In developing the strategic plan provided for by section 10308, subsection 5, paragraph A and reviewing and awarding grant proposals submitted pursuant to section 10308, subsection 5, paragraph B, the board shall consider whether a project involves: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Fisheries and wildlife and habitat conservation. For the category of fisheries and wildlife and habitat conservation:

A. A species or species group adversely affected due to lack of management or habitat loss; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A species or species group that is adversely affected due to unusual vulnerability to man-made disturbances and requirements for a special or limited habitat type; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Measurable benefits vital to the future welfare of a species or species group; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Available matching funds; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Acquisition and management of public lands, parks, wildlife conservation areas, and public access and outdoor recreation sites and facilities. For the category of acquisition and management of public lands, parks, wildlife conservation areas, and public access and outdoor recreation sites and facilities:

A. Public recreation opportunities of statewide or regional significance; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Fish or wildlife habitat of statewide or regional significance; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Habitat of a threatened or endangered species listed under state or federal law; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Rare or exemplary natural communities or ecosystems as determined by the State's Natural Areas Program database; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Lands or areas providing for public recreation opportunities of statewide or regional significance; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. Rare or exemplary geological features; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. Areas with proximity to lands dedicated to conservation purposes or public recreation or with access to lands or waters with significant natural resources values; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

H. Available matching funds; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Conservation of endangered and threatened species and their habitats. For the category of conservation of endangered and threatened species and their habitats:

A. A species or species group listed as endangered or threatened under state or federal law; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The habitat of one or more species or groups under paragraph A; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A species or species group not listed as threatened or endangered but, based on the best available scientific information, potentially warranting listing in the near future; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. A species, group of species, natural community or ecosystem that has been documented as being in decline or recognized as being at risk of extirpation from the State; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Any species, group of species, natural community or ecosystem thought in the best professional judgment of biologists to be in decline or in danger of extirpation from the State but whose status is undetermined; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. Available matching funds; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Natural resources law enforcement. For the category of game wardens and other conservation law enforcement:

A. A species or species group adversely affected due to lack of management or habitat loss; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Public health or safety concerns of statewide or regional significance; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Environmental education for the public or law enforcement personnel; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Cross-training between natural resources state agencies; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Available matching funds. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The criteria in this section are not listed in order of priority. A grant applicant must indicate in the proposal the subsection under which the board should evaluate the proposals. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 7

ATV ENFORCEMENT GRANT AND AID PROGRAM

§10321. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

1. ATV Enforcement Grant and Aid Program. "ATV Enforcement Grant and Aid Program" or "the program" means the ATV Enforcement Grant and Aid Program established pursuant to this subchapter.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

2. ATV Enforcement Grant Review Committee. "ATV Enforcement Grant Review Committee" or "the grant committee" means the committee established in section 10324.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

3. ATV grant coordinator. "ATV grant coordinator" means the person retained by the commissioner to be responsible for providing administration and staff support for the ATV Enforcement Grant Program.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

4. General ATV enforcement. "General ATV enforcement" means Level 1 or Level 2 enforcement.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

5. Law enforcement agency. "Law enforcement agency" means a state, county or municipal agency or bureau that employs full-time and part-time law enforcement officers certified by the Maine Criminal Justice Academy who are authorized pursuant to section 10402, subsection 4 to enforce the provisions of this Part regulating ATVs.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

6. Level 1 enforcement. "Level 1 enforcement" means handling ATV complaints from landowners or other persons about the operation of ATVs, responding to ATV accidents and enforcing ATV laws during the normal course of patrol duties.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

7. Level 2 enforcement. "Level 2 enforcement" means ATV enforcement that is focused on recognized ATV problems in a localized area, but not a multijurisdictional high-problem area.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

8. Matching funds. "Matching funds" means any combination of public and private funds used in conjunction with a grant from the program. "Matching funds" includes, but is not limited to, private contributions of cash or securities, money from municipal or other public agencies, money from a federal matching program, in-kind contributions or any combination thereof.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

9. Multijurisdictional high-problem area. "Multijurisdictional high-problem area" means an area of extensive use by ATV operators, including, but not limited to, unauthorized trails or damaged agricultural lands, wetlands or other environmentally sensitive areas. A multijurisdictional high-problem area is an area where there are documented complaints from landowners or others about the operation of ATVs.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2003, c. 695, §B4 (NEW). PL 2003, c. 695, §C1 (AFF).

§10322. Grant and aid program established

1. Established. There is established the ATV Enforcement Grant and Aid Program. Grants from the program are for the sole purpose of maintaining, improving and expanding ATV enforcement and training for state, county and municipal enforcement officers in accordance with this subchapter. The grant committee may also, as part of the program, receive and disburse aid in the form of materials or equipment pursuant to section 10324, subsection 5.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

2. Fund. The ATV Enforcement Grant Program Fund, referred to in this section as "the fund," is established within the department to be used for the program in accordance with this subchapter. The fund consists of revenues deposited in the fund pursuant to Title 36, section 2903-D, subsection 3, any other funds appropriated or allocated for inclusion in the fund, from whatever source, and any other money available for deposit in the fund, including any federal funds or other public funds or any donations made to the fund. The board may apply for federal or other funds that may be available for the purposes of the program. The fund is nonlapsing and any balance remaining in the fund at the end of any fiscal year must be carried forward to the next fiscal year. The fund may be used to pay for administrative expenses associated with the work of the grant committee pursuant to this subchapter, including the costs of the ATV grant coordinator.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

3. Relation to other funding. Grants from the program supplement any other sources or levels of funding appropriated or allocated by the Legislature.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

4. Grant availability. Grants from the program are available to law enforcement agencies in accordance with this subchapter.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

5. Grant administration. The ATV Enforcement Grant Review Committee shall administer the fund and the program.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2003, c. 695, §B4 (NEW). PL 2003, c. 695, §C1 (AFF).

§10323. Grant expenditures; distribution

1. Generally. The grant committee shall make grants to law enforcement agencies for projects found consistent with the criteria established pursuant to section 10325.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

2. Grant categories. Except as otherwise provided in this subchapter, the grant committee shall distribute grant money in accordance with this subsection. For purposes of this section, "category funds" means money in the fund other than money used for administrative expenses and other than funds carried forward in accordance with subsection 3. The grant committee shall annually make available for grants category funds in the following percentages for the following categorical purposes:

A. For general ATV enforcement, 40%; [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

B. For multijurisdictional high-problem area enforcement, 50%; and [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

C. For law enforcement officer training and equipment, 10%. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

3. Money to be carried forward. If the grant committee determines that not providing the full amount of category funds for a categorical purpose better serves the grant committee's strategic grant plan or if insufficient grant applications in a particular year conform to the strategic plan for a particular categorical purpose, the grant committee shall carry forward the unspent money for use in succeeding years for the same categorical purpose.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2003, c. 695, §B4 (NEW). PL 2003, c. 695, §C1 (AFF).

§10324. ATV Enforcement Grant Review Committee

The grant committee is organized within the department and must carry out its duties in accordance with this section. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

1. Members. The grant committee consists of 9 members as follows:

A. Three ex officio members or their designees:

(1) The Game Warden Colonel;

(2) The Chief of the Maine State Police; and

(3) The Director of the forest protection unit, Maine Forest Service within the Department of Agriculture, Conservation and Forestry; and [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF); PL 2011, c. 657, Pt. W, §§5, 8 (REV).]

B. Six members appointed by the commissioner as follows:

(1) One member who is a member of a statewide association of sheriffs;

(2) Four members who are members of a statewide association of police chiefs, one representing northern Maine, one representing southern Maine, one representing eastern Maine and one representing central Maine; and

(3) One member representing the Maine Criminal Justice Academy. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF); PL 2011, c. 657, Pt. W, §§5, 8 (REV).]

2. Terms. The ex officio members or their designees serve for their terms of office. The commissioner shall appoint other members to staggered 4-year terms. The initial appointments must be made by December 31, 2004. The initial appointments are as follows: 2 for 4-year terms; 2 for 3-year terms; and 2 for 2-year terms. Appointed members may not serve more than 2 consecutive 4-year terms.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

3. Chair; election of officers. The members of the grant committee shall annually elect one of its members as chair and one of its members as vice-chair.
[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

4. Grant committee meetings, rules and administration. The grant committee is governed by the following.

A. The grant committee shall meet at least 2 times a year at the call of the chair or when needed to address urgent ATV problems. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

B. A quorum of the grant committee for the transaction of business is 5 members. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

C. Grant committee members are governed by the conflict-of-interest provisions in Title 5, section 18. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

5. Grant committee duties. The grant committee has the following duties.

A. Consistent with the requirements of this subchapter, the grant committee shall adopt rules governing the review of grant proposals and awarding of grants. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

B. The grant committee shall annually review funding requests and award funds for specific projects from law enforcement agencies in accordance with this subchapter. The grant committee may award grants only to proposals that conform to the rules adopted pursuant to paragraph A. Grant proposals must include a stated purpose, timeline, potential outcomes, a budget and an explanation of need. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

C. The grant committee may accept donations of equipment or materials if the grant committee determines that the donations will further the purposes of this subchapter. If the grant committee accepts equipment or materials, the grant committee shall establish by rule a process for receiving proposals and making awards to appropriate entities of such equipment or materials. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

D. The grant committee shall submit an annual report by January 15th to the commissioner and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. In the annual report, the grant committee shall detail expenditures made from grant revenues and provide a detailed summary of ATV enforcement activities supported by the grant as well as any equipment or materials that it has accepted or awarded pursuant to this subchapter. The first report must be submitted by January 15, 2005. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

E. The grant committee shall endeavor to keep the level of its administrative expenses as low as practicable and shall include in its annual report a description of efforts to minimize administrative expenses. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

6. Staff; administration. The department is responsible for the administration and staff support of the grant committee and the commissioner shall contract with an appropriately qualified person to serve as ATV grant coordinator to implement and account for the operations of the grant committee. The contract may provide for part-time services.

[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2003, c. 695, §B4 (NEW). PL 2003, c. 695, §C1 (AFF). PL 2011, c. 657, Pt. W, §§5, 8 (REV).

§10325. Distribution criteria for grants

The review and awarding of grant proposals by the grant committee under this subchapter are governed by this section. The criteria for consideration established in this section are not listed in order of priority. A grant applicant shall indicate in the application the category under which the grant committee should evaluate the proposal. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

1. General ATV enforcement. For grants for general ATV enforcement, the grant committee:

A. Shall consider the following information relevant to the grant proposal:

(1) Documentation of ATV complaints;

(2) ATV accident data; and

(3) Documented general ATV enforcement problems; and [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

B. May not award a grant unless matching funds are available in an amount that is no less than 25% of the grant amount. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

2. Multijurisdictional high-problem area. For grants for multijurisdictional high-problem areas, the grant committee:

A. Shall consider the following information relevant to the grant proposal:

(1) Documentation of extensive use of an area by ATV operators, as indicated by a large number of registered ATVs or a large number of transient ATV operators in an area;

(2) Documentation of unauthorized trails or extensive damage to private and public property;

(3) Documentation of ATV use in prohibited areas as defined in state law; and

(4) Documentation of multiple law enforcement agency involvement; and [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

B. May award a grant whether or not matching funds are available. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

3. Equipment and training. For grants for equipment and training for law enforcement officers, the grant committee:

A. Shall consider the following information relevant to the grant proposal:

(1) Documentation of ATV use on trails and private property;

(2) Documentation of law enforcement staff needing equipment and training; and

(3) Documentation of inability to obtain equipment from other sources, specific scheduled training events and any training sponsorship; and [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

B. May not award a grant unless matching funds are available in an amount that is no less than 50% of the grant amount. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2003, c. 695, §B4 (NEW). PL 2003, c. 695, §C1 (AFF).

§10326. Rules

The grant committee may adopt rules necessary for the conduct of its business under this subchapter. The grant committee shall adopt by rule a schedule for submission of and action on grant proposals. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 695, Pt. B, §4 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2003, c. 695, §B4 (NEW). PL 2003, c. 695, §C1 (AFF).

SUBCHAPTER 8

MAINE FISHERY INFRASTRUCTURE TAX CREDIT PROGRAM

(REPEALED)

§10331. Tax credit certificates

(REPEALED)

SECTION HISTORY

PL 2011, c. 380, Pt. HHHH, §2 (NEW). PL 2019, c. 401, Pt. C, §1 (RP).

SUBPART 3

LAW ENFORCEMENT AND GENERAL OFFENSES

CHAPTER 905

ENFORCEMENT OFFICERS

SUBCHAPTER 1

GAME WARDENS

§10351. Appointment of wardens

1. Qualifications. The commissioner shall appoint as game wardens persons who have qualified under the written code prepared by the commissioner and approved by the Director of Human Resources within the Department of Administrative and Financial Services.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Deputy game wardens. The commissioner may appoint, on a temporary basis, deputy game wardens.
[PL 2009, c. 550, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2009, c. 550, §1 (AMD).

§10352. Office

1. Conflicts. Wardens appointed under the authority of section 10351 may hold no other governmental office from which they receive compensation, except elected positions in municipal or county government.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Compensation. The compensation of the wardens appointed pursuant to section 10351, subsection 1 is determined under the Civil Service Law. Deputy game wardens appointed pursuant to section 10351, subsection 2 are not entitled to compensation but, at the discretion of the Game Warden Colonel and approval of the commissioner, may be compensated for mandatory assignments and for attendance at mandatory training or other required meetings or classes and reimbursed for approved expenses.

[PL 2009, c. 550, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2007, c. 421, §1 (AMD). PL 2009, c. 550, §2 (AMD).

§10353. Duties and powers

1. Duties. In addition to other duties set out in this Part, a game warden shall:

A. Enforce:

(1) This Part;

(2) All rules adopted by the commissioner; and

(3) The federal Migratory Bird Treaty Act, 16 United States Code, Chapter 7, subchapter II, section 703 as amended, and all rules and regulations promulgated in pursuance of that Act; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Act as a state fire warden.

(1) A warden shall, when possible, while in and about the woods, caution all sportsmen of the danger from fires in the woods and, if possible, extinguish a fire left burning by anyone.

(2) A warden shall, when possible, give notice to all interested parties of a fire raging and beyond the warden's control in order that the fire may be controlled and extinguished. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Powers. In addition to other powers granted in this Part, a game warden or other official described in section 10401 may:

A. Arrest, summons and prosecute a violator of the following:

(1) This Part;

(2) Rules adopted by the commissioner; and

(3) The federal Migratory Bird Treaty Act, 16 United States Code, Chapter 7, subchapter II, section 703 and all rules and regulations promulgated in pursuance of that Act.

A game warden or other official described in section 10401 shall, without unnecessary delay, take any person so arrested before the District Court nearest the place of violation; [PL 2011, c. 248, §1 (AMD).]

B. Serve criminal processes on offenders of the law and serve all processes pertaining to the enforcement of this Part; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Accept personal recognizances in accordance with the following procedures:

(1) A game warden or other official described in section 10401 making an arrest for any violation of this Part and Title 38, chapter 3, subchapter 1, article 5-A, at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizance of the prisoner in an amount not to exceed $1,000 for the prisoner's appearance before the nearest District Court on a specified date and a deposit in money to the amount of that recognizance; and

(2) The warden or other official described in section 10401 shall report all those recognizances and forward all those deposits to the court to which the recognizance is returnable.

Recognizances and deposits must be handled by the court in accordance with sections 10202 and 10203; [PL 2011, c. 248, §1 (AMD).]

D. If the warden or other official described in section 10401 is in uniform and has reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place, stop a motor vehicle or watercraft for the purpose of:

(1) Arresting the operator for a criminal violation;

(2) Issuing the appropriate written process for a criminal or civil violation or a traffic infraction; or

(3) Questioning the operator or occupants; [PL 2011, c. 248, §1 (AMD).]

E. In order to protect fish and wildlife:

(1) If the warden or other official described in section 10401 is in uniform, stop a person for the purpose of determining compliance with license, permit, equipment or other requirements or restrictions if the person, at the time of the stop, is:

(a) Engaged in hunting, fishing or trapping; and

(b) Not in or on a motor vehicle; and

(2) Pursuant to policy established by the commissioner, establish checkpoints to stop any type of vehicle and conduct checks to gather statistics concerning hunting, fishing and trapping and to determine compliance with fish and wildlife laws; [PL 2011, c. 248, §1 (AMD).]

F. Stop any watercraft to inspect the craft, its equipment and its documents or certificates; board a watercraft when necessary to enforce chapter 935 or any other provision of this Part regarding watercraft; and order any watercraft ashore to correct a violation or to protect the safety of its occupants, if in the opinion of the warden or other official described in section 10401 their safety is in jeopardy; [PL 2011, c. 248, §1 (AMD).]

G. Stop and examine any all-terrain vehicle to ascertain whether it is being operated in compliance with chapter 939 or any other provision of this Part regulating ATVs, demand and inspect the operator's certificate of registration and, when appropriate, demand and inspect evidence that the operator has satisfactorily completed a training course as required by section 13152; [PL 2011, c. 248, §1 (AMD).]

H. Stop and examine any snowmobile to ascertain whether it is being operated in compliance with chapter 937 or any other provision of this Part regulating snowmobiles; demand and inspect the operator's certificate of registration; and examine the identification numbers of the snowmobile and any marks on it; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

I. Do anything otherwise prohibited by this Part if necessary to carry out the duties and powers of the warden or other official described in section 10401. This paragraph does not authorize a warden or other official described in section 10401 enforcing this Part to stop any person, motor vehicle or watercraft except as specifically provided in this section. [PL 2011, c. 248, §1 (AMD).]

[PL 2011, c. 248, §1 (AMD).]

3. Same duties and powers as sheriffs. In addition to specified duties and powers, a warden has the same duties and powers throughout the several counties of the State as sheriffs have in their respective counties, except that a warden's primary responsibility is enforcement of laws protecting fish and wildlife.

A. A warden has the same rights as sheriffs to require aid in executing the duties of their offices. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A warden is entitled to the same fees as sheriffs and their deputies for like services, except before the District Court. All the fees must be paid to the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Agents of commissioner. A warden may act as an agent of the commissioner.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Assistance to federal agencies. The Bureau of Warden Service may provide assistance to federal agencies. The director of the Bureau of Warden Service may charge the various federal agencies for these services. Revenues received from these agencies must be allocated for the purpose of funding the cost of providing the services.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Assistance to other entities and persons. The Bureau of Warden Service may, with approval of the commissioner, provide assistance to other entities, including county and state agencies, municipalities and private organizations, and persons. The director of the Bureau of Warden Service may charge the entities or individuals for these services. The Bureau of Warden Service shall report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than January 15th of each year concerning the assistance provided to other entities and persons during the previous calendar year. The report must contain information about the types of services provided, the number of services and the fees charged by the director of the Bureau of Warden Service.
[PL 2007, c. 20, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B54 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 20, §1 (AMD). PL 2009, c. 389, §1 (AMD). PL 2011, c. 248, §1 (AMD).

SUBCHAPTER 2

OTHER ENFORCEMENT OFFICERS

§10401. Officials with full powers of game wardens

Sheriffs, deputy sheriffs, police officers, constables, marine patrol officers, Baxter Park rangers, wardens of the Penobscot Indian Nation within the Penobscot Indian Territory, as defined by Title 30, section 6205, subsection 2, wardens of the Passamaquoddy Tribe within the Passamaquoddy Indian Territory, as defined by Title 30, section 6205, subsection 1, and law enforcement personnel employed by the United States Department of the Interior have the powers of game wardens. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The commissioner shall grant the powers of game wardens outside the Penobscot Indian Territory to wardens of the Penobscot Indian Nation and game wardens outside the Passamaquoddy Indian Territory to wardens of the Passamaquoddy Tribe who have qualified under the written code prepared by the commissioner and approved by the Director of Human Resources within the Department of Administrative and Financial Services, as specified in section 10351. The commissioner may revoke these powers for good cause shown and shall provide a subsequent hearing on the revocation under Title 5, chapter 375, subchapter 4, if requested. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10402. Officials with certain powers and duties of wardens

1. Watercraft laws. All harbor masters, except those harbor masters whose authority is restricted as described in section 13072 or Title 38, section 1, have the same powers and duties as game wardens to enforce chapter 935 and any other provision of this Part regulating watercraft.
[PL 2005, c. 492, §1 (AMD).]

2. Snowmobile laws. All law enforcement personnel of the State, including those of the Bureau of Forestry, and supervisors and rangers of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands and the Allagash Wilderness Waterway have the same powers and duties as game wardens to enforce chapter 937 and any other provision of this Part regulating snowmobiles.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §§23, 24 (REV).]

3. Airmobile laws. All law enforcement personnel of the State, including those of the Bureau of Forestry, have the same powers and duties as game wardens to enforce chapter 935, as it applies to airmobiles, and any other provision of this Part regulating airmobiles.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. All-terrain vehicle laws. All law enforcement personnel of the State, including those of the Bureau of Forestry, have the powers and duties to enforce chapter 939 and any other provision of this Part regulating ATVs.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2005, c. 492, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §§23, 24 (REV).

§10403. Enforcement of watercraft laws

Any municipal, county or state law enforcement officer or any harbor master appointed pursuant to section 13072 or Title 38, section 1 has the authority to enforce, in the respective jurisdictions, the watercraft laws in chapter 935 and the rules related to those laws. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10404. New Hampshire officers

Whenever a violation of the marine resources laws or the inland fish and wildlife laws of the State of New Hampshire or the State of Maine is committed or attempted to be committed by any person or persons fishing in any waters or portion of any waters lying between New Hampshire and Maine, any warden or other person who is authorized to make arrests for violations of the marine resources laws and the inland fish and wildlife laws of New Hampshire may make arrests on any part of the waters between New Hampshire and Maine or the shores of those waters and to take the person or persons arrested for trial to the state in which the violation was committed and there to prosecute that person or persons according to the laws of that state. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 907

ENFORCEMENT PROCEDURES

SUBCHAPTER 1

FISH AND WILDLIFE CITATIONS

§10451. Fish and wildlife citation form

1. Form. The commissioner shall designate the Uniform Summons and Complaint as the citation form to be used by the warden service.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Responsibility for issuance and disposition. The commissioner is responsible for all fish and wildlife citation forms approved by the Chief Judge of the District Court prior to May 1, 1991. The Department of Public Safety is responsible for all Uniform Summons and Complaints issued to the warden service. The commissioner or the commissioner's designee is responsible for the further issuance of Uniform Summons and Complaint books to individual wardens and for the proper disposition of those books.

A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §55 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §55 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Lawful complaint. If the citation provided for in this section or a Uniform Summons and Complaint is duly sworn to as required by law and otherwise legally sufficient in respect to the form of a complaint and charging an offense, it may be filed in a court having jurisdiction and constitutes a lawful complaint for the purpose of the commencement of any criminal prosecution or civil violation proceeding.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Lawful summons. A citation as provided for in this section or a Uniform Summons and Complaint, when served upon a person by a law enforcement officer, acts as a summons to appear in court or to otherwise respond in accordance with law on or before the date specified in the summons.

A. Any person who fails to appear in court as directed by the summons or to otherwise respond in accordance with law on or before the date specified in the summons commits a Class E crime. [PL 2003, c. 655, Pt. B, §55 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Upon a person's failure to appear or respond in accordance with law, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or respond resulted from just cause. [PL 2003, c. 655, Pt. B, §55 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §55 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B55 (AMD). PL 2003, c. 655, §B422 (AFF).

§10452. Refusal to sign

A person may not refuse to sign a citation or Uniform Summons and Complaint after having been ordered to do so by a law enforcement officer. A person who violates this section commits a Class E crime. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §56 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B56 (AMD). PL 2003, c. 655, §B422 (AFF).

§10453. Unlawful disposition of citations

A warden or other public employee may not dispose of an official citation form or Uniform Summons and Complaint, except in accordance with law and as provided for in any applicable official policy or procedure of the Bureau of Warden Service. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §56 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 655, Pt. B, §56 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B56 (AMD). PL 2003, c. 655, §B422 (AFF).

SUBCHAPTER 2

EVIDENCE

§10501. Admissibility of department records and prima facie evidence

1. Certificate; admissible evidence. A certificate, signed by the commissioner or the commissioner's designee, stating what the records of the department show on any given matter is admissible in evidence in all courts of this State to prove what the records of the department are on that matter. Upon the testimony of a law enforcement officer that the certificate and records were obtained by that officer from the department, the court shall admit that certificate and those records as evidence without any further foundation or testimony.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Certificate prima facie evidence person not holder of license, permit, registration or certificate of number. A certificate, signed by the commissioner or the commissioner's designee, stating that the records of the department do not show that a particular person on a stated date held a license, permit, registration or certificate of number issued under this Part is admissible in evidence in all courts of this State and is prima facie evidence that the particular person named in the certificate did not hold a license, permit, registration or certificate of number as specified in the certificate on the date specified in the certificate.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Certificate prima facie evidence of license, permit, registration or certificate of number revocation. A certificate, signed by the commissioner or the commissioner's designee, stating that the records of the department show that a particular person's license, permit, registration or certificate of number issued under this Part was revoked or suspended on a particular stated date is admissible in evidence in all courts of this State and is prima facie evidence that the particular person's license, permit, registration or certificate of number as specified in the certificate was revoked or suspended on the date stated.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Use of snowmobile accident reports. Accident reports made by investigating officers are for the purpose of statistical analysis and accident prevention and are not admissible in evidence in any trial, civil or criminal, arising out of an accident, but any investigating agency may disclose, upon the request of any person, the date, time and location of the accident and the names and addresses of drivers,

owners, injured persons, witnesses and the investigating officer. The investigating agency may upon written request furnish a photocopy of any report at the expense of the person making the request.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Certificate of number for motorboat. If the operator of a motorboat requiring a certificate of number under section 13056, subsection 2 fails to produce a current certificate of number for the motorboat that person is operating within a reasonable time after demand of a law enforcement officer authorized to enforce the law, it is prima facie evidence that the motorboat is being operated without a current certificate of number.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Failure to produce license. A person's failure to produce a license within a reasonable time when requested by any authorized person is prima facie evidence that the person does not possess that license.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Possession of hunting equipment without license. The possession of any hunting equipment in the fields, forests or on the waters or ice within the territorial limits of the State by any person who does not possess the required hunting license duly issued to that person, covering the period of time within which the hunting equipment is found in that person's possession, is prima facie evidence of hunting in violation of law, unless the person furnishes satisfactory evidence of the issuance of a hunting license.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Possession of fishing tackle without license. The possession of any fishing tackle in the fields, forests or on the waters or ice within the territorial limits of the State by any person who does not possess the required fishing license duly issued to that person, covering the period of time within which the fishing tackle is found in that person's possession, is prima facie evidence of fishing in violation of law, unless the person furnishes satisfactory evidence of the issuance of a fishing license.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

9. Possession of hunting equipment on Sunday. Possession of hunting equipment in the fields or forests or on the waters or ice in the State on Sunday is prima facie evidence of a violation of section 11205, unless:

A. The hunting equipment is carried, securely wrapped, in a complete cover; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The hunting equipment is fastened in a case; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The hunting equipment is carried in at least 2 separate pieces in such a manner that it can not 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 must be kept in a case or cover if broadheads or field points are kept attached to the arrows. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 511, §1 (AMD); PL 2003, c. 511, §3 (AFF); PL 2003, c. 614, §§9, 10 (AFF).]

10. Possession of firearm on public paved way.

[PL 2003, c. 511, §2 (RP); PL 2003, c. 511, §3 (AFF); PL 2003, c. 614, §§9, 10 (AFF).]

11. Failure to give notice of snowmobile accident. Failure of a person who is required to give notice of a snowmobile accident under sections 13069-C and 13106-B to give that notice to the available law enforcement officer nearest to the place where the accident occurred is prima facie evidence that the accident was not reported.
[PL 2005, c. 436, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 511, §§1,2 (AMD). PL 2003, c. 511, §3 (AFF). PL 2003, c. 614, §§9,10 (AFF). PL 2003, c. 655, §B57 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 436, §1 (AMD).

§10502. Seizure of fish, wildlife and equipment

1. Seizure; filing libel. All fish or wildlife hunted, trapped, fished, bought, sold, carried, transported or found in possession of any person in violation of this Part, and all currency used in violation of this Part and equipment, including but not limited to firearms, possessed or used in violation of this Part are contraband and subject to seizure by any officer authorized to enforce this Part. Except for property exempted from libel under subsection 2, an officer making such a seizure shall file, within a reasonable time, with the court a libel against that property. The libel must describe the property seized and the date and place of that seizure, cite the provision of law that is alleged to have been violated and request a decree of forfeiture. The libel proceedings and disposal of property are governed by section 10503.
[PL 2011, c. 253, §4 (AMD).]

2. Exemption from libel proceedings. The following property may be lawfully seized under this section but is not subject to the libel requirements of this section:

A. Unless reasonable doubt exists as to ownership, property having a value less than $100; [PL 2009, c. 340, §9 (AMD).]

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; [PL 2013, c. 538, §1 (AMD).]

C. Fishing equipment that is seized in connection with a violation of section 10902, subsection 8 except for motor boats or motor vehicles; [PL 2003, c. 592, §1 (AMD); PL 2003, c. 592, §5 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

D. Fish or wildlife that is seized in connection with a violation of this Part; and [PL 2003, c. 592, §1 (AMD); PL 2003, c. 592, §5 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

E. Night vision equipment seized in connection with a violation of section 11206. [PL 2003, c. 592, §1 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

Property seized by the commissioner that is exempt from libel under this subsection must be retained by the commissioner pending disposition of proceedings and is forfeited to the State upon conviction or adjudication that the person committed a violation under this subsection.
[PL 2013, c. 538, §1 (AMD).]

3. Disposal of forfeited property. The commissioner may dispose of property forfeited to the State under this section in any manner considered appropriate by the commissioner.
[PL 2003, c. 592, §1 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 592, §1 (AMD). PL 2003, c. 592, §5 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B422,C5,6 (AFF). PL

2003, c. 655, §§B58,59 (AMD). PL 2009, c. 340, §§9, 10 (AMD). PL 2011, c. 253, §4 (AMD). PL 2013, c. 538, §1 (AMD).

§10503. Forfeiture of seized fish, wildlife and equipment

Whenever a libel has been filed pursuant to section 10502: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Notice and hearing of libel. The judge shall fix a time for the hearing of the libel and issue a notice of the libel to all persons interested, citing them to appear at the time and place appointed and show cause why the fish, wildlife, currency or equipment possessed should not be declared forfeited. A true and attested copy of the libel and notice must be posted in 2 conspicuous places in the town or place where the fish, wildlife, currency or equipment possessed was seized, or in such place or places as is ordered by the court, at least 10 days before the day on which the libel is returnable. Copies must be served on common carriers;
[PL 2011, c. 253, §5 (AMD).]

2. Disposal and sale of fish or wildlife. If the court finds that the fish or wildlife seized will be unsuitable for food or other use on the day on which the libel is returnable, the court shall order the officer making the seizure to dispose of the seized fish or wildlife. The officer disposing of the seized fish or wildlife shall, in case of sale, hold the proceeds of the sale subject to order of the court for decision as to the right of the claimant, if any appear, to the fish or wildlife. If the court finds the claimant, if any appear, is not entitled to the fish or wildlife, the officer making the seizure shall turn over to the court the proceeds of the sale, and the court shall forward the proceeds to the commissioner in the same manner as is provided by section 10203;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Declaration of forfeiture. If no claimant appears, the court shall, on proof of notice, declare the articles forfeited to the State;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Claim procedures. If a person appears and claims the articles, or any part of the articles, as having a right to the possession of them at the time when they were seized, that claimant shall file with the court a claim in writing stating specifically:

A. The right so claimed; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The foundation of the claim; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The item so claimed; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The time and place of the seizure; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. The name of the officer by whom the articles were seized; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. That the articles were not possessed in violation of this Part with the person's knowledge or consent; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. That person's business and place of residence. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

If a person makes a claim in accordance with this subsection, that claimant must be admitted as a party to the process, and the court shall proceed to determine the truth of the allegations in the claim and libel and may hear any pertinent evidence offered by the libelant or claimant;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Return of articles or proceeds to claimant. If the court is, upon the hearing, satisfied that the fish, wildlife, currency or equipment possessed was not possessed in violation of this Part and that the claimant is entitled to the custody of any part of the articles, the court shall give the claimant an order in writing, directed to the officer having the articles in custody, commanding delivery to the claimant of the articles or proceeds derived from the sale of the articles, to which the claimant is found to be entitled, within 48 hours after demand;
[PL 2011, c. 253, §6 (AMD).]

6. Judgment against claimant. If the court finds the claimant entitled to no part of the articles seized, the court shall render judgment against that claimant for the libelant for costs, including costs incurred to remove or euthanize the fish or wildlife possessed without a permit, to be taxed as in civil cases before the court, and issue execution thereon, and declare the articles forfeited to the State;
[PL 2015, c. 374, §1 (AMD).]

7. Appeal. The claimant may appeal and shall recognize with sureties as on appeals in civil causes from a judge;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Costs. The costs are:

A. For the libel, 50¢; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. For entering the libel, 30¢; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. For trying the libel, $1; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. For a notice, 50¢; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. For posting notices and return, $1; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. For an order to restore or deliver, 25¢; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. For executing the order, 50¢; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

H. Per mile for all necessary travel, 10¢; and [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §60 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §60 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Forms. The department shall provide forms for all cases arising under this section.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B60 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 253, §§5, 6 (AMD). PL 2015, c. 374, §1 (AMD).

§10504. Officer's report

In all cases, the officer making any seizure or sale of fish or wildlife shall, within 10 days after the seizure or sale, report all particulars of the seizure or sale and an itemized statement of the proceeds, expenses and fees and the disposition of the proceeds to the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 3

JUDICIAL ACTIONS

§10551. Prosecution by district attorney

Each district attorney shall prosecute all violations of this Part occurring within the district attorney's district when requested by the commissioner or a game warden or other law enforcement officer authorized to enforce this Part. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §61 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B61 (AMD). PL 2003, c. 655, §B422 (AFF).

§10552. Compulsory testimony and witness immunity

In any prosecution under this Part, any participant in a violation of this Part, when requested by the district attorney, commissioner or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating this Part, but the evidence given may not be used against the person testifying in any prosecution for such a violation. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §61 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B61 (AMD). PL 2003, c. 655, §B422 (AFF).

§10553. Jurisdiction

The District Court has concurrent jurisdiction with the Superior Court in all criminal prosecutions under this Part. The District Court has jurisdiction in all civil prosecutions under this Part. Any person arrested or summonsed as a violator of this Part must with reasonable diligence be taken before the District Court in the division nearest to where the offense is alleged to have been committed for prosecution, and in such case jurisdiction is granted to the District Court in adjoining divisions to be exercised in the same manner as if the offense had been committed in that division. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 688, Pt. F, §2 (AMD); PL 2003, c. 688, Pt. F, §3 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 688, §F2 (AMD). PL 2003, c. 688, §F3 (AFF).

§10554. Court procedure

The provisions of Titles 14 and 15 relating to court procedure apply in all prosecutions under this Part. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10555. Failure to appear

If a person from whom a game warden has accepted personal recognizance and a deposit in accordance with section 10353, subsection 2, paragraph C fails to appear in court on the day specified in the summons, either in person or by counsel, the court shall order the recognizance and deposit forfeited, and the clerk shall immediately notify the commissioner. The default and forfeiture is considered a conviction for purposes of revocation of licenses. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10556. Clerks to notify commissioner

The clerks of the District Court and the clerks of the Superior Court shall notify the commissioner of the conviction of a person of a violation of this Part, the sentence of the court and any appeal taken from the sentence. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 4

MULTIPLE VIOLATIONS AND SENTENCING ALTERNATIVES

§10601. General penalty statement

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B63 (RP). PL 2003, c. 655, §B422 (AFF).

§10602. Rule violations; general

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B63 (RP). PL 2003, c. 655, §B422 (AFF).

§10603. Crime of multiple civil violations

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B63 (RP). PL 2003, c. 655, §B422 (AFF).

§10604. Conviction record of habitual violator

A certificate, signed by the commissioner or a person designated by the commissioner, setting forth the conviction record as maintained by the department of any person whose record brings that person within the definition of an habitual violator, as defined in section 10605, subsection 1, is admissible in evidence in all courts of the State for purposes of sentencing. That certificate is prima facie evidence that the person named in the certificate was duly convicted by the court in which that conviction was made of each offense set forth in the certificate. If the person named in the certificate denies any of the facts stated in the certificate, that person has the burden of proof. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §7 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10605. Sentencing alternative; habitual violator

1. Habitual violator defined. For purposes of this section, "habitual violator" means a person whose record, as maintained by the department, shows that:

A. The person has been convicted of 3 or more criminal violations under this Part within the previous 5-year period, except that, whenever more than one criminal violation is committed at the same time, multiple convictions are deemed to be one offense; or [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §64 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. The person has been adjudicated as having committed 3 or more civil violations under this Part and convicted of 2 or more Class E crimes as a result of such prior adjudications within the previous 5-year period. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §64 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §64 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Sentencing alternative for habitual violators. When an habitual violator is convicted of a crime in this Part the court shall impose a sentencing alternative involving not less than 3 days imprisonment, none of which may be suspended, and a fine of not less than $500, none of which may be suspended.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B64 (AMD). PL 2003, c. 655, §B422 (AFF).

§10606. License or permit violation

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B65 (RP). PL 2003, c. 655, §B422 (AFF).

§10607. Rule violations; operation of motor vehicles on public water supply

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B65 (RP). PL 2003, c. 655, §B422 (AFF).

§10608. Juvenile violations

Notwithstanding other provisions of law, a person who has not attained 18 years of age and who is convicted of a crime for a violation of this Part that is not defined as a juvenile crime under Title 15, section 3103, subsection 1 may not be sentenced to imprisonment but may be ordered to serve a period of confinement in a Department of Corrections juvenile correctional facility that may not exceed 30 days, which may be suspended in whole or in part, if the court determines that: [PL 2005, c. 507, §3 (AMD).]

1. Crime. The crime is one that, if committed by a person who has attained 18 years of age, would carry a mandatory term of imprisonment that may not be suspended;

[PL 2005, c. 328, §3 (NEW).]

2. Nature. The aggravated nature and seriousness of the crime warrants a period of confinement; or

[PL 2005, c. 507, §3 (AMD).]

3. History. The record or previous history of the defendant warrants a period of confinement.

[PL 2005, c. 507, §3 (AMD).]

The court is not required to impose a period of confinement notwithstanding that there is a mandatory term of imprisonment applicable to a person who has attained 18 years of age. [PL 2005, c. 507, §3 (AMD).]

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that subchapter. [PL 2019, c. 113, Pt. C, §19 (AMD).]

SECTION HISTORY

PL 2003, c. 655, §B66 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 328, §3 (AMD). PL 2005, c. 507, §3 (AMD). PL 2019, c. 113, Pt. C, §19 (AMD).

CHAPTER 909

GENERAL OFFENSES

§10650. General rule violation

Except as otherwise provided, a person who violates a provision of a rule adopted in accordance with this Part commits a Class E crime. [PL 2003, c. 655, Pt. B, §67 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B67 (NEW). PL 2003, c. 655, §B422 (AFF).

§10650-A. Rule violation; motor vehicles on public water supplies

1. Penalties. The following penalties apply to violations of rules regulating the operation of motor vehicles on public water supplies.

A. A person who violates a rule regulating the operation of motor vehicles on public water supplies commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §67 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates a rule regulating the operation of motor vehicles on public water supplies 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. [PL 2003, c. 655, Pt. B, §67 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §67 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B67 (NEW). PL 2003, c. 655, §B422 (AFF).

§10651. Failure to stop for law enforcement officer

1. Prohibition. A person may not:

A. Fail or refuse to stop a motor vehicle or other conveyance immediately upon request or signal of any officer in uniform whose duty it is to enforce this Part; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Fail to stop or move that person's watercraft upon being ordered or directed to do so by any law enforcement officer in uniform whose duty it is to enforce chapter 935; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Fail or refuse to stop any snowmobile on request or signal of any law enforcement officer in uniform whose duty it is to enforce chapter 937; [PL 2003, c. 614, §9 (AFF); PL 2003, c. 695, Pt. B, §5 (AMD); PL 2003, c. 695, Pt. C, §1 (AFF).]

D. Fail or refuse to stop any all-terrain vehicle on request or signal of any law enforcement officer in uniform whose duty it is to enforce chapter 939; or [PL 2003, c. 614, §9 (AFF); PL 2003, c. 695, Pt. B, §5 (AMD); PL 2003, c. 695, Pt. C, §1 (AFF).]

E. Attempt to elude a law enforcement officer by:

(1) Operating or attempting to operate an all-terrain vehicle or snowmobile past a clearly identifiable police roadblock; or

(2) After being requested or signaled to stop by a law enforcement officer in uniform, operating or attempting to operate an all-terrain vehicle, snowmobile or watercraft at a reckless rate of speed. [PL 2019, c. 452, §1 (AMD).]

[PL 2019, c. 452, §1 (AMD).]

2. Penalty. A person who violates subsection 1, paragraph A, B or C commits a Class E crime. A person who violates subsection 1, paragraph D or E commits a Class D crime, for which a minimum fine of not less than $1,000 must be adjudged.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 695, Pt. B, §7 (AMD); PL 2003, c. 695, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 695, §§B5-7 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2019, c. 452, §1 (AMD).

§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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §68 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2017, c. 50, §1 (AMD).]

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. [PL 2003, c. 655, Pt. B, §68 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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.
[PL 2017, c. 50, §1 (AMD).]

2. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 655, Pt. B, §68 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B68 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 253, §7 (AMD). PL 2011, c. 682, §38 (REV). PL 2017, c. 50, §1 (AMD).

§10653. Nonfeasance

A person shall perform any act, duty or obligation enjoined upon that person by this Part. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §69 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B69 (AMD). PL 2003, c. 655, §B422 (AFF).

§10654. Harassment of hunters, trappers and anglers

1. Interference with taking. A person may not intentionally or knowingly interfere with the lawful hunting, fishing or trapping of a wild animal, wild bird or fish.

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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §70 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §70 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §70 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Disturb or attempt to disturb. A person may not intentionally or knowingly disturb or attempt to disturb a wild animal, wild bird or fish with the intent to interfere with the hunting, fishing or trapping of a wild animal, wild bird or fish.

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. [PL 2003, c. 655, Pt. B, §70 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §70 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §70 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Injunctions. The District Court or Superior Court may enjoin conduct that would be in violation of this section upon petition by a person affected or who reasonably may be affected by that conduct upon a showing that the conduct is threatened or that it has occurred on particular premises in the past and that it is not unreasonable to expect that under similar circumstances it will be repeated.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §70 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Property rights otherwise provided by law. This section does not limit ownership use, access or control of property rights otherwise provided by law.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §70 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B70 (RPR). PL 2003, c. 655, §B422 (AFF).

§10655. Failure to notify

Except as otherwise provided through written agreement, a person who has knowledge that a person is lost, stranded or drowned in the woodlands or inland waters of the State shall give notice of the lost, stranded or drowned person by the quickest means to the Bureau of Warden Service. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §71 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B71 (AMD). PL 2003, c. 655, §B422 (AFF).

§10656. Defacement of notices

1. Prohibition on defacement of notices. A person may not intentionally or knowingly mutilate, deface or destroy a notice or rule of the commissioner posted in conformity with this Part.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §72 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §72 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §72 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §72 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B72 (RPR). PL 2003, c. 655, §B422 (AFF).

§10657. Civil trespass

1. Prohibition. While engaging in any activity regulated under this Part, a person, knowing that the person is not licensed or privileged to do so, may not:

A. Enter or cause a projectile to enter any place from which that person may lawfully be excluded and that is posted in accordance with Title 17-A, section 402, subsection 4 or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; or [PL 2007, c. 334, §1 (NEW).]

B. Enter or remain in or cause a projectile to enter or remain in any place in defiance of a lawful order not to enter or an order to vacate that was personally communicated to that person by the owner of the place or another authorized person. [PL 2007, c. 334, §1 (NEW).]

[PL 2007, c. 334, §1 (NEW).]

2. Civil penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 and not more than $500 may be adjudged. [PL 2007, c. 334, §1 (NEW).]

B. A person who violates this section 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. [PL 2007, c. 334, §1 (NEW).]

[PL 2007, c. 334, §1 (NEW).]

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 or similar tensile device.

[PL 2007, c. 334, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 334, §1 (NEW).

§10658. Unlawful possession of wild animals or wild birds

1. Prohibition. A person may not possess a wild animal or wild bird or any parts of a wild animal or wild bird that the person does not possess by any lawful means in the State or any other jurisdiction. [PL 2015, c. 301, §5 (NEW).]

2. Penalty. A person who violates subsection 1 commits a Class E crime for which a minimum fine of $500 must be imposed.

[PL 2015, c. 301, §5 (NEW).]

SECTION HISTORY

PL 2015, c. 301, §5 (NEW).

§10659. Feeding or baiting of deer

1. Prohibition. A person may not place salt or any other bait or food in a place to entice deer to that place from June 1st to the start of an open hunting season on deer and, if all open hunting seasons on deer are closed before December 15th for that year, from the close of the last open hunting season on deer to December 15th.
[PL 2017, c. 225, §1 (NEW).]

2. Penalty. A person who violates subsection 1 commits a civil violation for which a fine of not less than $500 nor more than $1,000 may be adjudged.
[PL 2019, c. 630, §1 (AMD).]

SECTION HISTORY

PL 2017, c. 225, §1 (NEW). PL 2019, c. 630, §1 (AMD).

CHAPTER 911

HUNTING AND OPERATING UNDER THE INFLUENCE

§10701. Hunting under the influence; operating watercraft, snowmobile or ATV under the influence

1. Prohibition.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §73 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. Prohibition. Prohibitions against hunting and operating under the influence are as follows.

A. A person may not hunt wild animals or wild birds:

(1) While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs;

(2) If 21 years of age or older, while having 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; or

(3) If less than 21 years of age, while having an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. [PL 2009, c. 447, §5 (AMD).]

B. A person may not operate or attempt to operate a watercraft:

(1) While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs;

(2) If 21 years of age or older, while having 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; or

(3) If less than 21 years of age, while having an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. [PL 2009, c. 447, §5 (AMD).]

C. A person may not operate or attempt to operate a snowmobile:

(1) While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs;

(2) If 21 years of age or older, while having 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; or

(3) If less than 21 years of age, while having an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. [PL 2009, c. 447, §5 (AMD).]

D. A person may not operate or attempt to operate an ATV:

(1) While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs;

(2) If 21 years of age or older, while having 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; or

(3) If less than 21 years of age, while having an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. [PL 2009, c. 447, §5 (AMD).]

[PL 2009, c. 447, §5 (AMD).]

2. Possession of hunting equipment while intoxicated. The possession of hunting equipment in the fields or forests or on the waters or ice in the State by a person while under the influence of intoxicating liquor or drugs is prima facie evidence that the possessor is in violation of subsection 1-A, paragraph A.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §75 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalties. A person who violates this section commits a Class D crime. In determining an appropriate sentence, refusal to submit to a chemical test must in every case be an aggravating factor. In the following cases the following minimum penalties apply.

A. In the case of a person having no previous convictions of a violation of subsection 1-A within the previous 6-year period, the fine may not be less than $400. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete an alcohol test under section 10702, subsection 1, the fine may not be less than $500. A conviction under this paragraph must include a period of incarceration of not less than 48 hours, none of which may be suspended, when the person:

(1) Was tested as having an alcohol level of 0.15 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;

(2) Failed or refused to stop upon request or signal of an officer in uniform, pursuant to section 6953 or 10651, during the operation that resulted in prosecution for operating under the influence or with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; or

(3) Failed to submit to a chemical test to determine that person's alcohol level or drug concentration, requested by a law enforcement officer on the occasion that resulted in the conviction. [PL 2009, c. 447, §6 (AMD).]

B. In the case of a person having one previous conviction of a violation of subsection 1-A within the previous 6-year period, the fine may not be less than $600. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete an alcohol level or drug concentration test under section 10702, subsection 1, the fine may not be less than $800. A conviction under this paragraph must include a period of incarceration of not less than 7 days, none of which may be suspended. [PL 2009, c. 447, §7 (AMD).]

C. In the case of a person having 2 or more previous convictions of violations of subsection 1-A within the previous 6-year period, the fine may not be less than $1,000. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete an alcohol level or drug concentration test under section 10702, subsection 1, the fine may not be less than $1,300. A conviction under this paragraph must include a period of

incarceration of not less than 30 days, none of which may be suspended. [PL 2009, c. 447, §8 (AMD).]

D. In addition to the penalties provided under paragraphs A to C, the court may order the defendant to participate in the alcohol and other drug education, evaluation and treatment programs for multiple offenders administered by the Department of Health and Human Services under Title 5, chapter 521. [PL 2011, c. 657, Pt. AA, §55 (AMD).]

E. The penalties provided under paragraphs B, C and D may not be suspended by the court. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. If the State pleads and proves that, while hunting or operating a snowmobile, all-terrain vehicle or watercraft in violation of this section, the defendant in fact caused serious bodily injury as defined in Title 17-A, section 2, subsection 23, to another person or in fact caused the death of another person, the sentencing class for the offenses in subsection 1-A is Class C. The minimum penalties specified in this subsection apply, unless a longer minimum period otherwise applies. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §75 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

Any alternatives defined in subsection 1-A may be pleaded in the alternative. The State may, but is not required to, elect an alternative prior to submission to the fact finder.

For purposes of this subsection, a prior conviction has occurred within the 6-year period if the date of docket entry by the clerk of a judgment of conviction or adjudication is 6 years or less from the date of the new conduct that is penalized or for which the penalty is or may be enhanced.

In determining the appropriate sentence, the court shall consider the defendant's record of convictions for hunting under the influence or operating a snowmobile, all-terrain vehicle or watercraft while under the influence of intoxicating liquor or drugs and for failure to comply with the duty to submit. The court may rely upon oral representations based on records maintained by the courts, by the Department of Public Safety, State Bureau of Identification; by the Secretary of State, including telecommunications of records maintained by the Secretary of State; or by the department. If the defendant disputes the accuracy of any representation concerning a conviction or adjudication, the court shall grant a continuance for the purposes of determining the accuracy of the record.

References in this Title to this subsection are deemed to refer to the juvenile crime stated in Title 15, section 3103, subsection 1, paragraph E and to the disposition, including a suspension, for that juvenile crime as provided in Title 15, section 3314, subsection 3, except as otherwise provided or when the context clearly requires otherwise.
[PL 2011, c. 657, Pt. AA, §55 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B73-75 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 689, §B6 (REV). PL 2009, c. 447, §§5-8 (AMD). PL 2011, c. 657, Pt. AA, §55 (AMD).

§10702. Chemical tests

1. Duty to submit. A person who hunts wild animals or wild birds or operates or attempts to operate a watercraft, snowmobile or ATV within this State has a duty to submit to a test to determine that person's alcohol level or drug concentration by analysis of blood, breath or urine if there is probable cause to believe that the person is hunting wild animals or wild birds or operating or attempting to operate a watercraft, snowmobile or ATV while under the influence of intoxicating liquor or drugs. The duty to submit to an alcohol level or drug concentration test includes the duty to complete either a blood, breath or urine test or any combination of those tests. Tests and procedures for determining whether a person is under the influence of intoxicating liquor or drugs are governed by section 10703.

A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §76 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §76 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2009, c. 447, §9 (AMD).]

2. Failure to comply with duty to submit. A person shall submit to and complete an alcohol level or drug concentration test, or both, when requested to do so by a law enforcement officer who has probable cause to believe that the person hunted or operated or attempted to operate a watercraft, snowmobile or ATV while under the influence of intoxicating liquor or drugs.

A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §76 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §76 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2009, c. 447, §10 (AMD).]

3. Penalties. A person who violates this section commits a civil violation for which a fine of up to $500 may be adjudged.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §76 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B76 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 447, §§9, 10 (AMD).

§10703. Administering chemical tests; test results; evidence; reporting; immunity

1. Blood or breath test. If the law enforcement officer has probable cause to believe a 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, then the officer shall inform the person that a breath test will be administered, unless, in the determination of the officer, it is unreasonable for a breath test to be administered, in which case a blood test must be administered. The law enforcement officer may determine which type of breath test, as described in subsection 5, will be administered.

[PL 2019, c. 452, §2 (AMD).]

2. Prerequisites to tests. The law enforcement officer shall inform the person to be tested of the consequences of refusing to comply with the test. If the person fails to comply with the duty to submit to and complete the requested chemical tests at the direction of the law enforcement officer, that person is committing a civil violation for which the person may be required to pay a fine of up to $500. The officer shall also inform the person that the failure to comply with the duty to submit to a chemical test is admissible in evidence against that person at any trial for hunting or operating under the influence of intoxicating liquor or drugs or a combination of liquor and drugs.

Test results may not be excluded as evidence in any proceeding before any administrative officer or court of this State as a result of the failure of the law enforcement officer to comply with these prerequisites. The only effects of the failure of the officer to comply with the prerequisites are as provided in subsection 7.

[PL 2019, c. 452, §3 (AMD).]

3. Results of test. Upon the request of the person who submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests must be made available to that person or that person's attorney by the law enforcement officer.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Alcohol level. The following quantities of alcohol in the defendant's blood or breath have the following evidentiary effect.

A. If, at the time alleged, a defendant who was 21 years of age or older at the time of arrest had an alcohol level of 0.05 grams or less of alcohol per 100 milliliters of blood or 210 liters of breath, it is prima facie evidence that the defendant was not under the influence of intoxicating liquor. [PL 2009, c. 447, §11 (AMD).]

B. If, at the time alleged, a defendant who was 21 years of age or older at the time of the arrest had an alcohol level in excess of 0.05 grams of alcohol but less than 0.08 grams of alcohol per 100 milliliters of blood or 210 liters of breath, it is relevant evidence, but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor within the meaning of this section, but that fact may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. [PL 2019, c. 452, §4 (AMD).]

C. For purposes of evidence in proceedings other than those arising under section 10701, subsection 1-A, it is presumed that a person was under the influence of intoxicating liquor when that person has:

(1) For a person 21 years of age or older, an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; and

(2) For a person less than 21 years of age, an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. [PL 2009, c. 447, §11 (AMD).]

D. [PL 2009, c. 447, §11 (RP).]

[PL 2019, c. 452, §4 (AMD).]

5. Administration of tests. Persons conducting analyses of blood, breath or urine for the purpose of determining an alcohol level or drug concentration must be certified for each purpose by the Department of Health and Human Services under certification standards set by that department.

A. Only a physician, licensed physician assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite. This limitation does not apply to the taking of breath or urine specimens. When a person draws a specimen of blood at the request of a law enforcement officer, that person may issue a certificate that states that the person is in fact a duly licensed or certified person as required by this subsection and that the person followed the proper procedure for drawing a specimen of blood to determine an alcohol level or drug concentration. That certificate, when duly signed and sworn to by the person, is admissible as evidence in any court of the State. It is prima facie evidence that the person was duly licensed or certified and that the person followed the proper procedure for drawing a specimen of blood for chemical testing, unless, with 10 days' written notice to the prosecution, the defendant requests that the person testify as to licensure or certification, or the procedure for drawing the specimen of blood. [PL 2019, c. 627, Pt. B, §2 (AMD).]

B. A law enforcement officer may take a sample specimen of the breath or urine of any person whom the officer has probable cause to believe 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 and who is complying with the duty to submit to and complete a chemical test. The sample specimen must be submitted to the Department of Health and Human Services or a person certified by the Department of Health and Human Services for the purpose of conducting chemical tests of the sample specimen to determine an alcohol level or drug concentration of that sample. [PL 2009, c. 447, §12 (AMD).]

C. Only equipment approved by the Department of Health and Human Services may be used by a law enforcement officer to take a sample specimen of the defendant's breath or urine for submission to the Department of Health and Human Services or a person certified by the Department of Health and Human Services for the purpose of conducting tests of the sample specimen to determine an alcohol level or drug concentration of that sample. Approved equipment must have a stamp of approval affixed by the Department of Health and Human Services. Evidence that the equipment was in a sealed carton bearing the stamp of approval must be accepted in court as prima facie evidence that the equipment was approved by the Department of Health and Human Services for use by the law enforcement officer to take the sample specimen of the defendant's breath or urine. [PL 2009, c. 447, §12 (AMD).]

D. As an alternative to the method of breath testing described in this subsection, a law enforcement officer may test the breath of any person whom the officer has probable cause to believe hunted wild birds or wild animals or operated or attempted to operate a watercraft, snowmobile or ATV while under the influence of intoxicating liquor, by use of a self-contained, breath-alcohol testing apparatus to determine an alcohol level, as long as the testing apparatus is reasonably available. The procedures for the operation and testing of self-contained, breath-alcohol testing apparatuses must be as provided by rule adopted by the Department of Health and Human Services. The result of any such test must be accepted as prima facie evidence of an alcohol level in any court. [PL 2009, c. 447, §12 (AMD).]

E. Approved self-contained, breath-alcohol testing apparatuses must have a stamp of approval affixed by the Department of Health and Human Services after periodic testing. That stamp of approval is valid for a limited period of no more than one year. Testimony or other evidence that the equipment was bearing the stamp of approval must be accepted in court as prima facie evidence that the equipment was approved by the Department of Health and Human Services for use by the law enforcement officer to collect and analyze a sample specimen of the defendant's breath. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

F. Failure to comply with any provision of this subsection or with any rule adopted under this subsection does not, by itself, result in the exclusion of evidence of an alcohol level or drug concentration, unless the evidence is determined to be not sufficiently reliable. [PL 2009, c. 447, §12 (AMD).]

G. Testimony or other evidence that any materials used in operating or checking the operation of the equipment were bearing a statement of the manufacturer or of the Department of Health and Human Services must be accepted in court as prima facie evidence that the materials were of a composition and quality as stated. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

H. A person certified by the Maine Criminal Justice Academy, under certification standards set by the academy, as qualified to operate approved self-contained, breath-alcohol testing apparatuses may operate those apparatuses to collect and analyze a sample specimen of a defendant's breath. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2019, c. 627, Pt. B, §2 (AMD).]

6. Liability. Only a physician, licensed physician assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples or other health care provider in the exercise of due care is not liable in damages or otherwise for any act done or omitted in performing the act of collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this section.

[PL 2019, c. 627, Pt. B, §3 (AMD).]

7. Evidence. The defendant's alcohol level at the time alleged and the concentration of drugs at the time alleged, as shown by the chemical analysis of the defendant's blood, breath or urine or by any test authorized by subsection 5 is admissible in evidence.

A. When a person certified under subsection 5 conducts a chemical analysis of blood, breath or urine to determine an alcohol level or drug concentration, the person conducting the analysis may issue a certificate stating the results of the analysis. That certificate, when duly signed and sworn to by the certified person, is admissible in evidence in any court of the State. It is prima facie evidence that the person taking a specimen of blood or urine was a person authorized by subsection 5; that the equipment, chemicals and other materials used in the taking of the blood or urine specimen or a breath sample were of a quality appropriate for the purpose of producing reliable test results; that any equipment, chemicals or materials required by subsection 5 to be approved by the Department of Health and Human Services were in fact approved; that the sample tested by the person certified under subsection 5 was in fact the same sample taken from the defendant; and that the drug concentration in the defendant's blood or the defendant's alcohol level was, at the time the blood, breath or urine sample was taken, as stated in the certificate, unless with 10 days' written notice to the prosecution, the defendant requests that a qualified witness testify as to any of the matters as to which the certificate constitutes prima facie evidence. The notice must specify those matters concerning which the defendant requests testimony. [PL 2009, c. 447, §13 (AMD).]

B. A person certified under subsection 5 as qualified to operate a self-contained, breath-alcohol testing apparatus to determine an alcohol level may issue a certificate stating the results of the analysis. That certificate, when duly signed and sworn to by the certified person, is admissible in evidence in any court of the State. It is prima facie evidence that the defendant's alcohol level was, at the time the breath sample was taken, as stated in the certificate, unless, with 10 days' written notice to the prosecution, the defendant requests that the operator or other qualified witness testify as to the results of the analysis. [PL 2009, c. 447, §13 (AMD).]

C. Transfer of sample specimens to and from a laboratory for purposes of analysis must be by certified or registered mail and, when so made, is deemed to comply with all requirements regarding the continuity of custody of physical evidence. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. If a test result is not available for a reason other than a person's failure to comply with the duty to submit to and complete a chemical test, the unavailability and the reason are admissible in evidence. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2009, c. 447, §13 (AMD).]

8. Statements by accused. Any statement by a defendant that the defendant was the operator of a watercraft, snowmobile or ATV that the defendant is accused of operating in violation of section 10701, subsection 1-A is admissible if it was made voluntarily and is otherwise admissible under the United States Constitution or the Constitution of Maine. The statement may constitute sufficient proof by itself, without further proof of corpus delicti, that the watercraft, snowmobile or ATV was operated

by the defendant. Any statement by a defendant that the defendant was hunting wild animals or wild birds is admissible against a defendant accused of hunting wild animals or wild birds in violation of section 10701, subsection 1-A if the statement was made voluntarily and is otherwise admissible under the United States Constitution or the Constitution of Maine. The statement may constitute sufficient proof by itself, without further proof of corpus delicti, that the defendant was hunting wild animals or wild birds.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §79 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Payment for tests. Persons authorized to take specimens of blood at the direction of a law enforcement officer and persons authorized to perform chemical tests of specimens of blood or breath must be paid from the General Fund or from dedicated revenues of the department when a law enforcement officer of the department authorizes the chemical tests. The Department of Marine Resources shall pay for chemical tests authorized by marine patrol officers with funds available within that department.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

10. Accidents and officer's duties. The law enforcement officer has the following duties.

A. After a person has been charged with hunting wild animals or wild birds or with operating or attempting to operate a watercraft, snowmobile or ATV while under the influence of intoxicating liquor or drugs or with an excessive alcohol level, the investigating or arresting officer shall investigate to determine whether the charged person has any previous convictions of a violation of section 10701, subsection 1-A or adjudications for failure to comply with the duty to submit to and complete a chemical test under section 10702, subsection 1. As part of that investigation, the officer shall review the records maintained by the courts, the State Bureau of Identification, the Secretary of State, including telecommunications of records maintained by the Secretary of State, or the department. [PL 2009, c. 447, §14 (AMD).]

B. A law enforcement officer may arrest, without a warrant, any person whom the officer has probable cause to believe hunted any wild animal or wild bird or operated or attempted to operate a watercraft, snowmobile or ATV while under the influence of intoxicating liquor or drugs if the arrest occurs within a period following the offense reasonably likely to result in the obtaining of probative evidence that the person was under the influence of intoxicating liquor or drugs. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2009, c. 447, §14 (AMD).]

11. Fatalities. Notwithstanding any other provision of this section, any person hunting wild animals or wild birds who is involved in a hunting accident or any operator of a watercraft, snowmobile or ATV who is involved in a watercraft, snowmobile or ATV accident that has resulted in a serious injury or in the death of any person must submit to and complete chemical tests to determine that person's alcohol level or other chemical use by analysis of blood, breath or urine. A law enforcement officer may determine which types of tests will be administered. The results of tests taken pursuant to this subsection are not admissible at trial unless the court is satisfied that probable cause exists, independent of the test results, to believe that the hunter or operator was under the influence of intoxicating liquor or drugs or had an excessive alcohol level.
[PL 2011, c. 253, §8 (AMD).]

12. Aid in enforcement among municipalities. Except as otherwise prohibited by municipal charter or ordinance, municipalities may, in the manner provided by Title 30-A, section 2674, enter into agreements regarding mutual aid in enforcing laws governing the hunting of wild animals or wild birds while under the influence of intoxicating liquor or drugs or the operation of a watercraft, snowmobile or ATV while under the influence of intoxicating liquor or drugs.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

13. Reporting; immunity. Immunity from certain criminal and civil liabilities for the act of good faith reporting by certain health care professionals on accidents that the reporting person reasonably believes involved a person who was hunting or operating a snowmobile, ATV or watercraft while under the influence of intoxicating liquor or drugs is set forth in Title 29-A, section 2405.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B77-80 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 689, §B6 (REV). PL 2009, c. 447, §§11-15 (AMD). PL 2011, c. 253, §8 (AMD). PL 2019, c. 452, §§2-6 (AMD). PL 2019, c. 627, Pt. B, §§2, 3 (AMD).

SUBPART 4

FISH AND WILDLIFE

CHAPTER 913

GENERAL LICENSE AND PERMIT PROVISIONS

SUBCHAPTER 1

LICENSES AND PERMITS; ELIGIBILITY, ISSUANCE AND REQUIREMENTS

§10751. Application and license specifications

1. Form. The commissioner shall furnish application blanks, licenses and permits in such form as the commissioner may designate.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §81 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Identification number. The commissioner may require an identification number and any other pertinent information on any licenses or permits issued by the department as the commissioner determines necessary.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Statement of right to possess firearms.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §82 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Stamps.
[PL 2011, c. 253, §9 (RP).]

5. Preissue. A license or permit may be issued prior to the date upon which it goes into force.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Duplicates. A duplicate license or permit may be obtained by a person who has accidentally lost or destroyed a license or permit issued to that person under this chapter upon payment of a fee of $2, all of which must be retained by the agent.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. License must be signed.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §83 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

8. Transaction fees. The commissioner may charge a transaction fee of up to $12 to cover administrative costs for the issuance of a license or permit that does not have a fee provided by law. When a transfer of a license or permit or exchange of a hunting zone or area is authorized under this Part, the commissioner may assess a $7 transaction fee for that transfer or exchange.

The commissioner may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2005, c. 12, Pt. III, §3 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B81-84 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III3 (AMD). PL 2011, c. 253, §9 (AMD).

§10752. Eligibility

1. Residents. A resident is eligible for a resident license or permit under this Part.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Nonresidents. A nonresident is eligible for a nonresident license or permit under this Part.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Aliens.
[PL 2017, c. 427, §4 (RP); PL 2017, c. 427, §19 (AFF).]

4. Member of United States Armed Forces permanently stationed in State. The following persons are eligible for any trapping, fishing, hunting or combination fishing and hunting license or permit at the resident fee and have the same privileges as residents of this State in regard to trapping, hunting and fishing:

A. A person serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The spouse and children of a person under paragraph A if the spouse and children permanently reside with that person. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A member of the Armed Forces of the United States stationed in the State who desires a trapping, hunting, fishing or combination license or permit shall present certification from the commander of the member's post, station or base, or from the commander's designated agent, that the person is permanently stationed at that post, station or base.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Persons convicted of burglary, criminal trespass or theft. A person convicted of any of the following offenses is ineligible to obtain a license or permit issued by the department:

A. Burglary or criminal trespass of a building located within the unorganized territories; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Theft of equipment used for trapping, hunting or fishing; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Theft of an animal that has been obtained by trapping or hunting and that was in the possession or control of the person who trapped or hunted the animal. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

If a person is convicted of an offense under paragraph A, B or C, that person is ineligible to obtain a license or permit issued by the department within 2 years of the date of that conviction.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §85 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. License ineligibility following certain offenses. The following provisions set the period of time a person is ineligible to obtain a license following conviction of certain offenses.

A. A person convicted of a violation of section 12256, disturbing traps, is ineligible to obtain any license issued by the department for 3 years from the date of conviction in the case of a first offense and 5 years from the date of conviction in the case of a 2nd or subsequent offense. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §85 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Notwithstanding any other provision of this Part, a person is ineligible to obtain a hunting license under the following circumstances.

(1) A person convicted of shooting a domestic animal in violation of section 11210 is ineligible to obtain a license to hunt in this State for a period of at least 5 years from the date of conviction.

(2) A person convicted of hunting while under the influence of intoxicating liquor or drugs in violation of section 10701, subsection 1-A is ineligible to obtain a license to hunt in this State for a period of 5 years from the date of conviction.

(3) A person convicted of a violation of Title 17-A, chapter 9, if the offense occurred in the context of a hunting activity and if, through failure of the hunter to make proper target identification, the offense resulted in the injury or death of another person, is ineligible to obtain a license to hunt in this State for a period of at least 10 years from the date of the conviction. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §85 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §85 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Nonresident student enrolled in an institution of higher education. In accordance with this subsection, a nonresident student is eligible for any hunting, fishing, trapping or combination hunting and fishing license or permit under this Part at the resident fee and upon obtaining that license or permit has the same privileges under this Part and rules adopted under this Part as a resident holder of that license or permit.

In order to obtain a hunting, fishing, trapping or combination hunting and fishing license or permit under this subsection, a person must demonstrate to the satisfaction of the commissioner that the person is a nonresident student and has been enrolled as a full-time student in an institution of higher education for at least one semester prior to applying for a license or permit under this subsection. The commissioner shall stamp or otherwise indicate on the license or permit issued to the nonresident student that it has been issued to a nonresident student. The license or permit remains valid for one year from issuance unless otherwise suspended or revoked.

For purposes of this subsection, "nonresident student" means a nonresident who is 18 years of age or older and under 24 years of age who is enrolled as a full-time student in an institution of higher education. For purposes of this subsection, "institution of higher education" means an institution of higher education located in this State that meets the requirements of and conforms to the definitions contained in the federal Higher Education Act of 1965, as amended, 20 United States Code, Section 1001(a) and the regulations, guidelines and procedures promulgated by the Secretary of Education pursuant to that Act.
[PL 2015, c. 226, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B85 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 226, §1 (AMD). PL 2017, c. 427, §4 (AMD). PL 2017, c. 427, §19 (AFF).

§10753. Proof of residency

An applicant for a license or permit under this Part is responsible for submitting proof of residency to the agent or the department, or both. A resident license issued to a person unable to meet the residency requirements at the time the license was issued is invalid and must be returned to the commissioner upon request. A resident license is valid as long as the license holder continues to satisfy the residency requirements set out in section 10001, subsection 53 and the license is not revoked, suspended or otherwise invalid under this Part. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §86 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B86 (AMD). PL 2003, c. 655, §B422 (AFF).

§10754. Trespass reminder

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B87 (RP). PL 2003, c. 655, §B422 (AFF).

§10755. Intentional issuance of resident license or permit to nonresident

A town clerk or agent may not intentionally issue a resident license or permit to a person who is not a resident. A person who violates this section commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10756. Duty to carry and exhibit license or permit

A person who holds a license or permit issued under this Part shall, while engaged in the licensed activity or while transporting fish, wild animals or wild birds: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Carry license or permit. Have on that person that license or permit; and
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Exhibit license or permit. Exhibit that license or permit for inspection upon request to a warden or other law enforcement officer, an employee of the department, a registered Maine guide or the owner of the land on which the licensed activity is taking place.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A license or permit under this section may be on paper or in electronic format. [PL 2015, c. 281, Pt. A, §1 (NEW).]

A person who violates this section commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2015, c. 281, Pt. A, §1 (AMD).

§10757. Fraudulently obtaining or possessing license, permit or registration

A person may not obtain or possess a paper or electronic license, permit or registration authorized in this Part through fraud, misstatement or misrepresentation. A person who violates this section commits a Class E crime. [PL 2019, c. 452, §7 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2011, c. 253, §10 (AMD). PL 2015, c. 281, Pt. A, §2 (AMD). PL 2019, c. 452, §7 (AMD).

§10757-A. Failure to pay fees

The commissioner may revoke all licenses, permits or registrations issued to any person under this Part who has failed to pay the license, permit or registration fees due to either a license agent or the department. In addition, any fees associated with insufficient funds may be recovered by the agent or the department. [PL 2007, c. 651, §8 (NEW).]

SECTION HISTORY

PL 2007, c. 651, §8 (NEW).

§10758. Possession of altered license or permit

A person may not possess a paper or electronic license or permit issued under this Part that has been altered, tampered with or mutilated in any manner. [PL 2015, c. 281, Pt. A, §3 (AMD).]

A person who violates this section commits a Class E crime. [PL 2003, c. 655, Pt. B, §88 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B88 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 281, Pt. A, §3 (AMD).

§10759. Expiration

All licenses and permits issued under this chapter expire at midnight on December 31st of the calendar year for which the license or permit was issued, unless specifically provided for otherwise. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 2

ESTABLISHMENT OF AGENTS

§10801. Establishment of agents

1. Appointment. The commissioner may appoint clerks of towns, the State Tax Assessor or such other agents as the commissioner considers necessary to issue licenses and permits. For purposes of this section, "licenses and permits" includes, but is not limited to, moose lottery applications under section 11154 and antlerless deer permit applications under section 11152. The commissioner shall determine the period during which the agents perform their duties. In the case of services performed for the commissioner by the State Tax Assessor, the provisions of this chapter regarding agents' fees do not apply.
[PL 2009, c. 186, §1 (AMD).]

2. Agents for purpose of selling licenses. The commissioner shall adopt rules that establish the criteria for selecting agents to sell licenses and permits. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Reporting and payment requirements. The commissioner shall adopt rules establishing the reporting requirements for agents and the procedure for payment of all funds collected for the reporting period. If these rules include a requirement that agents must report more frequently than once a month, the commissioner is responsible for all costs associated with the additional reporting requirement, including mailing costs. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Deposit. The commissioner shall deposit funds collected by agents from the sale of licenses and permits in the State Treasury as undedicated revenue to the General Fund.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §89 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Purposes. All funds derived from the sale of licenses or permits under this Part must be used for the following purposes only:

A. The administration of the department; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The protection, propagation, preservation, promotion and investigation of fish and wildlife; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Conservation education; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Other expenses incident to the administration of the functions set out in this subsection. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Delinquent agents. An agent is delinquent if that agent fails to forward to the commissioner funds collected by that agent by the date established in rules adopted under subsection 3. Failure to remit the funds as provided in this section results in the following sanctions, in addition to any others provided by law.

A. [PL 2011, c. 533, §2 (RP).]

B. [PL 2013, c. 538, §2 (RP).]

C. If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one year, the commissioner shall:

(1) Terminate the agency for the balance of the year; and

(2) Order that the agency not be renewed for the next year. [PL 2011, c. 253, §11 (AMD).]
[PL 2013, c. 538, §2 (AMD).]

7. Exception. This section does not apply to the State Tax Assessor with respect to services performed for the commissioner.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B89 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 186, §1 (AMD). PL 2011, c. 253, §11 (AMD). PL 2011, c. 533, §2 (AMD). PL 2013, c. 538, §2 (AMD).

§10802. Rule violations; agent

The following penalties apply to violations of rules regulating hunting and fishing agents. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §90 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Civil violation. Notwithstanding section 10650, a person who violates a rule regulating hunting and fishing agents commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2003, c. 655, Pt. B, §90 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Crime. A person who violates a rule regulating hunting and fishing agents 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.
[PL 2003, c. 655, Pt. B, §90 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B90 (RPR). PL 2003, c. 655, §B422 (AFF).

§10803. Agent fee cap

A clerk or agent appointed by the commissioner under section 10801 to issue licenses or permits or process applications for the moose lottery or antlerless deer permits may charge agent fees as provided in this Part up to a maximum of $6 during a single transaction. For purposes of this section, "transaction" means a single event in which one or more licenses or permits are issued to a person in that person's name. [PL 2009, c. 186, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 655, §B91 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 186, §2 (AMD).

SUBCHAPTER 3

LIFETIME, COMPLIMENTARY AND REDUCED-RATE LICENSES

§10851. Lifetime licenses

1. Infants, youth and seniors. The following lifetime licenses may be purchased:

A. For a person who is less than 6 years of age:

(1) An infant lifetime fishing license. The fee for an infant lifetime fishing license is $150 for a resident and $450 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is $200;

(2) An infant lifetime hunting license. The fee for an infant lifetime hunting license is $150 for a resident and $450 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is $200;

(3) An infant lifetime archery hunting license. The fee for an infant lifetime archery hunting license is $150 for a resident and $450 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is $200;

(3-A) An infant lifetime trapping license. The fee for an infant lifetime trapping license is $150 for a resident and $450 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is $200;

(4) An infant combination of any 2 lifetime licenses. The fee for an infant combination of any 2 lifetime licenses is $250 for a resident and $750 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is $425; and

(5) An infant combination of any 3 lifetime licenses. The fee for an infant combination of any 3 lifetime licenses is $400 for a resident and $1,200 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is $660; [PL 2011, c. 268, §1 (AMD).]

B. For a person from 6 to 15 years of age:

(1) A junior lifetime fishing license. The fee for a junior lifetime fishing license is $300 for a resident and $900 for a nonresident;

(2) A junior lifetime hunting license. The fee for a junior lifetime hunting license is $300 for a resident and $900 for a nonresident;

(3) A junior lifetime archery hunting license. The fee for a junior lifetime archery hunting license is $300 for a resident and $900 for a nonresident;

(3-A) A junior lifetime trapping license. The fee for a junior lifetime trapping license is $300 for a resident and $900 for a nonresident;

(4) A junior combination of any 2 lifetime licenses. The fee for a junior combination of any 2 lifetime licenses is $500 for a resident and $1,500 for a nonresident; and

(5) A junior combination of any 3 lifetime licenses. The fee for a junior combination of any 3 lifetime licenses is $800 for a resident and $2,400 for a nonresident; [PL 2009, c. 404, §1 (AMD).]

C. For a resident from 65 to 69 years of age:

(1) A senior resident lifetime fishing license. The fee for a senior resident lifetime fishing license is $50 for a person who purchases the license in the year in which that person turns 65 years of age, $40 for a person who purchases the license in the year in which that person turns 66 years of age, $30 for a person who purchases the license in the year in which that person turns 67 years of age, $20 for a person who purchases the license in the year in which that person turns 68 years of age and $10 for a person who purchases the license in the year in which that person turns 69 years of age;

(2) A senior resident lifetime hunting license. The fee for a senior resident lifetime hunting license is $50 for a person who purchases the license in the year in which that person turns 65 years of age, $40 for a person who purchases the license in the year in which that person turns 66 years of age, $30 for a person who purchases the license in the year in which that person turns 67 years of age, $20 for a person who purchases the license in the year in which that person turns 68 years of age and $10 for a person who purchases the license in the year in which that person turns 69 years of age;

(3) A senior resident lifetime archery hunting license. The fee for a senior resident lifetime archery hunting license is $50 for a person who purchases the license in the year in which that person turns 65 years of age, $40 for a person who purchases the license in the year in which that person turns 66 years of age, $30 for a person who purchases the license in the year in which that person turns 67 years of age, $20 for a person who purchases the license in the year in which that person turns 68 years of age and $10 for a person who purchases the license in the year in which that person turns 69 years of age;

(3-A) A senior resident lifetime trapping license. The fee for a senior resident lifetime trapping license is $50 for a person who purchases the license in the year in which that person turns 65 years of age, $40 for a person who purchases the license in the year in which that person turns

66 years of age, $30 for a person who purchases the license in the year in which that person turns 67 years of age, $20 for a person who purchases the license in the year in which that person turns 68 years of age and $10 for a person who purchases the license in the year in which that person turns 69 years of age;

(4) A senior resident combination of any 2 lifetime licenses. The fee for a senior resident combination of any 2 lifetime licenses is $80 for a person who purchases the license in the year in which that person turns 65 years of age, $64 for a person who purchases the license in the year in which that person turns 66 years of age, $48 for a person who purchases the license in the year in which that person turns 67 years of age, $32 for a person who purchases the license in the year in which that person turns 68 years of age and $16 for a person who purchases the license in the year in which that person turns 69 years of age; and

(5) A senior resident combination of any 3 lifetime licenses. The fee for a senior resident combination of any 3 lifetime licenses is $110 for a person who purchases the license in the year in which that person turns 65 years of age, $94 for a person who purchases the license in the year in which that person turns 66 years of age, $78 for a person who purchases the license in the year in which that person turns 67 years of age, $52 for a person who purchases the license in the year in which that person turns 68 years of age and $26 for a person who purchases the license in the year in which that person turns 69 years of age; and [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §92 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2019, c. 325, §2 (AMD).]

[PL 2019, c. 325, §2 (AMD).]

A person must be a resident to purchase a senior resident lifetime license under subsection 1, paragraphs C and D. Once purchased, a lifetime license is valid for the life of the holder without regard to subsequent changes in the legal residence of the holder. The license entitles the holder to all fishing or hunting privileges extended to residents or nonresidents as applicable of that same age who hold the equivalent annual license and subjects the holder to all limitations and prerequisites on those fishing or hunting privileges that apply to residents or nonresidents of that same age who hold the equivalent annual license. [RR 2013, c. 2, §20 (COR).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B92 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 433, §1 (AMD). PL 2007, c. 651, §9 (AMD). PL 2009, c. 404, §1 (AMD). PL 2011, c. 253, §12 (AMD). PL 2011, c. 268, §1 (AMD). RR 2013, c. 2, §20 (COR). PL 2015, c. 281, Pt. C, §1 (AMD). PL 2017, c. 164, §2 (AMD). PL 2019, c. 325, §2 (AMD).

§10852. Lifetime privileges to be honored

A lifetime license issued under this subchapter is valid for the life of the license holder unless lawfully suspended or revoked by the commissioner for a violation of fish and wildlife laws under this Part. The Legislature may not otherwise act in any way to limit or end the right of a person holding a lifetime license to the lifetime enjoyment of all the rights and privileges authorized by that license. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10853. Complimentary and reduced-rate licenses

1. Residents over 70 years of age. A complimentary license to hunt, trap or fish, including an archery license under section 11109, subsection 7, a pheasant hunting permit under section 11156, a muzzle-loading permit under section 11109, subsection 4, a migratory waterfowl permit under section 11157 and a bear hunting permit under section 11151 must be issued to a resident who is 70 years of age or older upon application to the commissioner.

A. A resident who applies for a complimentary license under this section at any time during the calendar year of that resident's 70th birthday must be issued a license upon application, regardless of the actual date during that calendar year in which that resident attains 70 years of age. A guide license may be renewed without charge for a resident who is 70 years of age or older upon application to the commissioner. The application must be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Beginning January 1, 2006, the department may not issue a complimentary license to a resident over 70 years of age. A complimentary license issued to a resident over 70 years of age prior to January 1, 2006 is valid as long as the license holder satisfies the residency requirements set out in section 10001, subsection 53. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A complimentary license issued under this subsection remains valid for the remainder of the life of the license holder, as long as the license holder continues to satisfy the residency requirements set out in section 10001, subsection 53 and the license is not revoked or suspended. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2015, c. 281, Pt. C, §2 (AMD).]

1-A. Residents 100 years of age or older. A complimentary antlerless deer permit under section 11152 may be issued to a resident of the State who is 100 years of age or older upon application to the commissioner.

A. A resident who applies for a complimentary antlerless deer permit under this subsection at any time during the calendar year of that resident's 100th birthday may be issued the permit regardless of the actual date during that calendar year in which that resident attains 100 years of age. The application must be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and proof of residency. [PL 2005, c. 75, §1 (NEW).]

B. A complimentary antlerless deer permit issued under this subsection remains valid for the remainder of the life of the permit holder, as long as the permit holder continues to satisfy the residency requirements set out in section 10001, subsection 53 and the permit is not revoked or suspended. [PL 2005, c. 75, §1 (NEW).]

[PL 2005, c. 75, §1 (NEW).]

2. Blind residents. A complimentary license to fish must be issued to a resident who is 16 years of age or older and blind and applies to the commissioner for the fishing license. This complimentary license remains valid for the life of the license holder if the license holder continues to satisfy the residency requirements in section 10001, subsection 53 and the license is not revoked or suspended. The application must be accompanied by certified evidence that the applicant is permanently blind. For the purpose of this subsection, "blind" means having visual acuity for distance vision of 20/200 if the widest diameter of field of vision subtends an angle no greater than 20 degrees.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §93 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Paraplegics. A resident paraplegic or a nonresident paraplegic who is a resident of another state may obtain upon application, at no cost, all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish. 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. 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.
[PL 2019, c. 638, §1 (RPR).]

4. Disabled veteran. A resident disabled veteran or a nonresident disabled veteran who is a resident of another state may obtain upon application, at no cost, all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish, and, upon meeting the qualifications as established in section 12853, subsection 4, a guide license. 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. The commissioner shall issue all fishing, trapping and hunting licenses and permits requested 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, "disabled veteran" means a person who:

A. [PL 2017, c. 475, Pt. A, §19 (RP).]

B. Was honorably discharged from the Armed Forces of the United States or the National Guard; and [PL 2017, c. 475, Pt. A, §19 (RPR).]

C. Has a service-connected disability evaluated at 50% or more. [PL 2017, c. 475, Pt. A, §19 (RPR).]

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. An applicant for a license or permit under this section is subject to the provisions of this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to remain a resident of this State or another state and the permit or license issued under this subsection is not revoked or suspended. For a nonresident to be eligible under this subsection, that nonresident's state must have a reciprocal agreement with this State.
[PL 2017, c. 475, Pt. A, §19 (RPR).]

5. Holders of Congressional Medal of Honor. Upon application, the Governor may grant 2-year complimentary hunting and fishing licenses to holders of the Congressional Medal of Honor.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Members of Armed Forces domiciled in State. A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the State may be issued fishing, hunting and trapping licenses for an amount equal to the administrative costs associated with issuing a license as determined by the department. Administrative costs do not include agent fees. To qualify, the

member of the Armed Forces of the United States must show proof that that member's home of record, as recorded in that person's service records, is Maine. That person may purchase all other licenses or permits at resident fees. The license is valid during the year of issue. That person's spouse and children may purchase hunting, fishing and trapping licenses at reduced rates. The reduced fees are as follows:

A. Twenty dollars, plus the issuing fee for a combination fishing and hunting license; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Ten dollars, plus the issuing fee for a hunting license; [PL 2013, c. 408, §7 (AMD).]

C. Ten dollars, plus the issuing fee for a fishing license; and [PL 2013, c. 408, §7 (AMD).]

D. Ten dollars, plus the issuing fee for a trapping license. [PL 2013, c. 408, §7 (NEW).]

[PL 2017, c. 164, §4 (AMD).]

7. Patients and inmates in certain state institutions. The commissioner may issue free fishing permits covering:

A. Clients of the Department of Health and Human Services who reside in licensed facilities for persons with intellectual disabilities or autism or licensed facilities for the treatment of mental illness; [PL 2011, c. 542, Pt. A, §7 (AMD).]

B. Groups of full-time patients at a nursing home, as defined in Title 22, section 1812-A; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Groups of full-time residents of a facility licensed under Title 22, chapter 1663. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2011, c. 542, Pt. A, §7 (AMD).]

8. Members of federally recognized 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 reservation chief or governor or the Aroostook Micmac Council stating that the person described is an enrolled member of a federally recognized 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 nation, band or tribe listed in this subsection are exempt from the trapper evaluation program required for a license under section 12201 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.

[PL 2017, c. 164, §5 (AMD).]

9. Foreign exchange students. A resident license to hunt or fish must be issued, at a fee equal to the resident license fee for a person of like age and status, to any citizen of a foreign nation under 21 years of age who is domiciled with a family within the State pursuant to any cultural or educational exchange program conducted by any governmental, educational, cultural or religious organization.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

10. Persons with developmental disabilities. A complimentary license to fish must be issued to any person with a developmental disability, as defined in Title 5, section 19503, subsection 3, upon application to the commissioner when that application is accompanied by a statement signed by the person's physician that states that the applicant's functional limitations substantially limit that person's

ability to fish independently. This complimentary license remains effective for the life of the license holder, if the license is not revoked or suspended.
[PL 2011, c. 355, §1 (AMD).]

11. Permits to accommodate permanent physical disabilities. The commissioner may issue a special permit to a person with a permanent physical disability that includes special authorization that allows that person to hunt, trap or fish at times or in a manner otherwise prohibited by this Part in order to enhance access to hunting, trapping and fishing opportunities. No laws or rules may be waived except as are necessary to effect this subsection. A permit may be issued under this subsection only if:

A. The applicant provides the commissioner with a letter signed by a licensed physician clearly stating the nature of that person's disability, the permanence of the disability and the extent to which the disability affects that person's ambulatory ability or endurance; use of one or both hands, arms or legs; or sight or hearing; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The commissioner determines that the permanent physical disability prevents that person from safely accessing hunting, trapping or fishing opportunities at the times or in the manner allowed by this Part or by rules adopted pursuant to this Part; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The person meets all other requirements for issuance of that permit and related licensing requirements and is not otherwise ineligible for that permit. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Each applicant's disability and needs must be reviewed by the department and a determination made regarding the special authorization that may be made to enhance the applicant's access to fishing, hunting and trapping opportunities. A permit issued under this subsection must be signed by the commissioner and include a clear and specific description of the activities authorized by that permit. The person with a disability shall carry the permit whenever that person is hunting, trapping or fishing, and the permit must be presented to a game warden or other law enforcement officer upon request. No laws or rules may be waived except as are necessary to effect this subsection.

The commissioner may authorize only the minimum special exceptions necessary to overcome the applicant's disability and allow that applicant to safely hunt, trap or fish. This does not authorize the commissioner to issue special exceptions that endanger public safety. A permit issued under this subsection does not authorize a person to exceed the allowable bag or size limits for any fish or wildlife species; to fish for or take a fish or wildlife species for which a license is not otherwise issued; to fish for, trap or hunt a fish or wildlife species more than 7 days before the opening or more than 7 days after the closing of the regular open season for that species; or to fish, trap or hunt in any area permanently closed to those activities by state law or rule.
[PL 2015, c. 301, §6 (AMD).]

12. Persons with acquired brain injury. A complimentary license to fish must be issued to any person with a head injury, as defined by Title 22, section 3086, upon application to the commissioner. This complimentary license remains effective for the life of the license holder if the license is not revoked or suspended.
[PL 2003, c. 655, Pt. B, §93 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

13. Certain veterans.
[PL 2009, c. 440, §2 (AMD); MRSA T. 12 §10853, sub-§13 (RP).]

14. Game warden killed in line of duty. A complimentary license to hunt, trap and fish, including permits, stamps and other permissions needed to hunt, may be issued, upon application, to the spouse or child of a game warden who has been killed in the line of duty. These licenses must be issued in accordance with criteria established by the Maine Chiefs of Police Association and the Maine Law

Enforcement Officer Memorial board, upon confirmation by the Game Warden Colonel that the applicant is qualified for such a license.
[PL 2007, c. 651, §11 (AMD).]

15. Assisting a person with disabilities. The commissioner may allow a licensee who has received a complimentary fishing license under subsection 2, 3, 4, 7, 10 or 12 to have a person accompany and assist that licensee in fishing. The person accompanying and assisting the holder of a complimentary fishing license as provided in this subsection may do so without obtaining a separate fishing license. This subsection does not authorize the person accompanying and assisting the licensee to assist that licensee with more than one fishing rod and reel. The person accompanying and assisting the licensee must remain within the immediate proximity of the licensee while that licensee is fishing.
[PL 2011, c. 355, §2 (NEW).]

16. Resident 16 or 17 years of age in custody of the Department of Health and Human Services. A complimentary license to fish may be issued to any resident 16 or 17 years of age who is in the custody of the Department of Health and Human Services under Title 19-A, chapter 55 and Title 22, chapter 1071, upon application to the commissioner. This complimentary license remains valid for the duration of the Department of Health and Human Services' custody of the resident, if the license is not revoked or suspended.
[PL 2013, c. 93, §1 (NEW).]

17. Group fishing license for persons with disabilities. In addition to other licenses issued by the commissioner pursuant to this section, the commissioner may issue a complimentary group fishing license to a person or entity that allows a group of persons with disabilities to fish in a location for a period of time as specified on the license.
[PL 2017, c. 72, §1 (NEW).]

18. Gold star family registration plate holder. A complimentary license to hunt, trap and fish, including permits, stamps and other permissions needed to hunt, may be issued, upon application, to a resident who is the holder of a registration certificate and a set of gold star family registration plates pursuant to Title 29-A, section 524-B. A permit or license issued to a person under this subsection remains valid for the life of the person, as long as the person continues to remain a resident of this State and the permit or license issued under this subsection is not revoked or suspended.
[PL 2019, c. 443, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B93-95 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 75, §1 (AMD). PL 2005, c. 268, §2 (AMD). PL 2005, c. 397, §C10 (AMD). PL 2005, c. 477, §2 (AMD). PL 2007, c. 195, §1 (AMD). PL 2007, c. 463, §2 (AMD). PL 2007, c. 651, §§10, 11 (AMD). PL 2009, c. 440, §2 (AMD). PL 2011, c. 327, §1 (AMD). PL 2011, c. 355, §§1, 2 (AMD). PL 2011, c. 542, Pt. A, §7 (AMD). PL 2013, c. 93, §1 (AMD). PL 2013, c. 136, §1 (AMD). PL 2013, c. 145, §1 (AMD). PL 2013, c. 404, §1 (AMD). PL 2013, c. 408, §§7, 8 (AMD). PL 2015, c. 136, §1 (AMD). PL 2015, c. 136, §12 (AFF). PL 2015, c. 281, Pt. C, §§2-4 (AMD). PL 2015, c. 301, §6 (AMD). PL 2017, c. 72, §1 (AMD). PL 2017, c. 100, §1 (AMD). PL 2017, c. 164, §§3-5 (AMD). PL 2017, c. 475, Pt. A, §19 (AMD). PL 2019, c. 443, §1 (AMD). PL 2019, c. 638, §1 (AMD).

SUBCHAPTER 4

REVOCATION AND SUSPENSION OF LICENSES OR PERMITS

§10901. Compliance; noncompliance

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

A. "Compliance with a support order" means that the support obligor has obtained or maintained health insurance coverage if required by a support order and is:

(1) No more than 60 days in arrears in making any of the following payments:

(a) Payments in full for current support;

(b) Periodic payments on a support arrearage pursuant to a written agreement with the Department of Health and Human Services; and

(c) Periodic payments as set forth in a support order; and

(2) No more than 30 days in arrears in making payments as described in subparagraph (1) if the obligor has been in arrears for more than 30 days in making payments as described in subparagraph (1) at least 2 times within the past 24 months. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §96 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

B. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §96 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §96 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

2. Compliance. In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by the various acts of the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees must also comply with the requirements of Title 19-A, section 2201.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §96 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Noncompliance with support order. An applicant for the issuance or renewal of a license or an existing licensee who is not in compliance with a support order is subject to the requirements of Title 19-A, section 2201.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §96 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Suspension of license. If a license or registration is suspended pursuant to Title 19-A, section 2201, the suspension remains in effect until the person is in compliance with the support order. On condition of payment of a $25 reinstatement fee to the department, the suspension is rescinded and the license reinstated.

[PL 2003, c. 655, Pt. B, §96 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B96 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 689, §B6 (REV).

§10902. Suspension or revocation of or refusal to issue license or permit

1. Conviction or adjudication of violation. Any conviction or adjudication for a violation of this Part is grounds for suspension of any license or permit issued under this Part. Except where provided

by law, the commissioner shall determine the suspension period. To suspend a license or permit based upon a conviction or adjudication, the commissioner shall follow the procedures under section 10903. A suspension or revocation of a license by the District Court is subject to the provisions of subsection 5.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Refusal to issue license or permit. If a person is convicted or adjudicated of a violation of any provision of this Part and is not the holder of a valid license or permit issued under this Part, the commissioner may refuse to issue a related license or permit to that person for up to 5 years following the date of conviction or adjudication, except when the killing or wounding of a human being has occurred, in which case the commissioner may refuse to issue the license or permit for a period of not less than 5 years.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §97 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Failure to pay fine. If a license or registration is suspended pursuant to this section or Title 14, section 3142, the suspension remains in effect until the person pays the fine. On condition of payment of a $25 reinstatement fee to the department, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the department, which, upon receipt of the $25 reinstatement fee, shall delete any record of the suspension from that person's record. For the purposes of this subsection, "fine" has the same meaning as in Title 14, section 3141, subsection 1.
[PL 2013, c. 538, §3 (AMD).]

4. Mandatory revocation of all licenses issued by the department. A person's license must be revoked under the following circumstances.

A. If a person holding a license or permit under this chapter is convicted of the violation of any provision of Title 17-A while on a hunting or fishing trip or in the pursuit of wild animals, wild birds or fish, the commissioner shall revoke the license or permit held by that person for a period of at least one year, except when the killing or wounding of a human being has occurred, in which case the commissioner shall revoke the license or permit for at least 5 years. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Any license issued by the department in effect at the time a person is convicted of a violation of section 12256, disturbing traps, is revoked upon conviction and must be immediately surrendered to the commissioner and the person is ineligible to obtain any license issued by the department as specified in section 10752, subsection 6, paragraph A. [PL 2013, c. 538, §4 (AMD).]

C. If an habitual violator, as defined in section 10605, subsection 1, is convicted or adjudicated of a violation of any provision of this Part, the commissioner shall revoke all licenses and permits held by that person. That person is ineligible to have a license for a period to be determined by the commissioner, which may not be less than 3 years from the date of revocation. A hearing for a person whose licenses and permits have been revoked under this paragraph is governed by the following.

(1) A person whose licenses and permits have been revoked under this paragraph may, within 30 days of the effective date of the revocation, petition for a hearing before the commissioner to show cause why the licenses and permits should not have been revoked.

(2) If, after the hearing, the commissioner finds that the petitioner's record does not bring the petitioner within the definition of an habitual violator, the commissioner shall rescind the revocation. If the commissioner finds that the petitioner's record does bring the petitioner within the definition of an habitual violator, the revocation remains in effect. If the petitioner denies any of the facts contained in the record, the petitioner has the burden of proof. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §98 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2013, c. 538, §4 (AMD).]

5. Hunting license revocation or suspension for endangerment or harm to another. The commissioner may bring a complaint in the District Court seeking to revoke or suspend the current hunting license or the privilege to obtain a hunting license of any person whom the commissioner reasonably believes to have killed, wounded or recklessly endangered the safety of another human being while hunting in this State or another jurisdiction. The District Court shall revoke or suspend the person's license or privilege for a period of at least 5 years if the court finds that the person, while hunting, has killed, wounded or recklessly endangered the safety of another human being and the public safety will be endangered by the person's retention of that license or privilege. For the purpose of this subsection, "recklessly" has the same meaning as that set out in Title 17-A, section 35, subsection 3.

A. A person whose hunting license has been revoked or suspended or whose right to hunt or the right to obtain a hunting license has been denied under this subsection, may, after the expiration of one year from the date of the revocation or suspension, petition the commissioner for restoration of the person's privilege to procure such a license. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The commissioner, after hearing, may restore the petitioner's privilege if the commissioner determines that the public safety will not be endangered by restoring that privilege. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. [PL 2013, c. 375, §3 (RP).]

[PL 2013, c. 375, §3 (AMD).]

6. Mandatory hunting license revocation for certain violations. The commissioner shall suspend a person's hunting license for at least one year and may suspend any other license issued under this Part and held by that person if that person is convicted of:

A. A closed season violation, in violation of section 11201 as it relates to bear, deer or moose; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Hunting while under the influence of intoxicating liquor or drugs, in violation of section 10701; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Night hunting, in violation of section 11206; [PL 2011, c. 253, §14 (AMD).]

D. Discharging a firearm within 100 yards of a residential dwelling without owner permission, in violation of section 11209; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Buying or selling bear, hunting or trapping bear after having killed 2 or exceeding the bag limit on bear, in violation of section 11217, 11351 or 12260; [PL 2011, c. 691, Pt. A, §7 (RPR).]

F. Buying or selling deer, exceeding the bag limit on deer or hunting deer after having killed one, in violation of section 11217 or 11501 or unlawfully hunting or possessing an antlerless deer in a wildlife management district for which no antlerless deer permits have been issued in violation of section 11152, subsection 1-A; [PL 2013, c. 538, §5 (AMD).]

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, 12305 or 12403; [PL 2013, c. 280, §3 (AMD).]

H. Buying or selling wild turkeys, unlawfully hunting wild turkeys, unlawfully possessing wild turkeys or using unlawful methods to hunt wild turkeys, in violation of section 11217, subsection 1; section 11751-A; section 11801; or section 12306, subsection 1; [PL 2013, c. 538, §6 (AMD).]

I. Hunting bear over another person's bait without written permission of that person in violation of section 11301, subsection 1-A; or [PL 2013, c. 538, §7 (AMD).]

J. Hunting or any violation of section 10906 while that person's license is revoked. [PL 2013, c. 538, §8 (NEW).]

[PL 2013, c. 538, §§5-8 (AMD).]

7. Mandatory hunting license revocation; coyote hunting violation. A hunting license of a person convicted of hunting coyote in violation of section 11160 or 12001 must be revoked and that person is ineligible to obtain any hunting license for a period of one year from the date of conviction.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §100 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

7-A. Hunting with night vision equipment. 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 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.

[PL 2003, c. 592, §2 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

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

[PL 2017, c. 50, §2 (NEW).]

7-C. Hunting deer over bait. A hunting license of a person adjudicated of placing or hunting over bait in violation of section 11452, subsection 1 must be revoked, and that person is ineligible to obtain a hunting license as follows:

A. For a first offense, for a period of one year from the date of adjudication; and [PL 2019, c. 630, §2 (AMD).]

B. For a 2nd offense, for a period of 2 years from the date of adjudication. [PL 2019, c. 630, §2 (AMD).]

[PL 2019, c. 630, §2 (AMD).]

8. Mandatory revocation of fishing license. The commissioner shall suspend a person's fishing license for at least one year and may suspend any other license issued under this Part and held by that person if that person is convicted or adjudicated of:

A. Introducing fish into a private pond without a permit in violation of section 12511; [PL 2013, c. 358, §2 (AMD).]

B. Taking or possessing sport fish in violation of bag, weight and size limits in violation of section 12602, as it relates to trout, salmon, togue and black bass, whenever the violation involves twice the general bag and possession limit adopted by rule by the commissioner for that species of fish; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B-1. [PL 2013, c. 358, §2 (RP).]

C. Importing live bait fish or smelts, in violation of section 12556; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Buying or selling freshwater sport fish, in violation of section 12609-A; [PL 2013, c. 538, §9 (AMD).]

E. Taking fish by explosive, poisonous or stupefying substances, in violation of section 12653; or [PL 2013, c. 538, §10 (AMD).]

F. Fishing or any violation of section 10906 while that person's license is revoked. [PL 2013, c. 538, §11 (NEW).]

The commissioner shall suspend a person's fishing license for 5 years and may suspend any other license issued under this Part and held by that person if the person is convicted or adjudicated of illegally importing, transporting or possessing live freshwater fish or fish gametes under sections 12509, 12510, 12512 and 12611, except that this mandatory revocation does not apply to offenses involving live bait fish or smelts.
[PL 2013, c. 538, §§9-11 (AMD).]

9. Discretionary suspension for certain ATV violations; training. The commissioner may suspend all licenses, permits and registrations issued by the department pursuant to this Part to any person convicted or adjudicated of:

A. Operating an ATV on a temporarily closed trail as prohibited under section 13157-A, subsection 24; or [PL 2005, c. 626, §1 (AMD).]

B. [PL 2005, c. 626, §1 (RP).]

C. [PL 2005, c. 626, §1 (RP).]

D. [PL 2005, c. 626, §1 (RP).]

E. [PL 2005, c. 626, §1 (RP).]

F. Operating an ATV on the land of another without permission, as prohibited under section 13157-A, subsection 1-A. [PL 2011, c. 691, Pt. A, §8 (AMD).]

G. [PL 2005, c. 626, §1 (RP).]

If the commissioner suspends a license, permit or registration pursuant to this subsection, the suspension must be for at least 90 days. The commissioner shall reinstate licenses, permits and registrations that have been suspended pursuant to this subsection after the period of suspension has elapsed and after the person satisfactorily completes, in accordance with procedures established by the commissioner by rule, a training program approved by the department relating to safety and ethics in the operation of ATVs. The costs of this training program are borne by the person undertaking the training. The commissioner shall establish by rule the procedures for completion of mandatory training pursuant to this subsection. A person who satisfactorily completes a training program approved by the department pursuant to this subsection is deemed to have satisfied the outdoor ethics training course requirements established under section 10903. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 691, Pt. A, §8 (AMD).]

10. Mandatory suspension for certain ATV, snowmobile and watercraft violations. The commissioner shall suspend for at least one year all licenses, permits and registrations issued by the department pursuant to this Part to any person convicted or adjudicated of:

A. Abuse of another person's property as prohibited under section 13157-A, subsection 22; [PL 2005, c. 626, §2 (NEW).]

B. Operating an ATV, snowmobile or watercraft under the influence as prohibited under section 10701, subsection 1-A, paragraph D; [PL 2019, c. 452, §8 (AMD).]

C. Operating an ATV to endanger, as prohibited under section 13157-A, subsection 11, operating a snowmobile to endanger, as prohibited under section 13106-A, subsection 10, or operating a watercraft to endanger, as prohibited under section 13068-A, subsection 5; [PL 2019, c. 452, §8 (AMD).]

D. Reckless operation of an ATV, as prohibited under section 13157-A, subsection 10, reckless operation of a snowmobile, as prohibited under section 13106-A, subsection 9, or reckless operation of a watercraft, as prohibited under section 13068-A, subsection 6; or [PL 2019, c. 452, §8 (AMD).]

E. Failure or refusal to stop an ATV or attempting to elude an officer, as prohibited under section 10651, subsection 1, paragraphs D and E, failure or refusal to stop a snowmobile or attempting to elude an officer, as prohibited under section 10651, subsection 1-E, or failure or refusal to stop a watercraft or attempting to elude an officer, as prohibited under section 10651, subsection 1-E. [PL 2019, c. 452, §8 (AMD).]

The commissioner shall reinstate licenses, permits and registrations that have been suspended pursuant to this subsection after the period of suspension has lapsed and after that person has successfully completed an ethics course as required by the department and has successfully completed a safety course as required by the department that relates to the specific violation for which the person was convicted or adjudicated.
[PL 2019, c. 452, §8 (AMD).]

SECTION HISTORY

RR 2003, c. 2, §19 (COR). PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 592, §2 (AMD). PL 2003, c. 592, §5 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B97-103 (AMD). PL 2003, c. 655, §§B422,C5,6 (AFF). PL 2003, c. 695, §B8 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2005, c. 397, §E3 (AMD). PL 2005, c. 477, §3 (AMD). PL 2005, c. 626, §§1,2 (AMD). PL 2011, c. 253, §§13-17 (AMD). PL 2011, c. 309, §1 (AMD). PL 2011, c. 691, Pt. A, §§7, 8 (AMD). PL 2013, c. 280, §§3-5 (AMD). PL 2013, c. 358, §2 (AMD). PL 2013, c. 375, §3 (AMD). PL 2013, c. 538, §§3-11 (AMD). PL 2017, c. 50, §2 (AMD). PL 2017, c. 202, §1 (AMD). PL 2017, c. 355, §1 (AMD). PL 2019, c. 452, §8 (AMD). PL 2019, c. 630, §2 (AMD).

§10903. Effective date for suspensions

1. For mandatory suspension. For a violation having a minimum statutory suspension period, a suspension is effective upon conviction or adjudication and the license holder must surrender the license immediately to the commissioner. That person is not entitled to a hearing under section 10905 if the suspension period does not exceed the minimum period of suspension required by law. In addition to any suspension period ordered by the commissioner, a person whose license is suspended for a violation having a mandatory suspension must successfully complete an outdoor ethics course as provided in section 10903-A in order to be eligible to have that license reinstated. A person is not required to complete the outdoor ethics course under section 10903-A if that person's license is revoked under the interstate wildlife violator compact authorized in accordance with section 10103 as a result of a conviction occurring outside of the State and that person has met the eligibility requirements for reinstatement of the license in the state in which the conviction occurred.
[PL 2013, c. 538, §12 (AMD).]

2. For all other suspensions. For a violation that does not have a minimum statutory suspension period, a suspension is effective upon written notification of suspension by the commissioner. That person must surrender that license to the commissioner upon receipt of a notice of suspension and is entitled to a hearing under section 10905. The commissioner shall adopt rules specifying the conditions under which a person whose license is suspended for a violation that does not carry a mandatory suspension is required to complete an outdoor ethics course as provided in section 10903-A. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2013, c. 538, §12 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2011, c. 576, §6 (AMD). PL 2013, c. 538, §12 (AMD).

§10903-A. Outdoor ethics course

An outdoor ethics course must be scheduled by the Bureau of Warden Service and must be given whenever there are 10 or more persons needing or wanting to take the course. The fee for an outdoor ethics course is $100, payable 10 working days prior to the start of the course. All fees collected under this section are allocated to the landowner relations program established in section 10108, subsection 4-A. [PL 2013, c. 538, §13 (NEW).]

SECTION HISTORY

PL 2013, c. 538, §13 (NEW).

§10904. Time limit for nonmandatory suspension decision and notice of suspension

A decision by the commissioner to suspend a license of a person convicted or adjudicated of a violation that does not carry a mandatory suspension must be made within 60 days after that conviction. The commissioner shall give written notice of a suspension immediately following the decision to suspend. A notice of suspension must name the license or permit that is suspended and state the effective date and length of the suspension and must inform the person of any applicable hearing provisions under section 10905. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §104 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B104 (AMD). PL 2003, c. 655, §B422 (AFF).

§10905. Hearings

Except as provided in section 10903, subsection 1, a person receiving a notice of suspension under section 10904 may request a hearing on that suspension. A request for a hearing must be in writing and must be made not later than 30 days after receipt of the suspension notice required under section 10903. The commissioner shall notify the person of the date and location of the hearing. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Evidence. A person may present evidence at a hearing concerning the violation that might justify reinstatement of the license or permit or the reduction of the suspension period. If the petitioner denies any of the facts contained in the record, the petitioner has the burden of proof.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Decisions. Decisions of the commissioner must be in writing. Except as provided in subsection 3, the commissioner may reinstate the license or permit or reduce the suspension period if the commissioner finds that the person has not been convicted or adjudicated or that reinstatement of the license or permit or reduction of the suspension period would be in the best interests of justice.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Mandatory suspension period not waived. The commissioner may not waive or reduce a mandatory minimum suspension period established in statute except upon determination by the commissioner that an inappropriate action contributed to or resulted in that suspension.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10906. Violation of suspended or revoked license, permit or registration

While a person's license, permit or recreational vehicle registration is under suspension or revocation under this Part, that person may not engage in the particular activity permitted by the license, permit or recreational vehicle registration that has been suspended or revoked. [PL 2009, c. 340, §11 (AMD).]

A person who violates this section commits a Class D crime. [PL 2003, c. 655, Pt. B, §105 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B105 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 340, §11 (AMD).

§10907. Obtaining suspended or revoked license, permit or registration

A person may not obtain or attempt to obtain any license, permit or recreational vehicle registration that has been suspended or revoked by the commissioner under this Part. [PL 2009, c. 340, §12 (AMD).]

A person who violates this section commits a Class D crime. [PL 2003, c. 655, Pt. B, §106 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B106 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 340, §12 (AMD).

§10908. Guide license revocation

1. Conditions for revocation, suspension, denial. The commissioner may suspend or revoke a guide license pursuant to this subchapter and Title 5, section 10004. The commissioner may revoke, suspend, refuse to issue or refuse to renew a guide license or the District Court may revoke or suspend a guide license:

A. If the guide fails to meet the standards of competency established pursuant to section 12851; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. If the guide fails to meet the qualifications for a guide license, including, but not limited to, failure to pass a reexamination conducted pursuant to section 12855, subsection 4; [PL 2017, c. 204, §1 (AMD).]

C. If the guide is found to be incompetent, negligent or neglectful in the conduct of guiding activities, including, but not limited to, entering into a contractual agreement with a client to provide services and then failing, without just cause, to provide the services as agreed; or [PL 2017, c. 204, §1 (AMD).]

D. If the guide or an applicant for a guide license has been convicted of committing a crime in the State or any other jurisdiction that is punishable by imprisonment for a term of one year or more or has been found not criminally responsible by reason of insanity of committing a crime in the State or any other jurisdiction that is punishable by imprisonment for a term of one year or more.

(1) A person whose license is revoked, suspended or denied under this paragraph may request a hearing before the commissioner. Following the hearing, the commissioner may issue a guide license or reinstate a guide license that has been revoked, suspended or denied if the commissioner determines that the applicant has been sufficiently rehabilitated from the conviction to warrant the public trust or the nature of the conviction or the circumstances surrounding it do not warrant disqualification from licensure. The request for a hearing under this paragraph must be made within 30 days of receipt of the revocation, suspension or denial of the guide license.

(2) An applicant for a guide license or the holder of a guide license must notify the department of a conviction or a finding of not criminally responsible that is grounds under this paragraph for the revocation, suspension or denial of a guide license within 30 days of the conviction or finding. Failure to notify the department is grounds for a permanent denial or revocation of a guide license. [PL 2017, c. 204, §1 (NEW).]

[PL 2017, c. 204, §1 (AMD).]

2. Mandatory revocation. The commissioner shall revoke for a period of 3 years the guide license of a guide who is convicted of violating a provision of this Part punishable by a mandatory fine of not less than $1,000 and at least 3 days in jail. The commissioner shall provide notice of revocation as provided in section 10904. A person whose license has been revoked under this subsection may, within 30 days of the effective date of the revocation, petition the commissioner for a hearing to show cause why the license should not have been revoked. If, after the hearing, the commissioner finds that the person has not been convicted or that the conditions of this subsection do not apply, the revocation is rescinded. If the commissioner finds that the person has been convicted and that the conditions of this subsection apply, the revocation remains in effect.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §107 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B107 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2017, c. 204, §1 (AMD).

§10909. Taxidermists and dealers in furs; suspension of license

The commissioner shall investigate or cause to be investigated all complaints made to the department and all cases of noncompliance with or violation of sections 12952 and 12953 and this section. A person may register a complaint of fraud, deceit, gross negligence, incompetency or misconduct against any licensee. The complaint must be in writing, be sworn to by the person making it and filed with the department. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Disciplinary action. The commissioner may suspend or revoke a license pursuant to this subchapter and Title 5, section 10004. The commissioner may refuse to issue or renew a license or the District Court may revoke, suspend or refuse to renew a license for any one of the following causes:

A. Procuring a license by fraud or deceit practiced upon the department or a purchaser; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Failure to meet the competency standards established pursuant to section 12952; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Engaging in the art of taxidermy under a false name or alias with fraudulent intent; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Incompetence, negligence or neglect in the conduct of the practice of taxidermy, including, but not limited to, entering into a contractual agreement with a customer to provide services and then failing, without just cause, to provide the services as agreed; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Failure to meet the qualifications for a license, including, but not limited to, failing to pass a reexamination pursuant to section 12953, subsection 5; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. For any violation of this section or section 12952 or 12953 or any rules adopted pursuant to subsection 5; section 12952, subsection 5; or section 12953, subsection 8. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §108 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §108 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Reissue of license. The commissioner may reissue a license to any former licensee whose license has been revoked.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Hearings. Hearings may be conducted by the commissioner to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license or as otherwise necessary to implement the provisions of this section and sections 12952 and 12953. The commissioner shall hold an adjudicatory hearing at the written request of a person who has been denied a license without a hearing for any reason other than failure to pay a required fee, as long as the request for hearing is received by the commissioner within 30 days of the applicant's receipt of written notice of the denial of the application, the reasons for the denial and the right to request a hearing. Hearings must be conducted in conformity with Title 5, chapter 375, subchapter 4, to the extent applicable. The commissioner may subpoena witnesses, records and documents in any hearing the commissioner conducts.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Terms of revocation of license. A person whose license has been revoked under this section is ineligible to apply for a new license for a minimum of 3 years.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §109 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Rules. The commissioner may adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 655, Pt. B, §110 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B108-110 (AMD). PL 2003, c. 655, §B422 (AFF).

§10910. Operator's license to carry passengers for hire; suspension

1. Suspension. The commissioner may initiate proceedings in the District Court to suspend the operator's license of an operator of a motorboat carrying passengers for hire under the following conditions:

A. It is found, upon examination under section 13062, subsection 4, that any motorboat carrying passengers for hire is unsafe; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The commissioner receives satisfactory evidence of the operator's intemperance, incompetency or willful violation of the law. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Exception. This section does not apply to any person who operates a watercraft in connection with a youth camp located in this State and licensed by the Department of Health and Human Services or located in another state and licensed in a similar manner in that state.
[PL 2009, c. 211, Pt. B, §6 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 689, §B6 (REV). PL 2009, c. 211, Pt. B, §6 (AMD).

CHAPTER 915

HUNTING: SEASONS, REQUIREMENTS AND RESTRICTIONS

SUBCHAPTER 1

GENERAL HUNTING SEASON PROVISIONS

§10951. Closed season

1. General; prohibition. Except as otherwise provided in this Part and except as the commissioner may establish by rule not inconsistent with this Part, there is a perpetually closed season on hunting any wild animal or wild bird.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§10952. Open seasons for hunting with bow and arrow and crossbow

1. Hunting with a bow and arrow or a crossbow. A person may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a hand-held bow and arrow 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.
[PL 2019, c. 637, §1 (AMD).]

2. Hunting with a crossbow; 70 years of age or older.
[PL 2013, c. 236, §2 (RP).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2011, c. 61, §1 (RPR). PL 2013, c. 236, §§1, 2 (AMD). PL 2015, c. 301, §7 (AMD). PL 2019, c. 637, §1 (AMD).

§10953. Open seasons for hunting with crossbow

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Species and seasons. A person may:

A. Hunt bear with a crossbow during the open season on bear as provided in section 11251; [PL 2013, c. 236, §3 (NEW).]

B. Hunt wild turkey with a crossbow during the spring open season on hunting wild turkey established by the commissioner in accordance with rules adopted pursuant to section 11701; [PL 2019, c. 98, §1 (AMD).]

C. Hunt moose with a crossbow in areas of the State open to moose hunting during the open season on moose established by rule in section 11552, subsections 1 and 2 and according to the rules pertaining to moose hunting permits adopted by the commissioner for the protection of the moose resource under section 11551 and in accordance with the provisions of section 11601; [PL 2019, c. 98, §1 (AMD).]

D. Hunt deer with a crossbow during the open firearm season on deer as provided in section 11401; [PL 2019, c. 98, §1 (AMD).]

E. **(TEXT EFFECTIVE UNTIL 1/1/23) (TEXT REPEALED 1/1/23)** Notwithstanding the restriction in section 11403 to hunting with bow and arrow only, hunt deer with a crossbow during the 2020, 2021 and 2022 archery-only hunting season on deer established by the commissioner in accordance with rules adopted pursuant to section 11403. Except as provided in subsection 1-C and section 10853, subsection 11, a person may not take an antlerless deer with a crossbow under this paragraph during an open archery season on deer unless that person possesses an antlerless

deer permit in accordance with section 11152. A person 65 years of age or older who hunts deer with a crossbow pursuant to this paragraph and subsection 1-C and a person who holds a permit under section 10853, subsection 11 and hunts deer with a crossbow pursuant to this paragraph may not take an antlerless deer in a wildlife management district for which antlerless deer permits have not been issued.

This paragraph is repealed January 1, 2023; and [PL 2019, c. 637, §2 (AMD).]

F. **(TEXT EFFECTIVE UNTIL 1/1/23) (TEXT REPEALED 1/1/23)** Notwithstanding the prohibition on hunting wild turkey with a crossbow during the fall open season on hunting wild turkey in section 11701 and also notwithstanding paragraph B, hunt wild turkey with a crossbow during the 2020, 2021 and 2022 fall open season on hunting wild turkey established by the commissioner in accordance with rules adopted pursuant to section 11701.

This paragraph is repealed January 1, 2023. [PL 2019, c. 98, §1 (NEW).]
[PL 2019, c. 637, §2 (AMD).]

1-A. Hunting with a crossbow; 70 years of age or older.
[PL 2013, c. 538, §15 (RP).]

1-B. Hunting with a crossbow; 70 years of age or older.
[PL 2013, c. 538, §16 (NEW); MRSA T. 12 §10953, sub-§1-B (RP).]

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 11105, 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 and may take an antlerless deer with a crossbow during the regular archery-only deer hunting season without an antlerless deer permit issued in accordance with section 11152.
[PL 2019, c. 637, §3 (AMD).]

2. Rulemaking.
[PL 2015, c. 301, §8 (RP).]

3. Crossbow requirements. A person may not hunt with a crossbow unless the crossbow meets the following requirements.

A. The crossbow must have a shoulder-type stock. A hand-held pistol-type crossbow may not be used. [PL 2015, c. 301, §9 (NEW).]

B. The draw weight of the crossbow may not be less than 100 pounds. [PL 2015, c. 301, §9 (NEW).]

C. The arrowhead, including a mechanical broadhead when open, must be at least 7/8 inch in width. [PL 2015, c. 301, §9 (NEW).]

D. A crossbow arrow that has an explosive or poisonous tip may not be used. [PL 2015, c. 301, §9 (NEW).]

E. The crossbow must be equipped with a mechanical trigger safety device in working condition. [PL 2015, c. 301, §9 (NEW).]

F. The crossbow may be equipped with a scope or sight. [PL 2015, c. 301, §9 (NEW).]

A person who violates this subsection commits a Class E crime.
[PL 2015, c. 301, §9 (NEW).]

SECTION HISTORY

PL 2005, c. 419, §2 (NEW). PL 2005, c. 419, §12 (AFF). PL 2011, c. 61, §§2, 3 (AMD). PL 2013, c. 236, §3 (AMD). PL 2013, c. 538, §§14-16 (AMD). PL 2015, c. 42, §1 (AMD). PL 2015, c. 301, §§8, 9 (AMD). PL 2017, c. 85, §1 (AMD). PL 2017, c. 164, §6 (AMD). PL 2017, c. 239,

§1 (AMD). PL 2017, c. 475, Pt. A, §20 (AMD). PL 2019, c. 98, §1 (AMD). PL 2019, c. 325, §3 (AMD). PL 2019, c. 637, §§2, 3 (AMD).

§10954. Start of open season on upland game

The open season on upland game must begin on the last Saturday in September. The commissioner, by rule, shall determine the length of the open season on upland game. [PL 2019, c. 42, §1 (NEW).]

As used in this section, "upland game" means snowshoe hare, gray squirrel, ruffed grouse and bobwhite quail. [PL 2019, c. 42, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 42, §1 (NEW).

SUBCHAPTER 2

HUNTING LICENSE REQUIREMENTS AND FEES

§11101. Application and issuance

A resident or nonresident may apply for and the commissioner or the commissioner's authorized agent may issue a written license to hunt wild animals and wild birds. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§11102. Age limitation for obtaining hunting license

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B111 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 136, §2 (RP). PL 2015, c. 136, §12 (AFF).

§11103. Convicted felon

A person who is prohibited from possessing a firearm under Title 15, section 393, subsection 1 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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §112 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B112 (AMD). PL 2003, c. 655, §B422 (AFF).

§11104. Mental deficiency or illness; eligibility

A person who is a mentally ill person, as defined in Title 34-B, section 3801, or who has a mental deficiency or mental illness, as those terms are defined in Title 34-B, section 9002, is ineligible to obtain a hunting license. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §112 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B112 (AMD). PL 2003, c. 655, §B422 (AFF).

§11105. Safety course

1. Hunter safety course requirements. Except as provided in subsection 2, a person who applies for a Maine license to hunt with firearms other than a junior license or an apprentice hunter license issued under section 11108-B must submit proof of having successfully completed a hunter safety course as provided in section 10108 or an equivalent hunter safety course or satisfactory evidence of having previously held a valid adult license to hunt with firearms in this State or any other state, province or country in any year beginning with 1976.

When proof of competency can not otherwise be provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult hunting license or that the applicant has successfully completed the required hunter safety course.
[PL 2013, c. 538, §17 (AMD).]

2. Hunter safety course exemption for certain members of armed forces domiciled in State. A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from hunter safety course requirements under subsection 1 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the conditions for an exemption under this subsection must satisfy the requirements of subsection 1.
[PL 2013, c. 139, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2013, c. 139, §1 (AMD). PL 2013, c. 408, §9 (AMD). PL 2013, c. 538, §17 (AMD).

§11106. Eligibility for archery hunting license

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 in accordance with section 10952 from the commissioner or the commissioner's authorized agent. [PL 2015, c. 301, §10 (AMD).]

B. A resident or nonresident under 16 years of age may hunt with bow and arrow if that person holds a valid junior hunting license. [PL 2015, c. 136, §3 (AMD); PL 2015, c. 136, §12 (AFF).]

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.
[PL 2015, c. 281, Pt. D, §1 (AMD); PL 2015, c. 301, §10 (AMD).]

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.

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 Micmacs who presents certification from the respective reservation governor or the Aroostook Micmac 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. [PL 2013, c. 588, Pt. A, §12 (RPR).]

[PL 2013, c. 588, Pt. A, §12 (RPR).]

3. Archery hunter education course exemption for members of armed forces domiciled in State. A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from archery hunter education course requirements under subsection 2 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the conditions for an exemption under this subsection must satisfy the requirements of subsection 2.

[PL 2013, c. 139, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2005, c. 397, §E4 (AMD). PL 2007, c. 203, §§1, 2 (AMD). PL 2013, c. 139, §2 (AMD). PL 2013, c. 185, §1 (AMD). PL 2013, c. 408, §10 (AMD). PL 2013, c. 588, Pt. A, §12 (AMD). PL 2015, c. 136, §3 (AMD). PL 2015, c. 136, §12 (AFF). PL 2015, c. 281, Pt. D, §1 (AMD). PL 2015, c. 301, §10 (AMD).

§11106-A. Eligibility for crossbow hunting license

(REPEALED)

SECTION HISTORY

PL 2005, c. 419, §3 (NEW). PL 2005, c. 419, §12 (AFF). PL 2007, c. 203, §§3, 4 (AMD). PL 2013, c. 139, §§3, 4 (AMD). PL 2013, c. 185, §2 (AMD). PL 2013, c. 408, §11 (AMD). PL 2013, c. 588, Pt. A, §13 (AMD). PL 2015, c. 136, §4 (AMD). PL 2015, c. 136, §12 (AFF). PL 2015, c. 281, Pt. E, §1 (RP).

§11107. Eligibility for hunting with muzzle-loader

This section governs eligibility for hunting with a muzzle-loader. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Hunting license. A person 16 years of age or older at the beginning of the special season established under section 11404, subsection 1-A may obtain a muzzle-loading permit from the commissioner or the commissioner's authorized agent if the person possesses a valid license to hunt with firearms.

[PL 2015, c. 281, Pt. E, §2 (AMD).]

2. Junior license.

[PL 2017, c. 164, §7 (RP).]

3. Apprenticeship hunter license. A holder of an apprenticeship hunter license may obtain a muzzle-loading permit from the commissioner or the commissioner's authorized agent.

[PL 2007, c. 203, §5 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2005, c. 397, §E5 (AMD). PL 2007, c. 203, §5 (AMD). PL 2013, c. 588, Pt. A, §14 (AMD). PL 2015, c. 136, §5 (AMD). PL 2015, c. 136, §12 (AFF). PL 2015, c. 281, Pt. E, §2 (AMD). PL 2017, c. 164, §7 (AMD).

§11108. Hunting without license

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; [PL 2015, c. 494, Pt. A, §6 (RPR).]

B. On which they are actually domiciled; [PL 2015, c. 494, Pt. A, §6 (RPR).]

C. That is used exclusively for agricultural purposes; and [PL 2015, c. 494, Pt. A, §6 (RPR).]

D. That is in excess of 10 acres. [PL 2015, c. 494, Pt. A, §6 (RPR).]

[PL 2015, c. 494, Pt. A, §6 (RPR).]

2. Junior hunters.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §113 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Allowing junior hunter to hunt without adult supervision.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §113 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Expiration of junior hunting license.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §113 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Hunting assistance. A person may assist in a hunt without a license or permit for that activity as long as that person does not carry hunting equipment or engage in driving deer as described in section 11453.

[PL 2003, c. 655, Pt. B, §113 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B113 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 419, §4 (AMD). PL 2005, c. 419, §12 (AFF). PL 2015, c. 136, §6 (AMD). PL 2015, c. 136, §12 (AFF). PL 2015, c. 281, Pt. E, §3 (AMD). PL 2015, c. 301, §11 (AMD). PL 2015, c. 494, Pt. A, §6 (AMD).

§11108-A. Junior hunting license restrictions

(REPEALED)

SECTION HISTORY

PL 2003, c. 655, §B114 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 69, §1 (AMD). PL 2013, c. 538, §18 (RP).

§11108-B. Apprentice hunter license restrictions

1. Apprentice supervisor required. A holder of an apprentice hunter license may not hunt other than in the presence of 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. [PL 2007, c. 203, §6 (NEW).]

[PL 2019, c. 639, §2 (AMD).]

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

A. [PL 2019, c. 324, §1 (RP).]

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. [PL 2019, c. 639, §3 (NEW).]

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. [PL 2013, c. 538, §19 (NEW).]

C. [PL 2019, c. 639, §4 (RP).]

[PL 2019, c. 639, §§3, 4 (AMD).]

2. Apprentice supervisor responsibility. 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. 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. An apprentice supervisor may not intentionally permit a person hunting under an apprentice hunter license with that 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. [PL 2007, c. 203, §6 (NEW).]

[PL 2019, c. 639, §5 (AMD).]

3. Eligibility. A resident or nonresident 16 years of age or older who has never held a valid adult hunting license in this State, or any other state, province or country, is eligible to obtain an apprentice hunter license. Notwithstanding section 11105, a person is eligible to obtain an apprentice hunter license without having successfully completed a hunter safety course. A person may not obtain an apprentice hunter license more than 5 times. A person selected to receive a moose permit may not then purchase an apprentice hunter license to meet the licensing requirements for that permit.

[PL 2015, c. 136, §7 (AMD); PL 2015, c. 136, §12 (AFF).]

4. Expiration of apprentice hunter license. An apprentice hunter license is valid for up to 12 calendar months and expires on December 31st.

[PL 2013, c. 538, §19 (AMD).]

5. Definition.

[PL 2013, c. 538, §19 (RP).]

SECTION HISTORY

PL 2007, c. 203, §6 (NEW). PL 2009, c. 340, §13 (AMD). PL 2013, c. 538, §19 (AMD). PL 2015, c. 136, §7 (AMD). PL 2015, c. 136, §12 (AFF). PL 2015, c. 301, §12 (AMD). PL 2019, c. 324, §1 (AMD). PL 2019, c. 639, §§2-5 (AMD).

§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. "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. [PL 2019, c. 639, §6 (AMD).]

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. [PL 2013, c. 538, §20 (NEW).]

[PL 2019, c. 639, §6 (AMD).]

2. 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. [PL 2019, c. 639, §6 (AMD).]

3. 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 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 a junior hunter supervisor who remains at all times within 20 feet of that hunter. [PL 2019, c. 639, §6 (AMD).]

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 a junior hunter supervisor or the person has successfully completed a hunter safety course 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 [PL 2013, c. 538, §20 (NEW).]

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. [PL 2013, c. 538, §20 (NEW).]

[PL 2019, c. 639, §6 (AMD).]

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.

[PL 2015, c. 281, Pt. D, §2 (AMD).]

6. Penalties for supervisors of junior hunters. A person who is the 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 [PL 2013, c. 538, §20 (NEW).]

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. [PL 2013, c. 538, §20 (NEW).]

[PL 2019, c. 639, §6 (AMD).]

SECTION HISTORY

PL 2013, c. 538, §20 (NEW). PL 2015, c. 136, §8 (AMD). PL 2015, c. 136, §12 (AFF). PL 2015, c. 281, Pt. D, §2 (AMD). PL 2019, c. 639, §6 (AMD).

§11109. Licenses and fees

1. License required. Except as otherwise authorized pursuant to this Part, a person may not engage in an activity for which a license may be issued under this section unless that person has a valid license issued under this section. An electronic license or permit fulfills the requirement under this subsection that a person must have a physical paper license or permit if the electronic license or permit can be displayed upon request to a game warden or other law enforcement officer, an employee of the department, a registered Maine guide or the owner of the land on which the licensed activity is taking place. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2015, c. 281, Pt. A, §4 (AMD).]

2. Hunting licenses; agent's fee. The commissioner may appoint clerks or other agents to issue licenses and permits under this Part. Clerks or other agents appointed by the commissioner to issue licenses and permits shall charge a fee of $2 for each hunting license issued. The commissioner shall charge a fee of $1 for each hunting license issued by department employees.
[PL 2017, c. 427, §5 (AMD); PL 2017, c. 427, §19 (AFF).]

3. Hunting licenses; combination licenses; fees. Hunting licenses, combination licenses and fees are as follows.

A. A resident junior hunting license, for a person under 16 years of age, is $8 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. 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 must have included in that person's license one antlerless deer permit and one either-sex permit. A resident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part. [PL 2017, c. 164, §8 (AMD).]

B. A resident hunting license, for a person 16 years of age or older, is $26 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. [PL 2015, c. 494, Pt. D, §2 (RPR).]

C. A resident small game hunting license, for a person 16 years of age or older, which permits hunting for all legal species except deer, bear, moose, raccoon and bobcat, is $15. [PL 2015, c. 494, Pt. D, §2 (RPR).]

D. A resident combination hunting and fishing license is $43 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. [PL 2015, c. 494, Pt. D, §2 (RPR).]

E. A resident combination archery hunting and fishing license is $43 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. [PL 2015, c. 494, Pt. D, §2 (RPR).]

E-1. A resident apprenticeship hunter license, which includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155, respectively, is $26 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. [PL 2015, c. 494, Pt. D, §2 (RPR).]

F. A nonresident junior hunting license, for a person under 16 years of age, is $35 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter 3, a nonresident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. 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 must have included in that person's license one antlerless deer permit and one either-sex permit. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part. [PL 2019, c. 501, §8 (AMD).]

G. A nonresident small game hunting license, which permits hunting of all legal species except deer, bear, moose, raccoon and bobcat, is $75. [PL 2015, c. 494, Pt. D, §2 (RPR).]

H. A nonresident 3-day small game hunting license, valid for 3 consecutive hunting days, which permits hunting of all legal species except deer, bear, moose, raccoon and bobcat for the 72-hour period specified on the license, is $50. [PL 2015, c. 494, Pt. D, §2 (RPR).]

I. A nonresident hunting license, which permits hunting of all legal species subject to the permit requirements in subchapter 3, is $115. [PL 2015, c. 494, Pt. D, §2 (RPR).]

J. A nonresident combination hunting and fishing license is $150. [PL 2015, c. 494, Pt. D, §2 (RPR).]

K. [PL 2017, c. 427, §6 (RP); PL 2017, c. 427, §19 (AFF).]

L. [PL 2017, c. 427, §6 (RP); PL 2017, c. 427, §19 (AFF).]

M. [PL 2017, c. 427, §6 (RP); PL 2017, c. 427, §19 (AFF).]

N. [PL 2015, c. 494, Pt. D, §2 (RP).]

O. A nonresident small game apprenticeship hunter license, which permits the hunting of all legal species except deer, bear, moose, raccoon and bobcat, is $75 and includes a wild turkey hunting permit under section 11155. [PL 2017, c. 164, §10 (AMD).]

P. A nonresident apprenticeship hunter license, which permits the hunting of all legal species and includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155, respectively, is $115. [PL 2015, c. 494, Pt. D, §2 (RPR).]

[PL 2019, c. 501, §8 (AMD).]

4. Muzzle-loading permit; issuance and agent's fee. The commissioner, through the commissioner's agent, shall issue muzzle-loading permits to eligible persons. The issuing agent shall charge a fee of $1 for each permit issued.

[PL 2005, c. 397, Pt. E, §6 (AMD).]

5. Muzzle-loading permits and fees. Muzzle-loading hunting permits and fees are as follows:

A. A resident muzzle-loading hunting permit is $13; and [PL 2017, c. 427, §7 (AMD); PL 2017, c. 427, §19 (AFF).]

B. A nonresident muzzle-loading hunting permit is $69. [PL 2017, c. 427, §7 (AMD); PL 2017, c. 427, §19 (AFF).]

C. [PL 2017, c. 427, §7 (RP); PL 2017, c. 427, §19 (AFF).]

[PL 2017, c. 427, §7 (AMD); PL 2017, c. 427, §19 (AFF).]

6. Issuance of archery hunting license; agent's fee. Clerks or other agents appointed by the commissioner to issue archery hunting licenses must charge a fee of $1 for each archery hunting license issued. The commissioner shall charge a fee of $1 for each archery hunting license issued by department employees.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Archery hunting licenses; combination licenses; fees. Archery hunting licenses, combination licenses and fees are as follows:

A. A resident archery license is $26; [PL 2015, c. 245, §3 (AMD).]

B. A resident combination archery hunting and fishing license is $43; [PL 2015, c. 245, §3 (AMD).]

C. A nonresident archery license is $75; and [PL 2017, c. 427, §8 (AMD); PL 2017, c. 427, §19 (AFF).]

D. [PL 2017, c. 427, §8 (RP); PL 2017, c. 427, §19 (AFF).]

E. A nonresident 6-day archery license, which is valid for 6 consecutive hunting days, is $26. [PL 2017, c. 125, §1 (NEW).]

[PL 2017, c. 427, §8 (AMD); PL 2017, c. 427, §19 (AFF).]

8. Issuance of crossbow permit; agent's fee. Clerks or other agents appointed by the commissioner to issue crossbow permits must charge a fee of $1 for each crossbow permit issued. The commissioner shall charge a fee of $1 for each crossbow permit issued by department employees.

[PL 2015, c. 281, Pt. E, §5 (AMD).]

9. Crossbow permits and fees. Crossbow permits and fees are as follows:

A. A resident crossbow permit is $26; and [PL 2017, c. 427, §9 (AMD); PL 2017, c. 427, §19 (AFF).]

B. A nonresident crossbow permit is $56. [PL 2017, c. 427, §9 (AMD); PL 2017, c. 427, §19 (AFF).]

C. [PL 2017, c. 427, §9 (RP); PL 2017, c. 427, §19 (AFF).]

[PL 2017, c. 427, §9 (AMD); PL 2017, c. 427, §19 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B115,116 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §§III4,5 (AMD). PL 2005, c. 397, §§E6,7 (AMD). PL 2005, c. 419, §5 (AMD). PL 2005, c. 419, §12 (AFF). PL 2007, c. 168, §§2, 3 (AMD). PL 2007, c. 168, §8 (AFF). PL 2007, c. 203, §§7-9 (AMD). PL 2009, c. 213, Pt. OO, §§2-5 (AMD). RR 2011, c. 1, §15 (COR). PL 2013, c. 213, §§1, 2 (AMD). PL 2013, c. 408, §12 (AMD). PL 2013, c. 538, §§21, 22 (AMD). PL 2015, c. 90, §1 (AMD). PL 2015, c. 127, §§1, 2 (AMD). PL 2015, c. 127, §6 (AFF). PL 2015, c. 136, §§9, 10 (AMD). PL 2015, c. 136, §12 (AFF). PL 2015, c. 245, §§2-4 (AMD). PL 2015, c. 281, Pt. A, §4 (AMD). PL 2015, c. 281, Pt. E, §§4-6 (AMD). PL 2015, c. 301, §13 (AMD). PL 2015, c. 494, Pt. A, §7 (AMD). PL 2015, c. 494, Pt. D, §2 (AMD). PL 2017, c. 125, §1 (AMD). PL 2017, c. 164, §§8-10 (AMD). PL 2017, c. 427, §§5-9 (AMD). PL 2017, c. 427, §19 (AFF). PL 2019, c. 501, §8 (AMD).

§11109-A. Super pack license

Except as otherwise provided in this section, a super pack license includes all licenses and permits issued under this Part to hunt and fish all legal game and fish species, subject to the restrictions placed on the equivalent individual licenses or permits for those species. An individual license or permit contained in the super pack license is not valid unless the holder of the super pack license has met the eligibility requirements for that specific license or permit and is not otherwise prohibited from holding that license or permit. A person may be issued a super pack license without meeting the specific requirements of an individual license or permit contained in the super pack license, but that license or permit is invalid until the license holder meets the eligibility requirements for that particular license or permit. All restrictions and conditions on hunting and fishing apply to a super pack licensee. [PL 2007, c. 163, §1 (AMD); PL 2007, c. 163, §3 (AFF).]

1. Moose lottery chances. A super pack license includes, upon application, one chance in the moose lottery under section 11154, subsection 6.
[PL 2011, c. 370, §3 (AMD).]

2. Antlerless deer permit.

[PL 2019, c. 116, §1 (RP).]

2-A. Antlerless deer permit. A super pack license includes:

A. An antlerless deer permit as provided under section 11152, except that it is valid only for antlerless deer in wildlife management districts in which at least 3,500 antlerless deer permits are issued. No more than 2.5% of those antlerless deer permits may be in the form of a super pack license. The commissioner shall implement a system for issuing antlerless deer permits under this paragraph; and [PL 2019, c. 116, §2 (NEW).]

B. An opportunity to enter a bonus antlerless-only deer permit lottery established by the commissioner by rule pursuant to section 11152. [PL 2019, c. 116, §2 (NEW).]

If a super pack licensee obtains an antlerless deer permit pursuant to paragraph A, that person is not eligible to obtain an antlerless deer permit through an antlerless deer permit lottery established by the commissioner pursuant to section 11152.
[PL 2019, c. 116, §2 (NEW).]

3. Harvest of 5 deer. Notwithstanding section 11501, a super pack license authorizes the holder to take:

A. One deer during either the regular open firearm season or the regular archery-only season or the special muzzle-loading season in accordance with sections 11401, 11403 and 11404, respectively; [PL 2007, c. 163, §1 (NEW); PL 2007, c. 163, §3 (AFF).]

B. One deer in accordance with subsection 2, paragraph B; and [PL 2007, c. 492, §2 (AMD).]

C. Three antlerless deer during the special archery season in accordance with section 11402, subsection 4. [PL 2007, c. 492, §3 (AMD).]
[PL 2007, c. 492, §§2, 3 (AMD).]

4. Licenses not included. A super pack license does not include:

A. A license or permit under subchapters 13 and 15; [RR 2011, c. 1, §16 (COR).]

B. A license or permit under chapter 917; [PL 2007, c. 163, §1 (NEW); PL 2007, c. 163, §3 (AFF).]

C. A permit or certificate under chapter 921; [PL 2007, c. 163, §1 (NEW); PL 2007, c. 163, §3 (AFF).]

D. A license or permit under chapter 923, subchapter 2, except it does include licenses issued to fish pursuant to section 12501; [PL 2007, c. 163, §1 (NEW); PL 2007, c. 163, §3 (AFF).]

E. A license or permit under chapter 923, subchapter 3; [PL 2007, c. 163, §1 (NEW); PL 2007, c. 163, §3 (AFF).]

F. A license under chapter 927; or [PL 2017, c. 205, §6 (AMD).]

G. [PL 2017, c. 205, §7 (RP).]

H. A moose permit under section 11154. [PL 2007, c. 163, §1 (NEW); PL 2007, c. 163, §3 (AFF).]

[PL 2017, c. 205, §§6, 7 (AMD).]

5. Fee. The fee for a super pack license is $201 for residents and $176 for a person holding 2 or more lifetime licenses.

[PL 2015, c. 245, §5 (AMD).]

SECTION HISTORY

PL 2005, c. 12, §III6 (NEW). PL 2005, c. 477, §4 (RPR). PL 2007, c. 163, §1 (AMD). PL 2007, c. 163, §3 (AFF). PL 2007, c. 492, §§1-3 (AMD). PL 2009, c. 132, §1 (AMD). RR 2011, c. 1, §16 (COR). PL 2011, c. 252, §1 (AMD). PL 2011, c. 252, §2 (AFF). PL 2011, c. 370, §3 (AMD). PL 2015, c. 245, §5 (AMD). PL 2017, c. 205, §§6, 7 (AMD). PL 2019, c. 116, §§1, 2 (AMD).

§11110. Transfer of hunting areas or zones

1. Transfer permitted. A person who has been assigned a designated hunting area, zone or season by the department for purposes of hunting a game animal may exchange that designated zone, area or season with another person assigned a different hunting zone, area or season for the same game animal for purposes of hunting that same game animal. The department may assist in the exchange to ensure that the permit holders meet the requirements of section 10756, but the State bears no responsibility for enforcing the terms of the exchange between the permit holders. The commissioner may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 379, §1 (AMD).]

2. Transfer of moose permit for consideration prohibited.

[PL 2017, c. 379, §1 (RP).]

3. Facilitating for consideration transfer of a moose permit prohibited. A person may not facilitate for consideration the exchange of moose permits between holders of moose permits who are exchanging those permits pursuant to subsection 1. For purposes of this subsection, "facilitate for consideration" means to directly receive compensation or something of value solely as part of an exchange of moose permits. A person who violates this subsection commits a Class E crime.

[PL 2017, c. 379, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 655, §B117 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 74, §1 (AMD). PL 2015, c. 301, §14 (RPR). PL 2017, c. 379, §1 (AMD).

§11111. Tracking wounded animals with a leashed dog

1. Permit required. Except as provided in section 12862 or otherwise authorized pursuant to this Part, a person may not use a leashed dog to track a wounded animal without a valid permit issued pursuant to this section. For purposes of this section, "wounded animal" means a lawfully wounded bear, deer or moose.

[PL 2015, c. 90, §2 (NEW).]

2. Eligibility; license fee. A person who holds a valid big game hunting license may obtain from the commissioner a permit to use a leashed dog to track a wounded animal. The fee for a 3-year permit to use a leashed dog to track a wounded animal is $81.
[PL 2015, c. 90, §2 (NEW).]

3. Dog tracking services. A person who holds a valid permit issued pursuant to this section may charge a fee for dog tracking services. Notwithstanding section 10001, subsection 28, a person is not a guide if the only services that person charges a fee for are dog tracking services pursuant to this subsection.
[PL 2015, c. 90, §2 (NEW).]

4. Penalties. Each day a person violates subsection 1, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable permit fee must be imposed.
[PL 2015, c. 90, §2 (NEW).]

5. Tracking a wounded animal after legal hunting hours. Notwithstanding sections 11205 and 11206, a person who holds a valid permit issued pursuant to this section may use a leashed dog to track a wounded animal outside of legal hunting hours.
[PL 2015, c. 90, §2 (NEW).]

6. Rules. The commissioner may adopt rules to implement the provisions of this section, which may include, but are not limited to, training requirements, the type and number of dogs used, leash requirements and the time and manner in which a wounded animal may be tracked and dispatched. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 90, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 655, §B117 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 90, §2 (RPR).

SUBCHAPTER 3

HUNTING PERMIT REQUIREMENTS AND FEES

§11151. Bear hunting permit

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt for bear without a valid permit from the first Monday preceding September 1st to the day preceding the open firearm season on deer. This section does not apply to trapping for bear.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §118 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Eligibility; hunting or archery license required. A person who possesses a valid hunting or archery hunting license may obtain a permit to hunt for bear from the commissioner or an authorized agent.
[PL 2015, c. 281, Pt. E, §7 (AMD).]

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit to an eligible person. The annual fee for each permit issued is $27 for residents and $74 for nonresidents.
[PL 2009, c. 213, Pt. OO, §6 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B118 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III7 (AMD). PL 2009, c. 213, Pt. OO, §6 (AMD). PL 2015, c. 281, Pt. E, §7 (AMD).

§11151-A. Nonresident late season bear hunting permit

1. Permit required. Except as otherwise authorized pursuant to this Part or for a nonresident who holds a valid bear hunting permit under section 11151, a nonresident may not hunt for bear during the regular firearm season on deer under section 11401 without a valid permit issued pursuant to this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2007, c. 168, §4 (NEW); PL 2007, c. 168, §8 (AFF).]

2. Eligibility; nonresident late season bear hunting permit. A person who possesses a valid nonresident hunting or archery hunting license may obtain a permit to hunt for bear from the commissioner or the commissioner's authorized agent.
[PL 2015, c. 281, Pt. E, §8 (AMD).]

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a nonresident late season bear hunting permit to an eligible person. The annual fee for each permit issued is $40.
[PL 2007, c. 168, §4 (NEW); PL 2007, c. 168, §8 (AFF).]

SECTION HISTORY

PL 2007, c. 168, §4 (NEW). PL 2007, c. 168, §8 (AFF). PL 2015, c. 281, Pt. E, §8 (AMD).

§11152. Antlerless deer; regulation and authority to issue permits

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt antlerless deer as authorized in this section unless that person has a valid permit issued under this section.

A. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed. [PL 2007, c. 463, §3 (AMD).]

B. [PL 2007, c. 463, §3 (RP).]
[PL 2007, c. 463, §3 (AMD).]

1-A. Antlerless deer in wildlife management districts with no permits issued. Except as otherwise provided in this Part, a person may not hunt or possess an antlerless deer in a wildlife management district or a portion of a wildlife management district that does not have permits issued. A person may possess in one of those districts an antlerless deer that has been lawfully registered in another district where permits have been issued.

A person that violates this subsection commits a Class D crime for which a minimum fine of $1,000 must be imposed, and the court shall impose a sentencing alternative involving a term of imprisonment of at least 3 days, none of which may be suspended.
[PL 2017, c. 205, §8 (AMD).]

2. Authority to regulate taking of antlerless deer. The commissioner may regulate the taking of antlerless deer within an area of the State as necessary to maintain deer populations in balance with available habitat if the demarcation of each area follows recognizable physical boundaries such as rivers, roads and railroad rights-of-way. This subsection does not apply to a person with a special antlerless deer permit under subsection 7.

A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §120 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §120 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2005, c. 142, §1 (AMD).]

2-A. Authority to regulate taking of antlerless deer in certain areas within wildlife management districts where no permits are issued. The commissioner may by rule issue permits in a designated geographical area within a wildlife management district where no antlerless deer permits are issued to maintain balanced deer populations. A designated geographical area under this subsection may consist of an entire town or other area but must have a demarcation of the area that follows recognizable physical boundaries such as rivers, roads and railroad rights-of-way.

[PL 2017, c. 205, §9 (NEW).]

3. Rulemaking. The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this section, except that the commissioner is not authorized to establish an antlerless deer permit system unless otherwise specified in this section. The commissioner may appoint clerks or agents under section 10801 to process applications for permits issued under this section. A clerk or agent appointed by the commissioner to process applications shall charge a fee of $2 for each application processed by that clerk or agent under this section. Rules adopted by the commissioner that provide for permits to be issued to nonresident hunters must provide that:

A. [PL 2011, c. 533, §3 (RP).]

B. No more than 15% of the antlerless deer permits issued in any one district or in any one zone may be issued to nonresident hunters. [PL 2017, c. 427, §10 (AMD); PL 2017, c. 427, §19 (AFF).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 427, §10 (AMD); PL 2017, c. 427, §19 (AFF).]

4. Landowner consideration. An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public. As part of the special consideration to those landowners, the commissioner shall provide at least 25% of the available antlerless deer permits in a wildlife management district to eligible landowners that apply for an antlerless deer permit in that district. Any 2 or more areas of land owned by the same person that are open for hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purposes of determining landowner eligibility for special consideration under this subsection.

[PL 2007, c. 492, §4 (AMD).]

5. Hunter permit transfers. A resident may take an antlerless deer if another resident who holds a valid antlerless deer permit transfers the permit to that resident by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. A nonresident may take an antlerless deer if another nonresident who holds a valid antlerless deer permit transfers the permit to that nonresident by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. The commissioner shall record a transfer under this subsection and return the permit to the transferee. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer.

[RR 2015, c. 1, §7 (COR).]

5-A. Permit transfer to junior hunter. Notwithstanding subsection 5, a junior hunter may take an antlerless deer if another person who holds a valid antlerless deer permit transfers that permit to that junior hunter by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department at least 48 hours prior to the junior hunter's hunting antlerless deer. Upon transfer of the antlerless deer permit to a junior hunter, the transferor may not hunt an antlerless deer pursuant to the transferred permit but remains eligible, unless otherwise prohibited, to take a deer other than an antlerless deer in accordance with this Part.

The commissioner shall record a transfer under this subsection and return the permit to the transferee. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer.
[PL 2019, c. 324, §2 (AMD).]

6. Transfer of antlerless deer permit to person with ambulatory disabilities.
[PL 2013, c. 322, §2 (RP).]

7. Special antlerless deer permit. The commissioner shall issue a special antlerless deer permit to an eligible person who has lost all or part of one or more lower limbs, not including a partial foot amputation, or is suffering from the permanent loss of use of both lower limbs. The commissioner shall issue a permit upon application and after the applicant verifies that person's ambulatory disability with a letter signed by a physician confirming the person's condition. A person who is issued a special antlerless deer permit under this subsection may take an antlerless deer in any part of the State open to the taking of antlerless deer pursuant to subsection 3.
[PL 2013, c. 538, §23 (AMD).]

8. Junior hunter consideration. An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to persons with a valid junior hunting license. As part of the special consideration to junior hunters, the commissioner shall provide at least 25% of the available antlerless deer permits in a wildlife management district to persons with a valid junior hunting license who apply for an antlerless deer permit in that district.
[PL 2013, c. 213, §3 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B119-123 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 142, §§1,2 (AMD). PL 2005, c. 477, §5 (AMD). PL 2007, c. 463, §§3, 4 (AMD). PL 2007, c. 492, §4 (AMD). PL 2009, c. 186, §3 (AMD). PL 2011, c. 253, §18 (AMD). PL 2011, c. 533, §§3, 4 (AMD). PL 2013, c. 213, §3 (AMD). PL 2013, c. 322, §§1, 2 (AMD). PL 2013, c. 408, §13 (AMD). PL 2013, c. 538, §23 (AMD). RR 2015, c. 1, §7 (COR). PL 2015, c. 219, §1 (AMD). PL 2017, c. 205, §§8, 9 (AMD). PL 2017, c. 427, §10 (AMD). PL 2017, c. 427, §19 (AFF). PL 2019, c. 324, §2 (AMD).

§11153. Special season deer permits; fees

1. Special season deer hunting permits; authority to issue for special season. The commissioner may implement a permit system to regulate hunter participation in a special season established by the commissioner pursuant to section 11402, subsection 4, paragraph B and the number, sex and age of deer harvested. A person may hunt or possess a deer of either sex during a special season on deer if that person has a valid permit issued by the commissioner. If permits are issued, the fee for an either-sex permit is $32 and the fee for an antlerless deer permit is $12.
[PL 2015, c. 281, Pt. C, §5 (AMD).]

2. Prohibition. Except as otherwise authorized pursuant to this Part, a person may not hunt deer during a special season established under this section unless that person has a valid permit issued pursuant to this section.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Penalty. Each day a person violates this section that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 655, Pt. B, §124 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B124 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III8 (AMD). PL 2015, c. 281, Pt. C, §5 (AMD).

§11154. Moose permit

(CONFLICT)

1. Permit required. Except as otherwise provided in this Part, a person may not hunt or possess a moose unless that person has a valid permit issued under this section. A person without a moose permit may possess moose parts lawfully sold under section 11217, subsection 2, paragraph D.

A person who violates this subsection commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than $1,000, none of which may be suspended.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §125 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. (CONFLICT: Text as amended by PL 2017, c. 427, §11) Issuance of moose hunting permits. In accordance with section 11552, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the commissioner by rule open to moose hunting. No more than 10% of the moose hunting permits may be issued to nonresident hunters.
[PL 2017, c. 427, §11 (AMD); PL 2017, c. 427, §19 (AFF).]

2. (CONFLICT: Text as amended by PL 2017, c. 458, §1) Issuance of moose hunting permits. In accordance with section 11552, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the commissioner by rule open to moose hunting. No more than 8% of the moose hunting permits may be issued to nonresident and alien hunters. No more than 2% of the moose hunting permits may be issued to hunting outfitters in accordance with subsection 14.
[PL 2017, c. 458, §1 (AMD).]

3. Moose hunting permit fee. The fee for a moose hunting permit is $52 for a resident and $585 for a nonresident.
[PL 2017, c. 427, §12 (AMD); PL 2017, c. 427, §19 (AFF).]

4. Hunting license required. While hunting moose, the permittee and the subpermittee shall each have in that person's possession a valid Maine resident or nonresident hunting or archery hunting license, whichever is applicable.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2017, c. 427, §13 (AMD); PL 2017, c. 427, §19 (AFF).]

5. Eligibility. Except as provided in this subsection, a resident or nonresident who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening

day of the open moose season is eligible to apply for a moose hunting permit. A person who has obtained a moose hunting permit is ineligible to obtain another permit until the 4th calendar year after the issuance of the last permit. This limitation does not apply to subpermittees under subsection 7. A person under 10 years of age on the opening day of the open moose season is eligible to apply for a moose hunting permit and may accrue points under subsection 8 but is ineligible to receive a moose hunting permit.
[PL 2017, c. 427, §14 (RPR); PL 2017, c. 427, §19 (AFF).]

6. Application procedure. An eligible person wishing to apply for a permit must file a written application for a permit on a form furnished by the commissioner. The application fee is nonrefundable. A person may file no more than one application. A person who submits more than one application is disqualified from the selection of permittees. The application must be accompanied by an application fee of:

A. For a resident:

(1) Fifteen dollars for a one-chance application; or [PL 2011, c. 370, §6 (AMD).]

B. For a nonresident:

(1) Fifteen dollars for a one-chance application;

(2) Twenty-five dollars for a 3-chance application;

(3) Thirty-five dollars for a 6-chance application; and

(4) Fifty-five dollars for a 10-chance application; multiple 10-chance options may be purchased. [PL 2005, c. 12, Pt. III, §10 (AMD).]

A clerk or agent appointed by the commissioner under section 10801 may process an application under this subsection. The clerk or agent shall charge a fee of $2 for each application under this subsection processed by that clerk or agent.

The commissioner shall allow an applicant to indicate that that applicant does not want to receive a moose permit pursuant to the application but wishes to receive the corresponding points under subsection 8 for that application.
[PL 2011, c. 370, §6 (AMD).]

7. Subpermittees. An applicant for a moose permit may indicate on the application filed pursuant to subsection 6 the name of a subpermittee-designate and the name of an alternate subpermittee-designate. A person under 10 years of age on the opening day of the open moose season may not be a subpermittee-designate or alternate subpermittee-designate. If the applicant is issued a moose permit under subsection 9 and upon application to the commissioner, the permittee may change that person's subpermittee-designate or alternate subpermittee-designate until 30 days prior to the start of the moose hunting season for which the permit was issued. Thirty days prior to the start of the applicable moose hunting season, the subpermittee-designate becomes a subpermittee. The permittee may authorize the subpermittee to participate in the moose hunt with the permittee. The permittee may authorize the alternate subpermittee-designate to participate in the hunt in place of the subpermittee-designate if the permittee notifies the department of the authorization at least 5 business days prior to the first day of the moose season, in which case the alternate subpermittee-designate becomes the subpermittee. The permittee may choose not to authorize a subpermittee to participate in the hunt.

A. A person may not sell a subpermittee or an alternate subpermittee designation. [PL 2011, c. 370, §7 (NEW).]

B. A person who violates paragraph A commits a Class E crime. [PL 2011, c. 370, §7 (NEW).]
[PL 2017, c. 96, §2 (AMD).]

8. Point system for public chance drawing. A person accumulates points as follows for each consecutive year that person purchases an application for a moose hunting permit but is not selected to receive a permit:

A. One point each year for the first 5 years; [PL 2011, c. 370, §8 (NEW).]

B. Two points each year for years 6 to 10; [PL 2011, c. 370, §8 (NEW).]

C. Three points each year for years 11 to 15; and [PL 2011, c. 370, §8 (NEW).]

D. Ten points each year after the 15th year. [PL 2011, c. 370, §8 (NEW).]

Each point entitles an applicant to one chance in the public chance drawing. A person's accumulated points are eliminated and that person begins to accumulate points anew if in any year that person is selected to receive a moose hunting permit or if that person fails to purchase a new chance in any 2 consecutive years.

A person who is ineligible to receive a moose hunting permit as provided in subsection 5 may continue to purchase points for each year that person is ineligible to receive a moose hunting permit for the corresponding application fee under subsection 6.
[PL 2011, c. 370, §8 (RPR).]

9. Selection procedure. Permittees are selected by a public chance drawing, except that a permit must be issued to any resident who is 65 years of age or older or will attain 65 years of age during the calendar year in which the resident is applying for the permit, who has accumulated at least 30 points pursuant to subsection 8 and who applies for and is otherwise eligible to obtain the permit.
[PL 2017, c. 76, §1 (AMD).]

9-A. Permits in road safety management areas. A person who has been selected as a permittee to hunt in a wildlife management district that the commissioner has designated as a road safety management area and who indicates to the commissioner that the person wishes to decline the permit retains any points accumulated, as long as the person appropriately indicates the intent to decline within a reasonable amount of time after receiving notice from the commissioner of the person's permit and the person's right to decline the permit under this subsection. For purposes of this subsection, "road safety management area" means a wildlife management district in which the predominant moose management goal is to reduce the moose population to the extent necessary to minimize the danger to motorists.
[PL 2013, c. 226, §2 (NEW).]

10. Questionnaire. Each permittee shall complete a questionnaire, to be provided by the commissioner, and return this questionnaire to the commissioner within a period of 10 days after the close of the moose hunting season.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

11. Auction of moose hunting permits to fund youth conservation education programs. Notwithstanding subsection 1, the commissioner may issue not more than 10 moose hunting permits each year through public auction in accordance with this subsection.

A. Each moose hunting permit issued under this subsection must be awarded through public auction to the applicant who submits the highest bid. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A person who applies for a moose hunting permit under this subsection is subject to the eligibility provisions of subsection 5, except that a successful applicant is not required to wait 3 years in order to obtain another permit. [PL 2011, c. 370, §9 (AMD).]

C. An eligible person wishing to apply for a permit under this subsection must submit a written application in such form as the commissioner may require. The application must be accompanied by a bidding fee of $25, which, except as otherwise provided in paragraph D, is nonrefundable.

The commissioner may waive the requirements of this paragraph when, as provided in paragraph G, the commissioner enters into a contract with a conservation organization to auction the permits. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §128 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. An eligible person may apply for a moose hunting permit both through the public chance drawing and in accordance with this subsection. If a person is selected to receive a moose hunting permit as a result of the public chance drawing, that person is no longer eligible to obtain a permit under this subsection and the bidding fee submitted by that person must be refunded. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. A moose hunting permit issued under this subsection is valid in the district designated by the permittee. This designation must be made within 30 days after the permit is awarded. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. A person who is awarded a moose hunting permit under this subsection may select a subpermittee to participate in the moose hunt as provided in subsection 7. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. The commissioner may enter into a contract with a conservation organization whose goals and objectives are not inconsistent with those of the department to advertise this process of issuing permits, auction the permits and collect revenues. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

H. Except as otherwise provided, the provisions of this Part relating to moose are applicable to the hunting of moose with a permit awarded under this subsection. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

I. The commissioner may adopt rules necessary for the proper administration, implementation, enforcement and interpretation of this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §129 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

J. Notwithstanding this subsection, the total number of moose hunting permits issued each year must be in accordance with section 11552, subsection 2. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

K. The commissioner may decline to issue any permit or any number of permits issuable pursuant to this subsection if, in the commissioner's opinion, the auction bids received do not reflect the public value anticipated to meet the goals of this subsection. Any permit or permits not issued under this subsection must be drawn in the public chance drawing pursuant to subsection 9. [PL 2007, c. 161, §1 (NEW).]

[PL 2011, c. 370, §9 (AMD).]

12. Persons in armed forces called to serve in armed conflict. A person who is issued a moose permit under this section and who is subsequently called to active duty in the Armed Forces of the United States to serve in an armed conflict and is unable to use the permit is entitled to use the same permit during the next appropriate season following that person's return to the State. Permits used under this subsection do not affect the number of permits that may be issued by the commissioner under this section. For purposes of this subsection, "armed conflict" means any military action in which participants are exposed to war-risk hazards as defined in 42 United States Code, Section 1711(b). [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

13. Hunting adventure permits for children. Notwithstanding subsection 6, the commissioner may issue 2 moose permits to a nonprofit organization dedicated to providing hunting and fishing adventures to children under 21 years of age with life-threatening, critical or terminal illnesses. The commissioner may issue these permits upon written request by an eligible nonprofit organization but

may not issue more than 2 permits in total for a calendar year. These permits are in addition to the moose hunting permits issued under subsection 2 for each wildlife management district and are at no cost to the organization.
[PL 2015, c. 136, §11 (AMD); PL 2015, c. 136, §12 (AFF).]

14. Permits for hunting lodges. Moose hunting permits issued to hunting outfitters must be allocated through a chance drawing separate from the chance drawing under subsection 9. The fee for a moose hunting permit under this subsection is $1,500.

A. For the purposes of this subsection, "hunting outfitter" means a person who operates a sporting camp as defined under Title 22, section 2491, subsection 11 that is licensed under Title 22, chapter 562 and who provides package deals that include food, lodging and the services of a guide licensed under chapter 927 for the purpose of hunting. [PL 2013, c. 538, §24 (NEW).]

B. A hunting outfitter may sell or transfer a permit allocated under this subsection only once, only to a hunter who is eligible under paragraph F and only under the following conditions:

(1) The sale or transfer must be part of a package deal that includes the food and lodging to be provided by the hunting outfitter to the person receiving the permit;

(2) The person receiving the permit from the hunting outfitter must be accompanied during the hunt by a guide licensed under chapter 927;

(3) The hunting outfitter must notify the department of the identity of the person receiving the permit; and

(4) The hunting permit may not be sold or transferred by the hunter. [PL 2013, c. 538, §24 (NEW).]

C. A hunting outfitter may be allocated more than one permit. [PL 2013, c. 538, §24 (NEW).]

D. A permit allocated under this subsection may be used only for the year, season, sex and wildlife management district for which the permit is issued. [PL 2013, c. 538, §24 (NEW).]

E. Permits allocated under this subsection may not exceed 10% of the total permits issued per year for each season, sex and wildlife management district permit type. [PL 2013, c. 538, §24 (NEW).]

F. An individual may hunt with a permit sold or transferred under this subsection only if that individual is otherwise eligible to obtain and hunt with a permit under subsection 5. [PL 2013, c. 538, §24 (NEW).]

G. If proceeds in any year from the auction authorized under subsection 11 are less than $107,000, proceeds from the sale of moose permits to hunting outfitters pursuant to this subsection must be used to fund youth conservation education programs as provided under subsection 11 up to $107,000. The remainder must be deposited in the Moose Research and Management Fund under section 10263. [PL 2017, c. 458, §2 (AMD).]

[PL 2017, c. 458, §2 (AMD).]

15. Moose permit transfer; family members. The commissioner, in cases involving exceptional extenuating circumstances as determined by the commissioner, may authorize a person who holds a valid moose permit to transfer that permit to a family member who meets the eligibility and permit requirements under this section and who is not otherwise prohibited from holding the moose permit, except that the commissioner shall transfer a moose permit to a family member who meets the eligibility and permit requirements under this section and who is not otherwise prohibited from holding the moose permit if the permit holder dies at any time prior to or during the moose hunting season if a moose has not yet been harvested under that permit. A transferor and a transferee are subject to the elimination of any accumulated points under subsection 8 and the 3-year ineligibility period under subsection 5. For

purposes of this subsection, "family member" means the transferor's spouse, child, stepchild, grandchild, parent, grandparent, stepparent, brother, sister, half-sister, half-brother or adopted child.

The commissioner shall adopt rules to implement this subsection and may establish a transfer fee to recover administrative costs associated with transferring moose permits. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 143, §1 (AMD).]

16. Moose permit transfer; disabled veterans. A person who holds a valid moose permit may transfer, in accordance with this subsection, that permit to a disabled veteran who meets the eligibility and permit requirements under this section and section 10853, subsection 4 and who is not otherwise prohibited from holding a moose permit. The commissioner may authorize a permit holder to transfer the moose permit to a disabled veteran identified by the permit holder or the permit holder may return the permit to the department, which, in accordance with rules adopted by the commissioner, shall provide for the transfer of the permit to a disabled veteran. A transferor and a transferee of the permit are subject to the elimination of any accumulated points under subsection 8 and the 3-year ineligibility period under subsection 5. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 191, §1 (NEW).]

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.
[PL 2019, c. 638, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B125-129 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §§III9,10 (AMD). PL 2005, c. 143, §1 (AMD). PL 2007, c. 161, §1 (AMD). PL 2009, c. 186, §4 (AMD). PL 2009, c. 213, Pt. OO, §7 (AMD). PL 2011, c. 370, §§4-9 (AMD). PL 2013, c. 226, §§1, 2 (AMD). PL 2013, c. 538, §24 (AMD). PL 2015, c. 95, §1 (AMD). PL 2015, c. 136, §11 (AMD). PL 2015, c. 136, §12 (AFF). PL 2015, c. 281, Pt. E, §9 (AMD). PL 2017, c. 72, §2 (AMD). PL 2017, c. 76, §1 (AMD). PL 2017, c. 96, §§1, 2 (AMD). PL 2017, c. 427, §§11-14 (AMD). PL 2017, c. 427, §19 (AFF). PL 2017, c. 458, §§1, 2 (AMD). PL 2019, c. 143, §1 (AMD). PL 2019, c. 191, §1 (AMD). PL 2019, c. 638, §2 (AMD).

§11155. Wild turkey hunting permits

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt or possess wild turkey unless that person has a valid permit issued under this section.

A person who violates this subsection commits a Class E crime for which the court shall impose a fine of not less than $500, none of which may be suspended. The court also shall impose a fine of $500 for each wild turkey unlawfully possessed, none of which may be suspended.
[PL 2003, c. 552, §2 (AMD); PL 2003, c. 552, §15 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

1-A. Eligibility; hunting or archery license required. A person who possesses a valid hunting or archery hunting license to hunt may obtain a permit to hunt for wild turkey from the commissioner or an authorized agent.
[PL 2015, c. 127, §6 (AFF); PL 2015, c. 281, Pt. E, §10 (AMD).]

1-B. Issuance; permit fee.
[PL 2013, c. 387, §1 (AMD); MRSA T. 12 §11155, sub-§1-B (RP).]

1-C. Issuance; permit fee. Beginning January 1, 2014, the commissioner, through the commissioner's authorized agent, shall issue in wildlife management districts that are open by rule for wild turkey hunting a wild turkey hunting permit that allows an eligible person to take wild turkeys in accordance with section 11701. The fee for a wild turkey hunting permit is $20 for residents and nonresidents.
[PL 2017, c. 85, §2 (AMD).]

2. Issuance of wild turkey hunting permits.

[PL 2005, c. 12, Pt. III, §12 (RP).]

3. Eligibility.

[PL 2005, c. 12, Pt. III, §12 (RP).]

4. Application procedure and fee.

[PL 2005, c. 12, Pt. III, §13 (RP).]

5. Wild turkey hunting permit fee.

[PL 2005, c. 12, Pt. III, §14 (RP).]

6. Transfer of turkey permits.

[PL 2005, c. 12, Pt. III, §14 (RP).]

7. Landowner; wild turkey permit.

[PL 2005, c. 12, Pt. III, §14 (RP).]

8. Big game license required.

[PL 2005, c. 12, Pt. III, §14 (RP).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §2 (AMD). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B130 (AMD). PL 2003, c. 655, §§B422,C2,6 (AFF). PL 2005, c. 12, §§III11-14 (AMD). PL 2009, c. 213, Pt. OO, §8 (AMD). PL 2013, c. 387, §§1, 2 (AMD). PL 2015, c. 127, §3 (AMD). PL 2015, c. 127, §6 (AFF). PL 2015, c. 281, Pt. E, §10 (AMD). PL 2017, c. 85, §2 (AMD).

§11156. Pheasant hunting permit

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt pheasant in Cumberland County or York County unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Rules. The commissioner may adopt rules necessary for the proper administration, enforcement and interpretation of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §131 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Issuance. The commissioner or the commissioner's authorized agent may issue a pheasant hunting permit to an applicant 16 years of age or older permitting the applicant to hunt or possess pheasants in Cumberland County and York County. A person under 16 years of age may hunt or possess pheasants in accordance with this Part, except that a person under 16 years of age is not required to purchase or carry a pheasant hunting permit in order to hunt or possess pheasants.

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 pheasant hunting permit 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.
[PL 2015, c. 281, Pt. D, §3 (AMD).]

4. Fee. The fee for a pheasant hunting permit is $18, $1 of which is retained by the commissioner's authorized agent.
[PL 2005, c. 12, Pt. III, §15 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B131 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III15 (AMD). PL 2015, c. 281, Pt. D, §3 (AMD).

§11157. Migratory waterfowl permit

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt migratory waterfowl unless that person has a valid permit issued pursuant to this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Issuance of permit. The commissioner or the commissioner's authorized agent shall issue a migratory waterfowl hunting permit to an applicant 16 years of age or older permitting the applicant to hunt or possess migratory waterfowl. A person under 16 years of age may, without a permit, hunt or possess migratory waterfowl in accordance with this Part.

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 migratory waterfowl hunting permit 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.
[PL 2015, c. 281, Pt. D, §4 (AMD).]

3. Fee. The fee for a migratory waterfowl hunting permit is $7.50, 25¢ of which must be retained by the agent.
[PL 2005, c. 12, Pt. III, §16 (AMD).]

4. Expiration date. Migratory waterfowl hunting permits expire on December 31st of the year issued.

A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §132 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §132 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §132 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B132 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III16 (AMD). PL 2015, c. 281, Pt. D, §4 (AMD).

§11158. Migratory game bird certification

1. Certification required; exception. A person may not hunt migratory game birds unless that person is certified under this section. This section does not apply to a resident of the State who is 70

years of age or older and who is issued a complimentary license pursuant to section 10853, subsection 1.

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, unless otherwise specified. [PL 2003, c. 655, Pt. B, §133 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §133 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §133 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Eligibility. A resident of the State or nonresident who is eligible to obtain a state hunting license is eligible to be certified to hunt migratory game birds.

[PL 2017, c. 427, §15 (AMD); PL 2017, c. 427, §19 (AFF).]

3. Certification procedure. An eligible person becomes certified to hunt migratory game birds when that person indicates on that person's hunting license at the time of purchase the intention to hunt migratory game birds during the calendar year for which the license is valid.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B133 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2017, c. 427, §15 (AMD). PL 2017, c. 427, §19 (AFF).

§11159. Falconry hunting permit

1. Permit required. Except as otherwise authorized in this Part, a person may not engage in the practice of falconry unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Eligibility. A person who possesses a valid hunting license is eligible to obtain a permit from the commissioner to engage in the practice of falconry.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Issuance and fee. The commissioner shall issue permits to eligible persons to engage in the practice of falconry at a fee of $26.

A. The permit may be for a one-year, 2-year or 3-year period at a fee equivalent to the sum of the annual fees established for each of the years for which the permit is issued. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A person not a resident of the State who holds a valid permit to engage in the practice of falconry in another state may import and use raptors in this State for up to 30 days solely for the purpose of hunting without the permit described in this section if that person holds a valid Maine hunting license issued in accordance with subchapter 2. A person must have both the permit to engage in the practice of falconry in the other state and the Maine hunting license in possession at all times while engaged in the practice of falconry in this State. These documents must be exhibited to a warden or employee of the department upon request. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2005, c. 12, Pt. III, §17 (AMD).]

4. Rules. The commissioner may adopt rules necessary for the proper administration and enforcement of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §134 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Compliance with rules and regulations. Falconry hunting is subject to the following limitations.

A. A person who holds a valid falconry hunting permit may take, possess and use any raptor, except as provided in this Part or by federal regulation and except as the commissioner may by rule provide. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Persons engaged in the practice of falconry are subject to all rules adopted by the commissioner pertaining to seasons and bag limits on wild birds and wild animals. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B134 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III17 (AMD).

§11160. Coyote night hunting permit

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt coyote at night unless that person has a valid permit issued under this section. Each night a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Eligibility; hunting license required. A person who possesses a valid hunting license is eligible to obtain a permit from the commissioner to hunt coyotes at night, except that a permit may not be issued to a person who has been convicted of a violation of section 11206 within 5 years of the date of application for the permit.
[RR 2011, c. 1, §17 (COR).]

3. Issuance. The commissioner shall issue a permit to hunt coyotes at night to eligible persons at a fee of $4.
[PL 2005, c. 12, Pt. III, §18 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B135 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III18 (AMD). RR 2011, c. 1, §17 (COR).

§11161. Noise suppression devices

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

A. "Hunting crime" means any criminal offense under this chapter or any criminal offense under any other provision of this Part involving the use of a firearm. [PL 2015, c. 262, §1 (NEW).]

B. "Serious hunting violation" means any act by a person for which the person's hunting license is subject to revocation under this section or section 10902, subsection 4, 5, 6, 7 or 7-A. [PL 2015, c. 262, §1 (NEW).]

C. "Noise suppression device" means a device used to suppress or deaden the sound or natural report of a firearm. [PL 2015, c. 262, §1 (NEW).]

[PL 2015, c. 262, §1 (NEW).]

2. Permit. In accordance with this subsection, the commissioner may issue a permit to a person allowing that person to use a noise suppression device with a firearm when hunting any wild animals or wild birds the person is licensed to hunt under this chapter and for which use of the firearm is allowed or for the purpose of killing a wild animal or wild turkey under section 12401 or 12402.

A. A person applying for a permit:

(1) Shall show proof of lawful possession of the noise suppression device; and

(2) May not have had a hunting license revoked as a result of a serious hunting violation. [PL 2015, c. 262, §1 (NEW).]

B. A permit is valid unless revoked under this section. [PL 2017, c. 366, §1 (AMD).]

[PL 2017, c. 366, §1 (AMD).]

3. Violation; aggravating factor. Except as provided in subsection 4, a person who commits a hunting crime while in possession of a firearm with a noise suppression device is subject to the following penalties in addition to any penalties otherwise applicable:

A. A $1,000 mandatory fine; and [PL 2015, c. 262, §1 (NEW).]

B. Mandatory revocation of the person's hunting license, and that person is ineligible to obtain a hunting license for a period of 5 years from the date of conviction. [PL 2015, c. 262, §1 (NEW).]

[PL 2015, c. 262, §1 (NEW).]

4. Serious hunting violation; permanent loss of license. A person who commits a serious hunting violation while in possession of a firearm with a noise suppression device is subject to the following provisions in addition to any penalties otherwise applicable:

A. Notwithstanding section 10902, the commissioner shall permanently revoke the person's current hunting license and the privilege to obtain a hunting license; and [PL 2015, c. 262, §1 (NEW).]

B. Notwithstanding any exemption under section 10502, the firearm and noise suppression device must be seized and, subject to libel proceedings, disposed of pursuant to section 10503. [PL 2015, c. 262, §1 (NEW).]

[PL 2015, c. 262, §1 (NEW).]

5. Revocation of permit. The commissioner shall permanently revoke a permit issued under this section to a person whose hunting license is revoked as a result of a serious hunting violation.

[PL 2015, c. 262, §1 (NEW).]

REVISOR'S NOTE: §11161. Eligibility for crossbow hunting permit (As enacted by PL 2015, c. 281, Pt. E, §11 is REALLOCATED TO TITLE 12, SECTION 11162)

SECTION HISTORY

RR 2015, c. 1, §8 (RAL). PL 2015, c. 262, §1 (NEW). PL 2015, c. 281, Pt. E, §11 (NEW). PL 2017, c. 366, §1 (AMD).

§11162. Eligibility for crossbow hunting permit

(REALLOCATED FROM TITLE 12, SECTION 11161)

1. Hunting or archery license. A resident or nonresident 16 years of age or older who has satisfied the requirements of subsection 3-A or who is exempt under subsection 4 and who holds a valid hunting or archery hunting license or an apprenticeship hunter license or archery hunting license may obtain a crossbow permit to hunt with a crossbow from the commissioner or the commissioner's authorized agent.

[PL 2019, c. 637, §4 (AMD).]

2. Junior license. A resident or nonresident and under 16 years of age may hunt with a crossbow if that person holds a valid junior hunting license.
[RR 2015, c. 1, §8 (RAL).]

3. Crossbow hunter education requirements.
[PL 2019, c. 637, §5 (RP).]

3-A. Crossbow hunter education requirements. Except as provided in subsection 3-B, a person, other than a person holding a junior hunting license or an apprenticeship hunter license, who applies for a crossbow permit must submit:

A. Satisfactory evidence of the following:

(1) Successful completion of an archery hunting education program or other hunter safety course under section 10108;

(2) Successful completion of a crossbow hunting education program under section 10108 or equivalent archery hunting education program as determined by the commissioner; or

(3) Having previously held a valid adult archery hunting license or any valid hunting license that is not a junior hunting license or an apprenticeship hunter license and a valid crossbow permit issued specifically for the purpose of hunting with a crossbow or bow and arrow in this State or any other state, province or country in any year after 1979.

When proof or evidence cannot be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required completed archery hunting education program or hunter safety course and crossbow hunting education program or has previously held a valid archery hunting license or any valid hunting license that is not a junior hunting license or an apprenticeship hunter license and a valid crossbow permit in accordance with this section. [PL 2019, c. 637, §6 (NEW).]
[PL 2019, c. 637, §6 (NEW).]

3-B. Requirements exemption. 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 who presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this subsection is exempt from the requirements of subsection 3-A.
[PL 2019, c. 637, §7 (NEW).]

4. Crossbow hunter education course exemption for members of armed forces domiciled in State. A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from crossbow hunter education course requirements under subsection 3-A if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the requirements of this subsection must satisfy the conditions for exemption under subsection 3-A.
[PL 2019, c. 637, §8 (AMD).]

SECTION HISTORY

RR 2015, c. 1, §8 (RAL). PL 2019, c. 637, §§4-8 (AMD).

SUBCHAPTER 4

GENERAL UNLAWFUL ACTS PERTAINING TO HUNTING

§11201. Hunting during closed season

1. Closed season; general. A person may not hunt any wild animal or wild bird during the closed season or possess any wild animal or wild bird taken during the closed season on that wild animal or wild bird. Except as otherwise provided in this section, a person who violates this section commits a Class E crime.
[PL 2003, c. 552, §3 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

2. Bear. A person who hunts or possesses a bear in violation of this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than $1,000, none of which may be suspended.
[PL 2003, c. 552, §3 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

3. Deer. A person who hunts or possesses a deer in violation of this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than $1,000, none of which may be suspended.
[PL 2003, c. 552, §3 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

4. Moose. A person who hunts or possesses a moose in violation of this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than $1,000, none of which may be suspended.
[PL 2003, c. 552, §3 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

5. Wild turkey. A person who hunts or possesses a wild turkey in violation of this section commits a Class E crime for which the court shall impose a fine of not less than $500, none of which may be suspended. The court also shall impose a fine of not less than $500 for each wild turkey unlawfully possessed, none of which may be suspended.
[PL 2003, c. 552, §3 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §3 (RPR). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§C2,6 (AFF).

§11202. Unity Utilities District; closed season

There is a perpetually closed season on all wild animals and wild birds on property owned by the Unity Utilities District located on Route 139 and Prairie Road in the municipality of Unity in Waldo County. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§11203. Hunter orange clothing

1. Hunter orange required. A person may not hunt with firearms or crossbows during the open firearm season on deer unless that person is wearing 2 articles of hunter orange clothing that are in good, serviceable condition and visible from all sides, except that a person hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys is not required to wear hunter orange clothing. One article of clothing must be a solid-colored hunter orange hat. The other article of clothing must cover a major portion of the torso, such as a jacket, vest, coat or poncho, and must be a minimum of 50% hunter orange in color. The presence of a decal on an article of clothing that is otherwise solid-

colored hunter orange does not disqualify that article of clothing from satisfying the requirements of this subsection.
[PL 2005, c. 477, §6 (AMD).]

1-A. Religious opposition exemption. A person may substitute articles of bright red clothing for the articles of hunter orange clothing required under subsection 1 if the person has a religious opposition to the wearing of hunter orange clothing.
[PL 2017, c. 82, §1 (NEW).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §136 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §136 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §136 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B136 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 477, §6 (AMD). PL 2017, c. 82, §1 (AMD).

§11204. Criminal trespass

A person may not possess a wild animal or wild bird taken while criminally trespassing as described in Title 17-A, section 402, except as otherwise provided in this Part. A person who violates this section commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§11205. Hunting on Sunday

1. Prohibition. A person may not:

A. Hunt wild animals or wild birds on Sunday; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Possess any wild animal or wild bird taken in violation of paragraph A except as otherwise provided in this Part. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §137 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. A person who violates subsection 1 commits a Class E crime.
[PL 2003, c. 655, Pt. B, §137 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B137 (AMD). PL 2003, c. 655, §B422 (AFF).

§11206. Night hunting

1. Prohibition. Except as otherwise provided in this Part, a person may not:

A. Hunt wild birds or wild animals from 30 minutes after sunset to 30 minutes before sunrise of the following day; or [PL 2003, c. 592, §3 (RPR); PL 2003, c. 592, §5 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

B. [PL 2003, c. 592, §3 (RP); PL 2003, c. 592, §5 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

C. Possess any wild animal or wild bird taken in violation of paragraph A. [PL 2003, c. 592, §3 (RPR); PL 2003, c. 592, §5 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

[PL 2003, c. 592, §3 (RPR); PL 2003, c. 592, §5 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than $1,000, none of which may be suspended. [PL 2003, c. 592, §3 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

B. A person who violates subsection 1 and is in possession of night vision equipment commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended; the court also shall impose a fine of not less than $2,000, none of which may be suspended. [PL 2003, c. 592, §3 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

C. A person who violates subsection 1, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under Title 12, Part 13 commits a Class D crime for which the court shall impose a sentencing alternative of not less than 6 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than $2,000, none of which may be suspended. [PL 2003, c. 592, §3 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

For purposes of this subsection, "night vision equipment" means a light amplification or thermal imaging device.

[PL 2003, c. 592, §3 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 592, §3 (RPR). PL 2003, c. 592, §5 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§C5,6 (AFF).

§11207. Twilight hunting

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B138 (RP). PL 2003, c. 655, §B422 (AFF).

§11208. Unlawful shooting or discharge of firearm, bow and arrow or crossbow

1. Shooting or discharge of firearm, bow and arrow or crossbow 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; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Discharge any firearm, bow and arrow or crossbow over a public paved way; or [PL 2013, c. 538, §25 (AMD).]

C. Possess any wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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.
[PL 2013, c. 538, §25 (AMD).]

2. Penalty. A person who violates subsection 1 commits a Class E crime.
[PL 2003, c. 655, Pt. B, §139 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B139 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 477, §7 (AMD). PL 2013, c. 538, §25 (AMD).

§11209. Discharge of firearm 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 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; or [PL 2019, c. 14, §1 (AMD).]

B. Possess a wild animal or wild bird taken in violation of this subsection, except as otherwise provided in this Part. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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.
[PL 2019, c. 14, §1 (AMD).]

2. Penalty. A person who violates subsection 1 commits a Class E crime.
[PL 2003, c. 655, Pt. B, §140 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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.
[PL 2015, c. 71, §1 (NEW).]

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.
[PL 2019, c. 14, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 527, §1 (AMD). PL 2003, c. 527, §2 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B140 (AMD). PL 2003, c. 655, §§B422,C1,6 (AFF). PL 2005, c. 477, §8 (AMD). PL 2009, c. 340, §14 (AMD). RR 2013, c. 1, §26 (COR). PL 2013, c. 215, §1 (AMD). PL 2013, c. 538, §26 (AMD). PL 2015, c. 71, §1 (AMD). PL 2019, c. 14, §§1, 2 (AMD).

§11209-A. Discharge of firearm within 300 feet of state-owned boat launching ramp

1. Prohibition. A person may not discharge a firearm within 300 feet of a state-owned boat launching ramp that is posted in accordance with subsection 2.
[PL 2017, c. 69, §1 (NEW).]

2. Posting. An agency of the State having jurisdiction over a state-owned boat launching ramp may post notice, in a prominent location at the boat launching ramp, that the discharge of a firearm is prohibited within 300 feet of the boat launching ramp.
[PL 2017, c. 69, §1 (NEW).]

3. Exception. This section does not apply to a law enforcement officer in the performance of the law enforcement officer's official duties.
[PL 2017, c. 69, §1 (NEW).]

4. Penalty. A person who violates subsection 1 commits a Class E crime.
[PL 2017, c. 69, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 69, §1 (NEW).

§11210. Shooting domestic animals

Except as provided in section 12404, subsection 6, paragraph C, a person may not, while on a hunting trip or in the pursuit of wild animals or wild birds, intentionally, knowingly, recklessly or negligently shoot and wound or kill any domestic animal, including, but not limited to, a dog, cat or domestic bird. A person who violates this section commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§11211. Unlawful use of firearm in Southport

1. Prohibited act. A person may not use any firearm other than a shotgun in the Town of Southport or the islands within the confines of the Town of Southport.
[PL 2003, c. 655, Pt. B, §141 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2007, c. 463, §5 (AMD).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §141 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2007, c. 463, §5 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B141 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 463, §5 (AMD).

§11212. Motor vehicles and motorboats

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B142,143 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 477, §9 (AMD). PL 2015, c. 327, §1 (AMD). PL 2017, c. 176, §1 (RP).

§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. [PL 2017, c. 176, §2 (NEW).]

B. "Vehicle" means a motor vehicle or a trailer or other type of vehicle being hauled by a motor vehicle. [PL 2017, c. 176, §2 (NEW).]

[PL 2017, c. 176, §2 (NEW).]

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.

[PL 2017, c. 176, §2 (NEW).]

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. [PL 2017, c. 176, §2 (NEW).]

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. [PL 2017, c. 176, §2 (NEW).]

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. [PL 2017, c. 176, §2 (NEW).]

D. Notwithstanding paragraph A, a paraplegic or single or double amputee of the legs may shoot from a vehicle that is not in motion. [PL 2017, c. 176, §2 (NEW).]

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. [PL 2017, c. 176, §2 (NEW).]

[PL 2017, c. 176, §2 (NEW).]

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 [PL 2017, c. 176, §2 (NEW).]

B. A person may shoot from a motorboat if that boat is not being propelled by its motor. [PL 2017, c. 176, §2 (NEW).]

[PL 2017, c. 176, §2 (NEW).]

5. Possession of wild animals or wild birds. A person may not possess a wild animal or wild bird taken in violation of subsection 2 or 3, except as otherwise provided in this Part.

[PL 2019, c. 325, §4 (AMD).]

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

[PL 2017, c. 176, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 176, §2 (NEW). PL 2019, c. 325, §4 (AMD).

§11213. Shooting at or near wildfowl decoys

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B144 (RP). PL 2003, c. 655, §B422 (AFF).

§11213-A. Shooting at or near decoys

1. Shooting at or near migratory waterfowl or wild turkey decoys. A person may not with a firearm, a bow and arrow or a crossbow shoot or shoot at a migratory waterfowl or wild turkey decoy of another person.

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. [PL 2003, c. 655, Pt. B, §145 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §145 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2005, c. 94, §1 (AMD).]

2. Shoot within area of another person's decoys. A person may not with a firearm, a bow and arrow or a crossbow 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. [PL 2003, c. 655, Pt. B, §145 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §145 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2005, c. 94, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 655, §B145 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 94, §1 (AMD).

§11214. Unlawful use or possession of implements or aids

1. Prohibition. A person may not:

A. Use for hunting or possess for hunting any automatic firearm. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty. [PL 2017, c. 164, §11 (AMD).]

B. Use for hunting or possess for hunting any autoloading firearm having a magazine capacity of more than 5 cartridges. All autoloading firearms having a magazine capacity in excess of 5 cartridges must have the magazine permanently altered to contain not more than 5 cartridges before the autoloading firearm may be used in this State for hunting. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty; or

(2) Firearms using the .22 caliber rimfire cartridge or smaller caliber cartridge or to any autoloading pistol having a barrel less than 8 inches in length; [PL 2017, c. 164, §11 (AMD).]

C. Except as allowed under section 11161, use for hunting or possess for hunting any firearm fitted or contrived with a device for deadening the sound of explosion. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty; [PL 2015, c. 262, §2 (AMD).]

D. Use for hunting cartridges containing tracer bullets. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty. [PL 2017, c. 164, §11 (AMD).]

E. Use for hunting cartridges containing explosive bullets. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty. [PL 2017, c. 164, §11 (AMD).]

F. Hunt migratory game birds with a shotgun of any description originally capable of holding more than 3 shells, unless the shotgun's magazine has been cut off, altered or plugged with a one-piece filler incapable of removal without disassembling the gun so as to reduce the capacity of the gun to not more than 3 shells in the magazine and chamber combined. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. Hunt a wild animal or wild bird with a set bow; [PL 2015, c. 301, §15 (AMD).]

H. Use for hunting or possess for hunting an arrow or a bolt having either an explosive or poisonous tip; [PL 2005, c. 477, §10 (AMD).]

I. Allow duck decoys to remain in waters of Merrymeeting Bay at any time during the period from one hour after legal shooting time until one hour before legal shooting time the next day; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

J. Leave or allow to remain in waters of Merrymeeting Bay an artificial cover, that is, a "stationary blind," or parts of an artificial cover used for hunting purposes between one hour after legal shooting time and one hour before legal shooting time the next day; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

K. Use a dog to hunt deer or moose, except as provided in section 11111 or 12862; [PL 2015, c. 90, §3 (AMD).]

L. Use an artificial light, snare, trap or set gun to hunt deer or moose. This paragraph does not affect or restrict the legitimate possession and sale of flashlights or the lawful use of an artificial light to aid in the tracking of a wounded animal pursuant to section 11111 or 12862; [PL 2015, c. 90, §3 (AMD).]

M. Use artificial lights between 1/2 hour after sunset and 1/2 hour before sunrise the next day to illuminate, jack, locate, attempt to locate or show up wild animals or wild birds from September 1st to December 15th of each calendar year. This paragraph does not affect chapter 921, any rule issued in accordance with section 10104, subsection 1 or the lawful use of an artificial light to aid in the tracking of a wounded animal pursuant to section 11111 or 12862; [PL 2015, c. 90, §3 (AMD).]

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 or by falconry; [PL 2015, c. 301, §16 (AMD).]

O. Possess a wild animal or wild bird taken in violation of this section, except as otherwise provided in this Part; or [PL 2015, c. 301, §16 (AMD).]

P. Use a bow and arrow to hunt deer, bear or moose unless:

(1) For hunting deer and bear, the minimum draw weight of the bow is 35 pounds;

(2) For hunting moose, the minimum draw weight of the bow is 45 pounds; and

(3) The arrowhead, including mechanical broadheads when open, is at least 7/8 inch in width. [PL 2015, c. 301, §17 (NEW).]

[PL 2017, c. 164, §11 (AMD).]

2. Penalty. A person who violates subsection 1 commits a Class E crime.
[PL 2003, c. 655, Pt. B, §146 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B146 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 419, §6 (AMD). PL 2005, c. 419, §12 (AFF). PL 2005, c. 477, §10 (AMD). PL 2013, c. 538, §27 (AMD). PL 2015, c. 90, §3 (AMD). PL 2015, c. 262, §2 (AMD). PL 2015, c. 301, §§15-17 (AMD). PL 2017, c. 164, §11 (AMD).

§11215. Use of motorized vehicle to kill, injure or molest wild animals or wild birds

1. Prohibition. A person may not intentionally kill, injure or molest a wild animal or wild bird with a:

A. Motor vehicle; [PL 2003, c. 655, Pt. B, §147 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Motorboat; or [PL 2003, c. 655, Pt. B, §147 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Aircraft. [PL 2003, c. 655, Pt. B, §147 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §147 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. A person who violates subsection 1 commits a Class E crime.
[PL 2003, c. 655, Pt. B, §147 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B147 (RPR). PL 2003, c. 655, §B422 (AFF).

§11216. Hunting with aid of aircraft

1. Prohibition on use of aircraft to hunt. A person on the ground or airborne may not use an aircraft to aid or assist in hunting:

A. Bear; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Deer; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Moose. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalties. The following penalties apply to this section.

A. A person who violates subsection 1 without the taking of a bear, deer or moose commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §148 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 and takes a bear, deer or moose commits a Class E crime for which the court shall impose a fine of not less than $500, none of which may be suspended. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A person who violates subsection 1 without the taking of a bear, deer or moose 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. [PL 2003, c. 655, Pt. B, §149 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §§148, 149 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B148,149 (AMD). PL 2003, c. 655, §B422 (AFF).

§11217. Buying and selling wild animals and wild birds

1. Prohibition against buying and selling bear, deer, moose or wild turkey. Except as provided in subsection 2, a person may not:

A. Buy, sell or offer for sale or barter a:

(1) Bear;

(2) Deer;

(3) Moose; or

(4) Wild turkey; or [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §150 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Aid in buying, selling or offering for sale or bartering a:

(1) Bear;

(2) Deer;

(3) Moose; or

(4) Wild turkey. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §150 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §150 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §150 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

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 and gall bladder of that animal. [PL 2013, c. 333, §4 (RPR).]

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. [PL 2013, c. 333, §4 (RPR).]

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. [PL 2013, c. 333, §4 (RPR).]

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. [PL 2013, c. 333, §4 (RPR).]

E. A person may buy or sell, without a hide dealer's license, naturally shed antlers from deer or moose. [PL 2013, c. 333, §4 (NEW).]

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. [PL 2013, c. 333, §4 (NEW).]

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, 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. [PL 2013, c. 333, §4 (NEW).]

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. [PL 2013, c. 333, §4 (NEW).]

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 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.
[PL 2013, c. 333, §4 (RPR).]

3. Prohibition regarding selling of wild birds. A person may not sell or possess for sale a wild bird, except as provided in this Part. A person may sell the plumage of lawfully taken wild birds if that sale does not violate regulations of the federal Migratory Bird Treaty Act.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Penalty. A person who violates this section commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment of not less than 10 days for the first offense, none of which may be suspended, and not less than 20 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than $1,000, none of which may be suspended.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B150,151 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2013, c. 333, §4 (AMD).

§11218. Game fees

A person may not charge any fee for access to land if the fee is contingent upon the taking of game on the land or directly related to the taking of game on the land unless the land is an authorized commercial shooting area licensed under section 12101. This section does not apply to: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Gate fees. Gate fees or other access fees that are unrelated to the taking of game;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Guiding fees. Fees charged by licensed guides or other fees that are unrelated to access to land; or
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Fees for placing bear bait. Fees that are directly related to the placing of bear bait on land.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§11219. Hunting on state game farm

1. Prohibition. A person may not hunt on a state game farm at any time.
[PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B152 (RPR). PL 2003, c. 655, §B422 (AFF).

§11220. Hunting in licensed wildlife exhibit

1. Prohibition. A person may not hunt in a licensed wildlife exhibit at any time.
[PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B152 (RPR). PL 2003, c. 655, §B422 (AFF).

§11221. Disposal of offal; littering

1. Prohibition. A person may not drop, deposit, discard, dump or otherwise dispose of a carcass, waste parts or remains of a wild animal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait.
[PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. Additionally, a person who violates subsection 1 violates the Maine Litter Control Act, Title 17, chapter 80 and is subject to the penalties set forth in that Act. [PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §152 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B152 (RPR). PL 2003, c. 655, §B422 (AFF).

§11222. Target identification while hunting

1. Findings. Due to the large numbers of Maine citizens and visitors engaged in hunting in the State's woods during hunting season, the continued decline of unpopulated areas through the State, the widespread use of powerful weapons in the pursuit of wild animals and wild birds and the growing presence of nonhunters engaged in nonhunting activities in the State's woods during hunting season, the Legislature finds that a sufficient risk of serious bodily injury or death to human beings is posed to make it necessary and prudent to provide guidance to those in pursuit of wild animals and wild birds on the matter of proper target identification.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Target identification. While hunting, a hunter may not shoot at a target without, at that point in time, being certain that it is the wild animal or wild bird sought.

A. The target-determining process to be utilized is that which a reasonable and prudent hunter would observe in the same situation. A reasonable and prudent hunter always bears the risk of loss of legitimate prey to avoid the risk of the destruction of human life. A reasonable and prudent hunter neither disregards the risk of causing the death of another human being nor fails to be aware of that risk as a consequence of misidentification. A reasonable and prudent hunter never bases identification upon sound alone or even upon sound in combination with what appears to be an appendage of the wild animal or wild bird sought. A reasonable and prudent hunter, independent of these target-determining factors, bases identification upon obtaining an essentially unobstructed view of the head and torso of the potential target. This visual sighting is the most critical target-determining factor. Visual sighting of the head and torso may present itself intermittently or continuously. If presented intermittently, a reasonable and prudent hunter does not make a target-identification decision until this visual sighting exists at the point in time the hunter takes aim and is making final preparation to shoot. A reasonable and prudent hunter additionally recognizes that these sound and sight target-determining factors are affected by a number of other considerations,

including, but not limited to, the distance to the target, surrounding or intervening terrain and cover, lighting and weather conditions, the hunter's own ability to hear and see, the hunter's own experience and the proximity of other persons in the hunter's immediate vicinity. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Penalty.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §153 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B153 (AMD). PL 2003, c. 655, §B422 (AFF).

§11223. Aid to injured person and reporting hunting accident

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 shall:

A. Make that person known to the victim; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Render first aid and assistance as that person is capable of rendering under the circumstances; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Give notice of the event by the quickest means to a game warden or, in the event that a game warden can not be contacted, to the law enforcement officer nearest the place where the event occurred. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2005, c. 477, §11 (AMD).]

2. Prohibition.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §154 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalty. A person who fails to aid an injured person or report a hunting accident in accordance with this section commits a Class C crime.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B154 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 477, §11 (AMD).

§11224. Waste of game

1. Prohibition. A person may not waste a wild bird or wild animal that has been wounded or killed by that person while hunting. For purposes of this section, "waste" means to intentionally leave a wounded or killed animal in the field or forest without making a reasonable effort to retrieve and render it for consumption or use. This subsection does not apply to coyote.

[PL 2009, c. 550, §3 (AMD).]

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

[PL 2007, c. 168, §5 (NEW).]

REVISOR'S NOTE: §11224. Alien big game hunter; guide required (As enacted by PL 2007, c. 454, §1 is REALLOCATED TO TITLE 12, SECTION 11226)

SECTION HISTORY

PL 2007, c. 168, §5 (NEW). PL 2007, c. 454, §1 (NEW). PL 2007, c. 695, Pt. A, §16 (RAL). PL 2009, c. 550, §3 (AMD).

§11225. Retrieval of wounded or killed big game after hours

(REPEALED)

SECTION HISTORY

PL 2007, c. 168, §6 (NEW). PL 2015, c. 90, §4 (RP).

§11226. Alien big game hunter; guide required

(REALLOCATED FROM TITLE 12, SECTION 11224)

(REPEALED)

SECTION HISTORY

PL 2007, c. 695, Pt. A, §16 (RAL). PL 2009, c. 390, §1 (RP).

§11226-A. Canadian big game hunter; guide required

(REPEALED)

SECTION HISTORY

PL 2009, c. 390, §2 (NEW). PL 2011, c. 561, §1 (RP).

§11227. Placement of bait for hunting

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

A. "Bait" means an animal or plant or a part of an animal or plant used to attract wild animals for the purpose of hunting. "Bait" does not include:

(1) A derivative of an animal or plant in a liquid or paste form, including but not limited to urine or commercially prepared lures or scents; or

(2) Packaging or container materials that fall within the definition of "litter" under Title 17, section 2263, subsection 2. [PL 2009, c. 70, §1 (NEW).]

B. "Bait site" means the place where the bait has been placed and the immediate surrounding area. [PL 2009, c. 70, §1 (NEW).]

[PL 2009, c. 70, §1 (NEW).]

1-A. Prohibited bait. Notwithstanding any authorization to use or place bait or bear bait under this Part, a person may not place a medicinal, poisonous or stupefying substance to entice an animal to that place. A person who violates this subsection commits a Class E crime.

[PL 2015, c. 301, §18 (NEW).]

2. Placement of bait. A person may not place or hunt over bait without the oral or written permission of the landowner or the landowner's agent. The bait site must be plainly labeled with a 2-inch-by-4-inch tag identifying the name and address of the person establishing the bait site. This subsection does not apply to bear baiting, which is governed by section 11301.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2009, c. 70, §1 (NEW).]

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. [PL 2009, c. 70, §1 (NEW).]

[PL 2011, c. 432, §1 (AMD).]

3. Hunting over another's bait. A person may not hunt at a bait site established by another person unless that person has permission from the person that established the bait site.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2009, c. 70, §1 (NEW).]

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. [PL 2009, c. 70, §1 (NEW).]

[PL 2009, c. 70, §1 (NEW).]

4. Bait site cleanup. A person placing bait may not leave the bait or bait label at the bait site and must clean up the bait site immediately after the landowner requests the removal of that bait or, if not requested by the landowner, within 20 days from the last day the bait site was hunted over by the person that established the bait site.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2009, c. 70, §1 (NEW).]

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. [PL 2009, c. 70, §1 (NEW).]

[PL 2009, c. 70, §1 (NEW).]

5. Litter at bait sites. A person establishing a bait site under this section is subject to the littering provisions of Title 17, chapter 80.

[PL 2009, c. 70, §1 (NEW).]

6. Construction. Nothing in this section authorizes hunting of wild animals that is otherwise prohibited by law or rule.

[PL 2009, c. 70, §1 (NEW).]

7. Applicability. This section does not apply to:

A. Bear baiting under section 11301; or [PL 2009, c. 70, §1 (NEW).]

B. Placing of bait on the ice of inland waters. [PL 2009, c. 70, §1 (NEW).]

[PL 2009, c. 70, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 70, §1 (NEW). PL 2011, c. 432, §1 (AMD). PL 2015, c. 301, §18 (AMD).

§11228. Hunting with dogs

1. Collar required. A person may not hunt with a dog in pursuit of bear, coyote or bobcat unless the dog has a collar that legibly provides the name, telephone number and address of the owner of that dog.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2011, c. 432, §2 (NEW).]

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. [PL 2011, c. 432, §2 (NEW).]

[PL 2011, c. 432, §2 (NEW).]

2. Limit on number of dogs. A person or persons may not use more than 6 dogs at any one time to hunt coyotes or bobcats. A person who violates this subsection commits a Class E crime.

[PL 2011, c. 432, §2 (NEW).]

3. Night hunting with dogs. A person may not use a dog to hunt coyotes during the period from 30 minutes after sunset to 30 minutes before sunrise. A person who violates this subsection commits a Class E crime.
[PL 2011, c. 432, §2 (NEW).]

SECTION HISTORY

PL 2011, c. 432, §2 (NEW).

SUBCHAPTER 5

BEAR HUNTING

ARTICLE 1

BEAR SEASONS

§11251. Open and closed seasons

1. Open season on bear; commissioner's authority. This subsection governs the open and closed seasons on bear.

A. There is an open season on hunting bear from the first Monday preceding September 1st to November 30th annually. The commissioner may, pursuant to section 10104, subsection 1, adopt rules prohibiting the use of bait to hunt black bear during any portion of the open bear hunting season. [PL 2017, c. 357, §1 (AMD).]

B. There is an open season on using a dog or dogs in conjunction with bear hunting from the first Monday preceding September 1st to the day preceding the open firearm season on deer provided in sections 11401 and 11402. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. [PL 2013, c. 408, §14 (RP).]

D. [PL 2013, c. 408, §14 (RP).]
[PL 2017, c. 357, §1 (AMD).]

2. Youth bear hunting day.
[PL 2017, c. 164, §12 (RP).]

3. Youth bear hunting day. The commissioner may establish by rule a youth hunting day for hunting bear.
[PL 2017, c. 357, §1 (NEW).]

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2017, c. 357, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B155 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2013, c. 408, §14 (AMD). PL 2015, c. 79, §1 (AMD). PL 2017, c. 164, §12 (AMD). PL 2017, c. 357, §1 (AMD).

ARTICLE 2

HUNTING METHODS SPECIFIC TO BEAR

§11301. Placing of bear bait

1. Bear baiting. A person may not place bait to entice, hunt or trap black bear, unless:

A. The bait is placed at least 50 yards from a travel way that is accessible by a conventional 2-wheel-drive or 4-wheel-drive vehicle; [PL 2011, c. 691, Pt. A, §9 (RPR).]

B. The stand, blind or bait area is plainly labeled with a 2-inch-by-4-inch tag with the name and address of the baiter; [PL 2011, c. 691, Pt. A, §9 (RPR).]

C. The bait is placed more than 500 yards from a site permitted or licensed for the disposal of solid waste or a campground; [PL 2011, c. 691, Pt. A, §9 (RPR).]

D. The bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or lessee; [PL 2011, c. 691, Pt. A, §9 (RPR).]

E. The bait is placed not more than 30 days before the opening day of the season and not after October 31st; [PL 2011, c. 691, Pt. A, §9 (RPR).]

F. The bait areas will be cleaned up by November 10th, as defined by the state litter laws; and [PL 2011, c. 691, Pt. A, §9 (RPR).]

G. The person hunting from a stand or blind of another person has permission of the owner of that stand or blind. [PL 2011, c. 691, Pt. A, §9 (RPR).]

A person may not use bait to hunt or trap black bear without the oral or written permission of the landowner.
[PL 2011, c. 691, Pt. A, §9 (RPR).]

1-A. Prohibition. During the open season on hunting bear, a person may not within 50 yards of a bait site established by another person in accordance with section 11227 without the written permission of the person who established the bait site:

A. Hunt, trap, molest or harass bear or release a dog or dogs for the purpose of hunting bear or training dogs to hunt bear; or [PL 2013, c. 280, §6 (NEW).]

B. Disturb the bait site through the use of chemicals or take other action intended to interfere with the hunting of bear at the bait site by the person who established the bait site. [PL 2013, c. 280, §6 (NEW).]
[PL 2013, c. 280, §6 (NEW).]

2. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 655, Pt. B, §157 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B156,157 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 253, §19 (AMD). PL 2011, c. 432, §3 (AMD). PL 2011, c. 691, Pt. A, §9 (AMD). PL 2013, c. 280, §6 (AMD).

§11302. Hunting bear with dogs

1. Limit on number of dogs. A person may not, while either hunting alone or hunting with other persons, use more than 6 dogs at any one time to hunt bear.
[PL 2009, c. 550, §4 (AMD).]

2. Nonresidents hunting with dogs. A nonresident may not hunt bear with the use of a dog or dogs unless that nonresident employs and hunts in the presence of a resident Maine guide. For purposes of this subsection, "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, citizen band radios or electronic communication systems.

A. The total number of clients with a resident Maine guide may not be more than 5 in order to satisfy the requirements of this subsection. [PL 2009, c. 390, §3 (AMD).]

This subsection does not apply to nonresidents who hold a valid Maine guide license.
[PL 2013, c. 280, §7 (AMD).]

3. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 655, Pt. B, §158 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B158 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 390, §3 (AMD). PL 2009, c. 550, §4 (AMD). PL 2013, c. 280, §7 (AMD).

§11303. Hunting bear near dumps

1. Dump demarcation. The commissioner, or the commissioner's agent, shall establish a line of demarcation at least 500 yards from sites permitted or licensed for the disposal of solid waste.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §159 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Prohibition. A person may not within the area described in subsection 1:

A. Hunt bear; [PL 2003, c. 655, Pt. B, §160 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Trap bear; [PL 2003, c. 655, Pt. B, §160 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Molest or harass a bear; or [PL 2003, c. 655, Pt. B, §160 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Release dogs for the purpose of hunting a bear. [PL 2003, c. 655, Pt. B, §160 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

The commissioner, or the commissioner's agent, is exempt from this prohibition for the purpose of live-trapping nuisance bears.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §160 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §160 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 2 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. [PL 2003, c. 655, Pt. B, §160 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §160 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B159,160 (AMD). PL 2003, c. 655, §B422 (AFF).

§11304. Permission to harvest another person's bear

A person may not, without the permission of the person conducting the hunt, kill or wound a bear that is treed or held at bay by another person's dog or dogs. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 655, Pt. B, §161 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B161 (AMD). PL 2003, c. 655, §B422 (AFF).

§11305. Unlawful firearms for hunting bear

1. Prohibition. A person may not use a .17 or .22 caliber rimfire firearm or a shotgun using shot loads to hunt bear.
[PL 2015, c. 301, §19 (NEW).]

2. Penalty. A person who violates subsection 1 commits a Class E crime.
[PL 2015, c. 301, §19 (NEW).]

SECTION HISTORY

PL 2015, c. 301, §19 (NEW).

ARTICLE 3

POSSESSION OF BEAR

§11351. Bear bag limit

1. Hunting or trapping bear; 2-bear limit. A person may not hunt or trap bear after that person has killed or registered one during an open season under section 11251 and one during the open season on trapping bear under section 12260.
[PL 2011, c. 309, §2 (AMD).]

2. Exceeding bag limit on bears. A person may not possess more than 2 bears in any calendar year, except a person may keep more than one legally obtained bear in that person's home or as otherwise provided in law.
[PL 2011, c. 309, §3 (AMD).]

3. Penalty. A person who violates subsection 1 or 2 commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days; the court also shall impose a fine of not less than $1,000, none of which may be suspended.
[PL 2003, c. 655, Pt. B, §164 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §4 (AMD). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B162-164 (AMD). PL 2003, c. 655, §§B422,C2,6 (AFF). PL 2011, c. 309, §§2, 3 (AMD).

§11352. Bear tags and tagging bear

1. Bear tags. The commissioner shall prescribe the form and content of and produce a bear tag.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §165 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Tagging. Prior to presenting a bear for registration, a person may not possess or leave in the field or forest a bear killed by that person unless the bear has securely attached to it a plainly visible tag that conforms to the requirements established under this section.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §165 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §165 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 2 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. [PL 2003, c. 655, Pt. B, §165 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §165 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B165 (RPR). PL 2003, c. 655, §B422 (AFF).

§11353. Leaving harvested bear

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B166 (RP). PL 2003, c. 655, §B422 (AFF).

§11354. Possessing gift bear

A person may not possess any part or parts of a bear given to that person unless that gift bear is plainly labeled with the name of the person who registered it and the year the bear was registered by that person. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §167 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Person who registered.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §167 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Recipient.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §167 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Transporter.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §167 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §167 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B167 (RPR). PL 2003, c. 655, §B422 (AFF).

SUBCHAPTER 6

DEER HUNTING

ARTICLE 1

DEER SEASONS

§11401. Open and closed seasons for deer

1. Open and closed seasons. This subsection applies to open and closed seasons for deer.

A. Except as otherwise provided in this subsection and sections 10952, 11152, 11403 and 11404 or by rule adopted by the commissioner pursuant to section 11402, subsection 4, there is an open season for deer in each calendar year in all counties of the State between September 15th and December 20th annually. In a year that the regular season extends beyond November 30th, the regular season must start no later than the 4th Monday preceding Thanksgiving. [PL 2009, c. 134, §1 (AMD).]

B. The commissioner may shorten the open season on deer in any part of the State, as long as:

(1) The demarcation of the areas with the shortened season follows recognizable physical boundaries, such as rivers and railroad rights-of-way; and

(3) The Saturday preceding the first day of open season on deer is an open day for residents of the State and for nonresidents who meet the qualifications under paragraph E. [PL 2017, c. 164, §13 (AMD).]

C. [PL 2013, c. 408, §15 (RP).]

D. [PL 2013, c. 408, §15 (RP).]

E. Notwithstanding paragraph B, subparagraph (3), a nonresident who owns 25 or more acres of land in the State and leaves that property open to hunting, holds a valid hunting license and is not otherwise prohibited by law may hunt deer on the Saturday preceding the first day of open season on deer.

[PL 2017, c. 356, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B168 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 134, §1 (AMD). PL 2013, c. 408, §15 (AMD). PL 2015, c. 401, §1 (AMD). PL 2017, c. 164, §13 (AMD). PL 2017, c. 356, §1 (AMD).

§11402. Special regulations

1. Vinalhaven; open season. There is an open season on deer in the Town of Vinalhaven, and the islands within the confines of the Town of Vinalhaven, to conform with the open season on deer for Knox County.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Southport; open season. There is an open season on deer in the Town of Southport, and the islands within the confines of the Town of Southport, to conform with the open season on deer in Lincoln County.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Closed season. Except as provided by rule pursuant to subsection 4, there is a continual closed season on deer in the following places:

A. Mount Desert Island; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Cross Island in Washington County; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Scotch Island in Washington County; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The Town of Isle au Haut and the islands within the confines of the Town of Isle au Haut in Knox County; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. All of Swans Island in the Town of Swan's Island in Hancock County; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. The Town of Islesboro in Waldo County, except that a person may hunt deer in that town with bow and arrow from the first day of the special archery season on deer, established in accordance with section 11403, subsection 2, to the end of the regular firearm season on deer of each calendar year in Waldo County; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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 in accordance with applicable laws and rules; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

H. The whole of Long Island in Long Island Plantation in Hancock County. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Rule. The commissioner by rule may:

A. Open any of the areas closed to deer hunting under subsection 3, as long as the legislative body of each affected town approves the opening. For purposes of this subsection, "affected town" means a town, township or municipality that contains within its borders any area proposed to be opened under this paragraph; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Create special hunting seasons for the taking of deer in any part of the State to maintain deer populations in balance with available habitat, subject to the provisions of this paragraph.

(1) The demarcation of each area must follow recognizable physical boundaries, such as rivers, roads and railroad rights-of-way.

(3) The commissioner may establish limits on the number of deer taken or possessed by persons during a special season. Limits established by the commissioner under this subparagraph are exceptions to the limits imposed under section 11501.

(4) The commissioner may specify types of weapons to be used during a special season; and [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §169 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Establish a youth deer hunting day. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §169 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B169 (AMD). PL 2003, c. 655, §B422 (AFF).

§11403. Regular archery-only deer hunting season

1. License required.

[PL 2015, c. 301, §20 (RP).]

2. Open archery season on deer. The commissioner shall by rule establish a regular archery-only 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 only. During the regular archery-only season on deer the following restrictions apply.

A. A person may not take a deer during a regular archery-only season unless that person uses a hand-held bow and broadhead arrow in accordance with section 11214, subsection 1, paragraph P. [PL 2015, c. 301, §21 (AMD).]

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. This paragraph may not be construed to prohibit a person from carrying a concealed weapon in accordance with Title 25, section 2001-A. [PL 2019, c. 325, §5 (AMD).]

C. Except as provided in section 11109-A, subsection 3, if a person takes a deer with bow and arrow during the regular archery-only season on deer, that person is precluded from further hunting for deer during that year. [PL 2007, c. 163, §2 (AMD); PL 2007, c. 163, §3 (AFF).]

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, including the transportation, registration and possession of deer taken by this method. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A person who violates this subsection commits a Class E crime.
[PL 2019, c. 325, §5 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B170 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 163, §2 (AMD). PL 2007, c. 163, §3 (AFF). PL 2011, c. 61, §4 (AMD). PL 2011, c. 298, §1 (AMD). PL 2013, c. 538, §28 (AMD). RR 2015, c. 2, §7 (COR). PL 2015, c. 301, §§20, 21 (AMD). PL 2017, c. 357, §2 (AMD). PL 2019, c. 325, §5 (AMD).

§11404. Muzzle-loading-only deer hunting season

1. Muzzle-loading-only open season on deer.

[PL 2005, c. 280, §1 (RP).]

1-A. Muzzle-loading-only open season on deer. There is a special muzzle-loading open season on deer immediately following the regular deer hunting season established under section 11401, subsection 1, paragraph A for the purpose of hunting deer only with:

A. A muzzleloader as defined in section 10001, subsection 42-A that is 40 caliber or greater and capable of firing only a single charge; [PL 2005, c. 280, §2 (NEW).]

B. A muzzle-loading shotgun as defined in section 10001, subsection 42-B; or [PL 2005, c. 280, §2 (NEW).]

C. A traditional muzzleloader as defined in section 10001, subsection 62-A that uses projectiles that are 40 caliber or greater or that uses buckshot. [PL 2005, c. 280, §2 (NEW).]

The commissioner may terminate this open season at any time in an area if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or severe hunting pressure. The length of the special muzzle-loading season is as follows.

The commissioner shall establish by rule the length of the special muzzle-loading season. The commissioner may establish seasons of different lengths in different regions of the State. The season may extend for no more than 12 hunting days in any part of the State.
[PL 2005, c. 280, §2 (NEW).]

2. Applicability of laws. The following provisions apply during the muzzle-loading open season.

A. The commissioner's authority to regulate the harvest of antlerless deer under section 11152 is applicable during the muzzle-loading hunting season. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Deer tags for the muzzle-loading open season must be issued for use in the same manner as regular deer tags. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Except as provided in this section, the provisions of this Part relating to deer apply to the taking of deer with muzzle-loading firearms. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §4 (AMD). PL 2003, c. 614, §9 (AFF). PL 2005, c. 280, §§1,2 (AMD).

ARTICLE 2

HUNTING METHODS SPECIFIC TO DEER

§11451. Hunting deer with unconventional weapon; license

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §5 (RP). PL 2003, c. 614, §9 (AFF).

§11452. Baiting deer

1. Prohibitions. A person may not, during an open hunting season on deer:

A. Place salt or any other bait or food in a place to entice deer to that place; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Hunt from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to deer. This prohibition does not apply to hunting from an observation stand or blind overlooking:

(1) Standing crops;

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence; or

(3) Bear bait that is placed at a bear hunting stand or blind in accordance with section 11301, subsection 1. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §171 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. A person who violates subsection 1 commits a civil violation for which a fine of not less than $500 nor more than $1,000 may be adjudged.

[PL 2019, c. 630, §3 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B171 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2019, c. 630, §3 (AMD).

§11453. Driving deer

1. Unlawfully driving deer. A person may not participate in a hunt for deer during which an organized or planned effort is made to drive deer. For purposes of this subsection, 4 or more persons working together to move deer constitutes an organized or planned effort to drive deer.
[PL 2013, c. 408, §16 (AMD).]

2. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2013, c. 408, §16 (AMD).

§11454. Hunting deer with .22 caliber rimfire cartridge

1. Prohibition. A person may not hunt deer with any firearms using a .17 or .22 caliber rimfire cartridge, except that the use of the .22 caliber rimfire magnum cartridge is not prohibited.
[PL 2005, c. 477, §12 (AMD).]

2. Penalties. The following penalties apply to violations of subsection 1.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §172 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §172 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §172 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B172 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 477, §12 (AMD).

ARTICLE 3

POSSESSION OF DEER

§11501. Bag limit

1. Exceeding bag limit. A person may not possess more than one deer during any open season, except a person may keep more than one legally obtained deer in that person's home at any time or as otherwise provided in law.
[PL 2003, c. 552, §5 (AMD); PL 2003, c. 552, §15 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

2. Hunting deer after having killed one. A person may not hunt deer after that person has killed or registered one during the open season of that calendar year, except as otherwise provided in law or rule.
[PL 2003, c. 552, §5 (AMD); PL 2003, c. 552, §15 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

3. Penalty. A person who violates this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than $1,000, none of which may be suspended.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §5 (AMD). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§C2,6 (AFF).

§11502. Deer tags and tagging

1. Deer tags. The commissioner shall prescribe the form and content of and produce a deer tag. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §173 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Tagging. Prior to presenting a deer for registration, a person may not possess or leave in the field or forest a deer killed by that person unless the deer has securely attached to it a plainly visible tag that conforms to the requirements established under this section.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §173 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §173 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 2 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. [PL 2003, c. 655, Pt. B, §173 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §173 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B173 (AMD). PL 2003, c. 655, §B422 (AFF).

§11503. Gift deer

A person may not possess any part or parts of a deer given to that person unless that gift deer is plainly labeled with the name of the person who registered it and the year the deer was registered by that person. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §174 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Registration seal.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §174 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Person who registered deer.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §174 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalty.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §174 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §174 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B174 (RPR). PL 2003, c. 655, §B422 (AFF).

SUBCHAPTER 7

MOOSE HUNTING

ARTICLE 1

COMMISSIONER'S AUTHORITY TO REGULATE MOOSE HUNTING AND TO SET HUNTING SEASONS AND AREAS

§11551. Commissioner authority regarding moose

The commissioner may issue applications for moose hunting permits, issue permits and make all rules pertaining to moose hunting permits, including provisions for the permittees who are selected for a permit but unable to use the permit. The commissioner may make all other rules that the commissioner considers necessary for the protection of the moose resource. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §175 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B175 (AMD). PL 2003, c. 655, §B422 (AFF).

§11552. Moose hunting areas

1. Areas open to moose hunting. The commissioner may designate by rule areas of the State open to moose hunting.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Moose management. To effectively manage the moose herd in the State, the commissioner may by rule establish:

A. The number of moose permits to be issued every year, including a percentage for antlerless moose; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The length of the moose hunting season; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The timing of the moose hunting season. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over wildlife matters by February 1st of each year on proposed actions under this section. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

ARTICLE 2

HUNTING METHODS SPECIFIC TO MOOSE

§11601. Unlawful hunting of moose

1. Hunting with permittee. A person may not hunt moose with a permittee unless that person is a subpermittee authorized in accordance with this section.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Presence of permittee. A subpermittee may not hunt moose if that subpermittee is not in the presence of the permittee while hunting moose. A subpermittee is not in the presence of a permittee if contact between the permittee and the subpermittee requires visual or audio enhancement devices, including binoculars or citizen band radios.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. One subpermittee. A permittee may not hunt moose with more than one authorized subpermittee.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Unlawful possession. A person may not possess a moose that has been hunted in violation of this section.
[PL 2003, c. 655, Pt. B, §176 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 552, §6 (RPR); PL 2003, c. 552, §15 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §6 (AMD). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B176 (AMD). PL 2003, c. 655, §§B422,C2,6 (AFF).

§11602. Driving moose

A person may not participate in a hunt for moose during which an organized or planned effort is made to drive moose. A person who violates this section commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§11603. Unlawful firearms for hunting moose

1. Prohibition. A person may not use a .17 or .22 caliber rimfire firearm or a shotgun using shot loads to hunt moose.
[PL 2013, c. 236, §4 (AMD).]

1-A. Hunting moose with a crossbow; 70 years of age or older.
[PL 2013, c. 236, §5 (RP).]

2. Penalties. The following penalties apply to violations of subsection 1.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §177 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §177 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §177 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B177 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 477, §13 (AMD). PL 2011, c. 61, §5 (AMD). PL 2013, c. 236, §§4, 5 (AMD).

§11604. Unlawful hunting methods

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B177 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 117, §1 (RP).

§11605. Baiting moose

1. Prohibitions. From September 1st to December 15th a person may not:

A. Place salt or any other bait or food in a place to entice moose to that place; or [PL 2011, c. 253, §20 (NEW).]

B. Hunt from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to moose. This prohibition does not apply to hunting over:

(1) Standing crops; or

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence. [PL 2015, c. 301, §22 (AMD).]

[PL 2015, c. 301, §22 (AMD).]

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

[PL 2011, c. 253, §20 (NEW).]

SECTION HISTORY

PL 2011, c. 253, §20 (NEW). PL 2015, c. 301, §22 (AMD).

ARTICLE 3

POSSESSION OF MOOSE

§11651. Unlawful possession of moose

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §7 (RP). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§C2,6 (AFF).

§11651-A. Hunting moose after having killed one

A person may not hunt moose after that person has killed or registered one during the open season of that calendar year, except as otherwise provided. [PL 2003, c. 552, §8 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

A person who violates this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than $1,000, none of which may be suspended. [PL 2003, c. 552, §8 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

SECTION HISTORY

PL 2003, c. 552, §8 (NEW). PL 2003, c. 552, §15 (AFF). PL 2003, c. 655, §§C2,6 (AFF).

§11652. Bag limits

1. One moose per permit holder. A person may not exceed the bag limit of one moose per permit holder. In the case of a permittee and a subpermittee, the permit allows one of them to take one moose. Except as provided in sections 12401 and 12402, a person may not shoot more than one moose in a calendar year. A person may keep more than one legally obtained moose in that person's home at any time.
[PL 2003, c. 655, Pt. B, §178 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Possession. A person may not possess a moose in violation of this section.
[PL 2003, c. 655, Pt. B, §178 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalty. A person who violates this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than $1,000, none of which may be suspended.
[PL 2003, c. 655, Pt. B, §178 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B178 (RPR). PL 2003, c. 655, §B422 (AFF).

§11653. Tagging moose

1. Tags. The commissioner shall prescribe the form and content of and produce moose tags.
[PL 2003, c. 655, Pt. B, §178 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Tagging. Prior to presenting a moose for registration, a person may not possess or leave in the field or forest a moose killed by that person unless the moose has securely attached to it a plainly visible tag that conforms to the requirements established under this section.
[PL 2003, c. 655, Pt. B, §178 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalties. The following penalties apply to violations of subsection 2.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §178 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 2 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. [PL 2003, c. 655, Pt. B, §178 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §178 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B178 (RPR). PL 2003, c. 655, §B422 (AFF).

§11654. Unlawful possession of gift moose

A person may not possess any part or parts of a moose given to that person unless that gift moose is plainly labeled with the name of the person who registered it and the year the moose was registered by that person. [PL 2003, c. 655, Pt. B, §178 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 655, Pt. B, §178 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Prohibition.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §178 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §178 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B178 (RPR). PL 2003, c. 655, §B422 (AFF).

SUBCHAPTER 8

WILD TURKEY HUNTING

ARTICLE 1

COMMISSIONER'S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEY; HUNTING LAWS

§11701. Authority of commissioner; wild turkey hunting

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource. The rules must permit the use of a crossbow during an open season for hunting wild turkey, except that a person may not hunt wild turkey with a crossbow during the fall open season on hunting wild turkey established by the commissioner. [PL 2019, c. 98, §2 (AMD).]

1. Spring season.

[PL 2017, c. 85, §3 (RP).]

2. Fall seasons.

[PL 2017, c. 85, §3 (RP).]

3. Youth day. The commissioner shall establish by rule a spring youth hunting day for hunting wild turkeys from 30 minutes before sunrise to 30 minutes after sunset. The day must be the Saturday prior to the opening of the first open season for hunting wild turkeys established by the commissioner in that year.

[PL 2017, c. 85, §3 (AMD).]

A person who violates this section commits a Class E crime for which the court shall impose a fine of not less than $500, none of which may be suspended. The court also shall impose a fine of $500 for each turkey unlawfully possessed, none of which may be suspended. [PL 2003, c. 655, Pt. B, §179 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §9 (AMD). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B179 (AMD). PL 2003, c. 655, §§B422,C2,6 (AFF). PL 2013, c. 236, §6 (AMD). PL 2013, c. 387, §3 (AMD). PL 2015, c. 127, §6 (AFF). PL 2015, c. 127, §§4, 5 (AMD). PL 2017, c. 85, §3 (AMD). PL 2019, c. 98, §2 (AMD).

§11702. Wild turkey hunting hours

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §10 (RP). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§C2,6 (AFF).

ARTICLE 2

POSSESSION OF WILD TURKEYS

§11751. Unlawful possession of wild turkey

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B180 (RP). PL 2003, c. 655, §B422 (AFF).

§11751-A. Unlawful possession of wild turkeys

1. Possession of wild turkeys. A person may not possess a wild turkey taken in violation of any rule adopted by the commissioner under section 11701.
[PL 2003, c. 552, §11 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

2. Exceeding bag limit. A person may not possess more than the number of wild turkey allowed by rule during any open season, except a person may keep legally obtained wild turkey in that person's home at any time or as otherwise provided in law or rule.
[PL 2017, c. 85, §4 (AMD).]

3. Hunting wild turkey after having killed maximum. A person may not hunt wild turkey after that person has killed or registered the maximum number of wild turkey allowed by rule during that season.
[PL 2017, c. 85, §4 (AMD).]

4. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a Class E crime. [PL 2003, c. 552, §11 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

B. A person who violates subsection 2 or 3 commits a Class E crime for which the court shall impose a fine of not less than $500, none of which may be suspended. The court also shall impose a fine of $500 for each wild turkey unlawfully possessed, none of which may be suspended. [PL 2003, c. 552, §11 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

[PL 2003, c. 552, §11 (NEW); PL 2003, c. 552, §15 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

SECTION HISTORY

PL 2003, c. 552, §11 (NEW). PL 2003, c. 552, §15 (AFF). PL 2003, c. 655, §§C2,6 (AFF). PL 2017, c. 85, §4 (AMD).

§11752. Tagging wild turkey

1. Tags. The commissioner shall prescribe the form and content of and produce wild turkey tags.
[PL 2003, c. 655, Pt. B, §181 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Tagging. Prior to presenting a wild turkey for registration, a person may not possess or leave in the field or forest a wild turkey killed by that person unless the wild turkey has securely attached to it a plainly visible tag that conforms to the requirements established under this section.
[PL 2003, c. 655, Pt. B, §181 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §181 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 2 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. [PL 2003, c. 655, Pt. B, §181 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §181 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B181 (RPR). PL 2003, c. 655, §B422 (AFF).

§11753. Gift wild turkey

A person may not possess any part or parts of a wild turkey given to that person unless that gift wild turkey is labeled with the name of the person who registered it and the year the wild turkey was registered by that person. [PL 2003, c. 655, Pt. B, §182 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 655, Pt. B, §182 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B182 (NEW). PL 2003, c. 655, §B422 (AFF).

ARTICLE 3

HUNTING METHODS SPECIFIC TO WILD TURKEYS

§11801. Prohibited hunting methods

1. Unlawful hunting of wild turkey. A person may not hunt wild turkeys in violation of rules adopted under section 11701.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §183 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Unlawful methods of hunting wild turkey. A person may not:

A. Employ the use of a dog or dogs in any manner while hunting wild turkeys except during the fall wild turkey hunting season; [PL 2009, c. 550, §5 (AMD).]

B. Engage in an organized drive of any manner while hunting wild turkeys; or [PL 2015, c. 301, §23 (AMD).]

C. [PL 2015, c. 301, §24 (RP).]

D. Use a trap or other device intended or designed for the purpose of capturing or ensnaring wild turkeys. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2015, c. 301, §§23, 24 (AMD).]

3. Penalties. A person who violates this section commits a Class E crime.
[PL 2003, c. 552, §12 (AMD); PL 2003, c. 552, §15 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §12 (AMD). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B183 (AMD). PL 2003, c. 655, §§B422,C2,6 (AFF). PL 2009, c. 550, §5 (AMD). PL 2015, c. 301, §§23, 24 (AMD).

§11802. Baiting wild turkeys

1. Prohibitions. From September 1st to December 15th and during the first open wild turkey hunting season established by the commissioner in that year pursuant to section 11701, a person may not:

A. Place any bait or food in a place to entice a wild turkey to that place; or [PL 2015, c. 301, §25 (NEW).]

B. Hunt from an observation stand or blind overlooking bait or food known to be attractive to wild turkey. This prohibition does not apply to hunting from an observation stand or blind overlooking:

(1) Standing crops; or

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence. [PL 2015, c. 301, §25 (NEW).]

[PL 2017, c. 85, §5 (AMD).]

2. Penalty. A person who violates subsection 1 commits a Class E crime.
[PL 2015, c. 301, §25 (NEW).]

SECTION HISTORY

PL 2015, c. 301, §25 (NEW). PL 2017, c. 85, §5 (AMD).

SUBCHAPTER 9

GAME BIRD HUNTING

§11851. Hunting or trapping wild birds

1. Unlawfully hunting or trapping wild birds. A person may not hunt or trap a wild bird, other than the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling, except as provided in this Part.
[PL 2019, c. 355, §4 (AMD).]

2. Unlawful possession of wild birds. A person may not possess, alive or dead, a wild bird, other than the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling, except as provided in this Part.
[PL 2019, c. 355, §4 (AMD).]

3. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 655, Pt. B, §184 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B184 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2013, c. 280, §8 (AMD). PL 2015, c. 301, §26 (AMD). PL 2019, c. 355, §4 (AMD).

§11852. Reopening season

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2013, c. 280, §9 (AMD). PL 2013, c. 408, §17 (RP). PL 2013, c. 588, Pt. A, §15 (RP).

§11853. Closed season; Haley Pond

1. Prohibition. A person may not hunt waterfowl on Haley Pond in the Town of Rangeley and Dallas Plantation in the County of Franklin.
[PL 2003, c. 655, Pt. B, §185 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §185 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §185 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §185 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B185 (RPR). PL 2003, c. 655, §B422 (AFF).

§11854. Nest or eggs of wild birds

A person may not take, possess or needlessly destroy the nest or eggs of a wild bird, except the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling. A person who violates this section commits a Class E crime. [PL 2019, c. 355, §5 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2013, c. 280, §10 (AMD). PL 2019, c. 355, §5 (AMD).

§11855. Unlawful use of migratory game birds

1. Prohibition. Unless specifically permitted by regulations of the federal Migratory Bird Treaty Act, 16 United States Code, Sections 703 to 712, or by rules adopted by the commissioner in conformity with Title 5, Part 18, except section 8052, subsection 3 of that Title, a person may not:

A. Hunt migratory game birds; [PL 2003, c. 655, Pt. B, §185 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Possess migratory game birds; [PL 2003, c. 655, Pt. B, §185 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Transport migratory game birds; or [PL 2003, c. 655, Pt. B, §185 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Buy or sell migratory game birds. [PL 2003, c. 655, Pt. B, §185 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §185 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. A person who violates subsection 1 commits a Class E crime.
[PL 2003, c. 655, Pt. B, §185 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B185 (RPR). PL 2003, c. 655, §B422 (AFF).

§11856. Pheasants

The commissioner shall establish by rule a hunting season for male pheasants that disallows the taking of female pheasants in certain areas of the State. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A person may not take a female pheasant in an area subject to the provisions of this section. A person who violates this section commits a Class E crime. [PL 2003, c. 655, Pt. B, §186 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B186 (NEW). PL 2003, c. 655, §B422 (AFF).

§11857. Unlawful possession of ruffed grouse

1. Daily bag limit. A person may not take more than the daily bag limit of ruffed grouse during any open season on ruffed grouse as established by the commissioner.
[PL 2013, c. 280, §11 (NEW).]

2. Possession limit. A person may not possess more than the possession limit of ruffed grouse taken during any open season on ruffed grouse as established by the commissioner.
[PL 2013, c. 280, §11 (NEW).]

3. Duty to label ruffed grouse.
[PL 2013, c. 538, §29 (RP).]

4. Penalty. A person who violates this section commits a Class E crime for which a fine of not less than $100 plus $25 for each ruffed grouse taken in violation may be adjudged.
[PL 2013, c. 280, §11 (NEW).]

SECTION HISTORY

PL 2013, c. 280, §11 (NEW). PL 2013, c. 538, §29 (AMD).

SUBCHAPTER 10

RACCOON HUNTING

§11901. Raccoons

1. Open season. An open season for hunting raccoons established by the commissioner must be of uniform duration throughout the State.
[PL 2003, c. 592, §4 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

2. Night hunting. Notwithstanding the night hunting prohibition in section 11206, raccoons may be hunted at night during an open season established pursuant to this section.
[PL 2003, c. 592, §4 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 592, §4 (RPR). PL 2003, c. 592, §5 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§C5,6 (AFF).

SUBCHAPTER 11

HARE AND RABBIT HUNTING

§11951. Hunting hares and rabbits with dogs

A person may use a dog to hunt, or may be accompanied by a dog while hunting, wild hares or rabbits during the open firearm season on deer. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §187 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B187 (AMD). PL 2003, c. 655, §B422 (AFF).

§11952. Unlawful harvest of wild rabbits or hares

1. Prohibition. A person may not:

A. Set or use any snare, trap or other device in the hunting of wild hares or rabbits, except that trappers may take wild hares or rabbits by box traps solely for the purpose of selling them to the commissioner as authorized by this Title; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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 or by falconry. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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

[PL 2003, c. 655, Pt. B, §188 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B188 (AMD). PL 2003, c. 655, §B422 (AFF).

§11953. Unlawful possession of wild hares or wild rabbits

1. Unlawful possession; closed season. A person may not possess a wild hare or rabbit taken during the closed season.

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. [PL 2003, c. 655, Pt. B, §189 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §189 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §189 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Unlawful possession; prohibited method or device. A person may not possess a wild hare or wild rabbit taken by any method or with any device prohibited by section 11952, subsection 1 or section 12252, subsection 2, paragraph A, B or C.

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. [PL 2003, c. 655, Pt. B, §189 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §189 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §189 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B189 (NEW). PL 2003, c. 655, §B422 (AFF).

SUBCHAPTER 12

COYOTE HUNTING

§12001. Night season and restrictions

1. Coyote hunting. Notwithstanding the night hunting prohibitions in section 11206, there is an open season for hunting coyotes at night in all counties of the State from December 16th to August 31st.

Notwithstanding section 11214, subsection 1, paragraph M, the commissioner may appoint agents to hunt for coyotes at night using artificial illumination from September 1st to December 15th. The commissioner shall develop policies to make the affected public and affected law enforcement officers aware of any night hunting operations.
[PL 2011, c. 216, §1 (AMD).]

2. Night; hunting hours.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §190 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Calling devices required. A person may not hunt coyotes at night without possessing an electronic, hand-held or mouth-operated predator calling device.

A person who hunts coyotes in violation of this subsection commits a Class E crime.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §190 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B190 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 242, §1 (AMD). PL 2009, c. 46, §1 (AMD). PL 2009, c. 550, §6 (AMD). PL 2011, c. 216, §1 (AMD).

SUBCHAPTER 13

HUNTING DOG TRAINING AND FIELD TRAINING

§12051. Training

1. Open training season. Unless otherwise provided in this Part, a person may not train dogs on wild birds and wild animals except as follows.

A. A person may train dogs on foxes, snowshoe hare and raccoons from July 1st through the following March 31st, including Sundays. [PL 2013, c. 588, Pt. A, §16 (RPR).]

B. A person may train sporting dogs on wild birds at any time, including Sundays. [PL 2013, c. 588, Pt. A, §16 (RPR).]

C. A resident may train up to 6 dogs at any one time on bear from July 1st to the 4th day preceding the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9. [PL 2013, c. 588, Pt. A, §16 (RPR).]

Except on Sundays, a person may not engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109. A person may train dogs on pen-raised birds at any time without a license. For the purpose of this subsection, "pen-raised birds" includes, but is not limited to, quail, pheasant, pigeons and Hungarian partridge.

A person who violates this subsection commits a Class E crime.
[PL 2013, c. 588, Pt. A, §16 (RPR).]

1-A. Open training season 2009-2010.

[PL 2009, c. 76, §1 (NEW); MRSA T. 12 §12051, sub-§1-A (RP).]

2. Rock dove permits.
[PL 2013, c. 280, §12 (RP).]

3. Possessing firearm while training dogs. A person may not possess a firearm while training a dog outside of the open training season on foxes, snowshoe hare and raccoons as set out in subsection 1.

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. [PL 2003, c. 655, Pt. B, §191 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §191 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2011, c. 253, §22 (AMD).]

4. Unlawful use of firearm during training or field trials.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §192 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Unlawful use of firearm during training or field trials. Except as otherwise provided in this subsection, a person may not possess during the training or field trials permitted in this section and section 12054 a firearm other than a blank pistol or shotgun loaded with blank ammunition, except during an open season for hunting. The commissioner may issue a permit to a person authorizing the use of firearms during the training of sporting dogs to shoot and kill wild birds propagated or legally acquired by the permittee and possessed in accordance with section 12152.

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. [PL 2003, c. 655, Pt. B, §193 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §193 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §193 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Effect of revocation. A person may not train dogs under this section if that person has a suspended or revoked license pursuant to section 10902.
[PL 2013, c. 247, §2 (NEW); PL 2013, c. 286, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B191-193 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 76, §1 (AMD). PL 2009, c. 550, §7 (AMD). PL 2011, c. 253, §§21, 22 (AMD). PL 2011, c. 309, §4 (AMD). PL 2013, c. 247, §§1, 2 (AMD). PL 2013, c. 280, §12 (AMD). PL 2013, c. 286, §§1, 2 (AMD). PL 2013, c. 588, Pt. A, §16 (AMD).

§12052. Special dog training area license

1. License required. Except as otherwise authorized under this Part, a person may not engage in an activity authorized under this section unless that person has a valid license issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Application and issuance. Upon application of a club or organization having 25 or more resident members, the commissioner may issue to the club or organization a license authorizing the following.

A. The licensee may establish and maintain on land owned by the licensee, or over which the licensee has legal control, a special dog training area in which and on which dogs may be trained at any time during the year. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The licensee may at any time during the year train the licensee's own dogs or the dogs of other persons on that area. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The licensee may hold field trials at any time on that area or permit, in writing, others to hold field trials on that area under such conditions as are mutually agreed on. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

No more than 8 clubs in any one county may be issued a license.
[PL 2019, c. 65, §1 (AMD).]

3. Fee. The fee for a special dog training area license is $27.
[PL 2005, c. 12, Pt. III, §19 (AMD).]

4. Restrictions. The following provisions must be observed.

A. Each club licensed under this section may not establish more than 2 special dog training areas, each of which may not be less than 20 acres. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A club may not control more than a total of 400 acres. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A person shall plainly and conspicuously post the boundary line of a special dog training area with legible notices at least 11 inches square, placed not more than 100 yards apart, that must bear the following warning:

> "SPECIAL DOG TRAINING FIELD TRIAL AREA -- HUNTING AND TRAPPING IS UNLAWFUL. This land is set aside under special license for the training of dogs and the holding of field trials. Entering on this land for the purpose of hunting or permitting dogs to enter without proper authorization is prohibited."

The name and address of the licensee must be printed on the notice. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §194 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §194 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Use of special dog training area other than by licensee. Unless the area is completely enclosed with rabbit-proof fence, a person not a licensee may train that person's own dogs or the dogs of other persons on a special dog training area under the following conditions.

A. The person shall apply in writing to the licensee and must receive a permit to do so, for which a charge not to exceed $2 may be made, which amount is retained by the licensee. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Unless the special dog training area is completely enclosed by rabbit-proof fence, a licensee's failure to make reasonable provision for the use of that special dog training area by persons not licensees is sufficient grounds for the department to deny a renewal of license.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Stocking by commissioner. The commissioner may, from time to time during each year, stock wild animals or wild birds at the special dog training area and shall charge the licensees a reasonable price for them.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Stocking by licensee. This section is not to be construed as authorizing licensees to liberate a wild bird or quadruped coming from outside of the State on a special dog training area.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Violation of license restriction. A person may not violate any restriction of a license or permit issued in accordance with this section.

A. A person who violates a license or permit restriction under this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §195 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates a license or permit restriction under this section 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. [PL 2003, c. 655, Pt. B, §195 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

Each day a person violates a license or permit restriction under this section that person commits a separate violation.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §195 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B194,195 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III19 (AMD). PL 2019, c. 65, §1 (AMD).

§12053. Unlawful use of licensed dog training area

1. Unlawful use of licensed dog training area. The following provisions apply to licensed dog training areas.

A. A person may not hunt on a licensed dog training area licensed under section 12052 except that the owner of the land being used as a licensed dog training area may hunt wild animals and wild birds on the training area to the extent permitted by this Part. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A person may not do any of the following on a dog training area licensed and posted in accordance with section 12052 except as provided in section 12052:

(1) Train a dog;

(2) Hold a field trial;

(3) Enter the area accompanied by a dog; or

(4) Permit a dog of which that person is the owner or trainer to enter the area. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §196 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §196 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §197 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §197 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §197 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B196,197 (AMD). PL 2003, c. 655, §B422 (AFF).

§12054. Field trials; raccoon and rabbits

1. Raccoon dog field trials. A person may hold raccoon dog field trials at any time.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Rabbit hound field trials. A person may not hold field trials for beagles and other rabbit hounds except from September 1st through the following April 10th. A person who violates this subsection commits a Class E crime.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Sporting dog field trials. The licensing and conduct of sporting dog field trials is governed by section 12055.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12055. License to hold field trials; wild birds

1. License required. A club or organization may not hold field trials as provided under this section unless the club or organization has a valid license issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Application and issuance. Upon application of a club or organization, the commissioner may, at the commissioner's discretion, issue to the club or organization a license authorizing the following.

A. The licensee may hold, at the time and place stated in the license, a field trial for sporting dogs for the purpose of demonstrating the skill of the dogs in finding, tracking, flushing, pointing or retrieving dead or wounded wild birds. [PL 2017, c. 205, §10 (AMD).]

B. Members of the licensee club or organization may shoot and kill with firearms wild birds propagated or legally acquired by members of the licensee at the field trial held at the time and place specified in the license. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Persons may participate in a field trial pursuant to this section without a hunting license. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A separate application must be filed for each field trial proposed to be held by a club or organization, as described in this section.
[PL 2017, c. 205, §10 (AMD).]

3. Fee. The fee for a license to hold field trials for sporting dogs is $27.
[PL 2005, c. 12, Pt. III, §20 (AMD).]

4. Shooting hours and consent. Members of the licensee club or organization may not shoot and kill birds, unless it is during the daylight hours and only with the consent of the owner of or person having legal control of the land on which the field trial is held.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Violation of restrictions. A person may not violate any restriction of a license or permit issued in accordance with this section.

A. A person who violates a license or permit restriction under this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §198 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates a license or permit restriction under this section 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. [PL 2003, c. 655, Pt. B, §198 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

Each day a person violates a license or permit restriction under this section that person commits a separate violation.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §198 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B198 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III20 (AMD). PL 2017, c. 205, §10 (AMD).

SUBCHAPTER 14

COMMERCIAL SHOOTING AREAS

§12101. License to operate commercial shooting area

1. Issuance.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §199 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. License required. A person may not charge others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in an area or establish a commercial shooting area for such purposes unless that person has a valid license issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.

A. Nothing in this subsection prohibits the operator of a commercial shooting area from authorizing a person to hunt other wild birds or wild animals in the commercial shooting area during the regular open season on those species, in accordance with this Part, as long as the person possesses a valid state hunting license that allows the hunting of those wild birds and wild animals. [PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-B. Issuance. The commissioner may issue licenses authorizing the establishment and operation of commercial shooting areas to qualified applicants. A commercial shooting area license authorizes

the owner of a commercial shooting area to charge others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in that area. A commercial shooting area license is valid for one year and is renewable annually.
[PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-C. Prohibition; remote-control hunting. An owner or operator of a commercial shooting area may not use a website, or a service or business via any other means, that permits a person to hunt or attempt to hunt a wild animal or wild bird that is located in this State through the use of a computer-controlled gun, shooting apparatus or any other remote-control device when the person using the website, service or business is physically removed from the immediate vicinity of the wild animal or wild bird. A person who violates this subsection commits a Class E crime.
[PL 2017, c. 205, §11 (NEW).]

2. Eligibility. In order to qualify for a commercial shooting area license:

A. The location of the land must be at least 5 miles from another commercial shooting area, as measured by a straight line between the property lines at their closest points to each other; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The land must be between 200 acres and 400 acres in area; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The land must be contiguous. Property bisected by a road or highway is considered to be contiguous for purposes of this paragraph; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The land must be owned or leased by the licensed operator of the commercial shooting area. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A person is ineligible to receive a new shooting area license within 6 months of the expiration of the license for another shooting area located within 5 miles unless the holder of the expired license states in writing to the commissioner that that license will be abandoned.

A renewal of a shooting area license may be issued for a commercial shooting area within 5 miles of another commercial shooting area, notwithstanding paragraph A, as long as the renewed license is applied for within 6 months following the expiration of the old license.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §199 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Fees. The fee for a commercial shooting area license is:

A. For the first year of operation, $502; and [PL 2005, c. 12, Pt. III, §21 (AMD).]

B. For each subsequent year, $252, payable prior to July 1st of each year. [PL 2005, c. 12, Pt. III, §21 (AMD).]
[PL 2005, c. 12, Pt. III, §21 (AMD).]

4. Requirements. The following requirements apply to a commercial shooting area.

A. The operator of the commercial shooting area shall maintain and keep open to inspection by representatives of the department a register of:

(1) The name and address of each person shooting in the area;

(2) The date or dates when that person hunted in the area; and

(3) The number and type of birds killed by that person. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The operator of the commercial shooting area shall provide to each person taking birds in that area a receipted invoice or bill of sale for possession and transportation of those birds. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The operator of the commercial shooting area shall mark the boundary of the shooting area in a manner prescribed by the commissioner and shall post the boundary conspicuously with signs or other markings approved by the commissioner. The signs or markings must be of a color, size and wording prescribed by the commissioner and must be placed not more than 250 feet apart facing the outside of the area. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §199 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

4-A. Penalties. The following penalties apply to violations of subsection 4.

A. A person who violates subsection 4 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 4 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. [PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Enforcement. Enforcement of the trespass laws of a commercial shooting area is the responsibility of the owner and is not in any manner to be considered an obligation of the department.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §199 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Exceptions.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §199 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B199 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III21 (AMD). PL 2017, c. 205, §11 (AMD).

§12102. Importation permit for mallard ducks, quail, Chukar partridge and Hungarian partridge

1. Issuance. The commissioner may grant permits to import live mallard ducks, quail, Chukar partridge and Hungarian partridge to operators of commercial shooting areas.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Application. When requesting permission to import these birds, an importer shall:

A. Provide the commissioner with information on the number of the birds to be imported and the name and address of the seller; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Furnish the commissioner with a statement from an approved veterinarian or from the Department of Agriculture or from the conservation department of the state from which the birds are imported certifying that they are from flocks that have been tested for infectious or contagious disease and have not been exposed to that disease during the 6 months prior to importation. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12103. Remote-control hunting

(REPEALED)

SECTION HISTORY

PL 2005, c. 81, §3 (NEW). PL 2017, c. 205, §12 (RP).

SUBCHAPTER 15

WILDLIFE IMPORTATION AND POSSESSION PERMITS AND REQUIREMENTS

§12151. Keeping wildlife in captivity

1. Prohibition. A person may not keep wildlife in captivity except as provided under section 10105, subsection 10, sections 12102, 12152 and 12157 and Title 7, section 1809 or except if the wild animal was purchased from a dealer or pet shop licensed under Title 7, section 3933.
[PL 2017, c. 205, §13 (AMD).]

2. Penalties. Except as provided in section 12152, subsection 7, the following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $500 may be adjudged. [PL 2015, c. 374, §3 (AMD).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §200 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. The department may seize fish or wildlife in accordance with sections 10502 and 10503 from a person who violates subsection 1. [PL 2015, c. 374, §4 (NEW).]
[PL 2017, c. 285, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B200 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 374, §§2-4 (AMD). PL 2017, c. 205, §13 (AMD). PL 2017, c. 285, §1 (AMD).

§12152. Permit to possess wildlife in captivity

(CONFLICT)

1. Permit required.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §201 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. Permit required. Except as otherwise provided in this Part, a person may not import wildlife into or possess wildlife in the State or receive or possess wildlife imported into the State. The department shall maintain a list of unregulated fish and wildlife species for which a permit under this section is not required that is available to the public. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable permit fee must be imposed. The commissioner may grant a permit to introduce, import, transport, receive or possess fish or gametes in accordance with the provisions of section 12509.
[PL 2017, c. 205, §14 (AMD).]

1-B. Exemption. Notwithstanding subsection 1-A, a reptile, amphibian or invertebrate that is native to the State and not listed by the department as threatened, endangered or of special concern may be captured from the wild in the State and possessed without a permit. Possession limits for each species are as follows:

A. Amphibians, up to 5 specimens of each species; [PL 2017, c. 205, §15 (NEW).]

B. Reptiles, up to 2 specimens of each species; and [PL 2017, c. 205, §15 (NEW).]

C. Invertebrates, no specimen limits. [PL 2017, c. 205, §15 (NEW).]

Animals captured under this subsection must be kept in a manner that does not permit contact between those animals and any other animal that is not naturally present in the wild in this State. If an animal captured under this subsection is released back into the wild, the animal must be released in or near the same location where the animal was captured. Importation into the State of a reptile, amphibian or invertebrate exempted under this subsection is prohibited without a permit. Exhibition, propagation or export or sale for commercial purposes is prohibited without a permit. A person may not export, sell or otherwise use for commercial purposes any animal captured under this subsection unless the person holds an applicable permit for that use.
[PL 2017, c. 205, §15 (NEW).]

2. Affected species. Except as otherwise provided in this Part, this section applies to the possession of any wildlife regulated by the State that is held in captivity and to the importation of wildlife from an area outside the State, including:

A. All species listed under state law as threatened or endangered; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. All species other than those listed in paragraph A not included on a list of unregulated, nonnative species that is maintained by the commissioner to facilitate the issuance of importation permits; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Species identified in rules adopted by the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The commissioner may adopt rules that classify wildlife into categories as described in subsection 3-D for purposes of determining applicable fees under this section. The rules must, at a minimum, include the list of unrestricted, nonnative species as provided in paragraph B, a category of wildlife that is endangered or threatened or presents a risk to humans, a category of wildlife that requires special housing or care and a category of prohibited species for which a permit is not issued under any circumstances.
[PL 2017, c. 205, §16 (AMD).]

3. Issuance. The commissioner may issue a permit to a person permitting the introduction, importation, possession and use of wildlife in accordance with the provisions of subsection 5.

A. [PL 2015, c. 494, Pt. A, §8 (RP).]

B. [PL 2015, c. 494, Pt. A, §8 (RP).]

C. [PL 2015, c. 494, Pt. A, §8 (RP).]

D. [PL 2015, c. 494, Pt. A, §8 (RP).]
[PL 2015, c. 494, Pt. A, §8 (RPR).]

3-A. Restrictions. A permit issued pursuant to this section does not authorize the permittee to:

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 12401, 12402 or 12404; or [PL 2019, c. 639, §7 (AMD).]

B. Import any species of wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross or the eggs of these species. [PL 2015, c. 374, §7 (NEW).]

[PL 2019, c. 639, §7 (AMD).]

3-B. Application fees.

[PL 2017, c. 205, §17 (RP).]

3-C. Issuance for unpermitted wildlife. The commissioner may issue a permit under this section to a person who possesses wildlife without a permit for which a permit is required if the possession would have been allowed had the person applied for a permit before importing or possessing the wildlife. A person issued a permit under this subsection must pay a fee of $500 in addition to the applicable application fee and permit fee. A person issued a permit under this subsection may not be charged with a penalty under section 12151. The commissioner may issue a notice of corrective action to a person issued a permit under this subsection informing the person of the requirement to fully comply with application and permit conditions and that failure to comply may result in denial of future permits.

[PL 2019, c. 652, §1 (AMD).]

3-D. Permit types; application fees; permit fees. An applicant for a permit under this section shall submit a written application on a form specified by the commissioner. The application must be accompanied by the applicable nonrefundable application fee. The following permits may be issued by the commissioner:

A. A category 1 restricted species importation permit, which allows the holder to import wildlife that is endangered or threatened or presents a risk to humans into the State. The following fees apply to a permit under this paragraph:

(1) Application fee, $250; and

(2) Permit fee, $27; [PL 2017, c. 205, §18 (NEW).]

B. A category 1 restricted species exhibition permit, which allows the holder to exhibit wildlife for commercial purposes that is endangered or threatened or presents a risk to humans or that requires special housing or care. A category 1 restricted species exhibition permit does not allow the holder to exhibit wolf hybrids, as defined in Title 7, section 3907, subsection 30. A category 1 restricted species exhibition permit expires 2 years from the date of issuance. The following fees apply to a permit under this paragraph:

(1) Application fee, $250; and

(2) Permit fee, $150; [PL 2017, c. 205, §18 (NEW).]

C. A category 2 restricted species importation permit, which allows the holder to import wildlife that requires special housing or care. The following fees apply to a permit under this paragraph:

(1) Application fee, $100; and

(2) Permit fee, $27; [PL 2017, c. 205, §18 (NEW).]

D. A category 2 restricted species possession permit, which allows the holder to possess wildlife that requires special housing or care. A category 2 restricted species possession permit expires 2 years from the date of issuance. The following fees apply to a permit under this paragraph:

(1) Application fee, $27; and

(2) Permit fee, $27; [PL 2017, c. 205, §18 (NEW).]

E. **(CONFLICT: Text as amended by PL 2019, c. 355, §6)** A wildlife rehabilitation permit, which allows the holder to possess debilitated or orphaned wildlife and rehabilitate that wildlife and release it into the wild as soon as the wildlife is rehabilitated or euthanize that wildlife in

accordance with humane euthanization procedures if rehabilitiation and release are not possible. A wildlife rehabilitation permit is available at no cost and expires on December 31st of the 2nd complete year after the date of issuance; [PL 2019, c. 355, §6 (AMD).]

E. **(CONFLICT: Text as amended by PL 2019, c. 501, §9)** A wildlife rehabilitation permit, which allows the holder to possess debilitated or orphaned wildlife and rehabilitate that wildlife and release it into the wild as soon as the wildlife is rehabilitated or euthanize that wildlife in accordance with humane euthanization procedures if rehabilitation and release are not possible. A wildlife rehabilitation permit is available at no cost and expires 2 years from the date of issuance; [PL 2019, c. 501, §9 (AMD).]

F. A research permit, which allows the holder to import and possess wildlife that is endangered or threatened or presents a risk to humans or that requires special housing or care to conduct scientific research or to use for educational purposes. A research permit is available at no cost and expires 2 years from the date of issuance; and [PL 2017, c. 205, §18 (NEW).]

G. An educational and scientific collection permit, which allows the holder to hunt, trap, possess, band and transport wildlife from within the State for educational or scientific purposes. An educational and scientific permit is not required to hunt, trap, possess, band or transport an invertebrate that is not listed by the department as endangered, threatened or of special concern. An educational and scientific collection permit is available at no cost and expires one year from the date of issuance. [PL 2017, c. 205, §18 (NEW).]

[PL 2019, c. 355, §6 (AMD); PL 2019, c. 501, §9 (AMD).]

4. Permit fees.

[PL 2017, c. 205, §19 (RP).]

4-A. Renewal. A permit holder who wishes to renew a permit issued under this section must renew the permit prior to its expiration date. The department may assess a late fee of $25, in addition to the required permit fee, to a person who does not renew a permit prior to its expiration date.

[PL 2015, c. 374, §9 (NEW).]

5. Rules. The commissioner may adopt rules necessary for the administration of this section, including provisions to ensure that all wildlife possessed under these permits receives humane treatment and proper husbandry and security, and to safeguard the interests of the wildlife and citizens of the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted may include but are not limited to rules that:

A. Maintain updated inspection provisions for applicants attempting to acquire a permit to possess or introduce, import and possess fish or wildlife in captivity; [PL 2015, c. 374, §10 (NEW).]

B. Maintain a fee structure to establish fees for inspection provisions for regulated species; [PL 2015, c. 374, §10 (NEW).]

C. Provide a process that allows authorized independent contractors to meet with permit applicants to educate applicants on minimum standard facility requirements and to inspect current facilities to recommend approval or denial of a permit; and [PL 2015, c. 374, §10 (NEW).]

D. Charge a responsible party for the cost incurred to remove or euthanize unpermitted regulated fish or wildlife species. [PL 2015, c. 374, §10 (NEW).]

[PL 2015, c. 374, §10 (AMD).]

6. Additional permit requirements. In addition to the provisions adopted under subsection 3, the commissioner may assign permit conditions or requirements designed to mitigate potential impacts or risks that may arise from the possession of specific wildlife species or to ensure the humane treatment or proper husbandry for specific species.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Escaped wildlife prohibition; penalty. The following provisions apply to escaped wildlife.

A. A person may not allow wildlife in captivity to escape that person's possession or control in violation of:

(1) Rules adopted pursuant to subsection 5; or

(2) An additional permit condition or requirement assigned pursuant to subsection 6. [PL 2017, c. 285, §2 (NEW).]

B. Notwithstanding section 12151, subsection 2, a person who violates paragraph A commits:

(1) A Class E crime if the wildlife is permitted in accordance with this section and the permit holder does not immediately notify a law enforcement officer that the wildlife has escaped;

(2) A Class E crime if the wildlife is not permitted in accordance with this section and the person immediately notifies a law enforcement officer that the wildlife has escaped; or

(3) A Class D crime if the wildlife is not permitted in accordance ith this section and the person does not immediately notify a law enforcement officer that the wildlife has escaped. [PL 2017, c. 285, §2 (NEW).]

[PL 2017, c. 285, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B201 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III22 (AMD). PL 2005, c. 117, §2 (AMD). PL 2015, c. 301, §27 (AMD). PL 2015, c. 374, §§5-10 (AMD). PL 2015, c. 494, Pt. A, §8 (AMD). PL 2017, c. 205, §§14-19 (AMD). PL 2017, c. 285, §2 (AMD). PL 2019, c. 355, §6 (AMD). PL 2019, c. 501, §9 (AMD). PL 2019, c. 639, §7 (AMD). PL 2019, c. 652, §1 (AMD).

§12153. Violation of rules regarding wild animals in captivity

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B202 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 301, §28 (RP).

§12154. Department breeding or rearing wild birds

Notwithstanding section 12151 as it applies to section 12152, section 12151 does not apply to migratory game birds, partridge, grouse or pheasant owned by the department. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §203 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B203 (AMD). PL 2003, c. 655, §B422 (AFF).

§12155. Importation permit for wildlife

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B204 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 374, §11 (RP).

§12156. Release of wildlife into wild

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not release into the wild captive, raised or imported wildlife unless that person has a valid permit issued under this

section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2017, c. 205, §20 (AMD).]

2. Issuance. The commissioner may issue a written permit to any person permitting that person to release into the wild captive, raised or imported wildlife.
[PL 2017, c. 205, §20 (AMD).]

3. Wild turkey restrictions. Only the commissioner or agents of the commissioner may sell, give away or release into the wild any live wild turkey, hybrid wild turkey, wild turkey-domestic turkey cross or fertile egg of these species.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2017, c. 205, §20 (AMD).

§12157. Permit to transport wildlife for breeding and advertising

1. Permit required. The commissioner may issue a permit to anyone permitting that person to take and transport within the limits of the State wildlife taken in the State for breeding or advertising purposes.
[PL 2003, c. 655, Pt. B, §205 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Prohibition. A person may not take or transport within the limits of the State wildlife taken in the State for breeding or advertising purposes unless that person holds a valid permit issued under this section.
[PL 2003, c. 655, Pt. B, §205 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalty. Each day a person violates subsection 2 that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 655, Pt. B, §205 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B205 (RPR). PL 2003, c. 655, §B422 (AFF).

§12158. Importation permit for pheasants

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B206 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 657, Pt. W, §5 (REV). PL 2017, c. 205, §21 (RP).

§12159. Taking reptiles and amphibians from the wild

1. Prohibition; penalties. Except as provided in this section, a person may not take and 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. [PL 2003, c. 655, Pt. B, §207 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §207 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2011, c. 253, §23 (AMD).]

2. Commercial amphibian permit. Persons harvesting amphibians for purposes of sale are required to obtain a permit from the commissioner. The fee for a permit issued under this subsection is $27. The permit expires one year from the date of issuance.
[PL 2017, c. 205, §22 (AMD).]

3. Rules. The commissioner shall adopt rules pertaining to harvest methods, confinement and disposal of amphibians. The commissioner may by rule:

A. Require reporting of harvest activities; [PL 2011, c. 253, §23 (AMD).]

B. Establish a season, including daily and season possession limits; and [PL 2017, c. 205, §23 (AMD).]

C. Establish requirements for humane harvest, confinement and disposal methods. [PL 2017, c. 205, §23 (AMD).]

D. [PL 2017, c. 205, §23 (RP).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2017, c. 205, §23 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B207,208 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 253, §23 (AMD). PL 2017, c. 205, §§22, 23 (AMD).

§12160. Disposition of wolf hybrids

1. Determination of species. The department shall respond to requests under Title 7, section 3911-B, subsection 3 for assistance in capturing and disposing of an animal suspected of being a wolf hybrid. The department may presume that the animal is a wolf hybrid if:

A. Licensure as a dog under Title 7, section 3922 cannot be confirmed; [PL 2011, c. 100, §16 (NEW).]

B. The animal bears no identification indicating ownership; and [PL 2011, c. 100, §16 (NEW).]

C. The animal has distinct wolflike characteristics. [PL 2011, c. 100, §16 (NEW).]

The department may pursue genetic testing to determine if the animal is a wolf or wolf hybrid.
[PL 2011, c. 100, §16 (NEW).]

2. Rulemaking. The department shall adopt rules establishing procedures for disposing of animals determined to be wolf hybrids under subsection 1. For the purposes of this section, "disposing" includes, but is not limited to, transferring the animal to a person holding a permit under section 12152 or euthanasia in accordance with Title 17, chapter 42, subchapter 4. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 100, §16 (NEW).]

SECTION HISTORY

PL 2011, c. 100, §16 (NEW).

§12161. Taking of certain nonmarine invertebrates from the wild for commercial purposes

1. Prohibition; penalties. Except as provided in this section, a person may not take and possess certain nonmarine invertebrates, specifically freshwater mussels, butterflies, moths, dragonflies or beetles, 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. [PL 2011, c. 253, §24 (NEW).]

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. [PL 2011, c. 253, §24 (NEW).]

[PL 2011, c. 253, §24 (NEW).]

2. Commercial nonmarine invertebrate permit. Persons harvesting freshwater mussels, butterflies, moths, dragonflies or beetles for export, sale or commercial purposes are required to obtain a permit from the commissioner. The fee for a permit issued under this subsection is $27. The permit expires one year from the date of issuance.

[PL 2017, c. 205, §24 (AMD).]

3. Rules. The commissioner may by rule:

A. Require reporting of commercial harvest activities, including at a minimum dates, locations and numbers collected by species; [PL 2011, c. 253, §24 (NEW).]

B. Establish daily and season possession limits; and [PL 2017, c. 205, §25 (AMD).]

C. [PL 2017, c. 205, §26 (RP).]

D. Require humane harvest, confinement and disposal methods. [PL 2011, c. 253, §24 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 205, §§25, 26 (AMD).]

SECTION HISTORY

PL 2011, c. 253, §24 (NEW). PL 2017, c. 205, §§24-26 (AMD).

CHAPTER 917

TRAPPING

SUBCHAPTER 1

LICENSE REQUIREMENTS AND FEES

§12201. Trapping license

1. License required. Except as otherwise authorized pursuant to this Part, a person may not trap unless that person has a valid license issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1-A. Trapping by agents of commissioner. The commissioner may authorize a full-time department employee to trap wild animals without a license for purposes of animal damage control. A person serving as an agent of the commissioner for purposes of animal damage control, including animal control officers appointed pursuant to Title 7, section 3947, must satisfy the licensing requirements of this section prior to trapping or attempting to trap a wild animal.

[PL 2003, c. 655, Pt. B, §209 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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

A. "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. [PL 2019, c. 639, §8 (AMD).]

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. [PL 2013, c. 538, §30 (NEW).]

[PL 2019, c. 639, §8 (AMD).]

2. Eligibility. The following persons are eligible to purchase a trapping license, subject to the provisions of subsection 3.

A. A resident 16 years of age or older is eligible to purchase a resident trapping license. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A resident 10 years of age or older and under 16 years is eligible to purchase a resident junior trapping license. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A resident under 10 years of age may trap all legal species, except bear, without a license. [PL 2009, c. 69, §2 (AMD).]

D. A nonresident who is a citizen of the United States is eligible to purchase a nonresident trapping license. [PL 2017, c. 427, §16 (AMD); PL 2017, c. 427, §19 (AFF).]

E. If a nonresident is not a citizen of the United States, the nonresident may purchase a nonresident trapping license but may not trap any species other than beaver pursuant to section 12259, subsection 3. [PL 2019, c. 325, §6 (AMD).]

[PL 2019, c. 325, §6 (AMD).]

3. Successful completion of trapper education program required for license. Except as provided in paragraph A, a person who applies for a state license to trap, other than a junior trapping license pursuant to subsection 2, paragraph B or an apprentice trapper license issued under section 12204, must submit proof of having successfully completed a trapper education course of the type described in section 10108, subsection 7 or satisfactory evidence of having previously held an adult license to trap in this State or any other state, province or country in any year beginning in or after 1978.

When proof or evidence can not otherwise be provided, the person may substitute a signed affidavit that that person has previously held the required adult trapping license or that that person has successfully completed the required trapper 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 Micmacs who presents certification from the respective reservation chief or governor or the Aroostook Micmac 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. [PL 2017, c. 164, §15 (AMD).]

[PL 2017, c. 164, §15 (AMD).]

4. Issuance. The commissioner, or the commissioner's agent, may issue a license to engage in trapping.

[PL 2017, c. 164, §16 (AMD).]

5. Expiration. All licenses issued under this section are valid for one year commencing July 1st of each year.

A resident junior trapping license issued to a person who has passed that person's 15th birthday is valid through the year for which the license was issued.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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 [PL 2019, c. 639, §9 (NEW).]

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. [PL 2019, c. 639, §9 (NEW).]
[PL 2019, c. 639, §9 (NEW).]

6. Trapping fees. The fees for trapping licenses are as follows:

A. A resident junior trapping license, for a person 10 years of age or older and under 16 years of age, is $10; [PL 2015, c. 245, §6 (AMD).]

B. A resident trapping license, for a person 16 years of age or older, is $36; and [PL 2015, c. 245, §6 (AMD).]

C. A nonresident trapping license is $318. [PL 2015, c. 245, §6 (AMD).]
[PL 2015, c. 245, §6 (AMD).]

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 a junior trapper supervisor. A person under 10 years of age may not trap bear. [PL 2019, c. 639, §10 (AMD).]

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 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. [PL 2019, c. 639, §10 (AMD).]
[PL 2019, c. 639, §10 (AMD).]

8. License violations. The following penalties apply to violations of restrictions of licenses under this section.

A. A person who violates a restriction of a license issued under this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §211 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates a restriction of a license issued under this section 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. [PL 2003, c. 655, Pt. B, §211 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

Each day a person violates a restriction of a license issued under this section is a separate offense.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §211 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Penalties for supervisors of junior trappers. A person who is the 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 [PL 2013, c. 538, §33 (RPR).]

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. [PL 2013, c. 538, §33 (RPR).]

[PL 2019, c. 639, §11 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B209-211 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III23 (AMD). PL 2009, c. 69, §§2-4 (AMD). PL 2009, c. 213, Pt. OO, §9 (AMD). PL 2013, c. 185, §3 (AMD). PL 2013, c. 538, §§30-33 (AMD). PL 2015, c. 245, §6 (AMD). PL 2017, c. 164, §§14-16 (AMD). PL 2017, c. 427, §§16, 17 (AMD). PL 2017, c. 427, §19 (AFF). PL 2019, c. 325, §6 (AMD). PL 2019, c. 639, §§8-11 (AMD).

§12202. Trapping by landowner

Notwithstanding section 12201, subsection 1 and subject to all other applicable laws and rules, a resident and a member of the resident's immediate family, as long as the trapper's license to trap is not under suspension or revocation, may trap for wild animals without a trapping license issued under section 12201 on land: [PL 2015, c. 301, §29 (AMD).]

1. Possession. To which they are legally entitled to possession;

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Domiciled. On which they are actually domiciled; and

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Agricultural purposes. That is used exclusively for agricultural purposes.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2013, c. 408, §18 (AMD). PL 2015, c. 301, §29 (AMD).

§12203. Trapping by agents of commissioner

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B212 (RP). PL 2003, c. 655, §B422 (AFF).

§12204. Apprentice trapper license

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

A. "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. [PL 2011, c. 51, §1 (NEW).]

B. "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. [PL 2019, c. 639, §12 (AMD).]

[PL 2019, c. 639, §12 (AMD).]

2. Apprentice trapper supervisor required. A holder of an apprentice trapper license may not trap other than in the presence of an apprentice trapper supervisor.
[PL 2019, c. 639, §13 (AMD).]

3. Apprentice trapper supervisor responsibility. An 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 apprentice trapper supervisor may not intentionally permit a person trapping under an apprentice trapper license with that apprentice trapper supervisor to violate subsection 2.
[PL 2019, c. 639, §14 (AMD).]

4. Eligibility. A resident or nonresident 16 years of age or older who has never held a valid adult trapping license in this State, or any other state, province or country, is eligible to obtain an apprentice trapper license. Notwithstanding section 12201, subsection 3, a person is eligible to obtain an apprentice trapper license without having successfully completed a trapper education course as described in section 10108, subsection 7. A person may not obtain an apprentice trapper license more than twice.
[PL 2013, c. 538, §34 (AMD).]

5. Expiration of apprentice trapper license. An apprentice trapper license is valid for up to 12 calendar months and expires on June 30th.
[PL 2011, c. 51, §1 (NEW).]

6. Issuance; fee. The commissioner, through the commissioner's authorized agent, shall issue an apprentice trapper license to an eligible person. The fee for an apprentice trapper license is $36 for residents and $318 for nonresidents.
[PL 2017, c. 164, §17 (AMD).]

7. Restrictions. The holder of an apprentice trapper license is not eligible to obtain a permit to trap for bear under section 12260-A.
[PL 2011, c. 51, §1 (NEW).]

8. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 and not more than $500 may be adjudged. [PL 2011, c. 51, §1 (NEW).]

B. A person who violates this section 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. [PL 2011, c. 51, §1 (NEW).]
[PL 2011, c. 51, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 51, §1 (NEW). PL 2013, c. 538, §34 (AMD). PL 2015, c. 301, §30 (AMD). PL 2017, c. 164, §17 (AMD). PL 2019, c. 639, §§12-14 (AMD).

SUBCHAPTER 2

TRAPPING SEASON, REQUIREMENTS AND RESTRICTIONS

§12251. Closed seasons

1. General. Except as otherwise provided in this Part and except as the commissioner may establish by rule that is not inconsistent with this chapter, there is a perpetual closed season on trapping any wild animal or wild bird.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Unity Utilities District. There is a continued closed season on all wild animals and wild birds on property owned by the Unity Utilities District located on Route 139 and Prairie Road in the municipality of Unity in Waldo County.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Closed season violation. A person may not trap, or attempt to trap, any wild animal or wild bird during the closed season or possess any wild animal or wild bird taken during the closed season on that wild animal or wild bird.

A person who violates this subsection commits a Class E crime.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §213 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B213 (AMD). PL 2003, c. 655, §B422 (AFF).

§12252. Unlawful trapping methods

1. Unlawfully rigging traps. A person may not use auxiliary teeth on any leg-hold trap set on land.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Use or possession of prohibited implements or aids. A person may not:

A. Set or tend a snare for the purpose of trapping any wild animal or wild bird, except as provided in section 10105, subsection 1 and section 12259; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Set or tend a set gun for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild bird; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Deposit any medicinal, poisonous or stupefying substance for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild bird, except that a landowner or member of the landowner's immediate family may use gas cartridges on the landowner's own land for woodchuck control; or [PL 2015, c. 301, §31 (AMD).]

D. Sell, advertise, give notice of the sale or keep for sale any set gun or poisonous substance for the taking of wild animals or wild birds, except that a person may sell, advertise, give notice of sale of or keep for sale rodenticide for orchard mouse control and gas cartridges for woodchuck control. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2015, c. 301, §31 (AMD).]

3. Use of pole traps. A person may not use or set any steel trap on the top of a pole, constituting a device commonly known as a "pole trap" for the purposes of catching any wild bird.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 655, Pt. B, §214 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B214 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 301, §31 (AMD).

§12253. Consent to trap

1. Trapping without written consent. A person may not, without first obtaining the written consent of the landowner or occupant, trap any wild animal on land in any organized or incorporated place or on the cultivated or pasture area of land that is used for agricultural purposes in any unorganized place and on which land there is an occupied dwelling. The provisions of this subsection do not apply to:

A. Beaver trapping; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Trapping with drowning sets in navigable rivers and streams; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Trapping with drowning sets on state-owned land and public rights-of-way. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A person who violates this subsection commits a Class E crime.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §215 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Trapping near occupied dwelling without written consent. A person may not trap any wild animal within 200 yards of an occupied dwelling without first obtaining the written consent of the owner or occupant of the land on which the trap is to be set. The provisions of this subsection do not apply to beaver trapping or trapping with drowning sets on state-owned land or public rights-of-way.

A person who violates this subsection commits a Class E crime.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §215 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Trapping near compact, built-up portion of city or village. A person may not trap outside that person's land within 1/2 mile of the compact, built-up portion of a city or village, except:

A. A person may trap within 1/2 mile of the built-up portion of a city or village with drowning sets; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A person who has a written permit from the landowner may trap on that landowner's land with cage-type live traps within 1/2 mile of the built-up portion of a city or village. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §215 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3-A. Penalties. The following penalties apply to violations of subsection 3.

A. A person who violates subsection 3 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §215 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 3 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. [PL 2003, c. 655, Pt. B, §215 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §215 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Proof of ownership of land. Before any prosecution is made under subsection 1 or 2, the landowner or occupant shall provide proof to the commissioner of that landowner's ownership or that occupant's occupancy of the land in question.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §215 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Permission to trap on land of another. This section does not give license or permission to set, place or tend traps on property that is owned by another person.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §215 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B215 (AMD). PL 2003, c. 655, §B422 (AFF).

§12254. Labeling traps

1. Prohibition. A person may not set a trap for any wild animal without having the trap plainly labeled with that person's full name and address.
[PL 2003, c. 655, Pt. B, §216 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §216 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §216 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §216 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B216 (RPR). PL 2003, c. 655, §B422 (AFF).

§12255. Tending traps

1. Failure to visit traps. A person shall:

A. While trapping in an organized or incorporated place:

(1) Check each trap, except killer-type traps or drowning sets, at least once in every calendar day; and

(2) Check each killer-type trap or drowning set at least once in every 3 calendar days, except that a drowning set placed within 1/2 mile of a city, town or village center must be checked at least once in every calendar day; and [PL 2015, c. 301, §32 (AMD).]

B. While trapping in an unorganized place:

(1) Check each trap, except killer-type traps and drowning sets, at least once in every calendar day; and

(2) Check each killer-type trap or drowning set at least once in every 5 calendar days. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §217 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

This subsection does not apply to under-ice drowning sets for beaver and muskrat. For the purposes of this subsection, "check" means to visit or cause to be visited.

A person who violates this subsection commits a Class E crime.
[PL 2015, c. 301, §32 (AMD).]

2. Failure to remove animal from trap. A person shall remove or cause to be removed from that person's trap an animal found caught in that trap.

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

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §217 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Carrying a firearm while trapping. Notwithstanding section 11205, subsection 1, paragraph A and section 11206, subsection 1, paragraph A, a person who holds a valid trapping license may carry a firearm at any time during the open trapping season for the sole purpose of dispatching trapped animals unless that person is prohibited from possessing a firearm under Title 15, section 393, subsection 1 and has not obtained a valid permit in accordance with Title 15, section 393, subsection 2.
[RR 2011, c. 1, §18 (COR).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B217 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 340, §15 (AMD). RR 2011, c. 1, §18 (COR). PL 2015, c. 301, §32 (AMD).

§12256. Disturbing traps of another

A person may not disturb or take a trap or a wild animal from a trap, other than that person's own trap, without the consent of the owner of the trap, except that a landowner or occupant of land that the landowner or occupant is legally entitled to possess may remove any trap found on the land if permission has not been granted under section 12253, subsection 1 or 2 or the person has not obtained a written permit from the landowner to trap on that landowner's land with cage-type live traps within 1/2 mile of a built-up portion of a city or village. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12257. Trapping by certain department employees

1. Prohibition. A department biologist or warden may not trap wild animals for profit while on duty within the district to which that person is assigned.
[PL 2003, c. 655, Pt. B, §218 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §218 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §218 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §218 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B218 (RPR). PL 2003, c. 655, §B422 (AFF).

§12258. Eel permit for licensed trappers

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B219,220 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 298, §7 (RP).

§12259. Trapping beaver

1. Snares. A person may use snares to trap for beaver during the open beaver trapping season.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Rules. All rules adopted pursuant to section 10104, subsection 1 pertaining to the trapping of beaver with killer-type traps also apply to the trapping of beaver with snares.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Nonresident trapping beaver. A nonresident may not trap beaver in this State unless that nonresident's state or province of residency allows Maine residents to trap beaver in that state or province.

A person who violates this subsection commits a Class E crime.
[PL 2011, c. 253, §25 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B221 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 253, §25 (AMD).

§12260. Trapping bear

1. Open and closed season. There is an open season on trapping bear from September 1st to October 31st annually.

A. The commissioner may shorten the open season on bear in any part of the State as long as:

(1) The demarcation of the areas with a shortened season follows recognizable physical boundaries such as rivers and railroad rights-of-way; and

(2) The decision is made and published prior to February 1st of any year. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The commissioner may terminate the open season on bear at any time in any part of the State if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or severe hunting or trapping pressure. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Unlawful trapping of bear. A person may not catch a bear in a trap and cause or allow another person to kill or register that bear. A person who violates this subsection commits a Class E crime.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §222 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Setting bear traps. Setting traps for bear is governed by this subsection.

A. A person may use a cable trap with a closing diameter of not less than 2 1/2 inches to trap bear in the State during the open season on bear. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A person may not set a bear trap other than a cable trap or a cage-type trap as authorized by the commissioner. [PL 2011, c. 253, §26 (AMD).]

A person who violates this subsection commits a Class E crime.
[PL 2011, c. 253, §26 (AMD).]

4. Trapping bear after having killed one. A person may not trap a bear after that person has killed or registered one trapped pursuant to this section. A person who violates this subsection commits

a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days and a fine of not less than $1,000, none of which may be suspended.
[PL 2011, c. 309, §5 (AMD).]

5. Exceeding bag limit on bears. Except as otherwise provided in this Part, a person may not possess more than 2 bears in any calendar year. A person who violates this subsection commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days and a fine of not less than $1,000, none of which may be suspended.
[PL 2011, c. 309, §6 (AMD).]

6. Trapping bear near dumps. Trapping bear near dumps is governed by this subsection.

A. The commissioner, or the commissioner's agent, shall establish a line of demarcation at least 500 yards from sites permitted or licensed for the disposal of solid waste. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §223 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person may not trap within the demarcation area established under paragraph A. The commissioner, or the commissioner's agent, is exempt from this prohibition for the purpose of live trapping of nuisance bears.

(1) A person who violates this paragraph 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 subparagraph 1 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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §224 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §§223, 224 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B222-224 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 253, §26 (AMD). PL 2011, c. 309, §§5, 6 (AMD).

§12260-A. Bear trapping permit

1. Permit required. Except as otherwise authorized pursuant to this Part a person may not trap for bear without a valid bear trapping permit during the open bear trapping season under section 12260, subsection 1.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2007, c. 168, §7 (NEW); PL 2007, c. 168, §8 (AFF).]

2. Eligibility; trapping license required. A person who possesses a valid trapping license may obtain a permit to trap bear from the commissioner or the commissioner's authorized agent.
[PL 2007, c. 168, §7 (NEW); PL 2007, c. 168, §8 (AFF).]

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a bear trapping permit to an eligible person. The annual fee for each permit issued is $27 for residents and $67 for nonresidents.
[PL 2007, c. 168, §7 (NEW); PL 2007, c. 168, §8 (AFF).]

SECTION HISTORY

PL 2007, c. 168, §7 (NEW). PL 2007, c. 168, §8 (AFF).

§12261. Beagle clubs; trapping snowshoe hares

The commissioner may issue a license to an organization recognized as a beagle club by the commissioner to take live snowshoe hares. [PL 2007, c. 45, §1 (NEW).]

1. License required. Except as otherwise authorized pursuant to this Part, a beagle club may not trap a snowshoe hare without a valid license issued under this section.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2007, c. 45, §1 (NEW).]

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. [PL 2007, c. 45, §1 (NEW).]

[PL 2007, c. 45, §1 (NEW).]

2. Traps labeled and checked daily. A beagle club may not set a trap for a snowshoe hare unless that trap is plainly labeled with the name of the beagle club and the telephone number of a contact person and is checked at least once every calendar day.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2007, c. 45, §1 (NEW).]

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. [PL 2007, c. 45, §1 (NEW).]

[PL 2007, c. 45, §1 (NEW).]

3. Use of snowshoe hares. A snowshoe hare trapped pursuant to this section may not be used for anything other than to stock the running areas of the licensee and may not be given to any other beagle club or entity.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2007, c. 45, §1 (NEW).]

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. [PL 2007, c. 45, §1 (NEW).]

[PL 2007, c. 45, §1 (NEW).]

4. Transport out of State. A snowshoe hare trapped pursuant to this section may not be transported out of the State.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2007, c. 45, §1 (NEW).]

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. [PL 2007, c. 45, §1 (NEW).]

[PL 2007, c. 45, §1 (NEW).]

5. Trapping season for snowshoe hares. A beagle club may not trap for snowshoe hares except between September 1st and April 30th of each calendar year.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2007, c. 45, §1 (NEW).]

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. [PL 2007, c. 45, §1 (NEW).]

[PL 2007, c. 45, §1 (NEW).]

6. Cottontail rabbits. A beagle club may not keep and must release immediately a cottontail rabbit caught in a trap.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2007, c. 45, §1 (NEW).]

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. [PL 2007, c. 45, §1 (NEW).]

[PL 2007, c. 45, §1 (NEW).]

7. Reporting of trapped cottontail rabbits. As a condition of licensure under this section, a beagle club shall file with the department no later than July 1st of each calendar year a report of cottontail rabbits trapped pursuant to this section.

[PL 2007, c. 45, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 45, §1 (NEW).

CHAPTER 919

REGISTRATION AND TRANSPORT OF HARVESTED ANIMALS

SUBCHAPTER 1

REGISTRATION

§12301. Registration of harvested animals

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B225 (RP). PL 2003, c. 655, §B422 (AFF).

§12301-A. Registration of harvested animals

1. Registration stations established. The commissioner shall adopt rules governing the establishment and closure of bear, deer, moose and wild turkey registration stations for the purpose of registering harvested bear, deer, moose and wild turkey and to allow for the collection of biological and hunting data. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 655, Pt. B, §226 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Agents designated. An agent designated by the commissioner must be in charge of each bear, deer, moose or wild turkey registration station.

[PL 2003, c. 655, Pt. B, §226 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Agent duties. Registration agents shall:

A. Register every bear, deer, moose or wild turkey legally presented for registration; [PL 2003, c. 655, Pt. B, §226 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Attach a seal to each bear, deer, moose or wild turkey in the manner directed and with the materials furnished by the commissioner; [PL 2013, c. 387, §4 (AMD).]

C. Collect $5 and retain $2 for each seal from the person registering a bear, deer or moose. The remaining $3 must be returned to the department by the agent pursuant to section 10801, subsection 3; and [PL 2013, c. 387, §5 (AMD).]

D. Collect and retain $2 for each wild turkey registered. [PL 2013, c. 387, §6 (NEW).]
[PL 2013, c. 387, §§4-6 (AMD).]

SECTION HISTORY

PL 2003, c. 655, §B226 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 213, Pt. OO, §10 (AMD). PL 2011, c. 660, §1 (AMD). PL 2013, c. 387, §§4-6 (AMD).

§12302. Timely registration of bear, deer, moose or wild turkey

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B227 (RP). PL 2003, c. 655, §B422 (AFF).

§12302-A. Timely registration of bear, deer, moose or wild turkey

1. Requirement. A person who kills a bear, deer, moose or wild turkey shall:

A. Remain with that animal until it is registered, except as provided in section 12303-A; [PL 2003, c. 655, Pt. B, §228 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Present that animal for registration in that person's name at the first open registration station for that animal on the route taken by that person; and [PL 2003, c. 655, Pt. B, §228 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Leave the registration seal attached to the animal in accordance with section 12301-A until that animal is processed and packaged for consumption. [PL 2003, c. 655, Pt. B, §228 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §228 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 655, Pt. B, §228 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B228 (NEW). PL 2003, c. 655, §B422 (AFF).

§12303. Time limits for registering bear, deer, moose or wild turkey

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B229 (RP). PL 2003, c. 655, §B422 (AFF).

§12303-A. Time limits for registering bear, deer, moose or wild turkey

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:

A. Bear; [PL 2003, c. 655, Pt. B, §230 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Deer; [PL 2003, c. 655, Pt. B, §230 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Moose; or [PL 2003, c. 655, Pt. B, §230 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Wild turkey. [PL 2003, c. 655, Pt. B, §230 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §230 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. Exceptions. The following are exceptions to the time limitation for registering harvested wild animals established in subsection 1:

A. A person may keep a harvested animal in an official registration station for that animal or at the office of a game warden for more than 18 hours; [PL 2003, c. 655, Pt. B, §230 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person may leave an unregistered animal harvested by that person in the woods if that person notifies a game warden within 18 hours as to the location of that animal and the circumstances necessitating leaving that animal in the woods; [PL 2017, c. 226, §1 (AMD).]

C. A person on a hunting trip in an unorganized township and staying at a temporary place of lodging may keep an unregistered harvested animal at the temporary place of lodging for no more than 7 days or until that person leaves the woods, whichever comes first; and [PL 2017, c. 226, §1 (AMD).]

D. A person may keep an unregistered animal harvested by that person if that person notifies a game warden within 18 hours as to the location of that animal and the circumstances preventing the person from registering the animal in accordance with subsection 1. [PL 2017, c. 226, §2 (NEW).]

[PL 2017, c. 226, §§1, 2 (AMD).]

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

[PL 2003, c. 655, Pt. B, §230 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B230 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2017, c. 226, §§1, 2 (AMD).

§12304. Condition of animal presented for registration

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B231 (RP). PL 2003, c. 655, §B422 (AFF).

§12304-A. Condition of animal presented for registration

1. Prohibition. Except as provided in subsection 2, a person must present the following wild animals for registration in their entirety:

A. Bear; [PL 2003, c. 655, Pt. B, §232 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Deer; [PL 2003, c. 655, Pt. B, §232 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Moose; or [PL 2003, c. 655, Pt. B, §232 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Wild turkey. [PL 2003, c. 655, Pt. B, §232 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §232 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Exceptions. A person may present a bear, deer, moose or wild turkey for registration as follows:

A. The viscera and rib cage of the animal may be removed in a manner that permits determination of the sex of the animal; and [PL 2003, c. 655, Pt. B, §232 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A moose may be dismembered for ease of transportation, and the lower legs, head and hide of a moose may be removed. If the head is not brought to the registration station, a canine tooth or the lower jaw also must be presented at the time of registration. [PL 2003, c. 655, Pt. B, §232 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §232 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Disposal of moose parts not presented for registration. A person may not place the parts of a moose not presented for registration where they are visible to a person traveling on a public or private way.
[PL 2003, c. 655, Pt. B, §232 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 655, Pt. B, §232 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B232 (NEW). PL 2003, c. 655, §B422 (AFF).

§12305. False registration of bear, deer, moose or wild turkey

1. Prohibition. A person may not present for registration or allow to be registered in that person's name any of the following animals that that person did not lawfully kill:

A. Bear; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Deer; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Moose; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Wild turkey. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 655, Pt. B, §233 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B233 (AMD). PL 2003, c. 655, §B422 (AFF).

§12306. Possessing unregistered bear, deer, moose or wild turkey

1. Prohibition. A person may not possess any of the following animals if that animal has not been legally registered as provided in this chapter, unless that animal is possessed in accordance with chapter 921:

A. Bear; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Deer; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Moose; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Wild turkey. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §234 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §235 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 655, Pt. B, §236 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B234-236 (AMD). PL 2003, c. 655, §B422 (AFF).

SUBCHAPTER 2

TRANSPORTATION

§12351. Transportation

1. Prohibition. A person may not transport a harvested wild animal or wild bird unless that animal is lawfully possessed by that person.
[PL 2003, c. 655, Pt. B, §237 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. Transportation prior to registration. Prior to registration, a person may not transport a harvested bear, deer, moose or wild turkey unless that animal is open to view. For purposes of this section, "open to view" means the animal is not concealed and can be readily observed in whole or in part from outside of the vehicle or trailer being used to transport the animal.
[PL 2003, c. 655, Pt. B, §237 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 or 1-A commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §237 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 or 1-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. [PL 2003, c. 655, Pt. B, §237 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §237 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B237 (RPR). PL 2003, c. 655, §B422 (AFF).

§12352. Transportation by nonresidents

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B238 (RP). PL 2003, c. 655, §B422 (AFF).

§12353. Method of transportation

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B238 (RP). PL 2003, c. 655, §B422 (AFF).

§12354. Common carriers

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B238 (RP). PL 2003, c. 655, §B422 (AFF).

§12355. Unlawful transportation of wild animal or wild bird

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B238 (RP). PL 2003, c. 655, §B422 (AFF).

§12356. Unlawful transport of bear, deer, moose, wild turkey, wild hare or wild rabbit

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B238 (RP). PL 2003, c. 655, §B422 (AFF).

CHAPTER 921

WILDLIFE CAUSING DAMAGE OR NUISANCE

§12401. Attacking domestic animals or destroying property

Except as provided in sections 12402 and 12404, a person may lawfully kill, or cause to be killed, any wild animal or wild turkey, night or day, found in the act of attacking, worrying or wounding that person's domestic animals or domestic birds or destroying that person's property. A person who kills a wild animal or wild turkey by authority of this section shall report the incident to the Maine Warden Service as provided in section 12402, subsections 3 and 4. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12402. Damage to crops or orchards

1. Permission to kill nuisance animals or wild turkeys. Except as provided in section 12404, the cultivator, owner, mortgagee or keeper of any orchard or growing crop, except all types of grasses, clover and grain fields, may take or kill wild animals or wild turkeys night or day when the wild animals or wild turkeys are located within the orchard or crop where substantial damage caused by the wild animal or wild turkey to the orchard or crop is occurring. For purposes of this section, corn is not considered grain.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Employment of agents. When a person wants to employ someone outside of that person's immediate family to take or kill wild animals or wild turkeys, that person shall contact a game warden. If the warden is satisfied that substantial damage is occurring, the warden may arrange for a department agent to alleviate the damage; when an agent is not available, the warden may authorize a person who is knowledgeable and can perform the work in a reasonable, safe and proficient manner. Permission to take or kill wild animals or wild turkeys may not be granted to a person whose license to hunt has been revoked or suspended, who is an habitual violator as defined in section 10605, subsection 1 or who has been convicted of night hunting within the past 5 years.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Report to Maine Warden Service; dressing of carcass. The person by whom or under whose direction the wild animal or wild turkey is wounded, taken or killed under this section shall:

A. Within 12 hours, report all the facts relative to the act to the Maine Warden Service, stating the time and place of the wounding, taking or killing; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. In all cases of deer, bear, moose or wild turkey, immediately and properly dress the carcass or carcasses and care for the meat. When the meat is being distributed to recipients authorized under

the Hunters for the Hungry Program established in section 10108, subsection 8, the person shall inform the department within 24 hours that the meat is ready to be picked up. [PL 2007, c. 198, §1 (AMD).]

[PL 2007, c. 198, §1 (AMD).]

4. Warden's certificate. A game warden shall investigate an incident under this section as soon as possible and, if the game warden is satisfied that the wild animal or wild turkey was taken as provided in this section, give the person who killed the wild animal or wild turkey a certificate that entitles the cultivator, owner, mortgagee or keeper of the orchard or growing crop to own the carcass or carcasses, which may be possessed and consumed only within the immediate family of the cultivator, owner, mortgagee or keeper of the orchard or growing crop, or, in accordance with the labeling requirements for possession of deer, bear, moose or wild turkey, to transfer possession of those wild animals or wild turkeys to another person. Any excess carcasses after the first 2 carcasses of bear, moose or wild turkey or after the first 3 carcasses of deer killed or taken under subsection 1 or 2 must be distributed to recipients authorized through the Hunters for the Hungry Program established in section 10108, subsection 8 or as otherwise authorized by the game warden.

[PL 2007, c. 198, §2 (AMD).]

5. Failure to report wounding, taking or killing of nuisance wild animal or to properly care for carcass. A person may not:

A. Wound, take or kill a wild animal under section 12401 or this section unless the person reports all the facts relative to the incident to the Maine Warden Service within 12 hours; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Kill a deer, bear or moose pursuant to section 12401 or this section unless the person immediately and properly dresses the carcass and cares for the meat to prevent spoilage. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §239 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B239 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 198, §§1, 2 (AMD).

§12403. Damage to motor vehicles by wild animals or wild birds

1. Claims. The State is not liable for any claims for damages to a motor vehicle by a wild animal or wild bird.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §240 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Accidental collisions involving deer, moose, bear or wild turkey. This subsection applies to accidental collisions involving deer, moose, bear or wild turkey.

A. The operator or owner having knowledge of a motor vehicle that has been involved in an accidental collision with a deer, moose, bear or wild turkey shall, by the quickest means, report the accident to a law enforcement officer. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The officer shall investigate an accident reported under paragraph A and, if the officer finds that the motor vehicle has sustained apparent damage as the result of the collision, shall give a certificate that entitles the person to the ownership of the carcass. The person may then take possession and immediately remove the entire carcass from the scene of the collision. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A person entitled to ownership of a deer, moose or bear carcass under paragraph B may not take possession of or remove any portion of the carcass without taking possession of or removing the entire carcass from the scene of the collision. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Penalties. The following penalties apply to violations of this section.

A. A person who fails to report an accident in accordance with subsection 2, paragraph A or who removes a portion of a carcass in violation of subsection 2, paragraph C commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §241 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

A-1. A person who fails to report an accident in accordance with subsection 2, paragraph A or removes a portion of a carcass in violation of subsection 2, paragraph C 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. [PL 2003, c. 655, Pt. B, §241 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. [PL 2003, c. 552, §13 (RP); PL 2003, c. 552, §15 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §241 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §13 (AMD). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B240,241 (AMD). PL 2003, c. 655, §§B422,C2,6 (AFF).

§12404. Specific animals

1. Bear. This subsection applies to the taking or killing of bear found doing damage.

A. Section 12402 does not prohibit the taking or killing of bear found doing damage to blueberry land. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The commissioner may issue a permit to any licensed beekeeper, or to a person entrusted with the custody of the beehives of a licensed beekeeper, authorizing that person to protect beehives from damage by bear. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The commissioner may suspend the game laws relating to bears in such restricted localities and for such periods of time as the commissioner finds it advisable to relieve excessive damage being done by bears to sweet corn or other crops. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The commissioner may suspend subsection 6 for the purpose of allowing dogs to be used in hunting and killing bears, providing the dogs are under the personal supervision of the owner at all times, for such periods of time as the commissioner finds it advisable. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Beaver. A person may not take or kill beaver under sections 12401 and 12402. The commissioner may cause agents of the department to take nuisance beaver at any time.

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

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §242 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Birds. A person may not take or kill wild birds, with the exception of English or European house sparrows, European starlings, rock pigeons, also known as rock doves, and wild turkeys under sections 12401 and 12402.

A person who violates this subsection commits a Class E crime.
[PL 2019, c. 355, §7 (AMD).]

4. Coyotes. The commissioner may cause department personnel to take coyotes at any time and in any manner that the commissioner may prescribe.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Deer. This subsection applies to the control of nuisance deer in orchards and crops.

A. Whenever deer are doing damage to orchards and crops, including legumes, but excepting grass, the department shall furnish to the owner or agent of the orchards and crops suitable repellants without cost to the owner or agent. The commissioner may follow other good conservation practices to alleviate the damage. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Whenever the commissioner determines it impossible to keep deer from doing damage to young orchards, the commissioner may enter into an agreement with the owner of a young orchard in which the department assumes 1/2 the cost of fencing the orchard. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §242 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Dogs. This subsection applies to nuisance dogs.

A. A game warden may kill a dog outside the enclosure or immediate care of its owner or keeper when the game warden finds that dog:

(1) Chasing, killing, wounding or pursuing a moose or deer at any time;

(2) Chasing, killing, wounding or pursuing any other wild animal in closed season; or

(3) Worrying, wounding or killing a domestic animal, livestock or poultry. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §243 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. An owner of domestic animals, livestock or poultry, a member of the owner's family or a person to whom is entrusted the custody of domestic livestock or poultry may kill any dog killing or attacking the domestic animals, livestock or poultry. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A person having evidence of a dog chasing, killing, wounding or pursuing moose or deer or any other wild animal in closed season may present that evidence to the commissioner or any game warden.

(1) The commissioner or game warden shall give notice in writing to the owner or keeper of the dog, stating the acts committed by the dog.

(2) After the owner or keeper of the dog has received written notice that the dog has committed any act prohibited by paragraphs E-1, E-2, F and G, anyone may kill the dog when it is found committing any of those prohibited acts. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §243 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. [PL 2003, c. 552, §14 (RP); PL 2003, c. 552, §15 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§2, 6 (AFF).]

E. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §243 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

E-1. Except as provided in paragraphs F and G, the owner or keeper of a dog is in violation of this paragraph if that owner's or keeper's bird dog, retrieving dog or hound dog is found killing or wounding a moose, deer or wild turkey during a period in which it is lawful to train dogs, as provided for in section 12051, subsection 1, while the dog is at a licensed dog training area or at a licensed trial for retrieving dogs.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §243 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E-2. Except as provided in paragraphs F and G, the owner or keeper of a dog is in violation of this paragraph if that owner or keeper has been notified under paragraph C and that owner or keeper permits any dog mentioned in the notice to leave the owner's or keeper's immediate control.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §243 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

F. The owner or keeper of a dog is in violation of this paragraph if that owner's or keeper's dog is found chasing or pursuing a moose, deer or wild turkey at any time or any other wild animal in closed season.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §243 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

G. The owner or keeper of a dog is in violation of this paragraph if that owner's or keeper's dog is found killing or wounding a moose, deer or wild turkey at any time or any other wild animal in closed season.

(1) A person who violates this paragraph commits a civil violation for which a fine of not less than $500 nor more than $1,000 may be adjudged.

(2) A person who violates this paragraph 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. [PL 2005, c. 477, §14 (AMD).]

[PL 2005, c. 477, §14 (AMD).]

7. Muskrat. The commissioner may declare an open season on muskrats that are polluting water supplies or damaging property if the owner makes a written complaint to that effect to the commissioner.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Raccoons. The commissioner may suspend the game laws relating to raccoons in such restricted localities and for such periods of time as the commissioner finds it advisable to relieve excessive damage being done by raccoons to sweet corn or other crops. The commissioner may suspend subsection 6 for the purpose of allowing dogs to be used in hunting and killing raccoons, providing the dogs are under the personal supervision of the owner at all times, for such periods of time as the commissioner finds it advisable.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 552, §14 (AMD). PL 2003, c. 552, §15 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B242,243 (AMD). PL 2003, c. 655, §§B422,C2,6 (AFF). PL 2005, c. 477, §14 (AMD). PL 2019, c. 355, §7 (AMD).

CHAPTER 923

FISH: FISHING SEASONS AND RESTRICTIONS

SUBCHAPTER 1

SEASONS, RULEMAKING AND SPECIAL REGULATIONS

§12451. Application of laws

1. Waters covered by provisions relating to fish. This Part so far as it relates to fish of all varieties and fishways applies to fish and fishways in the inland waters of the State.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Great ponds. A person on foot may engage in any activity on the great ponds not inconsistent with any other law or regulation of the State or its political subdivisions.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Ponds of 10 acres or less. Fishing in a pond of 10 acres or less, whether natural or artificial, formed on a brook, stream or river, is governed by the same laws and rules that govern fishing in the brook, stream or river on which the pond is situated. This subsection does not apply to private ponds as set forth in section 12508.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12452. Consolidation of rules

Fishing rules as set forth in the Open Water and Ice Fishing Regulations folder, as maintained by the department in an electronic version and distributed through electronic means, are declared to be official consolidations of fishing rules upon filing with the Secretary of State, except that the 150-day limit of Title 5, section 8052, subsection 7, paragraph B does not apply to this section. [PL 2017, c. 164, §18 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2009, c. 214, §1 (AMD). PL 2017, c. 164, §18 (AMD).

§12453. Inland waters closed to fishing except as opened by law or rule

All inland waters of the State are closed to fishing except as opened by law or rule. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12454. Ice fishing; closed areas and times

1. Closed waters; commissioner's authority. All inland waters of the State are closed to ice fishing except those that have been opened by rule of the commissioner.

A. The commissioner may by rule close to ice fishing waters that have been reclaimed by the removal of rough fish. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. [PL 2009, c. 214, §2 (RP).]

[PL 2009, c. 214, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2009, c. 214, §2 (AMD).

§12455. List of waters where children may fish with single-baited hook and line

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2009, c. 214, §3 (RP).

§12456. Open seasons; exceptions

1. Open seasons.

[PL 2009, c. 214, §4 (RP).]

1-A. Open seasons. The commissioner shall establish open seasons for fishing, except as provided in this section and section 6140-A, subsection 4.

A. The open-water fishing season on boundary waters between Maine and New Brunswick is from April 1st to September 30th, inclusive. [PL 2015, c. 301, §33 (AMD).]

[PL 2015, c. 301, §33 (AMD).]

2. Exceptions. Notwithstanding the open seasons established under subsection 1-A:

A. A person who holds a valid Maine fishing license may take smelts for recreational purposes only from the inland waters or portions of inland waters that are naturally free of ice with a dip net in the usual and ordinary way from noon to 2:00 a.m. in accordance with bag limits established by rule. Bag limits established by rule under this paragraph are for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may prohibit the taking of smelts under this section or shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes.

(2) A person may not take smelts with a dip net unless that dip net meets the requirements under section 10001, subsection 12-A.

Each day a person violates subparagraph (2) that person commits a Class E crime; and [PL 2013, c. 588, Pt. A, §17 (RPR).]

B. [PL 2009, c. 214, §6 (RP).]

C. [PL 2009, c. 214, §6 (RP).]

D. [PL 2009, c. 214, §6 (RP).]

E. In accordance with section 10104, the commissioner may change the established opening date of an open-water recreational fishing season and may change the established closing date of a recreational ice-fishing season if, in the commissioner's opinion, the change is warranted due to weather conditions. [PL 2019, c. 9, §1 (AMD).]

[PL 2019, c. 9, §1 (AMD).]

3. Rules. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and may be adopted by emergency rulemaking pursuant to Title 5, section 8054.
[PL 2019, c. 9, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B244 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 237, §2 (AMD). PL 2007, c. 695, Pt. C, §3 (AMD). PL 2009, c. 214, §§4-6 (AMD). PL 2013, c. 3, §§1, 2 (AMD). PL 2013, c. 73, §1 (AMD). PL 2013, c. 588, Pt. A, §17 (AMD). PL 2015, c. 301, §33 (AMD). PL 2019, c. 9, §§1, 2 (AMD).

§12457. Restricted areas

1. Closed waters. Except as the commissioner may by rule provide and as provided in subsection 2, the following waters are closed to fishing:

A. The area within 150 feet of any operational fishway, except:

(1) At the following places, the fishway and the area within 75 feet of any part of the fishway are closed to fishing at all times:

(a) Grand Falls Powerhouse Dam on the St. Croix River in Baileyville; and

(b) Woodland Dam on the St. Croix River in Baileyville;

(2) At the following places, the area within the fishway and within 75 feet of the downstream mouth of the fishway is closed to fishing at all times:

(a) East Grand Lake Dam in Forest City Township, T9 R4 NBPP, except that fishing upstream from the dam at the top of the fishway is lawful;

(2-A) At the following places, the area within 75 feet of the mouth of the fishway is closed to fishing at all times:

(a) Spednic Lake Dam in Vanceboro;

(3) At the so-called ice control dam on the Narraguagus River in the Town of Cherryfield, the area within 100 feet of the dam must be closed to fishing at all times;

(4) At East Outlet Dam in Sapling Township, T1R7, in Somerset County and in Big Moose Township, T2R6, in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of the fishway must be closed to fishing at all times; and

(5) There is no fishing in or from the fishway at the Sheepscot Lake Dam in the Town of Palermo in Waldo County, Chain of Ponds Dam in Chain of Ponds Township in Franklin County, Long Pond Dam in Seven Ponds Township in Franklin County, Beaver Pond Dam in Seven Ponds Township in Franklin County, Little Island Pond Dam in Seven Ponds Township in Franklin County, Pushaw Lake Dam in the Town of Hudson in Penobscot County, Davis Pond Dam in the Town of Eddington in Penobscot County, Leonard's Mills Dam on Blackman Stream in the Town of Bradley in Penobscot County, Souadabscook Stream Dam at Grist Mill Road in the Town of Carmel in Penobscot County and Webber Pond Dam in the Town of Vassalboro in Kennebec County; [PL 2013, c. 499, §1 (AMD).]

B. All waters within 200 feet of any fish hatchery or rearing station; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The property owned by the Unity Utilities District located on Route 139 and Prairie Road in the municipality of Unity in Waldo County. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

For purposes of this subsection, "operational" means a fishway capable of fish passage whether or not it is allowing the passage of fish at any given time.
[PL 2013, c. 499, §1 (AMD).]

2. Prohibition. A person may not fish in inland waters closed to fishing as described in this section except that a person may fish for river herring and smelts in the manner provided under the laws regulating marine resources.
[PL 2017, c. 150, §3 (AMD).]

3. Penalty. A person who violates this section commits a Class E crime. The court shall also impose a fine of $20, none of which may be suspended, for each fish unlawfully possessed.
[PL 2003, c. 655, Pt. B, §245 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B245 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 477, §15 (AMD). PL 2009, c. 550, §8 (AMD). PL 2011, c. 253, §27 (AMD). PL 2013, c. 499, §1 (AMD). PL 2017, c. 150, §3 (AMD).

§12458. Special regulations

1. Aroostook River. A person 12 years of age or younger may fish from shore with a single-baited hook and line on the following areas of the Aroostook River during the open-water fishing season:

A. In the Town of Caribou, from and including Otter Brook upstream to the Maine Public Service Company dam, including all tributaries in this section upstream to the first highway bridge intersecting each tributary; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. In the Town of Fort Fairfield, from and including Pattee Brook upstream to Hockenhull Brook, including all tributaries in this section upstream to the first highway bridge intersecting the tributary. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Webster Stream. Between August 16th and September 30th annually, there is a daily bag limit of one brook trout for Webster Stream in Piscataquis County from the Telos Lake dam downstream to Webster Lake.
[PL 2015, c. 234, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2015, c. 234, §1 (AMD).

§12459. Fly-fishing by person who has loss of arm

A person who possesses a valid fishing license and has suffered the loss of an arm may use any type of rod and reel to fish with a fly on waters open to fly-fishing. For the purposes of this section, "loss of an arm" means the physical loss of the arm at the wrist or above. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12460. Smelt fishing in Long Lake

(REPEALED)

SECTION HISTORY

RR 2003, c. 2, §20 (COR). PL 2003, c. 655, §B246 (NEW). PL 2003, c. 655, §B422 (AFF). MRSA T. 12 §12460 (RP).

§12460-A. Smelt fishing in Mud Brook in Aroostook County

(REPEALED)

SECTION HISTORY

PL 2005, c. 547, §1 (NEW). PL 2007, c. 651, §12 (AMD). PL 2009, c. 218, §1 (AMD). PL 2015, c. 125, §1 (RP).

§12461. State heritage fish waters

1. Adoption of state heritage fish waters. The commissioner shall adopt by rule a list of state heritage fish waters composed of lakes and ponds that contain state heritage fish, as defined in Title 1, section 212-A. This list must include waters identified as eastern brook trout waters and arctic charr waters that have never been stocked according to any reliable records authorized for adoption by Resolve 2005, chapter 172, as amended, and waters identified as eastern brook trout waters and arctic charr waters that according to reliable records have not been stocked for at least 25 years. The list of state heritage fish waters may be amended by rule in accordance with the provisions of subsections 2 and 3 based on criteria established by the commissioner and in accordance with the provisions of Title 5, chapter 375. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2013, c. 538, §35 (RPR).]

2. Addition of waters to list. The commissioner may adopt rules to amend the list established under subsection 1 to add a lake or pond if that lake or pond meets criteria established by the commissioner for classifying a lake or pond as a state heritage fish water. Rules adopted to add a lake or pond to the list established under subsection 1 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A public hearing on the rules must be held prior to adoption of the rules and conducted in accordance with the provisions of Title 5, chapter 375.
[PL 2013, c. 538, §36 (AMD).]

3. Removal of waters from list. The commissioner may by rule remove a lake or pond from the list established under subsection 1. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A public hearing on the rules must be held prior to adoption of the rules and conducted in accordance with the provisions of Title 5, chapter 375.
[PL 2013, c. 538, §36 (AMD).]

4. Stocking state heritage fish. The commissioner may not stock or issue a permit to stock fish in a lake or pond listed as a state heritage fish water under this section.
[PL 2007, c. 21, §2 (AMD).]

5. Fishing restrictions. A person may not use live fish as bait or possess live fish to be used as bait on a lake or pond listed as a state heritage fish water under this section. A person who violates this subsection commits a Class E crime.
[PL 2007, c. 21, §2 (AMD).]

6. Exceptions. Notwithstanding the stocking restrictions set forth in subsection 4, the commissioner may:

A. Stock Big Reed Pond in T.8, R.10, W.E.L.S. with native fish species. If sufficient brook trout from Big Reed Pond are not available, brook trout from Reed Brook and its tributaries in T.8, R.10, W.E.L.S. may be used for restocking. If arctic charr from Big Reed Pond are not available, arctic charr from an endemic arctic charr water in the State may be used for restocking. If northern redbelly dace need to be restocked in Big Reed Pond, northern redbelly dace from Reed Brook and

its tributaries in T.8, R.10, W.E.L.S. may be used for restocking; and [PL 2013, c. 358, §3 (AMD).]

B. Stock Big Wadleigh Pond in T.8, R.15, W.E.L.S. with native fish species. If sufficient brook trout from Big Wadleigh Pond are not available, brook trout from Wadleigh Stream in T.8, R.15, W.E.L.S. and T.7, R.15, W.E.L.S. or Poland Pond in T.7, R.15 W.E.L.S. may be used for restocking. If arctic charr from Big Wadleigh Pond are not available, arctic charr from an endemic arctic charr water in the State may be used for restocking. [PL 2013, c. 538, §37 (AMD).]

[PL 2013, c. 538, §37 (AMD).]

7. Use of live fish as bait exceptions. Notwithstanding the fishing restrictions set forth in subsection 5, a person may fish using live fish for bait in the following waters:

A. Millimagassett Lake, in T.7, R.8 W.E.L.S.; [PL 2013, c. 538, §38 (NEW).]

B. Millinocket Lake and Little Millinocket Lake, in T.7, R.9 W.E.L.S., T.8, R.9 W.E.L.S. and T.7, R.10 W.E.L.S.; and [PL 2013, c. 538, §38 (NEW).]

C. Webster Lake, in T.6, R.10 W.E.L.S. and T.6, R.11 W.E.L.S. [PL 2013, c. 538, §38 (NEW).]

[PL 2013, c. 538, §38 (NEW).]

8. Report required. The commissioner shall report by January 15th annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding any rule-making actions taken to add or to remove waters from the list of state heritage fish waters.

[PL 2013, c. 538, §38 (NEW).]

SECTION HISTORY

PL 2005, c. 180, §2 (NEW). PL 2007, c. 21, §2 (AMD). PL 2009, c. 214, §7 (AMD). PL 2013, c. 358, §3 (AMD). PL 2013, c. 538, §§35-38 (AMD).

§12462. Waters containing state heritage fish that have not been stocked since 1988

(REPEALED)

SECTION HISTORY

PL 2013, c. 358, §4 (NEW). PL 2013, c. 538, §39 (RP).

SUBCHAPTER 2

LICENSE AND PERMIT REQUIREMENTS AND AUTHORIZATIONS

§12501. General fishing license

1. License required. Except as otherwise permitted pursuant to this Part, a person may not fish for, transport or possess fish without a valid license issued under this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Eligibility. The commissioner may issue the following licenses to the following persons:

A. A resident fishing license to a resident 16 years of age or older; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A nonresident fishing license to a nonresident 16 years of age or older. [PL 2013, c. 380, §1 (AMD); PL 2013, c. 380, §5 (AFF).]

[PL 2013, c. 380, §1 (AMD); PL 2013, c. 380, §5 (AFF).]

3. Agent's fee. Clerks or other agents appointed by the commissioner to issue licenses shall charge a fee of $2 for each license issued. The commissioner shall charge a fee of $1 for each fishing license issued by department employees.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Exchange of licenses. A license issued under this section may not be exchanged for another license except as provided in this subsection. Temporary licenses may be exchanged for annual licenses as follows.

A. A resident who possesses a one-day or 3-day fishing license may exchange it in the municipality in which that person resides for an annual resident fishing license or a resident combination hunting and fishing license upon the payment to the clerk or issuing agent of $2 and the difference between the fee for the one-day or 3-day license and the fee for the annual license. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A nonresident who possesses a 15-day nonresident fishing license may exchange it for an annual nonresident license upon the payment of the difference between the fee for the 15-day license and the fee for the annual license and $2 to the clerk or issuing agent. [PL 2011, c. 253, §28 (AMD).]
[PL 2011, c. 253, §28 (AMD).]

5. Nonresident junior fishing license expiration. A nonresident junior fishing license issued to a nonresident who has passed that nonresident's 15th birthday is valid through the calendar year for which the license was issued.
[PL 2013, c. 538, §40 (RPR).]

6. Schedule of fees. The fees for fishing licenses are as follows.

A. A resident fishing license is $25. [PL 2009, c. 213, Pt. OO, §11 (AMD).]

B. A resident combination hunting and fishing license is $42. [PL 2009, c. 213, Pt. OO, §11 (AMD).]

C. A resident combination archery hunting and fishing license is $42. [PL 2009, c. 213, Pt. OO, §11 (AMD).]

D. [PL 2013, c. 538, §41 (RPR); MRSA T. 12 §12501, sub6, ¶D (RP).]

E. A 3-day fishing license for a resident or nonresident, valid for the 72-hour period specified on the license, is $23. [PL 2005, c. 12, Pt. III, §24 (AMD).]

F. A nonresident 7-day fishing license, valid for 7 days from date indicated on license, is $43. [PL 2009, c. 213, Pt. OO, §11 (AMD).]

G. A nonresident 15-day fishing license, valid for 15 days from date indicated on license, is $47. [PL 2009, c. 213, Pt. OO, §11 (AMD).]

H. A nonresident season fishing license for persons 16 years of age or older is $64. [PL 2009, c. 213, Pt. OO, §11 (AMD).]

I. [PL 2017, c. 427, §18 (RP); PL 2017, c. 427, §19 (AFF).]

J. A one-day fishing license for a resident or nonresident, valid for the 24-hour period indicated on license, is $11. [PL 2005, c. 12, Pt. III, §24 (AMD).]
[PL 2017, c. 427, §18 (AMD); PL 2017, c. 427, §19 (AFF).]

7. Reciprocity with New Hampshire. As long as the State of New Hampshire has similar laws, a fishing license issued to any person by either this State or New Hampshire meets all requirements of the law for a fishing license with respect to fishing in any lake or pond that lies partly in both of the states of Maine and New Hampshire.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §247 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B247 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III24 (AMD). PL 2009, c. 213, Pt. OO, §11 (AMD). PL 2011, c. 253, §28 (AMD). PL 2013, c. 380, §§1-3 (AMD). PL 2013, c. 380, §5 (AFF). PL 2013, c. 408, §§19, 20 (AMD). PL 2013, c. 538, §§40, 41 (AMD). PL 2017, c. 427, §18 (AMD). PL 2017, c. 427, §19 (AFF).

§12502. Youth camp fishing license

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B248 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 211, Pt. B, §7 (AMD). PL 2015, c. 301, §34 (RP).

§12503. Permitted fishing without license

1. Resident and nonresident under 16. A resident and nonresident under 16 years of age may fish without a license.
[PL 2013, c. 380, §4 (AMD); PL 2013, c. 380, §5 (AFF).]

2. Land used for agricultural purposes; domicile. Notwithstanding section 12503, subsection 1 and subject to all other applicable laws and rules, any resident and any member of the resident's immediate family, as long as the angler's license to fish is not under suspension or revocation, may fish without a license in open inland waters from land:

A. To which they are legally entitled to possession; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. On which they are actually domiciled; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. That is used exclusively for agricultural purposes. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2015, c. 301, §35 (AMD).]

3. Free fishing days; limitations. The following 2 free fishing periods are established. No more than 2 free fishing periods may be established under this subsection.

A. Except when Memorial Day falls on a Friday, the Saturday and the Sunday immediately following Memorial Day are designated "Family Fishing Days." If Memorial Day falls on a Friday, the Saturday and the Sunday subsequent to Memorial Day weekend are designated "Family Fishing Days." The days designated "Family Fishing Days" are free fishing days. [PL 2003, c. 662, §2 (NEW).]

B. The Saturday and the Sunday immediately preceding Presidents' Day are free fishing days. [PL 2003, c. 662, §2 (NEW).]

Notwithstanding section 12501, it is lawful during a free fishing day established under this subsection for a person to fish without a license in inland waters, except that this subsection does not apply to a person whose license to fish is under suspension or revocation. All other provisions of this Part relating to fishing apply during a free fishing day.
[RR 2003, c. 2, §21 (COR).]

4. Groups of students. The commissioner may permit student or youth groups to fish without licenses for periods of not more than 3 days as long as the fishing activity is conducted as part of an educational program and is under the direct supervision of a teacher or instructor.

A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §249 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A permit holder:

(1) May not allow fishing to go on for more than 3 days;

(2) May not allow any fishing activity that is not conducted as part of an educational program; and

(3) Shall provide direct supervision. [PL 2003, c. 655, Pt. B, §249 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. The following penalties apply to violations of this subsection.

(1) A permit holder who violates paragraph B 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 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.

Each day a person violates paragraph B is a separate offense. [PL 2003, c. 655, Pt. B, §249 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2011, c. 533, §5 (AMD).]

5. Patients at Veterans Administration Hospital. The commissioner may permit inpatients at the Veterans Administration Hospital at Togus to fish without a license in the inland waters within a 25-mile radius of Togus. Patients not under the direct supervision of hospital staff or volunteer supervisors shall have in their possession while fishing a valid pass issued by the Veterans Administration Hospital.

A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §249 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. An inpatient at the Veterans Administration Hospital at Togus permitted under this subsection:

(1) May not fish beyond a 25-mile radius of Togus; and

(2) Shall have supervision while fishing or have in that inpatient's possession a valid pass issued by the hospital. [PL 2003, c. 655, Pt. B, §249 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. The following penalties apply to violations of this subsection.

(1) A person who violates paragraph B 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 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.

Each day a person violates paragraph B is a separate offense. [PL 2003, c. 655, Pt. B, §249 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §249 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Fishing during event sanctioned by department. A person who does not hold a fishing license may assist a child or a handicapped person who is a participant in a fishing event sanctioned by the department.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §249 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

RR 2003, c. 2, §21 (COR). PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B249 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 662, §2 (AMD). PL 2011, c. 533, §5 (AMD). PL 2013, c. 380, §4 (AMD). PL 2013, c. 380, §5 (AFF). PL 2015, c. 301, §35 (AMD).

§12504. Fishing derby permits

1. Permit required. Except as provided in sections 12504-A and 12505, a person may not conduct a fishing derby without a valid permit issued under this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2013, c. 358, §5 (AMD).]

2. Application. A person wishing to conduct a fishing derby shall first make application for and obtain a permit from the commissioner. A completed application for a permit must include the proposed rules, targeted fish species, requested dates, places, times and prize structure for the derby.
[PL 2013, c. 358, §5 (AMD).]

2-A. Conditions; restrictions. The commissioner may place conditions and restrictions on a derby permit.

A. The commissioner may revoke a derby permit issued to or refuse to issue a permit to a club or group that violates a condition or restriction placed on a derby permit or disallow the participation of an individual who violates a condition or restriction placed on a derby permit. [PL 2013, c. 358, §5 (NEW).]

B. A derby permit does not allow a participant to keep fish alive for entry into the derby. A fish caught as part of the derby, if it is to be retained solely for derby purposes, must be killed at once and becomes part of the participant's daily bag limit. [PL 2013, c. 358, §5 (NEW).]
[PL 2013, c. 358, §5 (NEW).]

3. Rules. The commissioner shall adopt all necessary rules relative to permits to ensure that derbies are conducted only at such times and places and in such a manner as are consistent with the fisheries management objectives of the department. Such rules must include:

A. Specifying the number of derbies that may be conducted in a given body of water and the dates within which they may be conducted. These rules must be reviewed periodically; and [PL 2013, c. 358, §5 (AMD).]

B. Fixing the maximum total value of prizes that may be awarded at each derby, except that for a derby held on Sebago Lake in Cumberland County and in conjunction with the department's fisheries management objectives, the maximum total value of prizes may not exceed $100,000. [PL 2013, c. 358, §5 (AMD).]
[PL 2013, c. 358, §5 (AMD).]

3-A. Violation of rules, conditions or restrictions; penalty. Except as provided in section 12602, the following penalties apply to violations of rules, conditions or restrictions adopted under this section.

A. A person who violates a rule adopted under subsection 3 or a condition or restriction placed on a derby permit under subsection 2-A commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2013, c. 358, §5 (AMD).]

B. A person who violates a rule adopted under subsection 3 or a condition or restriction placed on a derby permit under subsection 2-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. [PL 2013, c. 358, §5 (AMD).]

[PL 2013, c. 358, §5 (AMD).]

4. Issuance. The commissioner, following a determination that an applicant has complied with all rules adopted pursuant to this section, may issue a permit to the applicant authorizing the conduct of the derby. Applicants who have conducted derbies in the requested body of water in the past that have conformed with all rules, conditions and restrictions must be given preference in the issuance of permits.

[PL 2013, c. 358, §5 (AMD).]

5. Fee. The fee for a permit to conduct a fishing derby is $24.

[PL 2013, c. 358, §5 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B250 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 96, §1 (AMD). PL 2005, c. 495, §1 (AMD). PL 2013, c. 358, §5 (AMD).

§12504-A. Fishing derby permits for educational institutions

1. Permit required. A person may not conduct a fishing derby held by an educational institution that awards prizes in excess of $10,000 for a single fishing derby without a permit issued under this section. For purposes of this section, "educational institution" means an accredited postsecondary educational institution incorporated, chartered or established under the laws of the State.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.

[PL 2005, c. 96, §2 (NEW).]

2. Application. An educational institution seeking approval to conduct a fishing derby pursuant to this section must submit an application to the commissioner in a manner and form to be designated by the commissioner. The application must include the educational institution's derby rules, any amendments or changes to the rules and a schedule of the dates, places and times of the proposed derby. The department shall accept applications after January 1st annually for derbies to be held during that year and process those applications in the order of receipt.

[PL 2005, c. 96, §2 (NEW).]

3. Restrictions and requirements. The following restrictions and requirements apply to permits issued under this section.

A. Rules adopted by the commissioner pursuant to section 12504 are applicable to permits issued under this section, except rules limiting the cash value of prizes or concerning an ice fishing derby. [PL 2005, c. 96, §2 (NEW).]

B. A fishing derby may be conducted only in bodies of water free of ice. [PL 2005, c. 96, §2 (NEW).]

C. A person may not participate as an angler in a fishing derby unless that person is affiliated with the sponsoring educational institution, either as a student, a parent or sibling of a student, an alumnus or a staff member of the educational institution. A student may invite a single guest to

participate in a derby held under this section. For purposes of this paragraph, "student" includes a current or incoming student. [PL 2005, c. 96, §2 (NEW).]

D. At least 80% of the prizes awarded at a fishing derby must be in the form of scholarships. [PL 2005, c. 96, §2 (NEW).]

E. An angler participating in a fishing derby may not use a motorboat. [PL 2005, c. 96, §2 (NEW).]

F. A fishing derby may not target cold-water species. [PL 2005, c. 96, §2 (NEW).]

G. A fishing derby must be an event that is only catch and release or catch, measure and release. [PL 2005, c. 96, §2 (NEW).]

H. An angler participating in a fishing derby may not have more than one rod per person or more than 2 rods per boat. [PL 2005, c. 96, §2 (NEW).]

I. An angler participating in a fishing derby may use artificial lures only. [PL 2005, c. 96, §2 (NEW).]

[PL 2005, c. 96, §2 (NEW).]

4. Rules. The commissioner may adopt rules necessary to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2005, c. 96, §2 (NEW).]

5. Penalty. Except as provided in section 12602, the following penalties apply to violations of subsection 3 or rules adopted under subsection 4.

A. A person who violates subsection 3 or a rule adopted pursuant to subsection 4 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2005, c. 96, §2 (NEW).]

B. A person who violates subsection 3 or a rule adopted under subsection 4 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. [PL 2005, c. 96, §2 (NEW).]

[PL 2005, c. 96, §2 (NEW).]

SECTION HISTORY

PL 2005, c. 96, §2 (NEW).

§12505. Bass tournament permit

1. Permit required. A person may not conduct a bass tournament in waters free of ice without a permit issued under this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Application. A bass club seeking approval to conduct a bass tournament pursuant to this section may make application to the commissioner in a manner and form to be designated by the commissioner. The application must include the club's tournament rules, any amendments or changes to the rules and a schedule of the dates, places and times of the proposed tournament.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2-A. Conditions; restrictions. The commissioner may place conditions and restrictions on a bass tournament permit.

A. The commissioner may revoke a bass tournament permit issued to or refuse to issue a permit to a bass club that violates a condition or restriction placed on a bass tournament permit or disallow

the participation of an individual who violates a condition or restriction placed on a bass tournament permit. [PL 2013, c. 358, §6 (NEW).]

[PL 2013, c. 358, §6 (NEW).]

3. Issuance; notification to municipality. The commissioner, following a determination that a bass club has complied with all rules adopted pursuant to this section, may issue a permit to the applicant club authorizing the club to conduct the tournament during open season for black bass in waters free of ice. At least 10 days prior to issuing the permit, the commissioner shall notify any affected municipality of the receipt of an application for a multi-day bass tournament.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Fee. The fee for a bass tournament permit is:

A. For weigh-in tournaments, $52 per day; and [PL 2005, c. 12, Pt. III, §25 (AMD).]

B. For catch-and-release tournaments, $12 per day. [PL 2005, c. 12, Pt. III, §25 (AMD).]

[PL 2005, c. 12, Pt. III, §25 (AMD).]

5. Rules. The commissioner shall adopt all rules necessary to carry out the purposes of this section, including, but not limited to:

A. Requiring that precautions be taken so that, if possible, all fish caught may be retained alive and, following the close of the tournament, be released into the body from which they were taken; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Fixing the maximum total value of prizes that may be awarded at each tournament; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Limiting the length of a tournament to 3 days. A tournament lasting more than one day must be a regional or multistate tournament sanctioned by the applicant bass club. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §251 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Violation of rules, conditions or restrictions; penalty. Except as provided in section 12602, the following penalties apply to violations of rules adopted under subsection 5 and violations of conditions or restrictions placed on a bass tournament permit pursuant to subsection 2-A.

A. A person who violates a rule adopted under subsection 5 or a condition or restriction placed on a bass tournament permit pursuant to subsection 2-A commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2013, c. 358, §7 (AMD).]

B. A person who violates a rule adopted under subsection 5 or a condition or restriction placed on a bass tournament permit pursuant to subsection 2-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. [PL 2013, c. 358, §7 (AMD).]

[PL 2013, c. 358, §7 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B251,252 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III25 (AMD). PL 2013, c. 358, §§6, 7 (AMD).

§12506. Eel, sucker, lamprey and yellow perch harvesting method permit; elver prohibition; limitations on river herring harvesting

1. Permit required. Except as otherwise authorized pursuant to this Part and except as provided in subsection 5-A, a person may not fish for or possess the following fish using the harvesting methods listed in subsection 2 without a valid permit issued under this section:

A. [PL 2007, c. 463, §6 (RP); PL 2007, c. 463, §9 (AFF).]

B. Eels; [PL 2003, c. 655, Pt. B, §253 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Suckers; [PL 2003, c. 655, Pt. B, §253 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Lampreys; or [PL 2003, c. 655, Pt. B, §253 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. Yellow perch. [PL 2003, c. 655, Pt. B, §253 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2007, c. 463, §6 (AMD); PL 2007, c. 463, §9 (AFF).]

2. Issuance. The commissioner may adopt rules providing for the issuance of permits to fish for or possess the following fish using the following harvesting methods in the inland waters of the State, provided the permits do not interfere with any rights granted under section 6131:

A. Eels using eel pots or weirs; [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §253 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Suckers and yellow perch using trap nets, dip nets or spears; [PL 2013, c. 148, §1 (AMD).]

C. Lampreys by hand or using hand-held dip nets; and [PL 2013, c. 148, §1 (AMD).]

D. [PL 2007, c. 463, §6 (RP); PL 2007, c. 463, §9 (AFF).]

E. Yellow perch using seines. [PL 2013, c. 148, §2 (NEW).]

The commissioner may place conditions on the use of gear allowed under this subsection and may prohibit or restrict the use of any gear used to concentrate species for harvest under this subsection.

Each day a person violates a condition or restriction placed on the use of gear allowed under this subsection, that person commits a Class E crime.
[PL 2013, c. 148, §§1, 2 (AMD).]

3. Fees; transfer of permit. The minimum fee for an individual permit for suckers, lampreys and yellow perch is $44. The holder of an individual permit for suckers, lampreys or yellow perch may purchase a crew permit for suckers, lampreys and yellow perch for $102, authorizing up to 3 persons to engage in the permitted activity. The annual fee for an eel pot or weir permit is $102. An eel pot or eel weir permit is not transferable.
[PL 2015, c. 298, §8 (AMD).]

4. Five-year limited entry; eel weirs. A person is ineligible to receive an eel weir permit unless that person possessed a valid eel weir permit for calendar year 1995. The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A regarding the issuance of eel weir permits. The number of weirs and the number of square miles of watersheds in this State fished by eel weirs may be no more than those permitted in calendar year 1995.
[PL 2007, c. 463, §6 (AMD); PL 2007, c. 463, §9 (AFF).]

5. Exception to permit requirement.
[PL 2005, c. 683, Pt. A, §17 (RP).]

5-A. Limitations on river herring harvesting. Except as provided in this subsection a person may not harvest river herring.

A. A person may fish for river herring by use of a dip net or single hook and line for consumption by that person or members of that person's family, as long as the person takes or possesses no more

than 25 fish in any day and as long as the river herring are taken downstream from any location where a municipality or other person has been granted exclusive rights under section 6131; and [PL 2017, c. 150, §4 (AMD).]

B. A person may fish for or possess river herring from inland waters if that person has been granted fishing rights under section 6131. [PL 2017, c. 150, §4 (AMD).]

C. [PL 2007, c. 463, §6 (RP); PL 2007, c. 463, §9 (AFF).]

A person that violates this subsection commits a Class E crime.
[PL 2017, c. 150, §4 (AMD).]

5-B. Harvesting suckers for bait without a permit. Notwithstanding subsection 1, a person may take suckers for use as bait for fishing in inland waters as provided in section 12551-A without a permit under subsection 2.
[PL 2007, c. 463, §6 (NEW); PL 2007, c. 463, §9 (AFF).]

6. Eels and elvers prohibitions. The following prohibitions apply to the harvesting of eels and elvers in inland waters.

A. A person may not fish for or take elvers from inland waters. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §253 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person other than the owner of a weir used to fish for or take eels in inland waters may not tend that weir while the weir is immersed unless that person has in the person's possession written permission from the owner to tend the weir or is in the presence of the owner and has the owner's permission to tend the weir. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §253 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this subsection commits a Class E crime.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §253 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

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 or by snagging.

A. A person may not use a bow and arrow to harvest suckers unless the arrow used has a barbed or pronged point and the arrow is attached to the bow with a line. [PL 2003, c. 655, Pt. B, §253 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §253 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §253 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

8. Reports required. A person issued a permit under this section shall submit a completed report on forms provided by the department with the following information: water name and location, including the town and county of waters fished; date fished; total catch; gear type and quantity; number of crew; amount of time the gear is set; total gear in the water; water depth; total time the boat is on the water; species and pounds harvested; license number of the dealer the catch was sold to or the disposition of the catch; town where the catch was brought to shore; boat registration number; vessel name; and the harvester's name, telephone number and permit number. A holder of an eel permit must

submit the report by the date specified on the permit. A holder of a sucker, lamprey or yellow perch permit must submit the report by December 31st of each year. All data submitted as part of the report are for scientific purposes only and are confidential and not part of a public record within the meaning of Title 1, chapter 13, subchapter 1, except that the commissioner may disclose data collected under this subsection if released in a form that is statistical or general in nature.

If a person issued a permit under this section fails to provide information required under this section, the commissioner may refuse to renew or may revoke that person's permit. If a person becomes ineligible for a permit as a result of a violation of this section, that person may request a hearing in accordance with section 10905.
[PL 2015, c. 494, Pt. A, §9 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B253 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III26 (AMD). PL 2005, c. 397, §E8 (AMD). PL 2005, c. 683, §§A16-18 (AMD). PL 2007, c. 463, §6 (AMD). PL 2007, c. 463, §9 (AFF). PL 2011, c. 253, §29 (AMD). PL 2013, c. 148, §§1, 2 (AMD). PL 2015, c. 298, §8 (AMD). PL 2015, c. 494, Pt. A, §9 (AMD). PL 2017, c. 150, §4 (AMD).

§12507. License to cultivate or sell commercially grown and imported fish

1. License required. Except as otherwise authorized pursuant to this Part, a person may not cultivate or sell fish that have been commercially grown within the State or imported from outside the State without a valid license issued under this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Issuance. The commissioner may issue a license to cultivate and sell fish that have been either commercially grown within the State or imported from without the State.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Application. This section does not apply to and the commissioner may not issue permits governing any aspect of either the commercial aquaculture of Atlantic salmon when intended for use in commercial aquaculture in coastal waters or the Atlantic salmon restoration program.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Fee. The fee for a license to sell commercially grown or imported fish is $27 annually.
[PL 2005, c. 12, Pt. III, §27 (AMD).]

5. Requirements. A licensee shall:

A. Keep a license issued under subsection 2 constantly and publicly posted in the office or place of business of the licensee; [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Be licensed for each wholesale and retail outlet from which a person sells fish; [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Identify in a manner approved by the commissioner the name and address of the source of all fish offered for sale or sold under this section; and [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Keep invoices of fish sold and purchased under this section so that the invoices are available at all times for inspection by the commissioner or the commissioner's duly authorized agent. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Penalties. The following penalties apply to violations of subsection 5.

A. A person who violates subsection 5 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §254 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 5 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. [PL 2003, c. 655, Pt. B, §254 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

Each day a person violates subsection 5 is a separate violation.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B254 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III27 (AMD).

§12508. License to operate private fee pond

1. License required. A person who owns a private pond may not charge others for the opportunity to fish in that private pond unless the owner of that pond possesses a valid private fee pond license issued by the commissioner under this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Licensed activities. A private fee pond license authorizes the owner of a private pond to charge others for the opportunity to fish in that private pond and authorizes persons who fish in that pond to fish for, take, possess and transport fish harvested from that pond, notwithstanding other provisions of the law or rules of the department pertaining to manner, time, season, bag limit, length limit or fishing license requirements.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Fee. The fee for a private fee pond license is $27.
[PL 2005, c. 12, Pt. III, §28 (AMD).]

4. Requirements. Except as otherwise authorized under this Part, a person shall:

A. Kill all fish taken from a private fee pond operated pursuant to this section prior to their transportation from the site; and [PL 2003, c. 655, Pt. B, §255 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Tag all fish transported from the site as provided by rules adopted by the commissioner. Rules providing for tagging adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 655, Pt. B, §255 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

Each day a person violates this subsection that person commits a Class E crime.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §255 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B255 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III28 (AMD).

§12509. Permit to import live freshwater fish or eggs

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce, import or transport any live fish or gametes into the State or receive or have in that person's possession fish or gametes so introduced, imported or transported without a valid permit issued under this section.

A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1704, the fine may not be less than $1,000 nor more than $10,000.
[PL 2019, c. 113, Pt. C, §20 (AMD).]

2. Issuance. The commissioner may grant permits to introduce, import or transport any live fish or gametes into the State or to receive or have in possession fish or gametes so introduced, imported or transported if the commissioner determines that the species does not pose an unreasonable risk to any species of fish or other organism after evaluating fish health, habitat and population management issues. The commissioner may not adopt rules or issue permits governing any aspect of either the commercial aquaculture of Atlantic salmon when intended for use in commercial aquaculture in coastal waters or the Atlantic salmon restoration program.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Application. Importers shall, when requesting a permit issued pursuant to subsection 2, provide the commissioner with the following information:

A. The number and species to be imported; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The name and address of the source; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A statement from a fish health inspector certified by the American Fisheries Society, a fish pathologist certified by the American Fisheries Society or a licensed accredited veterinarian, certifying that the fish or gametes are from sources that show no evidence of viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, Myxosomo cerebralis or other diseases that may threaten fish stocks within the State; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Other professionally recognized tests or analyses, including evaluation of fish health, habitat or population management issues that the commissioner may require by rule to ensure that the species will not pose an unreasonable risk to any species of fish or other organism. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Rules. The commissioner may adopt rules allowing the possession and importation of certain species of tropical fish and goldfish without a permit, for aquarium purposes only, if the commissioner determines that the species does not pose an unreasonable risk to any species of fish or other organism after evaluating fish health, habitat and population management issues. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B256 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2019, c. 113, Pt. C, §20 (AMD).

§12510. Permit to stock inland waters

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce fish of any kind into any inland waters without a valid permit issued under this section. A

person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1704, the fine may not be less than $1,000 or more than $10,000.
[PL 2019, c. 113, Pt. C, §21 (AMD).]

2. Issuance. The commissioner may issue a written permit allowing a person to introduce fish of any kind into any inland waters by means of live fish or otherwise.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Limited permit. The commissioner may issue a written limited permit to a local government under this subsection. A limited permit:

A. Allows the local government to introduce fish only into a great pond that:

(1) Is within the jurisdiction of the local government; and

(2) Was previously stocked by the department and in which stocking was suspended prior to January 1, 2019 and has not been resumed by the department due to inadequate public access; [PL 2019, c. 263, §1 (NEW).]

B. Allows the introduction of only:

(1) The same species of fish that was stocked at the time the department suspended stocking; and

(2) Fish obtained by the local government at its own expense from an in-state commercial facility that meets testing and health guidelines approved by the department; and [PL 2019, c. 263, §1 (NEW).]

C. May be issued only if the local government identifies public access to the great pond that:

(1) Is at least suitable for the hand carrying of boats to the water;

(2) Includes a parking area; and

(3) Has been marked with signage adequate to ensure public awareness of the public access. [PL 2019, c. 263, §1 (NEW).]

For purposes of this subsection, "local government" means a municipality or, in the unorganized territory, a county.
[PL 2019, c. 263, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2019, c. 113, Pt. C, §21 (AMD). PL 2019, c. 263, §1 (AMD).

§12511. Permit to introduce fish or fish spawn into private pond

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not introduce fish or fish spawn into a private pond without a valid permit issued under this section. A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1704, the fine may not be less than $1,000 nor more than $10,000.
[PL 2019, c. 113, Pt. C, §22 (AMD).]

2. Issuance. The commissioner may issue a written permit to introduce fish or fish spawn into a private pond.
[PL 2003, c. 655, Pt. B, §257 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B257 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2019, c. 113, Pt. C, §22 (AMD).

§12512. Permit to transport live fish for breeding and advertising

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not take and transport within the limits of the State fish taken in the State for breeding or advertising purposes without a valid permit issued under this section. A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section 1704, the fine may not be less than $1,000 nor more than $10,000.
[PL 2019, c. 113, Pt. C, §23 (AMD).]

2. Issuance. The commissioner may issue a permit to a person permitting that person to take and transport within the limits of the State fish taken in the State for breeding or advertising purposes.
[PL 2003, c. 655, Pt. B, §257 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B257 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2019, c. 113, Pt. C, §23 (AMD).

§12513. Permit to take baitfish

Whenever inland waters are closed to fishing, the commissioner may issue permits to take baitfish for bait purposes from those waters. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 3

LIVE BAIT; DEALING, TRAPPING AND POSSESSION

§12551. Dealing in live smelts and baitfish

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B258 (RP). PL 2003, c. 655, §B422 (AFF).

§12551-A. Dealing in live smelts and baitfish

1. Definition. For purposes of this section, "business facility" means a fixed place of business and does not include a motor vehicle or trailer. Live smelts or baitfish that are held in or on a motor vehicle or trailer by a person licensed under this section are considered in transport even if the motor vehicle or trailer may be temporarily placed at a specific location by the licensee, or the licensee's designee, for the purpose of selling live smelts or baitfish to anglers.
[PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. License required. A person may not:

A. Possess for resale, sell or offer to sell live smelts, Osmerus mordax, or live baitfish, as defined in section 10001, subsection 6, without an appropriate and valid license issued under subsection 3; [PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Engage in taking or assist in taking live baitfish for resale from inland waters without a valid baitfish wholesaler's license; [PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Engage in taking or assist in taking live smelts for resale from inland waters without a smelt wholesaler's license; [PL 2017, c. 164, §19 (AMD).]

D. Sell live smelts or baitfish from more than one facility without an appropriate and valid license for each facility; or [PL 2017, c. 164, §19 (AMD).]

E. When licensed under this section, receive, possess for resale, sell or offer to sell gift baitfish or gift smelts without an appropriate and valid license issued under subsection 3. [PL 2017, c. 164, §20 (NEW).]

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2017, c. 164, §§19, 20 (AMD).]

2-A. License required.
[PL 2017, c. 164, §21 (RP).]

3. Issuance; eligibility. The commissioner may issue to a resident or nonresident upon payment of the appropriate fee:

A. A live bait retailer's license that permits a person to possess for resale, sell or offer to sell live smelts and baitfish; [PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A baitfish wholesaler's license that permits a person to take and possess for resale, sell or offer to sell live baitfish; and [PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. A smelt wholesaler's license that permits a person to take and possess for resale, sell or offer to sell live smelts. [PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Schedule of fees. The fees for licenses under this section are:

A. For a live bait retailer's license, $16; [PL 2005, c. 12, Pt. III, §29 (AMD).]

B. For a baitfish wholesaler's license, $26; and [PL 2005, c. 12, Pt. III, §29 (AMD).]

C. For a smelt wholesaler's license, $71. [PL 2005, c. 12, Pt. III, §29 (AMD).]
[PL 2005, c. 12, Pt. III, §29 (AMD).]

5. Live bait retailer's license authorizations and restrictions. The provisions of this subsection apply to the selling of live smelts and baitfish under a live bait retailer's license.

A. The holder of a live bait retailer's license may:

(1) Sell live baitfish or smelts acquired from a person licensed under this section to deal in live baitfish or smelts;

(2) Designate others to assist in selling live smelts and baitfish at the license holder's business facility;

(3) Transport live smelts and baitfish or designate another to transport live smelts and baitfish on the license holder's behalf; and

(4) Possess more than the daily bag limit of smelts, provided that the smelts were acquired from a person licensed under this section to deal in live smelts. [PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. The holder of a live bait retailer's license:

(1) May not take or possess for the purposes of retail sale live baitfish or smelts from the inland waters of the State or private ponds;

(2) Shall present a receipted invoice, bill of lading, bill of sale or other satisfactory evidence of the lawful possession of live baitfish or smelts for retail sale to any agent of the commissioner upon request; or

(3) May not possess at that person's place of business any species of fish that may not legally be sold as bait.

Each day a person violates this paragraph that person commits a class E crime. [PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Baitfish wholesaler's license authorizations and restrictions. The provisions of this subsection apply to the taking and selling of baitfish under the baitfish wholesaler's license.

A. The holder of a baitfish wholesaler's license may:

(1) Take for the purpose of sale live baitfish from the inland waters of the State or from private ponds;

(2) Use particles of food for the purpose of luring baitfish to a baitfish trap, a dip net, a drop net, a lift net or a bag net;

(3) Designate others to assist the holder in selling live baitfish at the holder's business facility; and

(4) Transport live baitfish or designate another to transport live baitfish on the license holder's behalf. [PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. The holder of a baitfish wholesaler's license may not:

(1) When engaged in taking, or assisting in taking, live baitfish for resale from inland waters, fail to exhibit a baitfish wholesaler's license to any agent of the commissioner upon request;

(2) Take baitfish other than by use of a seine as defined in section 10001, subsection 55; a baitfish trap as defined in section 10001, subsection 7; a dip net, a drop net, a lift net or a bag net; or by hook and line;

(3) Attempt to take live bait for resale from the inland waters of the State by fishing through the ice using drop nets unless the holder marks all holes made in the ice by the holder for that purpose. The holes must be marked by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides;

(4) Take eels;

(5) Take or sell suckers, Genus Catostomus, greater than 10 inches in length between April 1st and September 30th of each year; or

(6) Possess at that person's place of business any species of fish that may not legally be sold as bait.

Each day a person violates this paragraph that person commits a class E crime. [PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Smelt wholesaler's license authorizations and restrictions. The provisions of this subsection apply to the taking and selling of live smelts under the smelt wholesaler's license.

A. The holder of a smelt wholesale dealer's license may:

(1) Take live smelts for resale from inland waters or private ponds. The taking of live smelts from inland waters must be in accordance with general rules adopted by the commissioner in

regard to the taking of smelts. Except as provided in paragraph B, the holder of a smelt wholesaler's license shall comply with the same daily bag limit and the same tackle restrictions that apply to all other anglers and is subject to the same penalties for violations of those limits and restrictions. This subparagraph does not apply to a holder of a fish cultivator license as provided under section 12507;

(2) Beginning on the date the body of water on which the smelts are taken is open to ice fishing and ending March 31st annually, use a drop net, a lift net or hook and line to take up to 8 quarts of smelts through man-made openings in the ice while fishing on the ice from specific inland waters designated by the commissioner. A dip net may be used in conjunction with the above methods to assist with the handling and transporting of smelts. A licensee may keep the daily bag limit alive. The daily bag limit established under this subparagraph is for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day;

(2-A) In waters naturally free of ice, take smelts from noon to 2:00 a.m. by the use of a dip net in the usual and ordinary way. The commissioner may establish the daily bag limit by rule and a licensee may keep the daily bag limit of smelts alive. The daily bag limit established under this subparagraph is for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may shorten the noon to 2:00 a.m. smelt fishing time frame by rule for enforcement or conservation purposes;

(3) Use artificial light for the purpose of luring smelts to a drop net or a lift net;

(4) Transport or possess at the holder's business facility more than the daily bag limit of smelts provided that the smelts were taken by the license holder in accordance with this section or acquired from a person licensed under this section to deal in live smelts;

(5) Designate others to assist in selling live smelts at the holder's business facility; and

(6) Transport or designate others to transport on the license holder's behalf live smelts in accordance with this subsection. [PL 2015, c. 301, §36 (AMD).]

B. The holder of a smelt wholesale dealer's license may not:

(1) When engaged in taking, or assisting in taking, live smelts for resale from inland waters, fail to exhibit the license to any agent of the commissioner upon request;

(2) Take multiple bag limits from waters governed by general rules regulating the taking of smelts in order to attain the 8-quart limit of smelts described in paragraph A, subparagraph (2);

(3) Use a seine to take smelts;

(4) Transport or possess at the holder's business facility more than the daily bag limit of smelts at any time unless the smelts were acquired in accordance with paragraph A, subparagraph (4). If the smelts were purchased from another person, the license holder must present a receipted invoice, bill of lading or bill of sale to any agent of the commissioner upon request;

(5) Transport from an inland water source to the licensee's place of business more than 8 quarts of live smelts;

(6) Permit any person to transport live smelts on the license holder's behalf directly from an inland water source;

(7) Attempt to take from the inland waters of the State live smelts for resale using drop nets through the ice unless the license holder marks all holes made in the ice by that license holder for that purpose. The holes must be marked either by evergreen boughs placed around the hole or by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides;

(8) Take smelts unless the holder uses an operable commercially manufactured number 14 fish grader to sort smelts by size during the taking of smelts. The holder shall liberate immediately all undersized smelts alive into the waters from which they were taken. For the purpose of this subparagraph, a commercially manufactured number 14 grader is a grader having a minimum grate size of 14/64 inches and that allows smelts to pass through at least 2 sides and the bottom of the grader. The commissioner may adopt rules to amend the grate size restrictions under this subparagraph if the commissioner determines such rules are necessary for conservation or enforcement purposes;

(9) Possess at that person's place of business any species of fish that may not legally be sold as bait;

(10) Use particles of food or any other type of bait or lure except light to lure smelts to a drop net or a lift net; or

(11) Use a dip net to take smelts unless that dip net meets the requirements under section 10001, subsection 12-A.

Each day a person violates this paragraph that person commits a Class E crime. [PL 2005, c. 237, §3 (AMD).]

For purposes of this subsection, live smelts are considered in possession of the licensee once the smelts have been removed from the inland waters and placed in a container.
[PL 2015, c. 301, §36 (AMD).]

8. Effect of revoked or suspended license. A person whose license to deal in live smelts and baitfish has been revoked or suspended pursuant to section 10902 may not assist another dealer in selling or transporting live smelts and baitfish.

A person who violates this subsection commits a class E crime.
[PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Inspection of live smelts and baitfish. A person licensed under this section who possesses live smelts or baitfish at a fixed place of business shall make those fish available for inspection by a warden or a department fisheries biologist during normal business hours. A person licensed under this section who possesses live smelts or baitfish at a location other than the licensee's fixed place of business shall make those fish available for inspection by a warden or a department fisheries biologist at any time, upon request.
[PL 2003, c. 655, Pt. B, §259 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

9-A. Record inspection. Records retained as required in this section must be open for inspection by the commissioner or the commissioner's agent.
[PL 2011, c. 253, §30 (NEW).]

10. Reports required. A person licensed under this section must submit a report on forms provided by the department with the following information: name and location, including the town and county of waters fished; date fished; total catch; gear type; and number of nets used. The report must be submitted by May 31st of each year. A person who has not submitted this report may be prohibited from obtaining a license under this section. A person who is prohibited from obtaining a license under this section may submit an appeal to the commissioner.

All data submitted as part of the report are for scientific purposes only and are confidential and not a public record within the meaning of Title 1, chapter 13, subchapter 1, except that the commissioner may disclose data collected under this subsection if that data are released in a form that is statistical or general in nature.
[PL 2005, c. 237, §4 (NEW).]

SECTION HISTORY

PL 2003, c. 655, §B259 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III29 (AMD). PL 2005, c. 237, §§3,4 (AMD). PL 2009, c. 340, §16 (AMD). PL 2011, c. 253, §30 (AMD). PL 2015, c. 298, §9 (AMD). PL 2015, c. 301, §36 (AMD). PL 2017, c. 164, §§19-21 (AMD).

§12552. Purchase of live smelts from unlicensed dealers

1. Prohibition. A person licensed to deal in live baitfish pursuant to section 12551-A may not purchase live smelts from a person who does not hold a current license to sell live smelts issued pursuant to section 12551-A, subsection 3, paragraph A or C.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §260 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §261 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §261 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

The commissioner, subject to the hearing provisions of section 10902, shall revoke for a period of at least one year from the date of adjudication any licenses issued under section 12551-A to a person adjudicated of a violation of subsection 1.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §261 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B260,261 (AMD). PL 2003, c. 655, §B422 (AFF).

§12553. Selling, using or possessing baitfish

1. Selling, using or possessing unlawful baitfish.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §262 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. Unlawfully selling, using or possessing baitfish. Except as provided in this subsection and for baitfish as defined in section 10001, subsection 6, a person may not:

A. Sell or offer for sale fish as bait for the purpose of fishing; or [PL 2003, c. 655, Pt. B, §263 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Use or possess fish as bait for the purpose of fishing. [PL 2003, c. 655, Pt. B, §263 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

Nothing in this Title prohibits the use of commercially prepared eggs from species that do not naturally occur in the State for bait. A person may take baitfish from all inland waters of the State during the period that those waters are open to fishing.

A person who violates this subsection commits a Class E crime. The court shall, in addition, impose a fine of $20, none of which may be suspended, for each fish illegally possessed.
[PL 2015, c. 301, §37 (AMD).]

2. Sale of bait in polystyrene foam containers. A person who sells bait may not provide or sell the bait in containers that are composed in whole or in part of polystyrene foam plastic. This subsection does not apply to baitfish.

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. [PL 2003, c. 614, §6 (NEW); PL 2003, c. 614, §9 (AFF).]

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. [PL 2003, c. 614, §6 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §6 (AMD); PL 2003, c. 614, §9 (AFF).]

3. Failure to label baitfish traps, drop nets or baitfish holding boxes. A person may not set or place within the inland waters of the State any baitfish trap, drop net or baitfish holding box without having the baitfish trap, drop net or baitfish holding box plainly labeled with that person's full name and address.

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. [PL 2003, c. 655, Pt. B, §264 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §264 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §264 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §6 (AMD). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B262-264 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 301, §37 (AMD).

§12554. Disturbing baitfish traps or baitfish holding boxes

A person may not disturb or take any baitfish trap or baitfish holding box or any fish from any baitfish trap or baitfish holding box other than that person's own without the consent of the owner of the baitfish trap or baitfish holding box. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12555. Checking baitfish traps

1. Prohibition. While trapping for baitfish in the inland waters with the use of a baitfish trap as defined in section 10001, subsection 7, a person shall check the baitfish trap or cause the baitfish trap to be checked at least once in every 7 calendar days.

[PL 2003, c. 655, Pt. B, §265 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §265 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §265 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §265 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B265 (RPR). PL 2003, c. 655, §B422 (AFF).

§12556. Importing live bait

A person may not import into this State any live fish, including smelts, that are commonly used for bait fishing in inland waters. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

SUBCHAPTER 4

GENERAL FISHING PROVISIONS

§12601. Rule violations; open-water fishing or ice fishing

1. Civil violations. Notwithstanding section 10650, a person who violates a rule regulating open-water fishing or ice fishing, except a rule implementing a statute the violation of which is a Class E crime, commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.

[PL 2003, c. 655, Pt. B, §266 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Crime. A person who violates a rule regulating open-water fishing or ice fishing, except a rule implementing a statute the violation of which is a Class E crime, 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.

[PL 2003, c. 655, Pt. B, §266 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B266 (RPR). PL 2003, c. 655, §B422 (AFF).

§12602. Violation of number, amount, weight or size limits

A person may not: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Fish in violation of certain rules. Fish in violation of the number, amount, weight or size limits established by rules adopted by the commissioner;

[PL 2017, c. 150, §5 (AMD).]

2. Possess fish in violation of certain rules. Possess fish in violation of the number, amount, weight or size limits established by rules adopted by the commissioner;

[PL 2019, c. 224, §1 (AMD).]

3. Alter fish from their natural state prior to measuring for bag limit. When rules adopted by the commissioner limit the volume of fish that may be taken, alter those fish from or possess fish altered from their natural state prior to their being measured for compliance with the volume limit; or
[PL 2019, c. 224, §2 (AMD).]

4. Violation of certain Department of Marine Resources rules; striped bass. Fish for striped bass in inland waters or possess striped bass taken from inland waters in a number, amount or size that exceeds the number, amount or size limits for striped bass established by rules adopted by the Commissioner of Marine Resources under section 6171. Notwithstanding section 6002 or any provision of law to the contrary, for purposes of this subsection only, the number, amount and size limits for striped bass established by rules adopted by the Commissioner of Marine Resources under section 6171 apply to the inland waters of the State.
[PL 2019, c. 224, §3 (NEW).]

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. [PL 2019, c. 325, §7 (AMD).]

A person who fishes for striped bass in or possesses striped bass taken from the coastal waters of the State in violation of rules adopted by the Commissioner of Marine Resources under section 6171 is subject to the provisions of section 6174. [PL 2019, c. 224, §4 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2017, c. 150, §5 (AMD). PL 2019, c. 224, §§1-4 (AMD). PL 2019, c. 325, §7 (AMD).

§12603. Failure to observe Maine Indian Tribal-State Commission rules and regulations

1. Prohibition. A person may not fish in any pond or in that portion of any river or stream subject to the authority of the Maine Indian Tribal-State Commission created by Title 30, Part 4 in violation of the rules or regulations of the commission.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §267 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §267 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §267 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B267 (AMD). PL 2003, c. 655, §B422 (AFF).

§12604. Closed season violation

1. Prohibition. A person may not fish for any fish during the closed season or possess any fish taken during the closed season on that fish.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. 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.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12605. Fishing in waters closed to fishing

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B268 (RP). PL 2003, c. 655, §B422 (AFF).

§12606. Ice fishing; waters closed to fishing

1. Prohibition. A person may not ice fish in inland waters closed to ice fishing, except that person may fish for river herring and smelts in the manner provided under the laws regulating marine resources. [PL 2017, c. 150, §6 (AMD).]

2. Penalty. 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. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2017, c. 150, §6 (AMD).

§12607. Unlawfully introducing department-raised fish or fish spawn

1. Prohibition. A person may not introduce fish or fish spawn raised by the department into a private pond, unless the department permits the introduction for fishing events held in conjunction with educational or special programs sanctioned by the department. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. 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. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12608. Failure to label fish

1. Prohibition. A person may not keep the following species of fish at any sporting camp, hotel or public lodging place unless the name and address of the person who caught the fish is attached to the fish:

A. Black bass; [PL 2003, c. 655, Pt. B, §269 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Salmon; [PL 2003, c. 655, Pt. B, §269 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Togue; or [PL 2003, c. 655, Pt. B, §269 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Trout. [PL 2003, c. 655, Pt. B, §269 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §269 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §269 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §269 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §269 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B269 (RPR). PL 2003, c. 655, §B422 (AFF).

§12609. Purchase or sale of certain fish

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B270 (RP). PL 2003, c. 655, §B422 (AFF).

§12609-A. Purchase or sale of certain fish

1. Prohibition. Except as otherwise provided in this section, a person may not directly or indirectly purchase or sell the following species of fish:

A. Black bass; [PL 2003, c. 655, Pt. B, §271 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Landlocked salmon; [PL 2003, c. 655, Pt. B, §271 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Pickerel; [PL 2003, c. 655, Pt. B, §271 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Togue; [PL 2003, c. 655, Pt. B, §271 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. Trout; or [PL 2003, c. 655, Pt. B, §271 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

F. White perch. [PL 2003, c. 655, Pt. B, §271 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §271 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Fish produced by commercial producers or imported. A person may purchase or sell fish that have been lawfully produced by commercial producers within the State or that have been lawfully imported from without the State.

[PL 2003, c. 655, Pt. B, §271 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Skins of fish preserved through taxidermy. A person may purchase or sell the skins of fish that have been preserved for display through the art of taxidermy.

[PL 2003, c. 655, Pt. B, §271 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Penalty. 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.

[PL 2003, c. 655, Pt. B, §271 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B271 (NEW). PL 2003, c. 655, §B422 (AFF).

§12610. Unlawful importation or sale of certain fresh or frozen fish

1. Prohibition. A person may not import or offer for sale fresh or frozen any of the following fish:

A. Salmon; [PL 2003, c. 655, Pt. B, §272 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Brook trout; [PL 2003, c. 655, Pt. B, §272 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Brown trout; [PL 2003, c. 655, Pt. B, §272 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Rainbow trout; [PL 2003, c. 655, Pt. B, §272 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. Lake trout; or [PL 2003, c. 655, Pt. B, §272 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

F. Any member of the family salmonidae whose source is outside of the continental United States, Canada or Alaska or their adjacent waters. [PL 2003, c. 655, Pt. B, §272 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §272 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §272 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §272 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §272 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B272 (RPR). PL 2003, c. 655, §B422 (AFF).

§12611. Illegal possession of live fish

Except as otherwise provided in this Part, a person who takes a fish, other than baitfish or smelt, from inland waters pursuant to this Part shall immediately release that fish alive into the waters from which it was taken or immediately kill that fish. Any fish killed pursuant to this section becomes part of the daily bag limit. A person who possesses a fish in violation of this section commits a Class E crime. [PL 2015, c. 301, §38 (AMD).]

SECTION HISTORY

PL 2003, c. 655, §B273 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 301, §38 (AMD).

§12612. Parent or guardian; violation by minor

A person violates this section if that person is the adult supervisor, parent or guardian of a minor under 16 years of age and that minor violates any provision of this Part pertaining to fishing. [PL 2009, c. 69, §5 (NEW).]

1. Civil violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.

[PL 2009, c. 69, §5 (NEW).]

2. Class E crime. A person who violates this section 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.

[PL 2009, c. 69, §5 (NEW).]

SECTION HISTORY

PL 2009, c. 69, §5 (NEW).

§12613. Possessing gift fish

1. Prohibition. A person who does not possess a valid fishing license issued under chapter 913 or this chapter may not possess a fish or any part of a fish given to that person except a person may possess in that person's domicile a gift fish that was lawfully caught and is plainly labeled with the name of the person who gave the fish and the year, month and day the fish was caught by that person. This section does not apply to baitfish.
[PL 2011, c. 57, §1 (NEW).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2011, c. 57, §1 (NEW).]

B. A person who violates this section 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. [PL 2011, c. 57, §1 (NEW).]
[PL 2011, c. 57, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 57, §1 (NEW).

SUBCHAPTER 5

UNLAWFUL FISHING METHODS

§12651. Snagging

1. Prohibition. Except as provided in section 12506, subsection 7, a person may not fish by snagging as defined by section 10001, subsection 58.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §274 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. 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.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B274 (AMD). PL 2003, c. 655, §B422 (AFF).

§12652. Fishing with more than 2 lines

1. Prohibition. Unless otherwise provided:

A. A person may not fish with more than 2 lines at any one time during the open-water fishing season; and [PL 2009, c. 214, §8 (NEW).]

B. A person may not fish during the open-water fishing season unless that person's fishing lines are under that person's immediate supervision. [PL 2009, c. 214, §8 (NEW).]
[PL 2009, c. 214, §8 (RPR).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §276 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §276 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §276 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B275,276 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 214, §8 (AMD).

§12653. Taking fish by explosive, poisonous or stupefying substance

1. Prohibition. A person may not use dynamite or any other explosive, poisonous or stupefying substance at any time for the purpose of taking or destroying any kind of fish.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. 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.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12654. Unlawful angling or fishing

1. Prohibition. A person may not angle or fish other than by the use of the single baited hook and line, artificial flies, artificial lures and spinners, except that a person may take smelts in accordance with rules adopted with regard to the taking of smelts.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. 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.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12654-A. Limit on artificial flies

1. Prohibition. A person may not fish with more than 3 unbaited artificial flies individually attached to a line or hook.
[PL 2005, c. 477, §16 (AMD).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §277 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §277 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §277 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B277 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 477, §16 (AMD).

§12655. Unlawful use of bait

1. Prohibition. During times when fishing is limited by rule to the use of artificial lures only, a person may not use:

A. Live bait; [PL 2003, c. 655, Pt. B, §278 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Dead bait; or [PL 2003, c. 655, Pt. B, §278 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Chemically preserved natural or organic bait. [PL 2003, c. 655, Pt. B, §278 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §278 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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

[PL 2003, c. 655, Pt. B, §278 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B278 (RPR). PL 2003, c. 655, §B422 (AFF).

§12656. Possession and use of unlawful implements and devices

1. Prohibition. A person may not:

A. Possess any grapnel, trawl, weir, seine, gill net, trap, set line or drop net on or adjacent to any of the inland waters of the State, except in accordance with sections 12157 and 12506, section 12551-A, subsection 7, paragraph A, subparagraph (2) and section 12763, subsections 3 and 4; or [PL 2009, c. 214, §9 (AMD).]

B. Except as otherwise provided, use any grapnel, spear, spear gun, trawl, weir, gaff, seine, gill net, trap or set lines for fishing.

(1) A person may take suckers, eels, river herring and yellow perch in accordance with section 12506.

(2) A person may take baitfish with a baitfish trap, as defined in section 10001, subsection 7. [PL 2017, c. 150, §7 (AMD).]

[PL 2017, c. 150, §7 (AMD).]

2. Penalty. 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.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2009, c. 214, §9 (AMD). PL 2017, c. 150, §7 (AMD).

§12657. Advance baiting

1. Prohibition. Except as provided in subsection 2, a person may not deposit any meat, bones, dead fish, parts of meat, bones, or dead fish or other food for fish for the purpose of luring fish, a practice known as "advance baiting."

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Exception. A person may place food particles in a baitfish trap for the purpose of luring baitfish.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §279 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §279 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §279 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B279 (AMD). PL 2003, c. 655, §B422 (AFF).

§12658. Unlawfully trolling fly

1. Prohibition. A person may not troll a fly in inland waters restricted to fly-fishing.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §280 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §280 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §280 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B280 (AMD). PL 2003, c. 655, §B422 (AFF).

§12659. Ice fishing regulations

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B281 (RP). PL 2003, c. 655, §B422 (AFF).

§12659-A. Ice fishing regulations

1. Five-line limit. Unless otherwise provided by rule, a person licensed to fish may not fish through the ice with more than 5 lines set or otherwise.

A. [PL 2005, c. 397, Pt. E, §9 (RP).]

B. [PL 2005, c. 397, Pt. E, §9 (RP).]

C. 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. [PL 2005, c. 477, §17 (NEW).]

D. 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. [PL 2005, c. 477, §17 (NEW).]

[PL 2005, c. 477, §17 (AMD).]

2. Penalty.

[PL 2005, c. 397, Pt. E, §10 (RP).]

3. Unattended lines. Except as provided in subsection 4, a person licensed to fish shall have all lines under that person's immediate supervision.

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. [PL 2005, c. 477, §18 (NEW).]

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. [PL 2005, c. 477, §18 (NEW).]

[PL 2005, c. 477, §18 (AMD).]

4. Checking cusk lines. A person fishing through the ice for cusk in the nighttime shall visit at least once every hour all lines set by that person for cusk.

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. [PL 2005, c. 477, §19 (NEW).]

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. [PL 2005, c. 477, §19 (NEW).]

[PL 2009, c. 214, §10 (AMD).]

5. Penalty.

[PL 2005, c. 477, §20 (RP).]

SECTION HISTORY

PL 2003, c. 655, §B282 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 397, §§E9-11 (AMD). PL 2005, c. 477, §§17-20 (AMD). PL 2009, c. 214, §10 (AMD).

§12660. Antifreeze agents

Adding substances containing ethylene glycol or other antifreeze agents to the waters of this State is a violation of Title 38, section 413. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12661. Ice fishing shacks

(CONFLICT)

1. Prohibitions and requirements. A person who owns any shack or temporary structure used for ice fishing:

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

(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 [PL 2019, c. 325, §8 (AMD).]

B. [PL 2009, c. 214, §12 (RP).]

C. Shall have painted on the outside of the shack or structure in 2-inch letters the owner's name and address when the shack or structure is on the ice of any inland waters. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §283 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2019, c. 325, §8 (AMD).]

2. Penalty.

[PL 2011, c. 253, §31 (RP).]

3. (CONFLICT: Text as amended by PL 2019, c. 325, §9) 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 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.

[PL 2019, c. 325, §9 (AMD).]

3. (CONFLICT: Text as amended by PL 2019, c. 498, §8) 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 45 and Title 17, section 2263-A, a landowner on whose property an ice fishing shack 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.

[PL 2019, c. 498, §8 (AMD).]

4. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2011, c. 253, §33 (NEW).]

B. A person who violates this section 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. [PL 2011, c. 253, §33 (NEW).]

[PL 2011, c. 253, §33 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B283,284 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 397, §A9 (AMD). PL 2009, c. 214, §§11, 12 (AMD). PL 2011, c. 253, §§31-33 (AMD). PL 2015, c. 301, §39 (AMD). PL 2017, c. 164, §22 (AMD). PL 2019, c. 325, §§8, 9 (AMD). PL 2019, c. 498, §8 (AMD).

§12662. Night ice fishing

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B285,286 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 397, §E12 (AMD). PL 2009, c. 214, §13 (RP).

§12663. Unlawful sale of lead sinkers

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B287 (RP). PL 2003, c. 655, §B422 (AFF).

§12663-A. Unlawful sale of lead sinkers

(REPEALED)

SECTION HISTORY

PL 2003, c. 655, §B288 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2013, c. 372, §1 (RP).

§12663-B. Unlawful sale of lead sinkers and bare lead jigs

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

A. "Bare lead jig" means an unpainted lead jig that contains lead and that:

(1) Weighs one ounce or less; or

(2) Measures 2 1/2 inches or less in length. [PL 2013, c. 372, §2 (NEW).]

B. "Lead sinker" means a device that contains lead that is designed to be attached to a fishing line and intended to sink the line and that:

(1) Weighs one ounce or less; or

(2) Measures 2 1/2 inches or less in length.

"Lead sinker" does not include artificial lures, weighted line, weighted flies or jig heads. [PL 2013, c. 372, §2 (NEW).]

[PL 2013, c. 372, §2 (NEW).]

2. Sale of lead sinker or bare lead jig. This subsection governs the sale of lead sinkers and bare lead jigs.

A. A person may not:

(1) Sell a lead sinker; or

(2) Beginning September 1, 2016, sell a bare lead jig. [PL 2013, c. 372, §2 (NEW).]

B. 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. [PL 2013, c. 372, §2 (NEW).]

C. 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. [PL 2013, c. 372, §2 (NEW).]

[PL 2013, c. 372, §2 (NEW).]

3. Offer lead sinker or bare lead jig for sale. This subsection governs offering lead sinkers and bare lead jigs for sale.

A. A person may not:

(1) Offer for sale a lead sinker; or

(2) Beginning September 1, 2016, offer for sale a bare lead jig. [PL 2013, c. 372, §2 (NEW).]

B. 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. [PL 2013, c. 372, §2 (NEW).]

C. 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. [PL 2013, c. 372, §2 (NEW).]

[PL 2013, c. 372, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 372, §2 (NEW).

§12664. Unlawful use of lead sinkers and bare lead jigs

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

A. "Bare lead jig" means an unpainted lead jig that contains lead and that:

(1) Weighs one ounce or less; or

(2) Measures 2 1/2 inches or less in length. [PL 2013, c. 372, §3 (NEW).]

B. "Lead sinker" means a device that contains lead that is designed to be attached to a fishing line and intended to sink the line and that:

(1) Weighs one ounce or less; or

(2) Measures 2 1/2 inches or less in length.

"Lead sinker" does not include artificial lures, weighted line, weighted flies or jig heads. [PL 2013, c. 372, §3 (NEW).]

[PL 2013, c. 372, §3 (NEW).]

2. Unlawful use. This subsection governs the use of lead sinkers and bare lead jigs.

A. A person may not:

(1) Use a lead sinker; or

(2) Beginning September 1, 2017, use a bare lead jig. [PL 2013, c. 372, §3 (NEW).]

B. 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. [PL 2013, c. 372, §3 (NEW).]

C. 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. [PL 2013, c. 372, §3 (NEW).]

[PL 2013, c. 372, §3 (NEW).]

SECTION HISTORY

PL 2013, c. 372, §3 (NEW).

CHAPTER 925

FISH AND WILDLIFE MANAGEMENT AND RESEARCH

SUBCHAPTER 1

WILDLIFE MANAGEMENT AND RESEARCH

§12701. Commissioner's authority over sanctuaries; management areas and access sites

1. Public use. The commissioner may, pursuant to section 10104, adopt rules regulating hunting, fishing, trapping or other public use of any wildlife management area or wildlife sanctuary as designated in section 12706, subsection 1, except that a landowner may not be prohibited from operating any vehicle on land on which that person is domiciled. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §289 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Natural products. The commissioner may harvest and sell natural products of the land from land owned by the department and, if the land was purchased with federal aid funds, use the resulting revenue for land management, in accordance with federal aid guidelines.
[PL 2007, c. 217, §1 (AMD).]

3. Trapping. The commissioner may regulate the trapping of wild animals on wildlife sanctuaries or closed territories.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Fees. The commissioner may establish reasonable fees for admission to the Maine Wildlife Park and the Steve Powell Wildlife Management Area at Perkins Township, Sagadahoc County, known as Swan Island and Little Swan Island. Fees associated with the Steve Powell Wildlife Management Area must be deposited into a dedicated revenue account. In addition to those fees, the commissioner may accept and deposit into the dedicated revenue account money from any other source, public or private.
[PL 2007, c. 539, Pt. KKKK, §1 (AMD).]

5. Access sites to inland and coastal waters. The commissioner may, pursuant to section 10104, subsection 1, adopt rules regulating public use of department-owned or department-maintained sites that provide public access to inland or coastal waters. The commissioner may establish reasonable fees for use of these sites by members of the public as necessary to help defray the cost of routine maintenance and security. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §290 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B289,290 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 217, §1 (AMD). PL 2007, c. 539, Pt. KKKK, §1 (AMD).

§12702. Rule violations; state-owned wildlife management areas

The following penalties apply to violations of rules regulating state-owned wildlife management areas. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §291 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Civil violation. Notwithstanding section 10650, a person who violates a rule regulating state-owned wildlife management areas commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2003, c. 655, Pt. B, §291 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Criminal violation. A person who violates a rule regulating state-owned wildlife management areas 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.
[PL 2003, c. 655, Pt. B, §291 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B291 (RPR). PL 2003, c. 655, §B422 (AFF).

§12703. Rule violations; state game farms

The following penalties apply to violations of rules regulating state game farms. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §291 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Civil violation. Notwithstanding section 10650, a person who violates a rule regulating state game farms commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2003, c. 655, Pt. B, §291 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Criminal violation. A person who violates a rule regulating state game farms 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.
[PL 2003, c. 655, Pt. B, §291 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B291 (RPR). PL 2003, c. 655, §B422 (AFF).

§12704. Permit to hunt, trap, possess, band and transport wild animals and wild birds for educational or scientific purposes

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2015, c. 374, §12 (AMD). PL 2017, c. 205, §27 (RP).

§12705. Rule violations; educational or scientific collection permits

The following penalties apply to violations of rules regulating educational or scientific collection permits. [PL 2015, c. 374, §13 (AMD).]

1. Civil violation. Notwithstanding sections 10650 and 12152, a person who violates a rule regulating educational or scientific collection permits commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2017, c. 205, §28 (AMD).]

2. Criminal violation. A person who violates a rule regulating educational or scientific collection permits 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.
[PL 2015, c. 374, §13 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B292 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 374, §13 (AMD). PL 2017, c. 205, §28 (AMD).

§12706. Wildlife sanctuaries

1. Designation of wildlife sanctuaries. The following described territories are designated as wildlife sanctuaries and are subject to the commissioner's authority under section 12701:

A. Back Bay Sanctuary, Portland: Back Bay, so called, in Portland, in the County of Cumberland, above the Grand Trunk Railway bridge or within the area enclosed by a boundary line drawn as follows: Beginning at Fish Point at the easterly end of the Eastern Promenade in the City of Portland, thence extending about northeasterly to Pomeroy's Rock, thence about northeasterly to Mackworth or Half-way Rock southerly of Mackworth or Mackey Island, thence in a northerly direction to a point marked by a buoy 1,000 feet from the most easterly point of Mackworth Island, so called, thence in a northwesterly direction 700 yards more or less to the northernmost point of the large ridge on the north side of Mackworth Island, thence in a north northwesterly direction in a straight line about parallel to the Town of Falmouth shore to the point on the shoreline where the

property known as the Berry Estate meets the property known as the Portland Country Club, thence northwesterly and southwesterly along the shore line of the Town of Falmouth including that of the salt water pond adjacent to the property known as the Portland Country Club to Mackworth or Mackey Point, thence about southwesterly along the easterly side of Martin Point bridge to the shore of East Deering (United States Marine Hospital) Portland, thence about southwesterly and southerly along said East Deering shore to the Grand Trunk bridge, thence along the easterly side of said Grand Trunk bridge to the shore of the Eastern Promenade, Portland, thence about southerly along said shore of the Eastern Promenade to the said Fish Point, the point of beginning; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Baxter State Park: The following described tracts of territory situated in the Counties of Penobscot and Piscataquis W. E. L. S. the same being in unorganized townships, to wit: That portion of Township 6, Range 8, Penobscot County in the southwest corner of said township bounded and described as follows: Beginning at the southwest corner of said township thence north along the west line of said township to First Grand or Matagamon Lake; thence easterly, southeasterly and southerly along the western shore of said lake to the point where the said western shore intersects the north line of the Dam Lot, so called, which was conveyed to the East Branch Dam Company by deed dated October 28, 1902 and recorded in Penobscot County Registry of Deeds in book 727, page 335 and reputed to be now owned by the East Branch Improvement Company; thence running west along the north line of said Dam Lot to the northwest corner thereof; thence running south along the west line of said Dam Lot to the southwest corner thereof; thence running east along the south line of said Dam Lot to the East Branch of the Penobscot River; thence running south by said East Branch to a point in the south line of said township where the said East Branch intersects the same; thence running west along the said south line of said township to the southwest corner thereof and the point of beginning; all of Township 3, Range 9, Piscataquis County now the property of the State of Maine: All of Township 4, Range 9, Piscataquis County: All of Township 5, Range 9, Piscataquis County: That portion of Township 6, Range 9, Piscataquis County lying south of Trout Brook and south of Wadleigh Brook and extending from the east line of said township across said township to the west line thereof: All of Township 3, Range 10, Piscataquis County: All of Township 4, Range 10, Piscataquis County: All of Township 5, Range 10, Piscataquis County, excepting therefrom an area of 20 acres in the southwesterly quarter thereof, formerly owned by and belonging to Charles A. Daisey, now owned by Arnold R. Daisey, which was excepted and reserved from a deed from Percival Proctor Baxter to the State of Maine, as set forth in chapter 91 of the private and special laws of 1943. The said within described 8 tracts or parcels of land contain 149,506 acres, more or less; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Beauchamp Sanctuary: The following described territory situated in Rockport and Camden, in the County of Knox: Beginning at the mouth of Goose River in Rockport; where Pascal Avenue crosses Goose River; thence in an easterly direction along Pascal Avenue; thence southerly along Main Street; thence in an easterly direction along Central Street; thence in a northerly direction along Union Street; thence in a northwesterly direction along School Street in Camden; thence in a northeasterly direction along U.S. Route 1 to where it crosses the Megunticook River; thence in a southerly direction along the south shore of the river and along the coast around Beauchamp Point and thence in a northwesterly direction along the coast back to the mouth of the Goose River; [PL 2019, c. 355, §8 (AMD).]

D. Carver's Pond Waterfowl Sanctuary: The waters of Carver's Pond, so called, in the Town of Vinalhaven, County of Knox or 100 feet from the mean high water mark of said pond. Carver's Pond for the purpose of this sanctuary must be considered all the waters of said pond above the bridge on Main Street of the Town of Vinalhaven; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Drake's Island Game Sanctuary: All that part of Drake's Island, so called, in the Town of Wells, which is bounded as follows: Northerly by the game sanctuary established by chapter 31 of the public laws of 1927; easterly by the Atlantic Ocean; southerly by the Wells River; and westerly by said river and creek flowing under Dyke's Bridge, so called; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. Dry Pond Sanctuary: On Dry Pond, also known as Crystal Lake, or from the shores of said pond, which pond is situated in the Town of Gray, in the County of Cumberland; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. Fairfield Sanctuary: The following land owned by Good Will-Hinckley within the Town of Fairfield, in Somerset County: Beginning at the west shore of the Kennebec River, thence to Route 201, thence northerly to Kendall Annex Road, thence westerly to Craigin Brook, thence southerly along Craigin Brook to Martin Stream, thence westerly along the south bank of Martin Stream to the Central Maine Power transmission line, thence southerly along the east side of the Central Maine Power line, to discontinued Town Farm Road, to Green Road, across Green Road to Route 23, thence to Route 201, thence northerly 1/2 mile along Route 201 to the southerly line east of Route 201 of Good Will-Hinckley, thence easterly again to the Kennebec River, thence to the starting point.

Land not owned by Good Will-Hinckley within the described areas is not included within the Fairfield Sanctuary. Notwithstanding section 12701, a person may trap wild animals in the sanctuary in accordance with the provisions under chapter 917, and the 40-acre field south of Kendall Annex Road owned by Good Will-Hinckley is available for waterfowl hunting; [PL 2005, c. 17, §1 (RPR).]

H. Glencove Sanctuary; Rockport: Glencove, so called, in Penobscot Bay, which cove is situated in the Town of Rockport, in the County of Knox, and which cove is bounded as follows, to wit: On the north, west and south by the main land, on the east by a line extending from Smith's Point to Ram Island and from Ram Island to the easterly point of Pine Hill in said Rockport; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

I. Gray Game Sanctuary: The following described territory situated in the Town of Gray in the County of Cumberland: Beginning at Gray Corner following the Poland Spring Road to Dry Mills, thence following the North Raymond Road to the guidepost at intersection of East Raymond Road, thence following the East Raymond Road to Douglass Mill Road; thence following the Douglass Mill and Furbush Road to "Sand Brook," so called, on shore of Little Sebago Lake, thence following shore of Little Sebago Lake to Foster Shore, so called, at intersection of Foster and Ramsdell Road, so called, near camp of Dr. Cushing following last named road in easterly direction to intersection of Ramsdell Road near homestead of Edgar Foster, thence in a southerly direction following said Ramsdell road to intersection of road leading from Gray to West Gray, thence following last named road to Gray Corner to point of beginning; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

J. Hog Island Game Sanctuary: Hog Island in the Town of Bremen, Lincoln County; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

K. Jefferson and Whitefield Sanctuary: The following described territory situated in the Towns of Jefferson and Whitefield, in the County of Lincoln, which land is bounded as follows: On the north by the highway leading from Weary Pond to South Jefferson; on the east by Sterns Brook and by Little Dyer's Pond and the inlet stream and marsh of said pond and by the highway leading from South Jefferson to Alna; on the south by the Alna town line; on the west by the road leading from Alna to said Weary Pond, in the Town of Whitefield; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

L. Kineo Point Sanctuary: Kineo Point, in Kineo, in the County of Piscataquis; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

M. Limington, Hollis and Waterboro Sanctuary: The following described territory situated in the Towns of Limington, Hollis and Waterboro, in York County; beginning at a point where the Little Ossipee River joins the Saco River in the Town of Limington, thence westerly and southerly along said Little Ossipee River to the highway at Edgecomb's bridge, so called, in Waterboro, thence southerly and easterly along said highway to North Hollis, in the Town of Hollis, thence easterly and northerly along the road next west of Killick Brook to the road leading from Nason Mills to Bonney Eagle, thence northeasterly along said Bonney Eagle Road to the town line between Limington and Hollis, thence northerly along said town line to the Saco River, thence northerly along said Saco River to the point of beginning. All roads which serve to bound said Limington, Hollis and Waterboro game sanctuary must be a part of said sanctuary. For provisions relating specifically to Limington, Hollis and Waterboro Sanctuary, see section 12707, subsection 4; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

N. Megunticook Lake and Vicinity Sanctuary: The waters of Megunticook Lake, formerly called Canaan Lake, and its tributary lakes, ponds and streams, and upon the land bordering on the same included within the following roads: Beginning at Hopkins' Corner, so called, in the Town of Camden; thence via the Turnpike Road, so called, to Lincolnville Center; thence to Wiley's Corner in Lincolnville, thence to the Mansfield schoolhouse in the Town of Camden; thence via the Fish Hatchery to place of beginning; all of said lake, its tributaries and shores being located in the Towns of Camden, Lincolnville and Hope, in the Counties of Knox and Waldo. For provisions relating specifically to Megunticook Lake and Vicinity Sanctuary, see section 12707, subsection 2, paragraph H; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

O. Merrymeeting Bay Game Sanctuary: Merrymeeting Bay in the Towns of Bowdoinham and Woolwich bounded as follows: Commencing at the high tension tower on Kelley's Point, so called, in Bowdoinham; thence westerly by a line approximately 100 feet above the high water mark designated by a series of posted signs over the field lands and by posted signs and a single strand of wire through the wooded area thus southerly 100 feet more or less to a red stake at the high water mark of Merrymeeting Bay; thence southerly approximately 400 yards to a red stake or marker on range between the first mentioned red stake and Butler's Head, so called, this stake or marker must also be on range between the iron pin on the southeasterly corner of the Inland Fisheries and Wildlife camp lot on the west shore of the Abagadasset River and the eastern support tower on the southern high tension power line in Woolwich; thence southeasterly across the flats and waters of Merrymeeting Bay approximately 1,900 yards to a red stake or marker located near high water mark on Elliott's Point, so called, on the Woolwich shore; thence northeasterly following high water mark approximately 1,250 yards to a red stake or marker under the overhead high tension power cables; thence westerly by a straight line to the point of beginning.

For provisions relating specifically to Merrymeeting Bay Game Sanctuary, see section 12707, subsection 3; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

P. Monroe Island Game Sanctuary: Monroe Island, in the Town of Owl's Head, in the County of Knox; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Q. Moosehead Lake Game Sanctuary: The following described tracts or territory situated in the County of Piscataquis: Moose Island and Farm Island, in Moosehead Lake, and the territory bounded as follows: Beginning on the shore of Moosehead Lake at a point nearest to the easterly end of the state road leading westerly from Greenville Junction, so called, to the state fish hatchery on Moose Brook, thence westerly by said state road to said hatchery, thence northeasterly down said brook to the shore of Moosehead Lake, thence by the shore of said lake to the point of beginning; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

R. Moosehorn Game Sanctuary: The right-of-way of the Maine Central Railroad from St. Croix Junction in Calais, southerly to the Charlotte town line; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

S. Narragansett Game Sanctuary: The following described territory situated in the Town of Gorham, in the County of Cumberland: Bounded on the north by the right-of-way of the W. N. & P. division of the Boston & Maine railroad; on the east by the Black Brook Road or Scarboro Road, so called, in said Town of Gorham; on the south by the Stroudwater River; and on the west by South Street or South Gorham Road, so called, in said Town of Gorham, containing 3,600 acres, more or less. For provisions relating specifically to Narragansett Game Sanctuary, see section 12707, subsection 2, paragraph D; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

T. Ocean Park Game and Bird Sanctuary: The following described territory situated in the Town of Old Orchard Beach, in the County of York: Beginning at a point on the easterly side of Fresh Water Cove Brook, so called, where the same intersects the Boston and Maine Railroad right-of-way; thence southerly along said brook to its mouth where it joins the Goose Fare Brook; thence southeasterly along said Goose Fare Brook to its mouth; thence easterly and parallel with the Atlantic Ocean and 50 feet in front of all bulkheads and houses fronting on the beach to the easterly side of Tunis Avenue; thence northwesterly along said avenue to the Boston and Maine Railroad right-of-way; thence by said Boston and Maine right-of-way to point of beginning; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

U. Orrington Game Sanctuary: The following described territory beginning at a point on the state aid road No. 4, in Orrington, at the East Bucksport turn, extending in a southerly and southeasterly direction to the county line; on the road leading to Thurston Pond, to the Hancock County line; thence southwesterly along said county line to the land of Harry Byard; north along said line to the land of E. F. Bowden; west on said line to the land of Frank Betts; northerly on line of E. F. Bowden to land of Fred Bowden; west on Fred Bowden's line to land of J. Betts; northerly on line of Fred Bowden and J. Betts to line of H. Byard; westerly on Byard's line and line of Mary Gray to land of P. W. Gray; northerly on Gray's line to land of J. Bowden heirs; northerly across said land to the line of E. F. Bowden and J. W. Bowden heirs; easterly on J. W. Bowden heirs' line to the first mentioned bound. The commissioner may add adjacent property to said game sanctuary upon application of said adjacent property owners; [PL 2009, c. 269, §1 (REEN).]

V. Pittston Farm Sanctuary: Pittston Farm, so called, in Pittston Township, in the County of Somerset, being all the fields, pastures and cultivated lands of said farm; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

W. Prout's Neck; Richmond's Island; Cape Elizabeth Sanctuary: The following described territory: On the 112 acres of land, more or less, comprising Prout's Neck, so called, in the Town of Scarboro, in the County of Cumberland; or on Richmond's Island, so called, in the Town of Cape Elizabeth, in said County of Cumberland; or on the tract of land comprising 1,600 acres, more or less, situated in said Town of Cape Elizabeth, and bounded as follows: Southeasterly and southerly by the low low watermark of the Atlantic Ocean, westerly by the low low watermark of the Spurwink River, northerly by the Spurwink Road, so called, leading from Spurwink Bridge to Bowery Beach, easterly by a certain private road or way which runs in a southerly direction from the aforesaid Spurwink Road to said Bowery Beach, being the road which runs in front of the dwelling house of one Charles L. Jordan and along the easterly boundary of land of said Charles L. Jordan, and along the westerly boundary of land of the Great Pond Club, but not including any portion of said Bowery Beach. For the purpose of this paragraph, Richmond's Island includes only that portion of land above the mean high watermark and the easterly portion, as defined by red painted markers, of the causeway between Richmond's Island and the mainland. For provisions relating specifically to

Prout's Neck; Richmond's Island; Cape Elizabeth Sanctuary, see section 12707, subsection 2, paragraphs C and D; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

X. Rangeley Game Sanctuary, in the County of Franklin: The following described tract or territory, situated in Rangeley, in the County of Franklin, to wit: So much of said Town of Rangeley as is bounded as follows: Southwesterly by Rangeley Lake; northwesterly and northeasterly by route No. 16; and southeasterly by the inlet to Rangeley Lake leading from Haley Pond, so called. The territory above described being so much of said Town of Rangeley, as lies between Rangeley Lake, the outlet of Rangeley Lake, route No. 16 and said inlet to Rangeley Lake from Haley Pond. This paragraph applies to that part of Hunter Cove, so called, lying northerly of Hunter Cove Bridge, so called; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Y. Rangeley Lake Sanctuary: Rangeley Lake bounded as follows: Beginning at Gilman's Point on the northerly shore of Rangeley Lake; thence southerly across said lake to the southwesterly corner of land of the Rangeley Lake Hotel Corporation; thence northerly, westerly and southerly around the shore of said Rangeley Lake back to the original starting point. Boats may pass through without incurring any penalty; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Z. [PL 2013, c. 138, §1 (RP).]

AA. Readfield and Winthrop Sanctuary: The waters of Carleton Pond, so called, in the Towns of Readfield and Winthrop in the County of Kennebec, and the lands of the Augusta Water District adjacent to said pond and located in said Towns of Readfield and Winthrop, now owned or which are acquired by said district in furtherance of its chartered purposes. For provisions relating specifically to Readfield and Winthrop Sanctuary, see section 12707, subsection 2, paragraphs F and G and subsection 6; [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §293 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

BB. Salmon Pond Sanctuary: That territory lying within a distance of 1/4 of a mile of Salmon Pond, which pond is situated in the Town of Guilford, in the County of Piscataquis, said pond being the source of water supply for the Dover-Foxcroft Water District, also all the lands now owned by said Dover-Foxcroft Water District in Lots 3 and 4, Range 7, which lie outside of the above 1/4 of a mile limit; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

CC. Somerset Game Sanctuary: The following described tract or territory situated in Somerset County, the same being in unorganized territory, and taking in parts of Sapling Town, Misery Gore, Taunton and Raynham Township, and including the whole of Sandbar Tract, bounded and described as follows: The territory from the highway, being route 15, east to low watermark on Moosehead Lake between East Outlet and West Outlet, bounded as follows: Beginning at the junction of the low watermark of Moosehead Lake and the northerly side of the East Outlet of said lake; thence westerly by the northerly side of said East Outlet to the highway, being route 15; thence northerly by said highway to the southerly side of the West Outlet of said Moosehead Lake; thence easterly by the southerly side of said West Outlet to low watermark of Moosehead Lake; thence southerly by said low watermark of Moosehead Lake to the point of beginning; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

DD. Standish Sanctuary: The following described territory in the Town of Standish in the County of Cumberland: Beginning at the point where the Maine Central railroad crosses the Pequaket Trail in Steep Falls; thence southerly and easterly by said Pequaket Trail, the Oak Hill Road, so-called, and the so-called back road from Steep Falls to Richville to its junction with the Rich Mill Road, so-called; thence by said Mill Road northeasterly to its junction with the road leading from Sebago Lake to East Sebago; thence by the last named road northerly to a point approximately 1 1/4 miles north of the Maine Central railroad crossing; thence by a certain wood road westerly to its junction with the Maine Central railroad; thence by said railroad northwesterly to the point of beginning. All roads and the Maine Central railroad right-of-way that serve to bound said Standish Game

Sanctuary are a part of said sanctuary. For provisions relating specifically to Standish Sanctuary, see section 12707, subsection 5; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

EE. Stanwood Wildlife Sanctuary: Beginning on Route 3 in Ellsworth at the northeast corner of the Stanwood Wildlife Sanctuary and the southeast corner of the Animal Medical Center; thence southerly 795 feet on the highway to an iron pipe, being the northeast corner of the Luchini lot; thence westerly 363 feet along Luchini's north line to an iron pipe; thence S 6` 40' W 716 feet to an iron pipe, abutting Luchini, Grossman's Lumber, and the Ellsworth Water Company water tower; thence N 81` 23' W 1699 feet, abutting the Jordan brothers' lot to a stake; thence N 6` 40' E 511 feet to a stake, abutting Khanbegian; thence N 79` 59' W 1432 feet to a stake, abutting Khanbegian; thence westerly 330 feet to a stake, abutting John Dorgan; thence S 79` 59' E 720 feet to an iron pipe, abutting John E. Partridge; then 10` 6' E 659 feet to an iron pipe, abutting John E. Partridge and Beatrice Jones; thence S 79` 59' E 1342 feet to an iron pipe, abutting Harry S. Jones, III; thence N 6` 08' E 326 feet to an iron pipe, abutting Harry S. Jones, III; thence N 80` 45' E 60 feet to an iron pipe, abutting the Maine Coast Mall; thence S 6` 08' W 87 feet to an iron pipe, abutting Dow Pontiac; thence N 69` 50' E 340 feet to an iron pipe, abutting Dow Pontiac; thence S 31` 04' E 371.75 feet to an iron pipe, abutting Ellsworth Agway and Branch Pond Marine; thence N 80` 42' E 84.5 feet to an iron pipe, abutting Ellsworth Car Wash; thence S 4` 45' W 219.8 feet to an iron pipe, abutting Animal Medical Center; thence N 69` 50' E 345 feet to an iron pipe, abutting Animal Medical Center and being the point of beginning, containing 100 acres more or less. The commissioner may add adjacent property to the game sanctuary upon application of the adjacent property owners; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

FF. Thorncrag Bird Sanctuary: The following described territory: A certain parcel of land situated in Lewiston, and bounded as follows, to wit, beginning on the northeasterly side of the road leading from Barker Mills to the Thorne Corner Schoolhouse so-called, at the corner of the late Benjamin Thorne's land; thence running northeasterly about one hundred and seventy (170) rods to the corner of the late Phineas Wright and Dutton lot, so-called, thence northwesterly on said Wright lot about forty-six (46) rods to land owned by David Nevens; thence southwesterly on the line of said Neven's land to the above mentioned road, thence on the line of said road to the first mentioned bounds, containing forty-five acres (45) more or less. A certain lot or parcel of land, situated in Lewiston, in said County of Androscoggin, and bounded and described as follows: Bounded southwesterly by a line commencing at a point in the southeasterly line of land of The Stanton Bird Sanctuary, six hundred eighty (680) feet northeasterly from the northeasterly line of said Montello Street, thence southeasterly and parallel with said Montello Street to a point six hundred eighty (680) feet northeasterly from said Montello Street to land formerly of George E. Ridley; bounded southeasterly by land formerly of said George E. Ridley; bounded northeasterly by land formerly of George H. Field; and bounded northwesterly by land of The Stanton Bird Club. A certain lot of land situated in said Lewiston, bounded and described as follows, to wit: Beginning at a stake and stones at the northeast corner of lot numbered thirteen (13); thence southwesterly on line of land now or formerly of Catherine Lynch and land formerly owned by George Bubier to the northeast corner of land formerly owned by Phineas Wright; thence northwesterly along said Wright land sixty-two (62) rods and five (5) links to stake in the corner of land now or formerly owned by William B. Kilbourne; thence north fifty degrees (50`) east on line of said Kilbourne land seventy (70) rods to stake standing on the southerly line of lot numbered twelve (12), formerly owned by James Lowell; thence southeasterly on said last mentioned line sixty-two (62) rods and five (5) links to point of commencement. Containing twenty-six (26) acres and one hundred fifty-seven (157) rods. A certain lot or parcel of land adjoining the lot above described and bounded and described as follows, to wit: Commencing on the westerly side of the road leading from Thorne's Corner by the residence now or formerly owned by Henry C. Field to Greene at the northeasterly corner of land owned by said Field, now or formerly; thence northwesterly on line of said Field

land to land now or formerly of Frye and Dill; thence northeasterly on line of said Frye and Dill land and lot above described to land now or formerly owned by Catherine Lynch; thence southeasterly on line of said Lynch land to the aforesaid road; thence southwesterly by said road to point of commencement. Also another piece or parcel of land situated in said Lewiston, being a part of the Homestead Farm of Phineas Wright and bounded and described as follows: Beginning at the westerly corner of the Homestead Farm of Jarius Carville; thence southwesterly on said Carville land and land of Henry Field about fifty-seven (57) rods; thence at right angles northwesterly about sixty-nine and one-half (69 1/2) rods to the stone wall between the field and pasture on said Homestead Farm; thence by said wall northeasterly to the land of the late Dr. William Kilbourne; thence southeasterly on said Kilbourne land and land of Jarius Carville seventy-five (75) rods to point of beginning, containing twenty-seven (27) acres. A certain lot or parcel of land, situated in Lewiston in said County of Androscoggin and bounded and described as follows: Commencing at a point in the northeasterly line of Montello Street where the southeasterly line of land conveyed to the Stanton Bird Club by Alfred Williams Anthony by deed dated Jan. 18, 1922 and recorded in the Androscoggin Registry of Deeds, Book 315, page 447, intersects said street; thence northeasterly by southeasterly line of said land of said Stanton Bird Club, six hundred eighty (680) feet to land of said Stanton Bird Club; thence southeasterly and parallel with said Montello Street to a point six hundred eighty (680) feet northeasterly from said Montello Street and land formerly of George E. Ridley; thence southwesterly by said Ridley land six hundred eighty (680) feet to said Montello Street; thence northwesterly along the northeasterly side of said Montello Street to point of commencement. Also a certain other lot or parcel of land, situated in said Lewiston, bounded as follows: Westerly by the Highland Spring Road, northerly by the Thorne road, so-called, easterly by land of one A.D. Ames, and southerly by lands of Daniel Conley and A.W. Taylor, the same containing six and two-tenths (6.2) acres more or less. A certain lot or parcel of land situated northeasterly from the northeasterly end of East Avenue in said Lewiston, bounded and described as follows, to wit: Beginning at the corner of the Field, Wood, and Thorncrag lots, so-called, near the Miller Fireplace, thence running northwesterly one hundred fifty (150) feet about 9.03 rods, along the stone wall between the Thorncrag and Wood lots, so-called, to a stake and stones; thence at right angles northeasterly about 42.7 rods to a stake and stones on the line dividing the old Frye and Dill lot, now owned by the Stanton Bird Club, and the old Phineas Wright Homestead now owned by this Grantor; thence at nearly right angles along said line two hundred twenty (220) feet (13 1/3 rods) to the corner of the three lots commonly called the Frye and Dill, Henry Field and Phineas Wright, now owned by this Grantor, lots; thence 42.7 rods at right angles southwesterly along the Field line to the point of beginning; containing three (3) acres more or less. A certain lot or parcel of land situated in said Lewiston, bounded and described as follows: Beginning at an iron stake set in the ground in a stone wall on the northeasterly line of land of said Stanton Bird Club, said stake being one hundred fifty (150) feet from the northwesterly corner of land of Raymond R. Field; thence northwesterly along the northeasterly line of land of said Stanton Bird Club one hundred twenty-five (125) feet to an iron stake set in the ground; thence at right angles northeasterly three hundred (300) feet to an iron stake set in the ground; thence at right angles northwesterly twenty-five (25) feet to an iron stake set in the ground; thence at right angles northeasterly three hundred seventeen (317) feet, more or less, to a stake set in the ground on the southeasterly line of land of the Stanton Bird Club one hundred fifty (150) feet to an iron stake set in the ground on the northwesterly line of land of said Stanton Bird Club; thence southwesterly along the northwesterly line of land of said Stanton Bird Club to the point of beginning; containing two (2) acres, more or less. A certain lot or parcel of land situated in Lewiston, bounded and described as follows: Beginning at a point on the southeasterly line of the original Stanton Bird Club Sanctuary, three hundred sixty-four (364) feet northeasterly from the northeasterly line of Montello Street; thence in a northeasterly direction by land now or formerly of the Stanton Bird Club, three hundred and sixty-eight (368) feet; thence in a southeasterly direction, parallel with the said northeasterly line of Montello Street, two hundred and forty (240) feet; thence in a

southwesterly direction parallel with the first described line, three hundred sixty-eight (368) feet; thence in a northwesterly direction parallel with the said northeasterly line of Montello Street, two hundred forty (240) feet to the point of beginning, containing two (2) acres more or less. A certain lot or parcel of land situated in said Lewiston, it being the southwest end of Lot #13 bounded southeasterly on Lot #33 and southwesterly and northwesterly on a four (4) rod way as laid down on the plan of said township of said Lewiston. Containing fifty (50) acres, more or less, and being the homestead farm of the late Elizabeth S. Wood, deceased, and the premises being the same conveyed to her by the name of Elizabeth S. Haley by Dorcas G. Wright by deed dated April 12, 1866, and recorded in the Androscoggin County Registry of Deeds in Book 43, Page 114. A certain lot or parcel of land situated in said Lewiston, bounded and described as follows, viz: Commencing at a point on the westerly line of land now or formerly of H. Osmond Wood and Mabel V. Wood (formerly Dorcas Wright) where the northerly line of land of A. W. Anthony (formerly of Ephriam Wood) intersects said H. Osmond and Mabel V. Wood's west line; thence northerly nine hundred ninety-nine (999') feet on said H. Osmond and Mabel V. Wood's westerly line to land now or formerly of Charles W. Benson (formerly of O. K. Douglass); thence at right angles westerly one thousand two hundred twenty (1220') feet on said Benson's southerly line to a point in a rock wall; thence southeasterly on line of land now or formerly of George H. McGibbon and Mathilda G. McGibbon, one thousand two hundred thirty (1,230') feet to a point in the rock wall on the northerly line of said Anthony's land, one thousand nine hundred forty-six (1,946') feet from the point of commencement; thence easterly along the northerly line of land of said Anthony, one thousand nine hundred forty-six (1,946') feet to the point of beginning. Deacon Davis Bird Refuge: The following described territory: A certain parcel of land situated in the city of Lewiston, in the county of Androscoggin, and bounded as follows: The most northerly corner of land of the estate of George K. Davis, bounded and described as follows, to wit: On the northwest by land of the so-called Ham Farm; on the northeast by Pleasant Street; on the southwest by land of Joseph Breault; and on the southeast by a line extending northeasterly from the easterly corner of said Breault's land, and being a continuation of the southeast boundary of said Breault's land, containing 2 acres, more or less. Woodbury Sanctuary: The following described territory: A certain parcel of land situated in the towns of Litchfield and Monmouth in the county of Kennebec and bounded as follows: The westerly side of Whippoorwill Road, so called. Being all the land conveyed to the Stanton Bird Club by Louise S. Drew and Clara B. Dana by deed dated July 2, 1929 and recorded in Kennebec County Registry of Deeds in Book 669-Page 210; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

GG. Tomhegan Game Sanctuary: The following territory in Township 1, Range 2, N. B. K. P., commonly known as Tomhegan Town, in the County of Somerset, described as follows: Beginning at a cedar post and stones, the post being marked PRESERVE C/W 1931, standing on the line which is the division line between the land owned by the Great Northern Paper Company and that owned by the trust estate of F. W. Rollins, standing on the westerly shore of Socatean Bay in Moosehead Lake; thence westerly on said division line 1 mile and 160 rods to a cedar post and stones, the post being marked PRESERVE C 1931; thence southerly at right angle to said division line 250 rods to a cedar post and stones, the post being marked PRESERVE C/W 1931 and standing on the northerly shore of Tomhegan Bay in Moosehead Lake; thence easterly and northerly along the shore of Moosehead Lake around Socatean Point, so called, to the point of beginning and containing 700 acres, more or less; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

HH. Wells Sanctuary: The following described tract or territory, situated in the Town of Wells, in the County of York: a certain tract of land, bounded and described as follows: On the east by the Atlantic Ocean; on the south by the Drake Island Road, so called; on the west by the U. S. Number 1 highway, so called; on the north by the town line of Kennebunk and Wells; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

II. Wells and York Game Sanctuary: The following described territory situated in the Towns of Wells and York in York County; beginning at a point on highway No. 1 where the Josias River meets said highway No. 1 in the Town of Wells, thence southwesterly along said Josias River to the Maine Turnpike in the Town of York, thence northerly along said Maine Turnpike to the Agamenticus Road overpass; thence westerly across said overpass by Agamenticus Road to the North Village Road; thence northerly along said North Village Road to Ogunquit-North Berwick Road, thence easterly along said Ogunquit-North Berwick Road to highway No. 1 in the Town of Wells, thence southerly along highway No. 1 to the point of beginning in the Town of Wells; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

JJ. Willow Water Game Sanctuary: The following named territory, on the following described properties, located in the Town of Perry:

(1) Beginning on the county road on the westerly line of the Reed Farm, so called, now or formerly owned by Mrs. J. Abiah McPhail, and thence running north 4` east, following said line, 32 rods to a marked tree; thence 75` west 20 rods to a stake; thence south 4` east 32 rods to the county road; thence easterly by the county road to the place of beginning. The same being the building lot formerly owned by the late John W. Trott and containing 4 acres, more or less;

(2) Any one other lot or parcel of land lying and being on the northerly side of the county road leading from the Eastport-Perry Bridge to Pembroke and bounded and described as follows, to wit: Beginning at the southwest corner of land formerly of the John W. Trott estate and thence running northerly on the west line of said Trott land to the northwest corner thereof; thence easterly on the north line of said Trott land to land now or formerly of Mrs. J. Abiah McPhail, formerly of John Reddington; thence north 1` east along the west line of said McPhail land to land now or formerly of the Charles J. Trott estate; thence westerly on the south line of said Trott land 62 rods; thence northerly on the westerly line of said Trott land 48 rods to the Morrison lot, so called; thence westerly on the said Morrison lot to land now or formerly of W. W. Brown; thence south 1/2` west 200 rods to the county road; thence easterly on said county road 77 rods to the place of beginning, containing in all 107 acres, more or less, being part of lots numbered 29 and 30 according to the plan of the Town of Perry;

(3) Any one other lot or parcel of land known as the pasture lot formerly the Wm. H. Brown Farm, bounded generally as follows, to wit: On the north by land formerly of S. Frost; on the east by land of Trott, on the south by the county road leading to Pembroke and on the west by land of M. Conley and land of others, names unknown, the above described lots being known as the Elijah Loring Farm in said Perry;

(4) A certain lot of land bounded on the north by land of the late John McCarty; on the east by Frost's Cove; on the south by lands formerly of Lucinda Frost and of Lewis D. Frost; and on the west by lands of the late John Morrison, William Anderson and the late John McCarty, containing 75 acres, more or less;

(5) One other lot or parcel of land bounded and described as follows, to wit: On the east by lots numbered 19 and 20; southerly by land of the late John Loring and the Russell lot, so called; westerly by lots numbered 10 and 11; and northerly by the William Anderson lot, and land formerly owned by the late Aaron Frost;

(6) One other certain lot or parcel of land bounded and described as follows, to wit: Bounded on the north by road leading from county road, to the field on the west; on the east by the county road leading from Eastport to Calais, on the south and the west by land of Lucinda Frost, afterwards conveyed to Jennie Frost; said lot being 10 rods on the county road and 8 rods back from the road; and

(7) One other certain lot or parcel of land bounded and described as follows, to wit: On the east by the county road leading from Eastport to Robbinston; on the south by land formerly owned by John A. Frost, on the west by land formerly of Sidney S. Frost and on the north by land formerly of Sidney S. Frost.

The owner of the properties included within the Willow Water Game Sanctuary shall enclose the same with a suitable fence and shall cause the erection of suitable signs on or near said sanctuary indicating that no hunting is permitted thereon. Near the center of said game sanctuary such owner is authorized to construct a 15-acre pond for the propagation of waterfowl, principally wood duck, teal and blacks. For provisions relating specifically to Willow Water Game Sanctuary, see section 12707, subsection 2, paragraph A; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

KK. York Game Sanctuary, in the County of Franklin: The following named territory; on the property of the following named persons, to wit: On land of J. Lewis York and on land of Yorks; said game sanctuary being in the northwest corner of Dallas Plantation, and bounded as follows, to wit: West by the east line of the Town of Rangeley; north by the south line of Lang Plantation; east by the west line of the public lot in Dallas Plantation; and south by land of Furbish, Goodspeed Company and land of the heirs of Henry Bliss, containing 539 acres, more or less. This game sanctuary is called the York Game Sanctuary.

For provisions relating specifically to York Game Sanctuary, in the County of Franklin, see section 12707, subsection 2, paragraph B. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2019, c. 355, §8 (AMD).]

2. Temporary wildlife sanctuaries. The following provisions apply to temporary wildlife sanctuaries.

A. The commissioner may, upon the written consent of landowners, create from any lands within the State, not to exceed 1,000 acres, a sanctuary or sanctuaries for the purpose of liberating tame deer. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The commissioner may release all or any part of lands from the restrictions of a sanctuary or sanctuaries, whenever the commissioner considers it expedient. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B293 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 17, §1 (AMD). PL 2009, c. 4, §1 (AMD). PL 2009, c. 269, §1 (AMD). PL 2013, c. 138, §1 (AMD). PL 2019, c. 355, §8 (AMD).

§12707. Unlawful activity in wildlife sanctuary; general prohibitions and exceptions

Except to the extent permitted by the commissioner under section 12701, activities listed in this section are prohibited in a wildlife sanctuary. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Unlawful activity in wildlife sanctuary.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §294 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. Unlawful activity in wildlife sanctuary. Except as provided in subsection 2, the following activities are prohibited.

A. A person may not trap or hunt any wild animal or wild bird at any time within a wildlife sanctuary as designated in section 12706.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person may not possess any wild animal or wild bird taken in violation of paragraph A.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Exceptions. The following exceptions apply to the prohibitions in subsection 1-A.

A. Subsection 1-A does not apply to crows and skunks in the Willow Water Game Sanctuary. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §294 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person residing within the limits of the York Game Sanctuary in the County of Franklin may kill any wild bird, except grouse, or any wild animal, except beaver, when found destroying that person's property. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A person residing within the limits of Prout's Neck, Richmond's Island and Cape Elizabeth Sanctuary may kill any wild bird, except ruffed grouse or Hungarian partridge, or any wild animal, when found destroying that person's property. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. A person may trap any wild animal except moose and deer within Fairfield Sanctuary, Narragansett Game Sanctuary and Prout's Neck, Richmond's Island and Cape Elizabeth Sanctuary in accordance with the general laws of the State. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §294 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. [PL 2013, c. 138, §2 (RP).]

F. The Augusta Water District may use Carleton Pond in the Readfield and Winthrop Sanctuary as it determines necessary. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. Within the Readfield and Winthrop Sanctuary, subsection 1-A applies only to fenced lands. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §294 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

H. Subsection 1-A applies to Megunticook Lake and Vicinity Sanctuary from the first day of April of each year to the 30th day of September following. From October 1st until March 31st of each year, hunting wild animals and wild birds is permitted. [PL 2019, c. 355, §9 (AMD).]

[PL 2019, c. 355, §9 (AMD).]

3. Using motorboat within Merrymeeting Bay Game Sanctuary. A person may not use a motorboat within Merrymeeting Bay Game Sanctuary, except that motorboats may be used between the Woolwich shore on the east and a line on the west designated by a series of red markers adjacent to the edge of the grassy marsh area from Kelly's Point to the southern boundary of the Merrymeeting Bay Game Sanctuary.

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. [PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §294 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Carrying loaded firearm on bounds of Limington, Hollis and Waterboro Sanctuary. A person may not carry a loaded firearm on any of the roads bounding the Limington, Hollis and Waterboro Sanctuary.

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. [PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §294 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Carrying loaded firearm on bounds of Standish Sanctuary. A person may not carry a loaded firearm on any road or on the Maine Central Railroad right-of-way that bounds the Standish Game Sanctuary.

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. [PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §294 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Fishing in Carleton Pond. A person may not fish in Carleton Pond in the Readfield and Winthrop Sanctuary.

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. [PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §294 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §294 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B294 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2013, c. 138, §2 (AMD). PL 2019, c. 355, §9 (AMD).

§12708. Wildlife management areas and public access sites

1. Designation and classification of wildlife management areas. The following areas are classified as wildlife management areas.

A. The following described territories are classified as wildlife management areas to be managed by the commissioner in accordance with the principles of wildlife management, as defined in section 10001, subsection 73, and subject to the commissioner's authority under section 12701:

(1) Bartlett's Island in Hancock County;

(2) Colby College Area: The Mayflower Hill Campus of Colby College comprising approximately 640 acres of land. It is located west of the center of Waterville bounded in general as follows:

From a stone marker on the west bank of Messalonskee Stream, said marker located across the stream from a point approximately 400 feet north of Riverview Avenue. Runs north along bank of Messalonskee Stream to a point approximately 2,000 feet north of Cedar Bridge (North Street), thence in a northeasterly direction to a cement marker on the Second Rangeway at a point approximately 900 feet northeast of intersection with Rice Rips Road, thence in a southwesterly direction to Rice Rips Road, thence east approximately 300 feet, thence southwesterly again approximately parallel to and west of the Second Rangeway for approximately 1,800 feet to a cement marker, thence easterly to the Second Rangeway, thence in a southerly direction on east side of Second Rangeway for approximately 1,900 feet to a cement marker and college sign; thence southeast approximately 5,400 feet to Mt. Merici property line post and cement marker; thence in easterly direction to and across Mayflower Hill Drive in offset manner (east offset marked with stone or cement marker post) to and across Maine Central railroad to the point of beginning on west bank of Messalonskee Stream;

(3) Deer Isle and Stonington: The Towns of Deer Isle and Stonington, Hancock County;

(6) Lowell E. Barnes Wildlife Management Area: Certain lots or parcels of land situated in Hiram, County of Oxford, State of Maine, bounded and described as follows:

(a) A parcel of land containing 700 acres more or less bounded northerly by land now or formerly of Lusanna Hubbard, Lemuel Cotton and M.L. Wardsworth; easterly by land now or formerly of James Edgecomb; southerly by land now or formerly owned or occupied by Llewellyn A. Wardsworth, Asbury Huntress and Orison Adams; and westerly by land now or formerly of James Ayer, Harrison Sanburn, James Ayer again, the George F. Brooks place, so called, being the lot next below described and land now or formerly of Fred Small, Seth Spring and Freeman Flye;

(b) A parcel of land containing 25 acres, more or less, situated westerly of the above described lot and known as the George F. Brooks place; and

(c) A parcel of land containing 70 acres, more or less, situated adjacent to the first parcel above described and bounded north, east and west by said first above described parcel and southerly by land now or formerly of James Ayer and Elmer Hodgdon. Said parcel is known as the Dennis Stanley place;

(7) Marsh Island: Marsh Island in Penobscot County; and

(8) Oak Grove: The campus and land of Oak Grove School, in the Town of Vassalboro, County of Kennebec, situated on the east side of Route No. 100; and all the land of said school situated on the west side of Route No. 100. Sebago Lake Basin Wildlife Management Area: All that portion of Sebago Lake commonly known as Sebago Lake Basin lying below the high water mark in the Towns of Standish and Windham. [PL 2005, c. 477, §21 (AMD).]

B. The following areas are classified as state-owned wildlife management areas, or "WMAs":

(1) Blanchard/AuClair WMA (Roach River Corridor) - T1 R14 WELS - Piscataquis County;

(2) Major Gregory Sanborn WMA - Brownfield, Denmark, Fryeburg - Oxford County;

(3) George Bucknam WMA (Belgrade Stream) - Mt. Vernon - Kennebec County;

(4) Caesar Pond WMA - Bowdoin - Sagadahoc County;

(5) Chesterville WMA - Chesterville - Franklin County;

(6) Alan E. Hutchinson WMA - all state-owned coastal islands that are owned or managed by the Department of Inland Fisheries and Wildlife;

(7) Dickwood Lake WMA - Eagle Lake - Aroostook County;

(8) Francis D. Dunn WMA (Sawtelle Deadwater) - T6 R7 WELS - Penobscot County;

(9) Fahi Pond WMA - Embden - Somerset County;

(10) Lyle Frost WMA (formerly Scammon) - Eastbrook, Franklin - Hancock County;

(11) Alonzo H. Garcelon WMA (Mud Mill Flowage) - Augusta, Windsor, Vassalboro, China - Kennebec County;

(12) Great Works WMA - Edmunds Township - Washington County;

(13) Jamies Pond WMA - Manchester, Farmingdale, Hallowell - Kennebec County;

(14) Jonesboro WMA - Jonesboro - Washington County;

(15) Earle R. Kelley WMA (Dresden Bog) - Alna, Dresden - Lincoln County;

(16) Kennebunk Plains WMA - Kennebunk - York County;

(17) Bud Leavitt WMA (Bull Hill) - Atkinson, Charleston, Dover-Foxcroft, Garland - Penobscot County and Piscataquis County;

(18) Gene Letourneau WMA (Frye Mountain) - Montville, Knox, Morrill - Waldo County;

(19) Long Lake WMA - St. Agatha - Aroostook County (all of Long Lake within the Town of St. Agatha);

(20) Madawaska WMA - Palmyra - Somerset County;

(20-A) Maine Youth Conservation WMA - T32MD - Hancock County;

(21) Mainstream WMA - Cambridge, Ripley - Somerset County;

(22) Lt. Gordon Manuel WMA - Hodgdon, Cary Township, Linneus - Aroostook County;

(23) Maynard F. Marsh WMA (Killick Pond) - Hollis, Limington - York County;

(24) Mercer Bog WMA - Mercer - Somerset County;

(25) Merrymeeting Bay WMA - Dresden, Bowdoinham, Woolwich, Bath, Topsham - Lincoln County and Sagadahoc County;

(26) Morgan Meadow WMA - Raymond - Cumberland County;

(27) Mt. Agamenticus WMA - York, South Berwick - York County;

(28) Muddy River WMA - Topsham - Sagadahoc County;

(29) Narraguagus Junction WMA - Cherryfield - Washington County;

(30) Old Pond Farm WMA - Maxfield, Howland - Penobscot County;

(31) Orange River WMA - Whiting - Washington County;

(32) Peaks Island WMA - Portland - Cumberland County;

(33) Pennamaquam WMA - Pembroke, Charlotte - Washington County;

(34) Steve Powell WMA - Perkins Township - Sagadahoc County (being the islands in the Kennebec River near Richmond known as Swan Island and Little Swan Island, formerly known as Alexander Islands);

(35) David Priest WMA (Dwinal Pond) - Lee, Winn - Penobscot County;

(36) James Dorso Ruffingham Meadow WMA - Montville, Searsmont - Waldo County;

(37) St. Albans WMA - St. Albans - Somerset County;

(38) Sandy Point WMA - Stockton Springs - Waldo County;

(39) Scarborough WMA - Scarborough, Old Orchard Beach, Saco - Cumberland County and York County;

(40) Steep Falls WMA - Standish, Baldwin - Cumberland County;

(41) Tyler Pond WMA - Manchester, Augusta - Kennebec County;

(42) Vernon S. Walker WMA - Newfield, Shapleigh - York County;

(43) R. Waldo Tyler Weskeag Marsh WMA - South Thomaston, Thomaston, Rockland, Owl's Head, Friendship - Knox County;

(43-A) Kennebec River Estuary WMA - Arrowsic, Bath, Georgetown, Phippsburg, West Bath, Woolwich - Sagadahoc County;

(43-B) Tolla Wolla WMA - Livermore - Androscoggin County;

(43-C) Green Point WMA - Dresden - Lincoln County;

(43-D) Hurds Pond WMA - Swanville - Waldo County;

(43-E) Sherman Lake WMA - Newcastle, Damariscotta - Lincoln County;

(43-F) Ducktrap River WMA - Belmont, Lincolnville - Waldo County;

(45) Stump Pond WMA - New Vineyard - Franklin County;

(46) Bog Brook WMA - Beddington, Deblois - Washington County;

(47) Cobscook Bay WMA - Lubec, Pembroke, Perry, Trescott Township - Washington County;

(48) Mattawamkeag River System WMA - Drew Plantation, Kingman Township, Prentiss Township, Webster Township - Penobscot County;

(49) Booming Ground WMA - Forest City - Washington County;

(50) Butler Island WMA - Ashland - Aroostook County;

(51) Pollard Flat WMA - Masardis - Aroostook County;

(52) Caribou Bog WMA - Old Town, Orono - Penobscot County;

(53) Delano WMA - Monson - Piscataquis County;

(54) Egypt Bay WMA - Hancock - Hancock County;

(55) Spring Brook WMA - Hancock - Hancock County;

(56) Strong WMA - Strong - Franklin County;

(57) Plymouth Bog WMA - Plymouth - Penobscot County; and

(58) Such other areas as the commissioner designates, by rules adopted in accordance with section 12701, as state-owned wildlife management areas. [PL 2017, c. 325, §1 (AMD); PL 2017, c. 403, Pt. A, §1 (AMD); PL 2017, c. 403, Pt. A, §4 (AFF).]

[PL 2017, c. 325, §1 (AMD); PL 2017, c. 403, Pt. A, §1 (AMD); PL 2017, c. 403, Pt. A, §4 (AFF).]

2. The Public Boat Launch Access Program. The Public Boat Launch Access Program, referred to in this subsection as the "program," is established in the department. The purpose of the program is to provide anglers, boaters and other persons fair and equitable public access to public waters that offer recreational fishing opportunities by acquiring lands adjacent to those waters and providing appropriate opportunities to access those waters. The commissioner may establish program priorities based on fishery management or other resource management objectives and may use for these purposes any funds received through federal programs intended to aid in the restoration of sport fishing and other revenues available for providing access to public waters.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 587, §1 (AMD). PL 2003, c. 587, §2 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B295 (AMD). PL 2003, c. 655, §§B422,C4,6 (AFF). PL 2005, c. 477, §21 (AMD). PL 2007, c. 463, §7 (AMD). PL 2011, c. 253, §34 (AMD). PL 2013, c. 408, §21 (AMD). PL 2017, c. 325, §1 (AMD). PL 2017, c. 403, Pt. A, §1 (AMD). PL 2017, c. 403, Pt. A, §4 (AFF).

SUBCHAPTER 2

FISH MANAGEMENT AND RESEARCH

§12751. Commissioner's authority relating to culture and research

1. Setting apart waters. The commissioner may by rule, pursuant to section 10104, subsection 1, set apart, for a term not to exceed 10 years, any inland water for use by the State in conducting work on fish culture and scientific research relative to fish.

In the waters so set apart, the commissioner and persons acting under the commissioner's authority in their respective fish culture and scientific work may take fish at any time or in any manner and erect and maintain any fixtures necessary for these purposes. In no instance may the commissioner permit the taking of fish by explosive, poisonous or stupefying substances, except for the use of registered fish toxicants for reclamation purposes.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §296 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Taking of certain fish.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §296 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B296 (AMD). PL 2003, c. 655, §B422 (AFF).

§12752. United States Fish and Wildlife Service

The United States Fish and Wildlife Service and its duly authorized agents may conduct fish culture operations and scientific investigations in the waters of this State in such manner and at such times as the service and its agents consider necessary and proper. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12753. Screens

1. Commissioner's authority. The commissioner may:

A. Authorize, alter and remove the screening of any inland waters; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Prohibit fishing within 500 yards of any screen installed by authority of the commissioner or the Legislature. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Tampering with screen. A person may not take up, destroy or injure any screen installed pursuant to this section, unless the person is duly authorized by the commissioner.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §297 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Penalty. The following penalties apply to violations of subsection 2.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §298 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 2 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. [PL 2003, c. 655, Pt. B, §298 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §298 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B297,298 (AMD). PL 2003, c. 655, §B422 (AFF).

§12754. Fish spawning areas

1. Commissioner's authority. The commissioner may by rule, pursuant to section 10104, subsection 1, designate any inland waters of the State as fish spawning areas.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Hearing. The commissioner shall institute a public hearing, in conformity with the Maine Administrative Procedure Act, if so requested by any state agency.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12755. Tampering with department dam

1. Prohibition. A person without authority from the commissioner may not:

A. Tamper with a department dam; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Open or close gates or sluiceways of a department dam; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Add or remove flashboards of a department dam; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Otherwise damage or destroy a department dam. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

For purposes of this subsection, "department dam" means a dam owned or operated by the department, including dams in a fish hatchery or rearing station.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §299 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §299 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §299 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B299 (AMD). PL 2003, c. 655, §B422 (AFF).

§12756. Tampering with fishway

1. Prohibition. A person without authority from the commissioner may not:

A. Tamper with a fishway; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Close a fishway to fish migration; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Introduce foreign objects into a fishway; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Otherwise damage or destroy a fishway. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §300 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §300 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §301 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §301 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §301 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B300,301 (AMD). PL 2003, c. 655, §B422 (AFF).

§12757. Management of brook trout and landlocked salmon

Notwithstanding any other provision of this Part, any rule that includes a proposal to establish or amend the time, place or manner in which a person may fish for brook trout or landlocked salmon on inland waters is a routine technical rule as defined in Title 5, chapter 375, subchapter 2-A. The department shall provide the information in subsections 1 to 3 to any person upon request and at all hearings or meetings that relate to the time, place or manner in which a person may fish for brook trout

or landlocked salmon on inland waters: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Information. Information and interpretation leading to rule proposals including alternative proposals that staff have considered but not proposed;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Assessment of biological potential. An assessment of the biological potential of the waters affected and management goals for those waters, including the best scientific judgment of the probable outcome and the probability of success of the plan relating to the management of brook trout and landlocked salmon; and
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Assessment of ability to evaluate success. A realistic assessment of the ability of fisheries staff to evaluate success of the management through future surveys.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12758. Fish stocking

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B302 (RP). PL 2003, c. 655, §B422 (AFF).

§12758-A. Fish stocking; public notification

When the Bureau of Resource Management plans to stock an inland water for the first time or to stock a new fish species or permanently stop stocking a fish species that is currently being stocked in an inland water, the department shall notify the public as provided in this section and allow for public comments on the stocking plan prior to implementing that plan. The department shall include on its publicly accessible website, in a manner that is easily identifiable and accessible by the public, notice of fish stocking plans identified under this section and allow public comment within a reasonable period of time. The department shall also provide notice by e-mail to organizations and individuals who have requested such notice. The department shall provide notification as provided in this section at the same time the stocking plan becomes a Bureau of Resource Management proposal. This section does not apply to a private pond or a fishing program for children. [PL 2009, c. 216, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 216, §1 (NEW).

§12759. Stocking river herring

1. Prohibition. A person may not stock river herring in Hogan Pond or Whitney Pond in the Town of Oxford or any waters that drain into or out of those ponds.
[PL 2017, c. 150, §8 (AMD).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §303 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §303 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §303 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B303 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2017, c. 150, §8 (AMD).

§12760. Fishways in dams and other artificial obstructions

1. Commissioners' authority. In order to conserve, develop or restore anadromous or migratory fish resources, the commissioner and the Commissioner of Marine Resources jointly may require a fishway to be erected, maintained, repaired or altered by the owners, lessors or other persons in control of any dam or other artificial obstruction within inland waters frequented by river herring, shad, salmon, sturgeon or other anadromous or migratory fish species.

The commissioners may not require or authorize a fishway or fish bypass structure at a dam on the outlet of Sebec Lake in the Town of Sebec or at a dam on the Sebec River in the Town of Milo or at a dam on the outlet of Schoodic Lake in Lake View Plantation or at a dam on the outlet of Seboeis Lake in Township 4, Range 9 NWP that would allow the upstream passage of an invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage. For the purposes of this section, "invasive fish species" means those invasive fish species identified in the action plan for managing invasive aquatic species developed pursuant to Title 38, section 1872.
[PL 2017, c. 150, §9 (AMD).]

2. Examination of dams. The commissioner and the Commissioner of Marine Resources shall periodically examine all dams and other artificial obstructions to fish passage within the inland waters in order to determine whether fishways are necessary, sufficient or suitable for the passage of anadromous or migratory fish.
[PL 2011, c. 612, §1 (AMD).]

3. Monitoring program. The commissioner and the Commissioner of Marine Resources shall establish a program to ensure fishways are functioning properly and remain sufficient or suitable for the passage of anadromous or migratory fish. The commissioners have sole authority to take corrective action at fishways as prescribed under this section.
[PL 2011, c. 612, §1 (AMD).]

4. Initiation of fishway proceedings. The commissioner and the Commissioner of Marine Resources shall initiate proceedings to consider construction, repair or alteration of fishways in existing dams or other artificial obstructions whenever the commissioners determine that one or more of the following conditions may exist:

A. Fish passage at the dam or obstruction in issue, whether alone or in conjunction with fish passage at other upriver barriers, will improve access to sufficient and suitable habitat anywhere in the watershed to support a substantial commercial or recreational fishery for one or more species of anadromous or migratory fish; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Fish passage at the dam or obstruction in issue is necessary to protect or enhance rare, threatened or endangered fish species. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2011, c. 612, §1 (AMD).]

5. Adjudicatory proceedings. A fishway proceeding must conform to the following requirements.

A. A fishway proceeding must be an adjudicatory proceeding under Title 5, chapter 375, subchapter 4, but a hearing is not required unless requested in accordance with paragraph B. Notice

of the proceeding must be given in accordance with Title 5, section 9052 and the following requirements:

(1) Personal notice must be given to the dam owner, lessee or other person in control of the dam or artificial obstruction, informing that person that a proceeding has been undertaken and informing that person of that person's right to request a hearing; and

(2) Notice to the public, in newspapers of general circulation in the areas affected, must be given notifying the public of the initiation of the proceedings and of the public's opportunity to request a hearing. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. If any interested person requests a public hearing, the commissioner and the Commissioner of Marine Resources shall, within 30 days, either notify the petitioners in writing of the commissioners' denial, stating the reasons for the denial, or schedule a public hearing. The commissioners shall hold a public hearing whenever:

(1) The commissioners are petitioned by 50 or more residents of the State; or

(2) The owner, lessee or other person in control of the dam or artificial obstruction requests a hearing. [PL 2011, c. 612, §1 (AMD).]

C. The commissioner and the Commissioner of Marine Resources shall accept testimony from the owner, lessee or other person in control of the dam or artificial obstruction on alternate fishway designs to those proposed by the commissioners for that dam or artificial obstruction. [PL 2011, c. 612, §1 (AMD).]

[PL 2011, c. 612, §1 (AMD).]

6. Decision. In the event that the commissioner and the Commissioner of Marine Resources decide that a fishway should be constructed, repaired, altered or maintained pursuant to this section, the commissioners shall issue final orders with specific plans and descriptions of the fishway construction, alteration, repair or maintenance requirements, the conditions of the use of the fishway and the time and manner required for fishway operation. The commissioners may issue a decision requiring the owners, lessees or other persons in control of the dam or obstruction to construct, repair, alter or maintain a fishway. Such a decision must be supported by a finding based on evidence submitted to the commissioners that either of the following conditions exist:

A. One or more species of anadromous or migratory fish can be restored in substantial numbers to the watershed by construction, alteration, repair or maintenance of a fishway and habitat anywhere in the watershed above the dam or obstruction is sufficient and suitable to support a substantial commercial or recreational fishery for one or more species of anadromous or migratory fish; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The construction, alteration, repair or maintenance of a fishway is necessary to protect or enhance rare, threatened or endangered fish species. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

In the event that the commissioners decide that a fishway should not be constructed, the commissioners shall specify in that decision a period not to exceed 5 years subsequent to that decision during which a fishway may not be required to be constructed.

[PL 2011, c. 612, §1 (AMD).]

7. Compliance. The owner, lessee or other person in control of a dam or other artificial obstruction is jointly and severally liable for the costs of fishway design, construction, repair, alteration or maintenance, and for full compliance with a decision issued pursuant to subsection 6.

A. If the owner, lessee or other person in control of a dam or other artificial obstruction refuses to comply or does not fully comply with the decision issued pursuant to subsection 6, the commissioner and the Commissioner of Marine Resources shall initiate a civil action to enjoin the

owner, lessee or person in control of the dam to comply fully with the commissioners' order or to restrain the violation of an order. In the proceeding, the court may not review the legality of the commissioners' order, except when the owner, lessee or person in control of the dam or artificial obstruction has brought a timely petition for judicial review pursuant to Title 5, chapter 375, subchapter 7. [PL 2011, c. 612, §1 (AMD).]

B. The court may render judgment against and order the sale of the dam or other artificial obstruction, the land on which it stands and a right-of-way to the dam or artificial obstruction, in order to secure the costs of fishway construction, repair, alteration or maintenance, the costs of the court-ordered sale and the costs incurred by the department for fishway design. The purchaser of the dam or other obstruction is subject to the decision issued pursuant to subsection 6. [PL 2011, c. 612, §1 (AMD).]

[PL 2011, c. 612, §1 (AMD).]

8. Privileged entry. The commissioner and the Commissioner of Marine Resources, the commissioners' agents or subcontractors may enter upon any private land in order to examine, at least annually, fishways in dams or other artificial obstructions and dams as provided in subsection 2. The commissioners shall notify the landowner, lessee or other person in control of the dam when the examination will take place and the time required to complete the examination. The commissioners shall make every effort to preserve private land and shall restore surrounding lands to the grade and condition existing prior to entry, if economically feasible.

[PL 2011, c. 612, §1 (AMD).]

9. Certain lakes, rivers and streams; fishways prohibited. Notwithstanding any other provision of law to the contrary, the owners, lessors or other persons in control of a dam on the outlet of Sebec Lake in the Town of Sebec, of Schoodic Lake in Lake View Plantation or of Seboeis Lake or a dam on the Sebec River in the Town of Milo may not construct or authorize the construction of a fishway or fish bypass structure that would allow the upstream passage of an invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $500 or more than $1,000 may be adjudged. [PL 2011, c. 24, §2 (NEW).]

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. [PL 2011, c. 24, §2 (NEW).]

[PL 2011, c. 612, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B304 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 561, §33 (AMD). PL 2011, c. 24, §§1, 2 (AMD). PL 2011, c. 612, §1 (AMD). PL 2017, c. 150, §9 (AMD).

§12761. Construction of new dams or other artificial obstructions

1. Notice required. Prior to construction or prior to authorizing construction of a new dam or other obstruction in the inland waters, the owner, lessee or other person in control of the dam or other artificial obstruction shall provide written notice to the commissioner and the Commissioner of Marine Resources supplying information on construction plans, proposed location and date of construction of the dam or other artificial obstruction.

[PL 2011, c. 612, §2 (AMD).]

2. Initiation of fishway proceedings. Within 30 days of receipt of the construction notice pursuant to subsection 1, the commissioner and the Commissioner of Marine Resources shall review the plans in order to determine whether fishway construction or alteration of proposed fishway construction plans may be required pursuant to the criteria set forth in section 12760, subsection 4. If the commissioners

determine that the construction or alteration may be necessary, the commissioners shall initiate fishway proceedings and follow the procedures prescribed in section 12760.
[PL 2011, c. 612, §2 (AMD).]

3. Unlawful building of dam. A person may not build any dam or other obstruction in any of the rivers, streams or brooks of this State without first filing written notice with the commissioner and the Commissioner of Marine Resources pursuant to subsection 1.

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. [PL 2003, c. 655, Pt. B, §305 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §305 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2011, c. 612, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B305 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 612, §2 (AMD).

§12762. Fish kills; violations; fines; rules; definition

1. Prohibition. A person may not improperly operate a fishway required under this subchapter in a manner that results in a fish kill.
[PL 2003, c. 655, Pt. B, §306 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine equivalent to the value of the fish killed but not more than $10,000 for each day of that violation may be adjudged. [PL 2003, c. 655, Pt. B, §306 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §306 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §306 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Rules; definition. The department and the Department of Marine Resources shall jointly make rules defining "fish kill."
[PL 2003, c. 655, Pt. B, §306 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B306 (RPR). PL 2003, c. 655, §B422 (AFF).

§12763. Use or possession of gill net; Penobscot Nation research; department personnel

1. Prohibition.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §307 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penobscot Nation research. Under the direction of its director, the staff of the Department of Natural Resources of the Penobscot Nation may use gill nets for the purpose of scientific fisheries research and management on any waters within, flowing through or adjacent to Penobscot Indian territory as defined in Title 30, section 6205, subsection 2.

A. The authority granted under this subsection is subject to the following constraints.

(1) Both ends of the gill net must be marked with buoys that are clearly visible from a distance of 300 feet and that identify the Department of Natural Resources of the Penobscot Nation as the owner of the net.

(2) The results of each netting must be forwarded on a weekly basis to the office of the commissioner where the results must be available for public inspection. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §307 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §307 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §307 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Use of gill nets by department personnel. Department personnel and persons under contract with the department may use gill nets pursuant to this subsection. When requested by another agency to undertake a gill netting project, the department must be reimbursed by that agency for all costs relating to the gill netting project.

A. Department personnel and persons under contract with the department may not use gill nets in inland waters unless:

(2) Both ends of the net are marked with buoys that are clearly visible from a distance of 300 feet and that identify the department; and

(3) The results of each netting are forwarded on a weekly basis to the office of the commissioner. The records of the results must be available for public inspection at the office of the commissioner.

A person under contract with the department may not use a gill net under this section unless the use is at the direction of and under the supervision of the commissioner or the commissioner's designee. [PL 2011, c. 533, §6 (AMD).]

A-1. 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. [PL 2003, c. 655, Pt. B, §307 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §307 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. [PL 2007, c. 651, §13 (RP).]

[PL 2011, c. 533, §6 (AMD).]

4. Permits allowing use of gill nets by federal agencies or other state agencies. The department may authorize the use of gill nets by federal agencies or other state agencies for purposes of scientific research or public safety projects. Any authorization by the department for a federal agency or another state agency to utilize gill nets must be given through written permit.

A. The authority granted to the department under this subsection is subject to the following constraints.

(2) Both ends of the gill net must be marked with buoys that are clearly visible from a distance of 300 feet and that identify the state or federal agency responsible for setting the net.

(3) The results of each netting must be forwarded on a weekly basis to the department, and the records of the results must be available for public inspection at the department. [PL 2005, c. 477, §22 (AMD).]

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. [PL 2003, c. 655, Pt. B, §307 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2005, c. 477, §22 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B307 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 477, §22 (AMD). PL 2007, c. 651, §13 (AMD). PL 2011, c. 533, §6 (AMD).

SUBCHAPTER 3

ENDANGERED SPECIES; MANAGEMENT AND RESEARCH

§12801. Declaration of purpose

The Legislature finds that various species of fish or wildlife have been and are in danger of being rendered extinct within the State of Maine, and that these species are of esthetic, ecological, educational, historical, recreational and scientific value to the people of the State. The Legislature, therefore, declares that it is the policy of the State to conserve, by according such protection as is necessary to maintain and enhance their numbers, all species of fish or wildlife found in the State, as well as the ecosystems upon which they depend. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

This subchapter and chapter 631 are established to carry out the purposes of this section. [PL 2003, c. 573, §5 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 573, §5 (AMD). PL 2003, c. 573, §8 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§C3,6 (AFF).

§12802. Commissioner's authority, investigations and programs

1. Investigations. The commissioner may conduct investigations in order to develop information relating to population size, distribution, habitat needs, limiting factors and other biological and ecological data relating to the status and requirements for survival of any species of fish or wildlife occurring in the State, whether endangered or not.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §308 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Programs. The commissioner may develop programs to enhance or maintain the populations described in subsection 1.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B308 (AMD). PL 2003, c. 655, §B422 (AFF).

§12803. Designation of endangered species

1. Standards. The commissioner shall recommend a species to be listed as endangered or threatened whenever the commissioner finds one of the following to exist:

A. The present or threatened destruction, modification or curtailment of its habitat or range; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Overutilization for commercial, sporting, scientific, educational or other purposes; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Disease or predation; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Inadequacy of existing regulatory mechanisms; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Other natural or manmade factors affecting its continued existence within the State. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Commissioner's duties. In recommending a species to be listed as endangered or threatened, the commissioner shall:

A. Make use of the best scientific, commercial and other data available; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Consult, as appropriate, with federal agencies, other interested state agencies, other states having a common interest in the species and interested persons and organizations; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Maintain a list of all species that the Legislature has designated to be endangered or threatened, naming each species by both its scientific and common name, if any, and specifying over what portion of its range each species so designated is endangered or threatened. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Legislative authority. The Legislature, as sole authority, shall designate a species as a state endangered or state threatened species. The list of state endangered or state threatened species by common name, scientific name and status is as follows:

A. Least tern, Sterna antillarum, endangered; [PL 2007, c. 166, §1 (AMD).]

B. Golden eagle, Aquila chrysaetos, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

C. Piping plover, Charadrius melodus, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

D. Sedge wren, Cistothorus platensis, endangered; [PL 2007, c. 166, §1 (AMD).]

E. Grasshopper sparrow, Ammodramus savannarum, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

F. Box turtle, Terrapene carolina, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

G. Black racer, Coluber constrictor, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

H. Roseate tern, Sterna dougallii, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

I. Northern bog lemming, Synaptomys borealis, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

J. Blanding's turtle, Emydoidea blandingii, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

K. Black tern, Chlidonias niger, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

L. American pipit, Anthus rubescens (breeding population only), endangered; [PL 2007, c. 166, §1 (AMD).]

M. Peregrine falcon, Falco peregrinus (breeding population only), endangered; [PL 2007, c. 166, §1 (AMD).]

N. Roaring Brook mayfly, Epeorus frisoni, threatened; [PL 2015, c. 121, §1 (AMD).]

O. Ringed boghaunter, Williamsonia lintneri, threatened; [PL 2007, c. 166, §1 (AMD).]

P. Clayton's copper, Lycaena dorcas claytoni, threatened; [PL 2015, c. 121, §2 (AMD).]

Q. Edwards' hairstreak, Satyrium edwardsii, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

R. Hessel's hairstreak, Callophrys hesseli, endangered; [PL 2007, c. 166, §1 (AMD).]

S. Katahdin arctic, Oenis polixenes katahdin, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

T. Spotted turtle, Clemmys guttata, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

U. [PL 2009, c. 60, §1 (RP).]

V. Razorbill, Alca torda, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

W. Atlantic puffin, Fratercula arctica, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

X. Harlequin duck, Histrionicus histrionicus, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

Y. Arctic tern, Sterna paradisaea, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

Z. Upland sandpiper, Bartramia longicauda, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

AA. Swamp darter, Etheostoma fusiforme, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

BB. Tidewater mucket, Leptodea ochracea, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

CC. Yellow lampmussel, Lampsilis cariosa, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

DD. Tomah mayfly, Siphlonisca aerodromia, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

EE. [PL 2007, c. 166, §1 (RP).]

FF. Twilight moth, Lycia rachelae, threatened; [PL 2007, c. 166, §1 (AMD).]

GG. Pine barrens zanclognatha, Zanclognatha martha, threatened; [PL 2007, c. 166, §1 (AMD).]

HH. Redfin pickerel, Esox americanus americanus, endangered; [PL 2007, c. 166, §1 (NEW).]

II. Juniper hairstreak, Callophrys gryneus, endangered; [PL 2007, c. 166, §1 (NEW).]

JJ. Rapids clubtail, Gomphus quadricolor, endangered; [PL 2007, c. 166, §1 (NEW).]

KK. New England cottontail, Sylvilagus transitionalis, endangered; [PL 2007, c. 166, §1 (NEW).]

LL. Black-crowned night heron, Nycticorax nycticorax, endangered; [PL 2015, c. 121, §3 (AMD).]

MM. Common gallinule, Gallinula galeata, threatened; [PL 2017, c. 164, §23 (AMD).]

NN. Great cormorant, Phalacrocorax carbo (breeding population only), threatened; [PL 2007, c. 166, §1 (NEW).]

OO. Short-eared owl, Asio flammeus (breeding population only), threatened; [PL 2007, c. 166, §1 (NEW).]

PP. Purple lesser fritillary, Boloria chariclea grandis, threatened; [PL 2007, c. 166, §1 (NEW).]

QQ. Sleepy duskywing, Erynnis brizo, threatened; [PL 2007, c. 166, §1 (NEW).]

RR. Boreal snaketail, Ophiogomphus colubrinus, threatened; [PL 2007, c. 166, §1 (NEW).]

SS. Brook floater, Alasmidonta varicosa, threatened; [PL 2007, c. 166, §1 (NEW).]

TT. Barrow's goldeneye, Bucephala islandica, threatened; [PL 2015, c. 121, §4 (AMD).]

UU. Least bittern, Ixobrychus exilis, endangered; [PL 2015, c. 121, §4 (AMD).]

VV. Cobblestone tiger beetle, Cicindela marginipennis, endangered; [PL 2015, c. 121, §5 (NEW).]

WW. Frigga fritillary, Boloria frigga, endangered; [PL 2015, c. 121, §5 (NEW).]

XX. Little brown bat, Myotis lucifugus, endangered; [PL 2015, c. 121, §5 (NEW).]

YY. Northern long-eared bat, Myotis septentrionalis, endangered; [PL 2015, c. 121, §5 (NEW).]

ZZ. Eastern small-footed bat, Myotis leibii, threatened; and [PL 2015, c. 121, §5 (NEW).]

AAA. Six-whorl vertigo, Vertigo morsei, endangered. [PL 2015, c. 121, §5 (NEW).]
[PL 2017, c. 164, §23 (AMD).]

4. Process for recommendation; notice and hearings. Prior to recommending an addition, deletion or other change to the endangered and threatened species listed in subsection 3, the commissioner shall provide for public notice and public hearings on that proposed recommendation in accordance with the provisions of Title 5, chapter 375, subchapter 2.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Designation by Legislature. The Legislature may not amend the list of endangered or threatened species in subsection 3 except upon the recommendation of the commissioner.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 573, §6 (AMD). PL 2003, c. 573, §8 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§C3,6 (AFF). PL 2007, c. 166, §1 (AMD). PL 2009, c. 60, §1 (AMD). PL 2015, c. 121, §§1-5 (AMD). PL 2017, c. 164, §23 (AMD).

§12804. Conservation of endangered species

1. Conservation of nongame and endangered species. The commissioner may establish such programs as are necessary to bring any endangered or threatened species to the point where it is no longer endangered or threatened, including:

A. Acquisition of land or aquatic habitat or interests in land or aquatic habitat; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Propagation; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Live trapping; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Transplantation. Prior to the transplantation, introduction or reintroduction of an endangered or threatened species in the State, the commissioner shall, in conjunction with the Department of Marine Resources, when appropriate, develop a recovery plan for that species, conduct a public hearing on that recovery plan pursuant to Title 5, Part 18 and submit that plan to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. The introduction or reintroduction of that species must be conducted in accordance with the recovery plan developed under this paragraph and may not begin sooner than 90 days after all conditions of this paragraph have been met; and [PL 2009, c. 561, §34 (AMD).]

E. In the extraordinary case where population pressures within a given group ecosystem can not be otherwise relieved, regulated taking. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2009, c. 561, §34 (AMD).]

2. Habitat. For species designated as endangered or threatened under this subchapter the commissioner may by rule identify areas currently or historically providing physical or biological features essential to the conservation of the species and that may require special management considerations. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §309 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Protection guidelines. The commissioner may by rule develop guidelines for the protection of species designated as endangered or threatened under this subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §309 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Annual report.

[PL 2007, c. 651, §14 (RP).]

5. Confidential information. Specific information concerning the location of a threatened or endangered species is confidential and not a public record under Title 1, chapter 13 if, in the judgment of the commissioner, disclosure of that information would threaten the continued existence of the threatened or endangered species. If the commissioner determines that information is confidential under this subsection, the commissioner may not disclose the information except to the landowner whose property is the location of the threatened or endangered species.

[PL 2015, c. 301, §40 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 573, §7 (AMD). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B309 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 651, §14 (AMD). PL 2009, c. 561, §34 (AMD). PL 2015, c. 301, §40 (AMD).

§12805. Cooperative agreements

The commissioner may enter into agreements with federal agencies, other states, political subdivisions of this State or private persons for the establishment and maintenance of programs for the conservation of endangered or threatened species and may receive all federal funds allocated for obligations to the State pursuant to these agreements. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12806. State and local cooperation

1. Review. A state agency or municipal government may not permit, license, fund or carry out projects that will:

A. Significantly alter the habitat identified under section 12804, subsection 2 of any species designated as threatened or endangered under this subchapter; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Violate protection guidelines set forth in section 12804, subsection 3. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The commissioner shall make information under section 12804 available to all other state agencies and municipal governments for the purposes of review.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Variance. Notwithstanding subsection 1, state agencies and municipal governments may grant a variance from this section provided that:

A. The commissioner certifies that the proposed action would not pose a significant risk to any population of endangered or threatened species within the State; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A public hearing is held on the proposed action. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Pending applications. Notwithstanding Title 1, section 302, applications pending at the time of adoption of habitats and guidelines under section 12804, subsections 2 and 3 are governed by this section.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12807. Introduction of wolves to State; approval

A person may not release a wolf in the State for the purpose of reintroducing that species into the State without the prior approval of both Houses of the Legislature and the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A person who violates this section commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12808. Unauthorized activities regarding endangered or threatened species

For the purposes of this section and section 12808-A, "to take," "take" and "taking" mean the act or omission that results in the death of any endangered or threatened species. [PL 2015, c. 423, §1 (AMD).]

1. Prohibited acts regarding endangered or threatened species; negligence. Except as provided in section 12808-A, a person may not negligently:

A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class E crime, for which a fine of $1,000 must be adjudged, none of which may be suspended; [PL 2019, c. 267, §1 (AMD).]

B. Hunt, take, trap, harass or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class E crime, for which a fine of $1,000 must be adjudged, none of which may be suspended; [PL 2019, c. 267, §1 (AMD).]

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class E crime, for which a fine of $1,000 must be adjudged, none of which may be suspended; or [PL 2019, c. 267, §1 (AMD).]

D. Feed or set bait for any endangered or threatened species. A person who violates this paragraph commits a Class E crime for which a fine of $1,000 must be adjudged, none of which may be suspended. [RR 2019, c. 1, Pt. A, §11 (COR).]

[RR 2019, c. 1, Pt. A, §11 (COR).]

1-A. Prohibited acts regarding endangered or threatened species; intentional. Except as provided in section 12808-A, a person may not intentionally:

A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of $2,000 must be adjudged, none of which may be suspended; [PL 2019, c. 267, §2 (AMD).]

B. Hunt, take, trap, harass or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class D crime, for which a fine of $2,000 must be adjudged, none of which may be suspended; [PL 2019, c. 267, §2 (AMD).]

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of $2,000 must be adjudged, none of which may be suspended; or [PL 2019, c. 267, §2 (AMD).]

D. Feed or set bait for any endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of $2,000 must be adjudged, none of which may be suspended. [RR 2019, c. 1, Pt. A, §12 (COR).]

[RR 2019, c. 1, Pt. A, §12 (COR).]

2. Exceptions for certain purposes.

[PL 2015, c. 423, §1 (RP).]

3. Exceptions; incidental take plan.

[PL 2015, c. 423, §1 (RP).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B310-313 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 477, §23 (AMD). PL 2015, c. 423, §1 (AMD). PL 2019, c. 267, §§1, 2 (AMD). RR 2019, c. 1, Pt. A, §§11, 12 (COR).

§12808-A. Authorized activities regarding endangered or threatened species

Notwithstanding section 12808 and notwithstanding section 10650 as it applies to rules adopted in accordance with this subchapter, the commissioner may authorize certain activities regarding endangered or threatened species in accordance with the following. [PL 2015, c. 423, §2 (NEW).]

1. Education, research, conservation and transportation. Under such terms and conditions as the commissioner prescribes, the commissioner may:

A. Authorize an act prohibited by section 12808 or by rule for educational or scientific purposes or to enhance the recovery or survival of an endangered or threatened species; and [PL 2015, c. 423, §2 (NEW).]

B. Authorize a person to transport without restriction but in accordance with the terms of any federal or state permit an endangered or threatened species into, within or out of the State. [PL 2015, c. 423, §2 (NEW).]

[PL 2015, c. 423, §2 (NEW).]

2. Specific activity; incidental take plan. Under such terms and conditions as the commissioner prescribes, the commissioner may authorize a person to take an endangered or threatened species pursuant to an incidental take plan if:

A. The taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity; [PL 2015, c. 423, §2 (NEW).]

B. The taking will not impair the recovery of any endangered or threatened species; and [PL 2015, c. 423, §2 (NEW).]

C. The person develops and implements an incidental take plan in accordance with subsection 5 and that plan is approved by the commissioner. The commissioner may modify or waive the requirement under this paragraph if the commissioner determines the criteria in subsection 5 are substantially addressed in another permit, license or agreement. [PL 2015, c. 423, §2 (NEW).]

The commissioner shall seek input from knowledgeable individuals or groups on each proposed incidental take plan developed under this subsection.

If the person violates any of the terms or conditions of an authorization granted pursuant to this subsection, the authorization must be immediately suspended or revoked and the person is subject to the prohibitions and penalties in section 12808 for that violation.

[PL 2015, c. 423, §2 (NEW).]

3. Widespread activity; incidental take plan. Under such terms and conditions as the commissioner prescribes, the commissioner may authorize the taking of an endangered or threatened species pursuant to a widespread activity incidental take plan developed by the commissioner in accordance with subsection 5 if:

A. The taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity; [PL 2015, c. 423, §2 (NEW).]

B. The taking will not impair the recovery of any endangered or threatened species; and [PL 2015, c. 423, §2 (NEW).]

C. The commissioner determines that the activity is widespread, is conducted by a reasonably identifiable group of participants and poses a manageable risk of taking an endangered or threatened species. [PL 2015, c. 423, §2 (NEW).]

The commissioner shall hold at least one public hearing and seek input from knowledgeable individuals or groups on each proposed incidental take plan developed under this subsection.

If a person violates any of the terms or conditions of an authorization granted pursuant to this subsection, the authorization must be immediately suspended or revoked for that person and that person is subject to the prohibitions and penalties in section 12808 for that violation.
[PL 2015, c. 423, §2 (NEW).]

4. Broad activity exemption. The commissioner may adopt rules to provide an exemption, under such terms and conditions as the commissioner determines necessary, for a specific activity otherwise prohibited by section 12808, if the commissioner determines the exemption:

A. Addresses a specific activity that is widespread in its occurrence but may not have a reasonably identifiable group of participants; [PL 2015, c. 423, §2 (NEW).]

B. Poses little or no risk of taking an endangered or threatened species; and [PL 2015, c. 423, §2 (NEW).]

C. Will not individually or cumulatively impair the recovery of any endangered or threatened species. [PL 2015, c. 423, §2 (NEW).]

The commissioner shall hold at least one public hearing and seek input from knowledgeable individuals or groups on each proposed rule to provide a broad activity exemption.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 423, §2 (NEW).]

5. Incidental take plan criteria. The commissioner may approve or adopt an incidental take plan developed pursuant to subsection 2 or 3 that minimizes the incidental taking of an endangered or threatened species and that provides the following:

A. A description of the specific activities sought to be authorized by the incidental take plan and an analysis of potential alternatives; [PL 2015, c. 423, §2 (NEW).]

B. The individual and cumulative effects that may reasonably be anticipated to result from the proposed actions covered by the incidental take plan; [PL 2015, c. 423, §2 (NEW).]

C. The recovery measures the applicant will implement to prevent, minimize and mitigate the individual and cumulative effects and any provisions that are necessary to prevent, minimize and mitigate circumstances that are likely to impair the recovery of any endangered or threatened species covered by the incidental take plan; [PL 2015, c. 423, §2 (NEW).]

D. The procedures for monitoring the effectiveness of the recovery measures in the incidental take plan; [PL 2015, c. 423, §2 (NEW).]

E. The anticipated costs of implementing the incidental take plan and the availability of necessary funding for the applicant to implement the plan; and [PL 2015, c. 423, §2 (NEW).]

F. Other modifications to the incidental take plan or additional measures, if any, that the commissioner may require and such other matters as the commissioner determines to be necessary for the recovery of species consistent with this section. [PL 2015, c. 423, §2 (NEW).]

[PL 2015, c. 423, §2 (NEW).]

SECTION HISTORY

PL 2015, c. 423, §2 (NEW).

§12809. Judicial enforcement

1. General. In the event of a violation of this subchapter, any rule adopted pursuant to this subchapter or any license or permit granted under this subchapter, the Attorney General may institute injunctive proceedings to enjoin any further violation, a civil or criminal action, or any appropriate

combination of those proceedings without recourse to any other provision of law administered by the department.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Restoration. The court may order restoration of any area affected by any activity found to be in violation of this subchapter, any rule adopted pursuant to this subchapter or any license or permit granted under this subchapter, to its condition prior to the violation or as near to that condition as possible. When the court finds that the violation was willful, the court shall order restoration under this subchapter, unless the restoration would result in:

A. A threat to public health and safety; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Environmental damage; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A substantial injustice. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12810. Delisted species

1. Definition. For purposes of this section, "delisted species" means a species that was listed as a state endangered or threatened species under section 12803 and after 2007 was removed from that list by the Legislature. The following is a delisted species:

A. Bald eagle, Haliaeetus leucocephalus. [PL 2009, c. 60, §2 (NEW).]
[PL 2009, c. 60, §2 (NEW).]

2. Prohibited acts regarding delisted species. Except as otherwise authorized by the commissioner pursuant to this Part, a person may not intentionally:

A. Import into the State or export out of the State a delisted species. A person who violates this paragraph commits a Class D crime, for which a fine of $2,000 must be adjudged, none of which may be suspended; [PL 2019, c. 267, §3 (AMD).]

B. Hunt, trap, harass or possess a delisted species within the State. A person who violates this paragraph commits a Class D crime, for which a fine of $2,000 must be adjudged, none of which may be suspended; or [PL 2019, c. 267, §3 (AMD).]

C. Process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, a delisted species or any part of a delisted species. A person who violates this paragraph commits a Class D crime, for which a fine of $2,000 must be adjudged, none of which may be suspended. [PL 2019, c. 267, §3 (AMD).]

D. [PL 2019, c. 267, §3 (RP).]
[PL 2019, c. 267, §3 (AMD).]

SECTION HISTORY

PL 2009, c. 60, §2 (NEW). PL 2019, c. 267, §3 (AMD).

SUBPART 5

GUIDES, OUTFITTERS AND TAXIDERMISTS

CHAPTER 927

GUIDES AND YOUTH CAMP TRIP LEADERS

§12851. Commissioner's authority to adopt rules

The commissioner shall, with the advice and consent of the Advisory Board for the Licensing of Guides, adopt rules necessary to administer this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner shall establish safety standards to provide the clients of guides reasonable protection from hazards. The commissioner may adopt rules in the following areas. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §314 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Alcohol; drugs. The commissioner may require applicants to state whether they use alcohol or other drugs in a way that would interfere with their competence as guides.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Failure to meet party. The commissioner may require applicants who have previously held a guide license to state that they have not received and retained a guiding fee from a party and then failed to meet that party as agreed or failed to provide the services as agreed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Competency. The commissioner may establish standards of competency that must be provided to each applicant.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Watercraft. The commissioner may establish standards for the use of watercraft by a guide to ensure that the watercraft is safe for the use intended, that sufficient safety equipment is provided to each passenger and that the operator is competent to use watercraft.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Classification. The commissioner may establish classifications of guide licenses, including general guides and specialized categories.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Other. The commissioner may establish rules in any area as the commissioner considers necessary to administer this chapter, except that the commissioner may not require an applicant to demonstrate certification in cardiopulmonary resuscitation.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B314 (AMD). PL 2003, c. 655, §B422 (AFF).

§12852. Rule violations; licensed guides and trip leaders

The following penalties apply to violations of rules regulating licensed guides or youth camp trip leaders and course instructor certificates. [PL 2009, c. 211, Pt. B, §8 (AMD).]

1. Civil. Notwithstanding section 10650, a person who violates a rule regulating licensed guides or youth camp trip leaders and course instructor certificates commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2009, c. 211, Pt. B, §9 (AMD).]

2. Criminal. A person who violates a rule regulating licensed guides or youth camp trip leaders and course instructor certificates 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.
[PL 2009, c. 211, Pt. B, §10 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B315 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 211, Pt. B, §§8-10 (AMD).

§12853. License, fees and requirements; youth camp trip leader exception

1. Prohibition. Except as provided in subsection 7, a person may not act as a guide without a valid license issued under this chapter.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §316 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. A person who violates subsection 1 commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment of 3 days, none of which may be suspended. The court shall also impose a fine of $1,000, none of which may be suspended. A person violates subsection 1 each day that person acts as a guide without a valid license issued under this chapter.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §316 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. New applications. A person wishing to be licensed as a guide shall submit an application to the commissioner.

A. The commissioner shall provide application forms that request all relevant information the commissioner considers necessary. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Failure or refusal to satisfactorily answer any question in the application is a basis for the commissioner not to accept the application. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The commissioner shall decide whether the application is acceptable within 5 working days of receipt. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The commissioner shall notify each applicant at least 2 weeks prior to the examination required under section 12855. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Qualifications. In order to qualify for a guide license, a person must:

A. Be at least 18 years of age; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Pass the guide examination in accordance with section 12855; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. If a first-time applicant, be currently certified in first aid through completion of any standard first aid course that meets the criteria established by rule of the commissioner; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. If not a first-time applicant, submit satisfactory evidence, as determined by the commissioner, of having held a guide license in this State; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Meet all requirements established by rules of the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

For purposes of this subsection, "first-time applicant" means an applicant who has not previously been issued a guide license in this State.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4-A. Background check. The commissioner shall request a background check for each person who applies for a guide license under this section. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation.

A. The criminal history record information must be obtained and used as follows.

(1) The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

(2) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

(3) An applicant who is the subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. An applicant who is the subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

(4) State and federal criminal history record information may be used by the department for the purpose of screening each applicant. [PL 2017, c. 204, §2 (NEW).]

B. The Commissioner of Public Safety shall assess a fee set annually by the commissioner for each initial criminal history record check and a fee set annually by the commissioner for each renewal criminal history record check required by this section. [PL 2017, c. 204, §2 (NEW).]

C. An applicant shall submit to having fingerprints taken. The State Police, upon payment of the fee required under paragraph B by the applicant, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the Department of Public Safety, State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. [PL 2017, c. 204, §2 (NEW).]

D. Information obtained pursuant to this subsection is confidential. The results of background checks received by the department are for official use only and may not be disclosed to any other person or entity. [PL 2017, c. 204, §2 (NEW).]

E. A person whose guide license has expired and who has not applied for renewal may request in writing that the Department of Public Safety, State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal to the requester. The Commissioner of Public Safety may, without notice to a person, remove fingerprints from the fingerprint file maintained by the bureau if the person has not held a guide license for 7 years or more. [PL 2017, c. 204, §2 (NEW).]

[PL 2017, c. 204, §2 (NEW).]

5. Fee. The fee for a guide license is $135.

[PL 2017, c. 441, §1 (AMD); PL 2017, c. 441, §3 (AFF).]

6. Term of license. A guide license issued under this section expires on December 31st of the 4th complete year after the date of issuance.

[PL 2017, c. 441, §2 (RPR); PL 2017, c. 441, §3 (AFF).]

7. Exception. A person holding a youth camp trip leader permit under section 12860 may, without a guide license, conduct trips including adults under the auspices of the youth camp that employs those adults, subject to all the requirements of section 12860.
[PL 2009, c. 211, Pt. B, §11 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B316 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III30 (AMD). PL 2009, c. 211, Pt. B, §11 (AMD). PL 2017, c. 204, §2 (AMD). PL 2017, c. 441, §§1, 2 (AMD). PL 2017, c. 441, §3 (AFF).

§12854. Guides carrying passengers for hire

A guide carrying passengers for hire must be certified in the area of watercraft safety. A guide who has been certified in watercraft safety through the guide license examination process is authorized, without further licensing requirements, to operate a motorboat carrying passengers for hire pursuant to section 13063, subsection 2. A guide license issued to a guide who has been certified in watercraft safety must clearly indicate that the licensee is authorized to operate a motorboat carrying passengers for hire. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12855. Examination

1. Requirement. In order to qualify for a guide license, a person who has not held a valid guide license within the previous 3 years must pass an examination pursuant to this section.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Form. The commissioner shall determine the form and content of the examination.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Location. The commissioner shall designate locations where the examination will be held, except the examination must be held in one of the Inland Fisheries and Wildlife regions if at least 10 applicants reside in that region.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Reexamination. The commissioner may require a guide to be examined or reexamined if the commissioner receives a written complaint and, upon investigation, believes that the guide no longer meets the guide qualifications.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Fee. The examination fee is $100. An applicant may retake the examination once without paying an additional fee. The fee is nonrefundable.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Oral examination. If an oral examination is administered, the examination must be conducted by at least 2 trained examiners designated pursuant to section 10153, subsection 2, paragraph D who are approved by the commissioner or members of the Advisory Board for the Licensing of Guides.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12856. Approved curriculum for licensed Maine guides

The commissioner shall approve a curriculum designed to prepare persons for the guide examinations. This curriculum must cover practical skills, fisheries and wildlife laws and other aspects

important for the guiding profession. The commissioner shall convene an ad hoc advisory board, as defined under Title 5, section 12008, to develop the curriculum. Nonagency members must be compensated according to Title 5, chapter 379. The commissioner also shall consult with the Department of Education in developing the curriculum. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12857. Hiring guide

1. Prohibition. A person may not hire another person as a guide if the hiring person has knowledge that the person does not hold a valid guide license.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §317 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §317 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §317 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B317 (AMD). PL 2003, c. 655, §B422 (AFF).

§12858. Guide license violations

1. Guide license violations. A person licensed as a guide may not violate the following provisions.

A. A person licensed as a guide may not knowingly assist a client in violating any of the provisions of this Part.

(1) If the violation committed by the client is a civil violation, a person licensed as a guide who violates this paragraph commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.

(2) If the violation committed by the client is a civil violation, a person licensed as a guide who violates this paragraph 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.

(3) If the violation committed by the client is a criminal violation, a person licensed as a guide who violates this paragraph commits a Class E crime. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person licensed as a guide who has knowledge that a client has violated the provisions of this Part shall, within 24 hours, inform a person authorized to enforce this Part.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. A person licensed as a guide may not take a party of more than 12 people out on any lake, stream or waterway in the State at any time.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Civil violations.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Criminal violations.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B318 (RPR). PL 2003, c. 655, §B422 (AFF).

§12859. Junior Maine guides

1. Eligibility. To qualify as a junior Maine guide, a person must be at least 14 years of age and under 18 years of age, meet the requirements established by the commissioner and pass the required examinations.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Restrictions. A junior Maine guide is not authorized to provide guiding services.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12860. Youth camp trip leader permit

1. When permit required. Youth camps licensed by the Department of Health and Human Services under Title 22, section 2495, or located in another state and licensed in a similar manner, if the laws of the other state so require, conducting trip camping shall:

A. Provide at least one staff member over 18 years of age for each 6 campers; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Ensure that the staff member in charge of the trip holds a valid youth camp trip leader permit. [PL 2009, c. 211, Pt. B, §12 (AMD).]

[PL 2009, c. 211, Pt. B, §12 (AMD).]

1-A. Prohibition. A person may not conduct trip camping under subsection 1 without a youth camp trip leader permit issued under this section. Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2009, c. 211, Pt. B, §12 (AMD).]

2. Application. A person wishing a youth camp trip leader permit must submit an application on forms provided by the commissioner and pay the application fee.
[PL 2009, c. 211, Pt. B, §12 (AMD).]

3. Qualifications. To qualify initially for a youth camp trip leader permit, an applicant must:

A. Show successful completion of an approved youth camp trip leader safety course or complete an application provided by the commissioner outlining in detail the applicant's experience and training as a youth camp trip leader; and [PL 2009, c. 211, Pt. B, §12 (AMD).]

B. Meet any other requirements established by rule by the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2009, c. 211, Pt. B, §12 (AMD).]

4. Special waiver. Waiver of the course requirement by the commissioner on the basis of the applicant's experience and payment of the application fee qualifies the applicant for a youth camp trip leader permit.
[PL 2009, c. 211, Pt. B, §12 (AMD).]

5. Curriculum. The commissioner shall review and adopt a youth camp trip leader safety course curriculum that includes, but is not limited to:

A. Training in first aid; [PL 2009, c. 652, Pt. A, §16 (RPR).]

B. Training in water safety, including lifesaving techniques as appropriate; and [PL 2009, c. 652, Pt. A, §16 (RPR).]

C. Youth camp trip leader qualifications and required experience for the special waiver procedure in subsection 4. [PL 2009, c. 652, Pt. A, §16 (RPR).]

The commissioner shall publish the curriculum and a current list of courses, with the approved curriculum, by name and address.
[PL 2009, c. 652, Pt. A, §16 (RPR).]

6. Fee. The initial qualifying fee for a youth camp trip leader permit is $20. The permit may be renewed upon payment of $15 if requirements of the department are met.
[PL 2009, c. 211, Pt. B, §12 (AMD).]

7. Enforcement. Wardens of the department, the rangers of the Bureau of Forestry and rangers of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands may enforce this section and may terminate any trip that is considered unsafe or in violation of this section. The commissioner shall adopt standards for what is considered an unsafe trip. The commissioner shall consider previous violations of this section when issuing or reissuing youth camp trip leader permits.
[PL 2009, c. 211, Pt. B, §12 (AMD); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §§23, 24 (REV).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B319 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 12, §III31 (AMD). PL 2009, c. 211, Pt. B, §12 (AMD). PL 2009, c. 369, Pt. A, §28 (AMD). PL 2009, c. 652, Pt. A, §16 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §§23, 24 (REV).

§12861. Transportation of guide's clients by unlicensed person

(REPEALED)

SECTION HISTORY

PL 2007, c. 532, §1 (NEW). PL 2009, c. 598, §1 (AMD). MRSA T. 12 §12861, sub-§3 (RP).

§12862. Retrieval of wounded or killed bear, deer or moose after hours

Notwithstanding sections 11205, 11206 and 11111, the commissioner may authorize a person licensed to guide hunters under section 12853 whose client during a guided hunt wounds or kills a bear, deer or moose to track and dispatch that animal outside of legal hunting hours. A licensed guide authorized to track a wounded animal pursuant to this section may use one leashed dog for tracking purposes. The commissioner may place conditions and restrictions on tracking activities conducted pursuant to this section to ensure its proper administration and the humane treatment of a wounded animal. [PL 2015, c. 90, §5 (NEW).]

SECTION HISTORY

PL 2015, c. 90, §5 (NEW).

CHAPTER 929

WHITEWATER RAFTING

§12901. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Affiliated group.
[PL 2013, c. 245, §1 (RP).]

2. Affiliated outfitter.

[PL 2013, c. 245, §2 (RP).]

3. Allocation. "Allocation" means the privilege of taking a specified number of passengers per day on whitewater trips on a particular river, as specified annually.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Commercial. "Commercial" means for financial compensation or other remuneration.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Commercial whitewater outfitter; outfitter. "Commercial whitewater outfitter" or "outfitter" means a person who collects dues or fees or receives any form of compensation for arranging or providing whitewater rafting trips or for operating a whitewater rafting organization. A commercial whitewater outfitter license does not authorize the holder to guide whitewater rafting trips unless that person also holds a valid whitewater guide's license.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §321 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Demonstrated use. "Demonstrated use" means for a given outfitter for a given river the average number of passengers carried on the 10 Saturdays or Sundays with greatest use during the year.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Financial interest. "Financial interest" means any voting or nonvoting security, partnership interest whether limited or general, trust interest, joint venture interest or any other beneficial interest in any form of business association.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Person. "Person" means an individual, corporation, business trust, estate, trust, partnership or association, 2 or more persons having a joint or common interest, or any other legal or commercial entity.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

9. Rapidly flowing river. "Rapidly flowing river" means a river or stretch of a river with rapids classified as class IV or higher by the department according to the International River Classification System or a river or stretch of a river designated by the department by rule on the basis of public safety, including, but not limited to, the Kennebec River between Harris Station and West Forks and the West Branch Penobscot River between McKay Station and Pockwockamus Falls.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

10. Whitewater craft. "Whitewater craft" means any raft, dory, bateau or similar watercraft that is used to transport passengers along rapidly flowing rivers but does not include canoes or kayaks.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

11. Whitewater guide. "Whitewater guide" means a person who receives any remuneration from a commercial whitewater outfitter for accompanying, assisting or instructing clients of that commercial whitewater outfitter on the river on whitewater trips and who holds a current whitewater guide's license.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §322 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

12. Whitewater trip. "Whitewater trip" means a commercial effort to transport passengers by means of a whitewater craft on rapidly flowing rivers, except commercial efforts by guides licensed under section 12853 to transport clients by means of a whitewater craft on rapidly flowing rivers while principally engaged in fishing.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B320-322 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2013, c. 245, §§1, 2 (AMD).

§12902. Legislative findings

The Legislature finds that the recreational use of watercraft on rapidly flowing rivers in this State has become an increasingly popular sport. Many members of the public rely on commercial whitewater outfitters to provide safe and enjoyable trips on these rivers. This sport may pose significant risks to the users of these rivers if outfitters are not skilled and knowledgeable in the navigation of those rivers and are not properly regulated. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The Legislature further finds that increased use of the State's rapidly flowing rivers has increased the environmental, physical and social burdens on that resource. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The Legislature further finds that it is in the public interest for the State, as trustee of the public waters, to regulate commercial whitewater rafting, pursuant to: the State's authority to protect the health, safety and welfare of its citizens; the State's authority to protect its natural resources or rapidly flowing rivers; and the State's authority over the care, supervision and protection of navigation. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The Legislature further finds that, in exercising this authority, it is in the public interest for the State to adopt measures to ensure the competence of commercial whitewater outfitters; to adopt recreational use limits; and to allocate the privilege of commercial use where necessary to meet the objectives and goals of this chapter. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The Legislature further finds that it is in the public interest to allow stable, well-qualified outfitters who are providing excellent service and meeting the conditions of their allocations to continue to do so, subject to periodic review. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12903. River management objectives

The following objectives are established for management of rapidly flowing rivers for the benefit of the people of the State: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Safety and health requirements. To ensure that safety and health requirements are met by all river users;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Minimize environmental impact. To minimize environmental impact on the rivers and the river corridors, including access roads;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Recreational use. To allow a reasonable level of recreational use;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Quality wilderness experience. To maintain a quality wilderness experience on the rivers;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Multiple uses. To minimize conflicts between different uses of the rivers in order to allow for multiple use;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Diversity of whitewater experiences and services. To encourage a diversity of whitewater trip experiences and services;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. River use and impact. To monitor river use and its impact;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Communication. To encourage open communication with all river users, both groups and individuals, on river management matters; and
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

9. System of allocating river use. To provide a system of allocating river use that is simple and fair and that meets the specific goals of section 12913.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12904. Exceptions

This chapter does not apply to the operation of canoes or kayaks. This chapter does not apply to guides or youth camp trip leaders licensed under chapter 927 or motorboat operators licensed under chapter 935, unless those persons are in the business of conducting commercial whitewater trips. [PL 2011, c. 253, §35 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2009, c. 211, Pt. B, §13 (AMD). PL 2011, c. 253, §35 (AMD).

§12905. General penalty

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B323 (RP). PL 2003, c. 655, §B422 (AFF).

§12906. Rule violations; whitewater rafting

The following penalties apply to violations of rules regulating commercial whitewater rafting. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §324 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Civil. Notwithstanding section 10650, a person who violates a rule regulating commercial whitewater rafting commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2003, c. 655, Pt. B, §324 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Criminal. A person who violates a rule regulating commercial whitewater rafting 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.
[PL 2003, c. 655, Pt. B, §324 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B324 (RPR). PL 2003, c. 655, §B422 (AFF).

§12907. Commercial whitewater outfitters; license and requirements

1. Requirement. Every commercial whitewater outfitter must have a commercial whitewater outfitter's license. An outfitter may not operate a commercial whitewater trip without a license. A person who violates this subsection commits a Class E crime.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Issuance; term. The commissioner may issue a commercial whitewater outfitter's license to conduct commercial whitewater trips. A license is issued for the calendar year.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2-A. Number of licenses. A commercial whitewater outfitter is allowed to possess up to 3 commercial whitewater outfitter's licenses on allocated rivers.
[PL 2013, c. 245, §3 (NEW).]

3. Insurance requirements. An outfitter shall carry liability insurance, in the minimum amounts established by the department by rule, covering the operation of whitewater trips and motor vehicles carrying passengers. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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. [PL 2003, c. 655, Pt. B, §325 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §325 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §325 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Fee. The annual basic fee for a commercial whitewater outfitter's license must be set by the department and adjusted biennially by rule to reflect the actual cost of administering the license program. The fee for reissuance of a license is equal to the annual basic fee for a license.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Nonrenewal, suspension or revocation. A commercial whitewater outfitter's license is subject to nonrenewal, suspension or revocation for good cause shown, including, but not limited to, unsafe

practices, falsifications of reports or serious or continued violation of this chapter, subject to Title 5, chapter 375.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Sale of business; license. The following provisions govern the sale of an outfitter's business and treatment of the outfitter's license.

A. When a licensed outfitter's business is sold, the outfitter shall return the outfitter's commercial whitewater outfitter's license to the department.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §326 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. On application, the license must be reissued to the purchaser, as long as the purchaser meets the licensing requirements of the department and pays the license fee. [PL 2003, c. 655, Pt. B, §326 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. A person may not profit on the return and reissuance of the license itself, but nothing in this chapter may be construed to prohibit profit on the sale of any of the assets of a business.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §326 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. The license is not an asset and is not transferable as part of a sale or transaction. [PL 2003, c. 655, Pt. B, §326 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. The department may require an affidavit from the purchaser to aid in enforcement of this subsection. [PL 2003, c. 655, Pt. B, §326 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §326 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Sale of business; allocations. The following provisions govern the sale of an outfitter's business and the treatment of allocations.

A. When a licensed outfitter's business is sold, the selling outfitter shall return to the department the selling outfitter's allocations or portions of the allocations subject to the sale.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §326 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. An outfitter who purchases the business of another outfitter whose commercial whitewater outfitter's license has been returned to the department as provided in subsection 6 has 60 days from the date of sale to submit an affidavit applying for the selling outfitter's allocation, ensuring that the level and quality of services of the selling outfitter will be maintained. On application to the department, allocations may be reissued to the purchaser, as long as the purchaser meets the licensing and allocation requirements of the department and pays the license and allocation fees. [PL 2003, c. 655, Pt. B, §326 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. The allocations are not assets of a business. Allocations or portions of the allocations may be transferred, pursuant to this chapter, from a selling outfitter to one or more purchasers only if the selling outfitter's allocations or portions of the allocations subject to the sale are returned to the department. [PL 2003, c. 655, Pt. B, §326 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. An outfitter may not receive more than the maximum allocations allowed under section 12913, subsection 3. [PL 2003, c. 655, Pt. B, §326 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. When allocations are forfeited or when new allocations become available as a result of increases in the commercial use limits on an allocated river, the department shall sell those allocations at public auction to qualified recipients. Net proceeds from the sale of allocations must be paid to the Whitewater Rafting Fund established under section 10259. [PL 2003, c. 655, Pt. B, §326 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §326 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

8. Affiliated outfitters.

[PL 2013, c. 245, §4 (RP).]

9. Limitation. This chapter does not revoke any right of passage or access created by statute, contract or operation of law or as creating any such right for any outfitter or any associates or customers of any outfitter upon the project or project works of any licensee of the Federal Energy Regulatory Commission, as the terms "project" and "project works" are defined in United States Code, Title 16, Section 796 (11) and (12), respectively.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §327 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B325-327 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2013, c. 245, §§3, 4 (AMD).

§12908. Noncommercial organization that collects dues or fees

Notwithstanding section 12901, subsection 5, an organization that collects dues or fees may conduct rafting trips on rapidly flowing rivers without obtaining a commercial whitewater outfitter's license if the commissioner determines under this section that the organization is a noncommercial organization. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §328 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Tax-exempt nonprofit corporation formed before March 1, 1996. An organization is a "noncommercial organization" if the commissioner determines that the organization is a nonprofit corporation incorporated before March 1, 1996, including any council, troop or other organized local group affiliated with the corporation, that collects dues or fees from its members and for which conducting whitewater rafting is incidental to the purpose of the corporation. The organization wishing to conduct a rafting trip on a rapidly flowing river without a commercial whitewater outfitter's license under this subsection shall file a written request with the commissioner at least 15 days before conducting that trip. The request must include the name of the organization conducting the trip and the time, location and number of persons participating in the trip. The commissioner may request any additional information from the organization necessary to make a determination under this subsection.

A. Notwithstanding any other provision of this section, a council, troop or other organized local group affiliated with the corporation may not conduct more than 2 whitewater rafting trips in any one calendar year without obtaining a commercial whitewater outfitter's license.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §328 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §328 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Noncommercial whitewater rafting club. An organization is a "noncommercial organization" if the commissioner determines that the organization is a qualifying noncommercial whitewater rafting club. A "qualifying noncommercial whitewater rafting club" is a group that collects dues or fees from its members and that the commissioner determines to be organized solely to provide noncommercial whitewater rafting opportunities to its members. To be considered under this subsection, a club must provide to the commissioner the following information before January 1st of each year:

A. A list that includes the name, legal residence and home telephone number of each dues-paying member of the club. That list must identify a member as the president of the club and must identify any other officers or board members of the club. A commercial whitewater outfitter or a licensed whitewater guide is ineligible to be an officer or a board member of the club. The commissioner may not accept more than one amended membership list from a club between April 1st and November 1st; [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §328 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A statement signed by all board members, if any, and all officers of the club swearing that:

(1) The sole purpose of the club is to provide noncommercial whitewater rafting opportunities to its members;

(2) No member of the club, including officers and board members, receives any form of compensation from the club at any time, either while a member of the club or afterwards;

(3) The club will use its own rafting equipment, and all fees or dues collected from club members are used only to provide insurance and to purchase and maintain rafting equipment for use solely by the club; and

(4) The club will not employ or otherwise compensate any person for any service relating to rafting or accept any gifts of products or services from any commercial whitewater outfitter or licensed whitewater guide; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Any other information the commissioner determines necessary. If the club is an incorporated entity, the commissioner shall require the club to submit a copy of the club's articles of incorporation. The commissioner may not consider any incorporated entity other than a tax-exempt, nonprofit corporation as a noncommercial whitewater rafting club. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §328 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Limits placed by commissioner. When authorizing a noncommercial organization under this section to conduct whitewater rafting trips without a commercial license, the commissioner shall, when the commissioner determines necessary, place limits on that organization's whitewater rafting activities, including limits on the time and location of rafting activities, the number of persons that may participate in those rafting activities and the safety equipment required for rafting trips.

A. A person who violates limits imposed under this subsection commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §328 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates limits imposed under 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. [PL 2003, c. 655, Pt. B, §328 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §328 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Rejection of request. The commissioner may reject a request under this section if the commissioner determines that granting the request would conflict with the river management objectives set forth in section 12903.

[PL 2003, c. 655, Pt. B, §328 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B328 (AMD). PL 2003, c. 655, §B422 (AFF).

§12909. Whitewater guide license

1. Eligibility. A person may not act as a whitewater guide unless that person is 18 years of age or older and has procured a license from the commissioner pursuant to this section.

A. A person who violates this subsection commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed. [PL 2003, c. 655, Pt. B, §329 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §329 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Rules. The commissioner shall by rule establish the requirements for a whitewater guide's license.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Examination. All initial applicants for a whitewater guide's license are required to pass an examination developed and administered by the commissioner.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Fee. The fee for an examination is $100 and is not refundable. An applicant may retake the examination once without paying an additional examination fee. A whitewater guide's license is a 3-year license. The fee for a whitewater guide's license is $89.

[PL 2005, c. 12, Pt. III, §32 (AMD).]

5. Renewal. A whitewater guide whose license is not suspended or revoked may renew that license upon the payment of the license fee. An examination is required for any person who has not held a valid whitewater guide's license within the previous 3 years.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Nonrenewal, suspension or revocation. A whitewater guide's license is subject to nonrenewal, suspension or revocation for good cause shown, including, but not limited to, unsafe practices, falsification of reports or serious or continued violation of this chapter, subject to Title 5, chapter 375.

[PL 2003, c. 655, Pt. B, §330 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B329,330 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III32 (AMD).

§12910. Safety; order of launch; safety committee

1. Whitewater trip safety restrictions. The commissioner shall by rule establish safety restrictions for whitewater trips. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A person who violates safety restrictions established pursuant to this subsection commits a Class E crime.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §331 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Order of launch. Launch order of commercial whitewater outfitters on a particular river or portion of river may be determined and enforced by the department to protect public health and safety. The department shall provide for the outfitters to choose, in the order of their first documented dates of continuous commercial operation on the particular river or portion of river, their preferred launch positions. To facilitate that determination, each outfitter shall submit a sworn affidavit to the department stating the date the outfitter first began continuous commercial operation.

A. A commercial whitewater outfitter shall comply with any order of launch established by the department under this subsection. [PL 2003, c. 655, Pt. B, §332 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §332 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §332 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Whitewater Safety Committee.

[PL 2007, c. 651, §15 (RP).]

4. Safety reports.

[PL 2007, c. 651, §16 (RP).]

5. Penalties.

[PL 2007, c. 651, §17 (RP).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B331-334 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 651, §§15-17 (AMD).

§12911. Recreational use limits

1. Findings and goals. Increased use has resulted in increased environmental impact on the Kennebec River and the West Branch Penobscot River, as well as on their valleys, nearby roads and the social structure of the areas. Recreational use limits are necessary to allow for rafting use and other competing uses, such as fishing, camping and canoeing, while minimizing detrimental impacts and maintaining the opportunity for a quality wilderness experience for rafters and for other users.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Kennebec River. The recreational use limit on the Kennebec River between Harris Station and West Forks is 1,000 commercial passengers per day. Noncommercial recreational use is not limited.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. West Branch Penobscot River. The recreational use limit of the West Branch Penobscot River between McKay Station and Pockwockamus Falls is 560 commercial passengers per day. Noncommercial recreational use is not limited.

A. In order to allow free time for other uses, a person may not conduct a whitewater trip on the West Branch Penobscot River between McKay Station and Pockwockamus Falls between 5:00 p.m. and 8:30 a.m. [PL 2003, c. 655, Pt. B, §335 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §335 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §335 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B335 (AMD). PL 2003, c. 655, §B422 (AFF).

§12912. Rapidly flowing rivers

1. User fee. This subsection applies to the payment of user fees by outfitters carrying passengers on rapidly flowing rivers.

A. Each outfitter shall:

(1) Pay a user fee of $2 per passenger, excluding guides, carried by the outfitter on any whitewater trip; and

(2) Pay this fee by the 30th day of the month following the month in which the passengers were carried. [PL 2009, c. 213, Pt. OO, §12 (AMD).]

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. [PL 2003, c. 655, Pt. B, §336 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2009, c. 213, Pt. OO, §12 (AMD).]

2. Reporting. This subsection applies to the submission of monthly reports by outfitters carrying passengers on rapidly flowing rivers.

A. Each outfitter shall:

(1) Report monthly to the department the number of passengers carried each day on each rapidly flowing river;

(2) Ensure this report is accurate; and

(3) Submit the report by the 30th day of the month following the month in which the passengers were carried. [PL 2003, c. 655, Pt. B, §336 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §336 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §336 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Passenger limitation. This subsection applies to the carrying of passengers under this section.

A. Except as provided in this subsection, an outfitter may not carry:

(1) On any unallocated rapidly flowing river more than 120 passengers per day; or

(2) On any allocated rapidly flowing river more than 120 passengers per day except on allocated days when a licensed outfitter may carry only up to the number of allocations the outfitter has been allocated. On allocated days, that limit may be exceeded only as provided in section 12913, subsection 2, paragraph A, subparagraph 4. On unallocated days, an outfitter may occasionally carry up to 4 additional passengers to accommodate problems in booking. Abuse of the privilege to carry 4 additional passengers results in its loss for a period to be determined by the commissioner. [PL 2013, c. 245, §5 (AMD).]

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. [PL 2003, c. 655, Pt. B, §336 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2013, c. 245, §5 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B336 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 213, Pt. OO, §12 (AMD). PL 2013, c. 245, §5 (AMD).

§12913. Allocation system

1. Goals. The goals of the allocation system are:

A. To encourage a wide diversity of whitewater trip experiences and services; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. To provide a fair distribution of river use among existing and future users; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. To maximize competition within the recreational use limits; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. To allow for reasonable business stability for outfitters by allowing stable, well-qualified outfitters who are providing excellent service and meeting the conditions of their allocations to continue to do so, subject to periodic review; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. To encourage efficient use of the allocation system; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. To be flexible enough to adapt to changes in river use or river conditions; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. To prevent evasion of the system; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

H. To provide opportunity for public access. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Allocation required. This subsection governs commercial whitewater trips on rivers subject to allocation requirements.

A. Except as provided in this paragraph, a person may not operate a commercial whitewater trip on the Kennebec River between Harris Station and West Forks or on the West Branch Penobscot River between McKay Station and Pockwockamus Falls without an allocation or in excess of an allocation on any day for which allocations are established under this subsection or by the department by rule.

(1) Allocations are not established and are not required for other rivers or for other stretches of the Kennebec River or the West Branch Penobscot River.

(2) Allocations are required for Saturdays on the Kennebec River between Harris Station and West Forks for the period of July 1st to August 31st. Allocations are required for Saturdays on the West Branch Penobscot River between McKay Station and Pockwockamus Falls for the period of July 1st to August 31st. The commissioner may adopt rules establishing allocations for Sundays for the period of July 1st to August 31st. If the department determines that the recreational use limit will be reached on other days, the department shall provide by rule for allocations. Rules adopted under this subparagraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

(3-A) Under extenuating circumstances as determined by the commissioner, the commissioner may allow the emergency transfer of a commercial whitewater rafting trip from a rapidly flowing river to another rapidly flowing river as long as sufficient water is available in the river to which the commercial whitewater rafting trip is to be transferred. Notwithstanding subsection 3, the commissioner may allow the recreational use limits to be exceeded pursuant to this subparagraph. Under no circumstances is a transfer of a whitewater rafting trip allowed to the West Branch Penobscot River. The department shall report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding the implementation of this subparagraph. A transfer authorized under this subparagraph is not restricted to an outfitter holding an allocation.

(4) An outfitter may occasionally exceed the allocation by 2 passengers on a trip of up to 40 passengers, or 4 passengers on a trip of more than 40 passengers, to accommodate problems in booking, as long as the average of the number of passengers carried on an outfitter's 10 best allocated days for each river and for each allocated day of the week does not exceed the outfitter's allocation for that river and day. Abuse by an outfitter of the privilege to carry additional passengers results in the loss of the privilege for a period to be determined by the commissioner.

(6) The following penalties apply to violations of this paragraph.

(a) A person who violates this paragraph 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 paragraph 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. [PL 2013, c. 245, §6 (AMD).]

B. [PL 2013, c. 245, §6 (RP).]

C. [PL 2013, c. 245, §6 (RP).]

[PL 2013, c. 245, §6 (AMD).]

3. Allocations, maximum, minimum. The department may allocate the privilege to conduct whitewater trips to licensed outfitters. The maximum allocation for an outfitter is 120 passengers per river per day. The minimum allocation to be awarded is 10 passengers per day on the Kennebec River and 16 passengers per day on the West Branch Penobscot River. The department is not authorized to issue a total number of allocations for an allocated day that exceeds the recreational use limits established in section 12911. The department may declare a day to be an allocated day when the department determines that the regular and persistent use of the river on that day from year to year may exceed the recreational use limits for that day.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §338 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Conditions for holding allocations. Allocations are a privilege extended by the State for the use of a limited public resource. The department may suspend, revoke or reduce the number of allocations when it is advisable to do so for better management of the resource or for protection of public safety and welfare. An outfitter's allocations are subject to forfeiture or suspension by the department if the outfitter fails to maintain the conditions of its license, fails to continue using its allocations productively or fails to maintain a quality of service consistent with the public interest.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Allocation criteria; reports. The department may adopt rules specifying a schedule for reviewing outfitters who hold allocations and setting forth the criteria for awarding allocations. If the department determines that additional allocated days are required, the allocation of trips on any such additional day must be distributed among existing licensed outfitters, upon payment of the appropriate allocation fee, in accordance with their percentage of total use averaged over the rafting season on that rapidly flowing river on that particular day, up to the limit on allocations established in subsection 3. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. An outfitter shall submit on a schedule determined by the department periodic public reports to the department documenting river use for both allocated and unallocated days. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §339 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §339 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Allocation fee. When allocations are required, an outfitter shall pay the department an annual allocation fee of $252 per unit of 20 passengers or less. Additional passengers over each increment of 20 constitute a new unit. The annual allocation fee may be paid in quarterly payments, beginning 30 days after the allocation is awarded. The maximum allocation fee an outfitter may pay is $2,627 annually.

[PL 2005, c. 12, Pt. III, §33 (AMD).]

7. Exceptions.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §340 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

8. Noncommercial whitewater rafting trips; prior registration required.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §340 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Noncommercial whitewater rafting trips; prior registration required. A person without a commercial whitewater outfitter's license using a whitewater craft on any stretch of river for which a specific allocation is required, including days for which an allocation is not required, shall file, prior to launching the craft, a noncommercial trip registration form with the department. The form must state that the person's use of whitewater craft on this river stretch does not constitute a commercial whitewater trip as defined in section 12901 and must be signed by all persons using the craft.

A commercial whitewater outfitter may not use a whitewater craft on any stretch of river for which a specific allocation is required, including days for which an allocation is not required, to carry any person, other than a commercial passenger or commercial whitewater guide, unless the outfitter files a noncommercial passenger registration form with the department before launching the craft. The form must list the persons who are not commercial whitewater guides or commercial passengers, state that the persons listed are not commercial whitewater guides or commercial passengers and be signed by each person listed.

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. [PL 2003, c. 655, Pt. B, §341 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §341 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §341 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B337-341 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III33 (AMD). PL 2009, c. 340, §17 (AMD). PL 2011, c. 68, §1 (AMD). PL 2013, c. 245, §6 (AMD).

CHAPTER 931

TAXIDERMISTS AND HIDE DEALERS

§12951. Rule violations; taxidermy

The following penalties apply to violations of rules regulating taxidermy. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §342 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Civil. Notwithstanding section 10650, a person who violates a rule regulating taxidermy commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §342 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Criminal. A person who violates a rule regulating taxidermy 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.

[PL 2003, c. 655, Pt. B, §342 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B342 (RPR). PL 2003, c. 655, §B422 (AFF).

§12952. Taxidermy; general provisions

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

A. "Board" means the Advisory Board for the Licensing of Taxidermists established by Title 5, section 12004-I, subsection 23-A. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Permitted activities. The holder of a taxidermist license may:

A. Possess, at the licensee's place of business, lawfully acquired fish or wildlife specimens for the sole purpose of preparing and mounting them, including skull mounts; [PL 2013, c. 408, §22 (AMD).]

B. Transport lawfully acquired fish and wildlife specimens to and from the licensee's place of business; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Sell lawfully acquired specimens of fish and wildlife that have been preserved through the art of taxidermy if that sale does not violate regulations of the federal Migratory Bird Treaty Act or other federal regulations; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Designate others to aid or assist in conducting business at the licensee's place of business; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Buy, sell or barter raw, untanned hides or heads of wild animals. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2013, c. 408, §22 (AMD).]

2-A. Record-keeping requirements. The following provisions apply to keeping and filing records.

A. The holder of a taxidermist license shall:

(1) Keep a true and complete record, in such form as required by the commissioner, of all activities conducted by virtue of the taxidermist license;

(2) File a copy of the record with the commissioner no later than 10 days after the end of the year during which the license is valid; and

(3) Retain a record of taxidermy work completed for a period of 4 years after the date of completion of the work. [PL 2015, c. 301, §41 (AMD).]

B. 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 $100 nor more than $500 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.

Each day a person violates this subsection is a separate offense. [PL 2003, c. 655, Pt. B, §343 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2015, c. 301, §41 (AMD).]

3. Records inspection. Records retained under subsection 2-A must be open for inspection by any agent of the commissioner during normal business hours for the period the person holds a taxidermist license and 30 days after the effective date of a revocation or the expiration of that license. [PL 2015, c. 301, §42 (AMD).]

4. Competency standards. The commissioner shall establish standards of competency for the practice of taxidermy and shall provide a copy of these standards to each applicant for a taxidermy license.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Rules. The commissioner may, pursuant to the Maine Administrative Procedure Act, adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §345 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B343-345 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2013, c. 408, §22 (AMD). PL 2015, c. 301, §§41, 42 (AMD).

§12953. Licensure

1. License required. In order to safeguard the life, health and welfare of the people of this State, a person may not practice the art of taxidermy for commercial purposes unless that person holds a valid taxidermist license as provided in this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. License qualifications. To be eligible for a taxidermist license issued pursuant to this section, an applicant must:

A. Satisfactorily pass a taxidermy examination, as prescribed by the commissioner by rule; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Demonstrate trustworthiness and competence to practice the art of taxidermy in such a manner, as prescribed by the commissioner by rule, as to safeguard the interests of the public. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. License application. An applicant for a license must submit a written application to the commissioner on a form prescribed by the commissioner. The commissioner may require an applicant who has previously held a taxidermist license to provide a notarized statement indicating that the person has not failed to provide services to a customer as promised through a contractual agreement with that customer.

A. The application must contain satisfactory evidence of the qualifications required of the applicant under this section and must be sworn to by the applicant. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Failure or refusal to provide information requested on the application form is sufficient grounds for the commissioner to reject the application. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The application must be accompanied by a nonrefundable fee of $50. [PL 2015, c. 281, Pt. F, §1 (AMD).]

D. Within 10 working days of receipt of an application for a taxidermist license, the commissioner shall notify the applicant as to the acceptability of the application and shall provide the applicant with notice at least 2 weeks prior to any examination required under this section. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2015, c. 281, Pt. F, §1 (AMD).]

4. Examination. An applicant for a license shall appear at a time and place designated by the commissioner to be examined by means of written, practical and oral tests as the commissioner determines. The commissioner shall determine the form and content of examinations.
[PL 2017, c. 72, §3 (AMD).]

5. Reexamination. The commissioner may require a taxidermist to be reexamined if the commissioner receives a written complaint and, upon investigation, finds that the taxidermist no longer meets the qualifications to be licensed as a taxidermist. Beginning January 1, 2016, an examination is also required for any person who has not held a valid taxidermist license within the previous 3 years.
[PL 2015, c. 281, Pt. F, §2 (AMD).]

6. License and fee. License applicants who successfully meet the qualifications set forth in this section must be issued a license upon payment of a $77 fee for a 3-year license. This fee is in addition to the $50 application fee required for a first-time applicant.
[PL 2017, c. 72, §4 (AMD).]

7. Renewal of license; fees. Licenses issued pursuant to this section expire 3 years from the date of issuance unless revoked sooner. A taxidermist whose license is not suspended or revoked may renew the license every 3 years upon application by the licensee accompanied by a $77 license fee.
[PL 2017, c. 164, §24 (AMD).]

8. Rules. The commissioner may adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 655, Pt. B, §347 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B346,347 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §§III34,35 (AMD). PL 2015, c. 281, Pt. F, §§1-4 (AMD). PL 2017, c. 72, §§3, 4 (AMD). PL 2017, c. 164, §24 (AMD).

§12954. Hide dealer's license

1. License required. Except as provided in subsection 6-A and section 12955, a person may not engage in any activity for which a hide dealer's license may be issued under subsection 2 without a valid hide dealer's license.

Each day a person violates this subsection, that person commits a Class D crime for which a minimum fine of $1,000 and an amount equal to twice the applicable license fee must be imposed.
[PL 2013, c. 333, §5 (AMD).]

2. Issuance. The commissioner may issue a hide dealer's license permitting a person to:

A. Buy, sell, barter or trade any lawfully obtained bear gall bladders, raw unfinished moose antlers or raw unfinished deer antlers; [PL 2013, c. 333, §6 (RPR).]

B. Commercially buy, sell, barter or trade any lawfully obtained raw, untanned animal hides or 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; and [PL 2013, c. 333, §6 (RPR).]

C. Aid or assist another in the activities described in paragraphs A and B. [PL 2013, c. 333, §6 (NEW).]

Parts of wild animals and wild birds bought, sold, bartered or traded under this section 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 section 11217, subsections 1 and 3.

[PL 2013, c. 333, §6 (RPR).]

3. Expiration. All licenses issued under this section are valid for one year commencing July 1st of each year.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Fee. The annual fees for hide dealer licenses are:

A. For a resident hide dealer, $60; and [PL 2005, c. 12, Pt. III, §36 (AMD).]

B. For a nonresident hide dealer, $110. [PL 2005, c. 12, Pt. III, §36 (AMD).]
[PL 2005, c. 12, Pt. III, §36 (AMD).]

4-A. Record-keeping requirements. The following provisions apply to the keeping and filing of records.

A. A licensee shall:

(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 and bear gall bladders; and

(2) File that record with the commissioner on or before June 30th of each year.

All data submitted to the commissioner as part of the record are for scientific purposes only and are confidential and not a public record within the meaning of Title 1, chapter 13, subchapter 1, except that the commissioner may disclose data collected under this paragraph for law enforcement purposes or if the data are released in a form that is statistical or general in nature. [PL 2017, c. 288, Pt. A, §15 (AMD).]

B. 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 $100 nor more than $500 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.

Each day a person violates this subsection is a separate offense. [PL 2003, c. 655, Pt. B, §348 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2017, c. 288, Pt. A, §15 (AMD).]

5. Record inspection. Records retained under subsection 4-A must be open for inspection by the commissioner or the commissioner's agent.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §349 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Exception.

[PL 2013, c. 333, §8 (RP).]

6-A. Exceptions. The following are exceptions to the license requirements in this section.

A. 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. [PL 2013, c. 333, §9 (NEW).]

B. 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. [PL 2013, c. 333, §9 (NEW).]

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 and gallbladder of that animal. [PL 2013, c. 333, §9 (NEW).]

D. A person who has lawfully killed or trapped a fur-bearing animal may sell, without a hide dealer's license, any part of that animal. [PL 2013, c. 333, §9 (NEW).]

E. A person may buy or sell, without a taxidermy license or a hide dealer's license, legally obtained finished wildlife products, including tanned animal hides and finished taxidermy mounts. [PL 2013, c. 333, §9 (NEW).]

F. A person may buy or sell, without a hide dealer's license, naturally shed antlers from deer and moose. [PL 2013, c. 333, §9 (NEW).]

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, 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. [PL 2013, c. 333, §9 (NEW).]

[PL 2013, c. 333, §9 (NEW).]

7. Licensing violation.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §350 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B348-350 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III36 (AMD). PL 2013, c. 333, §§5-9 (AMD). PL 2017, c. 288, Pt. A, §15 (AMD).

§12955. Special hide dealer's license

1. License required. A person may not engage in an activity for which a special hide dealer's license may be issued under subsection 2 without a valid special hide dealer's license unless the person holds a valid license issued under section 12954.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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 sell or barter the heads or untanned hides of deer or moose that are butchered in the license holder's place of business.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Expiration. All licenses issued under this section are valid for a period commencing August 1st and ending December 31st of the year in which the license is issued.
[PL 2005, c. 477, §24 (AMD).]

4. Fee. The annual fee for a special hide dealer's license is $12.
[PL 2005, c. 12, Pt. III, §37 (AMD).]

4-A. Record-keeping requirements. The following provisions apply to the keeping and filing of records.

A. A licensee shall:

(1) Keep a true and complete record, in such form as is required by the commissioner, of all hides bartered or sold; and

(2) Retain records required under this subsection for at least 3 years. [PL 2003, c. 655, Pt. B, §351 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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.

Each day a person violates this subsection is a separate offense. [PL 2003, c. 655, Pt. B, §351 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §351 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Record inspection. Records retained under subsection 4-A must be open for inspection by the commissioner or the commissioner's agent.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §352 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. License violation.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §353 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B351-353 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III37 (AMD). PL 2005, c. 477, §24 (AMD).

SUBPART 6

RECREATIONAL VEHICLES

CHAPTER 933

GENERAL RECREATIONAL VEHICLE PROVISIONS

§13001. Definitions

As used in this subpart, unless the context otherwise indicates, the following terms have the following meanings. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Accompanied by adult. "Accompanied by an adult" means, with respect to operation of an ATV, within visual and voice contact and under the effective control of a child's parent or guardian or another person 21 years of age or older.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Airmobile. "Airmobile" means any vehicle propelled by mechanical power that is designed to travel upon a cushion of air on or within 2 feet of the water or land surface of the earth.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. All-terrain vehicle or ATV. "All-terrain vehicle" or "ATV" means a motor-driven, off-road, recreational vehicle that was originally designed by the manufacturer for and is capable of cross-country travel. "All-terrain vehicle" or "ATV" includes, but is not limited to, a multitrack, multiwheel or low-pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or

wind. For purposes of this subpart, "all-terrain vehicle" or "ATV" does not include a motor vehicle as defined in Title 29-A, section 101, subsection 42.
[PL 2019, c. 204, §1 (AMD).]

4. Alpine tundra. "Alpine tundra" means high-elevation, treeless areas beyond the timberline that are dominated by low herbaceous or shrubby vegetation and, specifically, areas that are designated as alpine tundra by the Department of Agriculture, Conservation and Forestry by rule pursuant to Title 5, chapter 375, subchapter 2.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

5. Antique snowmobile. "Antique snowmobile" means a snowmobile more than 25 years old that is registered as an antique snowmobile under section 13104, subsection 5.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Aquatic plant. "Aquatic plant" means a plant species that requires a permanently flooded freshwater habitat.
[PL 2011, c. 47, §1 (AMD).]

7. Bow. "Bow" means the forward half of a watercraft.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Cowling. "Cowling" means the forward or rear portion of a snowmobile, usually of fiberglass or similar material, surrounding the motor and clutch assembly.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

9. Division. "Division" means the Department of Inland Fisheries and Wildlife, Division of Licensing, Registration and Engineering.
[PL 2009, c. 340, §18 (AMD).]

10. Dwelling. "Dwelling" means any building used as a permanent residence or place of domicile.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

11. Federal waters. "Federal waters" means all waters that are not internal waters and are subject to the jurisdiction of the United States.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

12. Freshwater marshes and bogs. "Freshwater marshes and bogs" means naturally occurring open areas with saturated soils or peat, often associated with standing water and dominated by low herbaceous vegetation, grasses, weeds and shrubs and including wetlands, as shown on the Freshwater Wetlands Map Series, Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey, or zoned as a Wetland Protection Subdistrict, P-WL, by the Maine Land Use Planning Commission.
[PL 2013, c. 405, Pt. C, §12 (AMD).]

13. Internal waters. "Internal waters" means waters under the exclusive jurisdiction of the State.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

14. Invasive aquatic plant. "Invasive aquatic plant" means a species of aquatic plant described in Title 38, section 410-N.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

15. Marina or boat yard owner. "Marina or boat yard owner" means a person who owns a facility that leases storage, docking or mooring space to watercraft.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

16. Motorboat. "Motorboat" means any watercraft, including airmobiles, equipped with propulsion machinery of any type, whether or not the machinery is the principal source of propulsion, is permanently or temporarily attached or is available for propulsion on the watercraft.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

17. Motorboat carrying passengers for hire. "Motorboat carrying passengers for hire" means a motorboat used for the purpose of carrying a person or persons as passengers for valuable consideration, whether directly or indirectly flowing to the owner, charterer, agent or any other person interested in the watercraft.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

18. Operate. "To operate," in all its moods and tenses, means:

A. When it refers to a snowmobile, to use a snowmobile in any manner within the jurisdiction of the State, whether or not the vehicle is under way; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. When it refers to watercraft of any type or description, to use that watercraft in any manner on the waters specified, whether or not the watercraft is under way; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. When it refers to an ATV, to use an ATV in any manner within the jurisdiction of the State, whether or not the vehicle is moving. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

19. Operation. "Operation" means the act of operating as defined in subsection 18.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §354 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

20. Operator. "Operator" means the person who is in control or in charge of a watercraft, snowmobile or ATV while it is in use.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §354 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

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; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. With respect to watercraft, a person who claims lawful possession of the watercraft by virtue of legal title or equitable interest therein that entitles the person to possession; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. For the purposes of registration of an ATV, a person holding title to an ATV. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

22. Passenger. "Passenger" means every person carried on board a watercraft other than:

A. The owner or the owner's representative; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The operator; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Bona fide members of the crew engaged in the business of the watercraft who have not contributed consideration for their carriage and who are paid for their services; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. A guest on board a watercraft that is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for that guest's carriage. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §354 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

23. Personal watercraft. "Personal watercraft" means any motorized watercraft that is 14 feet or less in hull length as manufactured, has as its primary source of propulsion an inboard motor powering a jet pump and is capable of carrying one or more persons in a sitting, standing or kneeling position. "Personal watercraft" includes, but is not limited to, a jet ski, wet bike, surf jet and miniature speedboat. "Personal watercraft" also includes motorized watercraft whose operation is controlled by a water skier. "Personal watercraft" does not include a motorized watercraft that does not have a horsepower rating greater than 15 horsepower and does not generate an unreasonable amount of noise.
[PL 2007, c. 169, §1 (AMD).]

24. Protective headgear. "Protective headgear" means a helmet that conforms with minimum standards of construction and performance as prescribed by the American National Standards Institute specification Z90.1 or by the Federal Motor Vehicle Safety Standard No. 218.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

25. Snowmobile. "Snowmobile" means a vehicle propelled by mechanical power that is primarily designed to travel over ice or snow and is supported in part by skis, belts or cleats. "Snowmobile" does not include a motor vehicle as defined in Title 29-A, section 101.
[PL 2019, c. 452, §9 (AMD).]

26. State of principal use. "State of principal use" means the state on whose waters a watercraft is used or to be used most during a calendar year.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

27. Use. "Use" means, with respect to watercraft, operate, navigate or employ.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

28. Watercraft. "Watercraft" means any type of vessel, boat, canoe or craft capable of being used as a means of transportation on water, other than a seaplane, including motors, electronic and mechanical equipment and other machinery, whether permanently or temporarily attached, that are customarily used in the operations of the watercraft. "Watercraft" does not include a vessel, boat, canoe or craft located and intended to be permanently docked in one location and not used as a means of transportation on water.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

29. Water safety zone. "Water safety zone" means the area of water within 200 feet of shoreline, whether the shoreline of the mainland or of an island.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

30. Waters of this State. "Waters of this State" means all internal waters and all federal waters within the jurisdiction of the State.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B354 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2007, c. 169, §1 (AMD). PL 2009, c. 340, §18 (AMD). PL 2011, c. 47, §1 (AMD). PL 2011, c. 655, Pt. KK, §16 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 657, Pt. W, §5 (REV). PL 2011, c. 682, §38 (REV). PL 2013, c. 405, Pt. C, §12 (AMD). PL 2019, c. 204, §1 (AMD). PL 2019, c. 452, §9 (AMD).

§13002. Collection by commissioner

The commissioner or agents of the commissioner shall act on behalf of the State Tax Assessor to collect the use tax due under Title 36, chapters 211 to 225 in respect to any watercraft, snowmobile or

ATV for which an original registration is required under this Title at the time and place of registration of that watercraft, snowmobile or ATV. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

All taxes collected pursuant to this section must be transmitted forthwith to the Treasurer of State and credited to the General Fund as undedicated revenue. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this section. Those administrative costs must be verified by the Department of Administrative and Financial Services. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

For purposes of this section, "original registration" means any registration other than a renewal of registration by the same owner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§13003. Payment of sales or use tax prerequisite to registration

1. Registration of watercraft. Except in the case of a renewal of registration by the same owner, an application for the registration of a watercraft may not be granted when the sale or use of that watercraft may be subject to tax under Title 36, chapters 211 to 225, unless one of the following conditions has been satisfied:

A. The applicant has submitted a dealer's certificate in a form prescribed by the State Tax Assessor, showing either that the sales tax due in respect to the watercraft in question has been collected by the dealer or that the sale of the watercraft is exempt from or otherwise not subject to tax under Title 36, chapters 211 to 225; [PL 2003, c. 614, §9 (AFF); PL 2003, c. 695, Pt. B, §9 (AMD); PL 2003, c. 695, Pt. C, §1 (AFF).]

B. The applicant has properly executed and signed a use tax certificate in the form and manner prescribed by the State Tax Assessor and paid the amount of tax shown therein to be due; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The applicant has properly executed and signed a use tax certificate in the form and manner prescribed by the State Tax Assessor showing that the sale or use of the watercraft in question is exempt from or otherwise not subject to tax under Title 36, chapters 211 to 225. [PL 2003, c. 695, Pt. B, §9 (AMD); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 695, Pt. B, §9 (AMD); PL 2003, c. 695, Pt. C, §1 (AFF).]

2. Registration of snowmobile or ATV. Prior to registering a snowmobile or ATV, an agent of the commissioner shall collect sales or use tax due. Sales or use tax is due unless:

A. [PL 2015, c. 300, Pt. A, §3 (RP).]

B. The registration is a renewal registration by the same owner; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The applicant possesses a dealer's certificate showing that the sales tax was collected by the dealer. The State Tax Assessor shall prescribe the form of a dealer's certificate; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The snowmobile or ATV is otherwise exempt from sales or use tax under Title 36, section 1760. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 695, Pt. B, §9 (AMD); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2015, c. 300, Pt. A, §3 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 695, §B9 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2013, c. 86, §1 (AMD). PL 2013, c. 86, §5 (AFF). PL 2015, c. 300, Pt. A, §3 (AMD).

§13004. Collection by State Tax Assessor

This section and sections 13002, 13003 and 13005 must be construed as cumulative of other methods prescribed in Title 36 for the collection of the sales or use tax. These sections do not preclude the State Tax Assessor's collecting the tax due in respect to any watercraft, ATV or snowmobile in accordance with such other methods as are prescribed in Title 36 for the collection of the sales or use tax. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §355 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B355 (AMD). PL 2003, c. 655, §B422 (AFF).

§13005. Certificates to be forwarded to State Tax Assessor

An agent of the commissioner shall promptly forward all certificates submitted in accordance with section 13003 to the commissioner. The commissioner shall transmit all such certificates to the State Tax Assessor. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§13006. Impoundment of snowmobiles and ATVs

When a law enforcement officer issues a summons for a violation under chapter 937 or 939, the officer may impound the ATV or snowmobile operated by the person who receives the summons if, in the judgment of the officer, based on actual previous offenses by the operator or other considerations, the operator will continue to operate the ATV or snowmobile in violation of chapter 937 or 939 and that operation may be a hazard to the safety of persons or property. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The operator or owner of a snowmobile or ATV impounded under this section may reclaim the snowmobile or ATV at any time subsequent to 24 hours after the issuance of the summons upon payment of the costs of impoundment to the enforcement agency impounding the snowmobile or ATV. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 935

WATERCRAFT AND AIRMOBILES

§13051. Commissioner's authority to regulate watercraft

It is the Legislature's intent that any rule adopted under this section be in accord with federal regulations that are promulgated under the Federal Boat Safety Act of 1971, Public Law 92-75, as amended. The commissioner, acting jointly with the Commissioner of Marine Resources, may adopt and amend rules under the procedure provided in the Maine Administrative Procedure Act that are not inconsistent with this chapter: [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Administrative procedure. To further establish administrative procedure under this chapter;

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Appointment of watercraft registration agents; fees. Authorizing the commissioner to delegate the authority to issue watercraft registrations, subject to this subsection.

A. The commissioner may appoint municipal clerks or other persons who a municipality may designate as municipal agents to issue watercraft registrations. The commissioner may appoint other agents as necessary to issue watercraft registrations. The commissioner shall determine the period when the agents are authorized to act. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Agents may charge a service fee of $1 for each renewal registration issued and $2 for each registration covered by sections 13002 to 13005. This service fee is retained by the agent. The commissioner shall charge a $1 service fee for each registration issued by department employees. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. An agent is delinquent if that agent fails to forward to the commissioner funds collected by that agent by the date established in rules adopted under this subsection. Failure to remit the funds as provided in this subsection results in the following sanctions, in addition to any other provided by law.

(3) If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one year, the commissioner shall:

(a) Terminate the agency for the balance of the year; and

(b) Order that the agency not be renewed for the next year; [PL 2015, c. 301, §43 (AMD).]

[PL 2015, c. 301, §43 (AMD).]

3. Safe use and operation of watercraft. Governing the use and operation of watercraft upon the waters of the State to insure safety of persons and property;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Safety equipment. Further governing safety equipment for watercraft, including the type, quality and quantity of that equipment;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Horsepower. Governing the horsepower of motors used to propel watercraft on all internal waters of this State. In adopting these rules, the commissioner shall take into consideration the area of the internal waters, the use to which the internal waters are put, the depth of the water and the amount of water-borne traffic upon the waters and determine whether or not the rule is necessary to ensure the safety of persons and property. The adoption of rules under this subsection is governed by the Maine Administrative Procedure Act, except that such rules may be only adopted as a result of a petition from the municipal officers of the municipality or municipalities in which the waters exist or from 25 citizens of the municipalities in which the waters exist, by county commissioners of the county in which the waters exist if they are located in unorganized territory or 25 citizens of the unorganized territory in which the waters exist, requesting the issuance of such a rule for a particular body of internal water and stating the proposed horsepower limitation;
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Restrictions for airmobiles.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §356 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Areas off limits to watercraft. To define areas off limits to all watercraft during time periods critical for wildlife protection.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Rules adopted pursuant to this section must be written in a clear and easy-to-understand format for educational purposes. A summary of rules adopted under subsections 3, 4, 5 and 7 must be distributed with each watercraft registration form together with information on how to prevent water contamination and minimize wildlife disturbance. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §357 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B356,357 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 533, §7 (AMD). PL 2015, c. 301, §43 (AMD).

§13052. Commissioner's powers and duties regarding watercraft

1. Register watercraft. The commissioner shall annually register watercraft and issue certificates, licenses and permits as provided in this chapter.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Promote safety. The commissioner shall promote safety for persons and property in connection with the use and operation of watercraft.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Federal grants. The commissioner may participate in such federal grants in aid as may be forthcoming to the State from the federal Boat Safety Act of 1971, Public Law 92-75, as amended.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Coast Guard report. The commissioner shall make an annual report to the Coast Guard as required under federal law of the certificates of number issued by the commissioner.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Registration list distribution. The commissioner shall distribute a list of registrations issued as follows.

A. When the legal residence of an applicant is a municipality within the State, the commissioner shall mail annually a list of registrations to the tax collector of that municipality. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. When the legal residence of the applicant is outside of the State and the boat is situated within a municipality in the State, the commissioner shall mail annually a list of registrations to the tax collector of that municipality. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. In all other cases, the commissioner shall send a list of registrations annually to the Department of Administrative and Financial Services, Bureau of Revenue Services. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Information to federal officials or agencies. The commissioner shall transmit any information compiled or otherwise available to the commissioner pursuant to sections 13069-A, 13069-B and 13069-C to an authorized official or agency of the United States, in accordance with any request duly made by that official or agency.
[PL 2005, c. 436, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2005, c. 436, §2 (AMD).

§13053. Commissioner's authority to regulate airmobiles

1. Rules. The commissioner shall adopt rules restricting the operation of airmobiles in areas where their use may be harmful. These rules must be adopted in accordance with Title 5, chapter 375 after public hearings in the areas affected. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §358 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Minimum conditions. Rules adopted pursuant to subsection 1 must, at a minimum, establish conditions for the use of airmobiles in fish and wildlife preserves, conservation areas, coastal and inland wetlands and great ponds.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Prohibitions. The commissioner shall prohibit airmobile use wherever it adversely affects fish and wildlife habitat, interferes with the operation of other watercraft, threatens public safety or adversely affects the natural environment.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B358 (AMD). PL 2003, c. 655, §B422 (AFF).

§13054. Rule violations; watercraft

The following penalties apply to violations of rules regarding watercraft. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §359 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Civil. Notwithstanding section 10650, a person who violates a rule regarding watercraft commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2003, c. 655, Pt. B, §359 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Criminal. A person who violates a rule regarding watercraft 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.
[PL 2003, c. 655, Pt. B, §359 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B359 (RPR). PL 2003, c. 655, §B422 (AFF).

§13055. Violation of license, permit or certificate restriction

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B360 (RP). PL 2003, c. 655, §B422 (AFF).

§13056. Certificate of number, identification numbers and validation stickers

1. Prohibition.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §361 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. Operating without certificate of number. Except as provided in paragraph A, a person may not operate or give permission to operate a motorboat requiring a certificate of number without a current certificate of number or a current temporary certificate of number. Only the certificate of number or temporary certificate of number as issued by the commissioner is valid. A facsimile or copy of the certificate is not valid.

A. The certificate of number for a watercraft less than 26 feet in length and leased or rented to another for the latter's noncommercial use may be retained on shore by the owner of the watercraft or the owner's representative at the place where the watercraft departs or returns to the possession of the owner or the owner's representative, as long as the person leasing or renting the watercraft has a copy of the lease or rental agreement that shows the watercraft number thereon and the period of time for which the watercraft is leased or rented and that is signed by the owner or the owner's representative. [PL 2003, c. 655, Pt. B, §361 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $200 nor more than $500 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. [PL 2009, c. 213, Pt. OO, §13 (AMD).]

[PL 2009, c. 213, Pt. OO, §13 (AMD).]

1-B. Operating without identification number and validation stickers. A person may not operate or give permission to operate a motorboat without the identification number and validation stickers, assigned by the commissioner and authorized by this chapter, displayed on each side of the bow in accordance with subsection 12, paragraphs A and B or section 13059, subsection 4.

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. [PL 2003, c. 655, Pt. B, §361 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §361 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §361 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Motorboats requiring. Except as provided in this subsection, the owner of a motorboat, including an airmobile, used on the waters of the State as the state of principal use shall obtain a certificate of number for the motorboat from the commissioner. No certificate of number may be issued unless the owner submits proof that the watercraft excise tax, assessed under Title 36, chapter 112, has been paid or that the boat is exempt from the watercraft excise tax. The following motorboats are exempt from this subsection:

A. A watercraft that has or is required to have a valid marine document as a watercraft of the United States; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A motorboat already covered by a current certificate of number issued under a federally approved numbering system of another state or a federal law, as long as the number so issued is displayed on the motorboat and as long as the motorboat has not been within this State for a period in excess of 60 consecutive days after the state of principal use has been changed; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Military or public watercraft, except recreational type watercraft of the United States; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. A motorboat whose owner is the United States, a state or subdivision thereof that is used for governmental purposes and is clearly identifiable as such; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. A ship's lifeboat; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. A motorboat from a country other than the United States, as long as the motorboat has not been within this State for a period in excess of 60 consecutive days; [PL 2013, c. 408, §23 (AMD).]

G. A motorboat used exclusively for racing purposes that displays on its hull in a prominent manner a valid boat number issued by a recognized racing association; and [PL 2013, c. 408, §24 (AMD).]

H. A motorboat participating in an event as permitted by section 13061. [PL 2013, c. 408, §25 (NEW).]

[PL 2013, c. 408, §§23-25 (AMD).]

3. Other watercraft may be numbered. Nothing in this section prohibits the numbering of any watercraft upon the request of the owner. The owner shall comply with all applicable requirements of this chapter if the owner chooses to number a watercraft.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Application. The owner of a motorboat requiring or of a watercraft for which the owner wishes to request a certificate of number shall make application to the commissioner on forms approved by the commissioner. The application must show the legal residence of the applicant and the place where the watercraft is situated.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Issuance. Upon receipt of the approved application with the proper fee, the commissioner shall enter the application upon the office records and issue the applicant a pocket-sized certificate of number stating:

A. The number assigned to the motorboat; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Its description; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The name and address of the owner; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Such other information as the commissioner deems appropriate. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The holder of any certificate of number issued under this chapter may obtain a duplicate validation sticker from the commissioner upon application and payment of the fee set forth in subsection 8.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Certificate of number; term. A certificate of number is issued to the owner of a watercraft or a dealer for a specific calendar year and is valid through December 31st of the year for which it was issued.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Numbers permanent. A number once awarded under this chapter to a motorboat remains with that boat until the boat is destroyed, abandoned, permanently removed or no longer principally used in this State, except that numbers that have been inactive for at least 7 years may be reissued by the division.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

8. Fees. The fees for each original or renewal certificate of number with 2 validation stickers are set out in this subsection.

A. For a watercraft requiring or whose owner requests a certificate of number and that is equipped with a motor having a manufacturer's horsepower rating of:

(1) Ten horsepower or less, prior to January 1, 2020 the fee is $25 for operating on inland waters of the State and $15 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is $30 for operating on inland waters of the State and $15 for operating only on tidal waters of the State;

(2) Greater than 10 horsepower but not more than 50 horsepower, prior to January 1, 2020 the fee is $30 for operating on inland waters of the State and $20 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is $35 for operating on inland waters of the State and $20 for operating only on tidal waters of the State; and

(3) Greater than 50 horsepower but not more than 115 horsepower, prior to January 1, 2020 the fee is $36 for operating on inland waters of the State and $26 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is $41 for operating on inland waters of the State and $26 for operating only on tidal waters of the State. [PL 2019, c. 264, §3 (AMD).]

B. Prior to January 1, 2020, for a personal watercraft requiring or whose owner requests a certificate of number and watercraft equipped with a motor having a manufacturer's horsepower rating of 115 horsepower or greater, the fee is $44 for operating on inland waters of the State and $34 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this paragraph is $49 for operating on inland waters of the State and $34 for operating only on tidal waters of the State. [PL 2019, c. 264, §4 (AMD).]

C. For a duplicate certificate of number, the fee is $1. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. For a duplicate validation sticker (per set), the fee is $1. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. For a certificate of number issued with transfer of ownership authorized in subsection 10, the fee is $2. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. [PL 2005, c. 12, Pt. III, §38 (RP).]

Validation stickers are nontransferable.

A motorboat that is used for governmental purposes and is owned and operated in the State by the Federal Government, the State or a political subdivision of the State is exempt from registration fees. [PL 2019, c. 264, §§3, 4 (AMD); PL 2019, c. 452, §10 (AMD).]

9. Renewal. The owner may renew the owner's certificate of number at expiration by stating the old number in the owner's application and paying the fee prescribed in subsection 8. The fee is the same fee the owner would pay for the original issuance.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

10. Transfer of ownership. Whoever transfers ownership of a motorboat for which a certificate of number has already been issued under this chapter and applies for a certificate of number for another motorboat is entitled to a new certificate of number upon payment of a transfer fee of $4 as set forth in subsection 8, paragraph E, provided the applicant returns to the commissioner the old certificate of number properly signed and executed, showing that ownership of the motorboat has been transferred.
[PL 2005, c. 12, Pt. III, §38 (AMD).]

11. New ownership. If there is a change of ownership of a motorboat for which a certificate of number has previously been issued under this chapter, the new owner shall apply for a new certificate of number and set forth the original boat number in the application. The new owner shall pay the regular fee for the particular motorboat involved and is not entitled to the special transfer fee set forth in subsection 10.

A. [PL 2005, c. 12, Pt. III, §39 (RP).]
[PL 2005, c. 12, Pt. III, §39 (AMD).]

12. Requirements. The following provisions establish requirements for certificates of number, identification numbers and validation stickers.

A. The operator shall have the certificate of number available for inspection on the motorboat for which it was issued whenever the motorboat is in operation. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A person may not operate or give permission to operate a motorboat unless the identification number and validation stickers assigned by the commissioner and authorized by this chapter are displayed on each side of the bow of the boat in the following manner:

(1) The identification numbers must be painted or permanently attached to the bow and be of a color that is in contrast to the color of the background so as to provide the highest degree of visibility, i.e., dark numbers on a light background or vice versa, and be plainly visible;

(2) The identification number must be displayed in 3 parts. The prefix, which is the initial letters ME, designating the State of Maine, must be separated by a hyphen or space equal to the width of a letter, other than the letter "I," from the numerals that follow it. The suffix, which consists of the ending letter or letters which appear after the numerals, must be likewise separated from the numerals;

(3) The identification number must be displayed to read from left to right, of good proportion, with vertical block character capital letters and Arabic numerals, all of which must be not less than 3 inches in height and maintained in a legible condition at all times;

(4) No number other than the assigned boat number may be displayed on the bow of such a motorboat; and

(5) The validation sticker, as issued by the division, must be displayed approximately 3 inches behind the last letter of the identification number and on a level with the number on both sides of the bow viz.: ME-123-A. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §361 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. The owner of a certificate of number terminated or invalidated under subsection 13 shall return it within 10 days of the termination or invalidation. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The owner of a watercraft that has been issued a certificate of number shall notify the commissioner in writing within 10 days of:

(1) The transfer of all or any part of the owner's interest, other than the creation of a security interest, in the watercraft covered by the certificate;

(2) The permanent removal of the watercraft from the State;

(3) The destruction or abandonment of the watercraft;

(4) The theft or recovery of the watercraft; or

(5) Any change in the owner's address. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Upon sale or transfer of ownership of a registered watercraft, the owner or dealer shall remove and destroy any validation stickers on the craft. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. The person whose name appears on the certificate of number as the owner of a watercraft shall remove the number and validation stickers from the craft when:

(1) The watercraft is documented;

(2) The watercraft is no longer used principally in the State;

(3) The application for a certificate of number contains false or fraudulent statements or information; or

(4) The fees for issuance of a certificate of number are not paid. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §361 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

12-A. Violation of requirements; penalty. The following penalties apply to violations of subsection 12.

A. A person who violates subsection 12 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §361 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 12 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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §361 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §361 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

13. Termination of certificate of number. Under any of the following conditions, the certificate of number issued by the commissioner is terminated or invalidated:

A. Transfer of the watercraft; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Documentation of the watercraft; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Change in state of principal use of the watercraft; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Permanent removal of the watercraft from the State; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Abandonment or destruction of the watercraft; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. False or fraudulent information on the application for the certificate of number; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

G. Failure to pay the required fee for the certificate of number; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

H. Involuntary loss of interest in the watercraft due to legal process. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

The transfer of a partial interest that does not affect the original owner's right to operate the watercraft does not terminate or invalidate the certificate of number.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

RR 2003, c. 1, §9 (COR). RR 2003, c. 1, §10 (AFF). PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B361 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §§III38,39 (AMD). PL 2005, c. 397, §§A55,56 (AFF). PL 2007, c. 44, §§2, 3 (AMD). PL 2009, c. 213, Pt. OO, §§13-15 (AMD). PL 2013, c. 408, §§23-25 (AMD). PL 2019, c. 264, §§3, 4 (AMD). PL 2019, c. 452, §10 (AMD).

§13057. History of ownership

1. Request. The commissioner or the commissioner's designee shall provide on request a written record of the history of past ownership of any watercraft that requires a certificate of number under this chapter. The request must be made on forms provided by the commissioner.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Fee. The fee for providing the record pursuant to subsection 1 is $25 and must be submitted with the request form.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§13058. Lake and river protection sticker required

1. Prohibition. A person exempt from the certificate of number requirement pursuant to section 13056, subsection 2, paragraph B may not place or operate a motorboat, personal watercraft or seaplane on the inland waters of the State unless a valid lake and river protection sticker issued annually under subsection 3 is permanently affixed to:

A. Each side of the bow of a motorboat or personal watercraft above the water line and approximately 3 inches behind the validation sticker required under section 13056; and [PL 2009, c. 213, Pt. OO, §16 (NEW).]

B. Each outside edge of a seaplane's pontoons so that the entire sticker is visible above the water line when the seaplane is resting on the water. [PL 2009, c. 213, Pt. OO, §16 (NEW).]

This sticker is nontransferable.
[PL 2009, c. 213, Pt. OO, §16 (RPR).]

2. Violation. A person who violates subsection 1 is subject to the provisions of this subsection.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 and not more than $250 per violation may be adjudged. A fine imposed under this subsection may not be suspended by the court. [PL 2005, c. 397, Pt. E, §14 (RPR).]

B. A person who violates subsection 1 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. [PL 2005, c. 397, Pt. E, §14 (RPR).]
[PL 2005, c. 397, Pt. E, §14 (RPR).]

2-A. Class E crime. A person who violates subsection 1 after having been adjudicated of having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 627, §2 (NEW).]

3. Nonresident motorboat and personal watercraft lake and river protection sticker and resident and nonresident seaplane lake and river protection sticker; fee. No later than January 1st of each year, the commissioner shall provide the agents authorized to register watercraft or issue licenses with a sufficient quantity of lake and river protection stickers for motorboats and personal watercraft not registered in the State and for all seaplanes, whether or not registered in the State, for that boating season. The sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the bow of a motorboat or personal watercraft or to each outside edge of a seaplane's pontoons. Prior to January 1, 2020, the fee for a sticker issued under this subsection is $20, $1 of which is retained by the agent who sold the sticker. Beginning January 1, 2020, the fee for a sticker issued under this subsection is $35, $1 of which is retained by the agent who sold the sticker. Beginning January 1, 2022, the fee for a sticker issued under this subsection is $45, $1 of which is retained by the agent who sold the sticker.

The remainder of the fee is disposed as follows:

A. Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and [PL 2013, c. 580, §3 (NEW).]

B. Twenty percent must be credited to the Lake and River Protection Fund established within the department under section 10257. [PL 2013, c. 580, §3 (NEW).]

A motorboat, personal watercraft or seaplane owned by the Federal Government, a state government or a municipality is exempt from the fee established in this subsection.
[PL 2019, c. 264, §5 (AMD).]

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.
[PL 2019, c. 638, §3 (NEW).]

The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this section. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §7 (AMD). PL 2003, c. 614, §9 (AFF). PL 2003, c. 627, §§1,2 (AMD). PL 2003, c. 655, §§B362-364 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 397, §§E13,14 (AMD). PL 2005, c. 477, §25 (AMD). PL 2007, c. 44, §§4, 5 (AMD). PL 2009, c. 213, Pt. OO, §§16, 17 (AMD). PL 2013, c. 580, §3 (AMD). PL 2019, c. 264, §5 (AMD). PL 2019, c. 638, §3 (AMD).

§13059. Dealer's certificate of number

1. Application. Notwithstanding section 13056, subsection 2, a manufacturer or dealer of new or used motorboats who has a permanent place of business in this State for the manufacture or sale of motorboats may, instead of obtaining a certificate of number for each motorboat owned by the manufacturer or dealer, make application on forms provided by the commissioner for a dealer's certificate of number.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Issuance. If the manufacturer or dealer making application under subsection 1 satisfies the commissioner that the applicant is qualified for a dealer's certificate of number, the commissioner shall issue the applicant a dealer's certificate of number containing the place of business of the applicant and a general distinguishing number in such form as determined by the commissioner.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Fee. The fee for a dealer's certificate of number is $17 annually from each January 1st.
[PL 2005, c. 12, Pt. III, §40 (AMD).]

4. Restrictions. The dealer or manufacturer who receives a dealer's certificate of number pursuant to this section shall display the number and validation stickers issued under the dealer's certificate of number on a motorboat being demonstrated or tested. The dealer or manufacturer may transfer the number from one motorboat owned by that dealer or manufacturer to another motorboat owned by that dealer or manufacturer by temporarily attaching removable plates on which a dealer's number and validation stickers may be displayed on the bow of any boat covered by the dealer's certificate of number.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §365 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Penalty. The following penalties apply to violations of subsection 4.

A. A person who violates subsection 4 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §366 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 4 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. [PL 2003, c. 655, Pt. B, §366 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §366 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B365,366 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III40 (AMD).

§13060. Temporary registration certificate

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B367,368 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 340, §19 (RPR). PL 2011, c. 533, §8 (RP).

§13060-A. Temporary registration certificate

1. Twenty-day certificate. The commissioner may issue temporary registration certificates to a registered dealer, who may, upon the sale or exchange of a boat, issue a temporary registration certificate to a new owner in order to allow the new owner to operate the boat for a period of 20 consecutive days after the date of sale in lieu of a permanent number as required by this chapter. The fee for each temporary registration certificate is $1.
[PL 2011, c. 533, §9 (NEW).]

2. Penalty. A person who operates a boat with an expired temporary registration certificate commits a civil violation for which a fine of not less than $50 nor more than $250 may be adjudged.
[PL 2011, c. 533, §9 (NEW).]

SECTION HISTORY

PL 2011, c. 533, §9 (NEW).

§13061. Permit to hold regatta, race, boat exhibition or water-ski exhibition

1. Permit required. A person may not hold a regatta, race, boat exhibition or water-ski exhibition without a permit from the commissioner issued under subsection 2.

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. [PL 2003, c. 655, Pt. B, §369 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §369 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §369 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Issuance. The commissioner may issue a permit to a person permitting the person to hold a regatta, race, boat exhibition or water-ski exhibition on any of the internal waters of this State.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Application. The person in charge of a regatta, race, boat exhibition or water-ski exhibition shall request the permit required under subsection 1 from the commissioner at least 15 days prior to the event. The request must be in writing and must set forth the date, time and location of the event. The person in charge of a proposed motorboat race shall send a letter of intent 60 days prior to the event to municipal officers of the municipality or municipalities in which the race will occur. A copy of the letter of intent must be forwarded to the commissioner with the request for a permit to hold any motorboat race.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Requirements. The following requirements apply to permits issued under this section.

A. The person obtaining the permit under subsection 2 shall provide reasonable protection, as prescribed by the commissioner, from water traffic interference and hazards and shall take reasonable precautions to safeguard persons and property. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §369 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. During any event authorized pursuant to subsection 1, the officials conducting it shall conspicuously display one or more orange warning flags of a size not less than 4 feet by 4 feet while the event is in progress. The officials shall remove the warning flag or flags for reasonable periods of time during the event to allow nonparticipating watercraft to pass through the area. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §369 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

4-A. Penalty. The following penalties apply to violations of subsection 4.

A. A person who violates subsection 4 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §370 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 4 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. [PL 2003, c. 655, Pt. B, §370 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §370 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Unlawfully crossing event area. Except in an emergency, an operator of a watercraft may not cross the area of a regatta, race, boat exhibition authorized under subsection 1 or water-ski exhibition when the warning flag required under subsection 4, paragraph B is displayed.

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. [PL 2003, c. 655, Pt. B, §371 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §371 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §371 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B369-371 (AMD). PL 2003, c. 655, §B422 (AFF).

§13062. Certificate of number for motorboats carrying passengers for hire

1. Certificate required. A person may not operate a motorboat carrying passengers for hire without a certificate of number as required under this section.

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. [PL 2003, c. 655, Pt. B, §372 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §372 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §372 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Application. Before a motorboat may carry passengers for hire, the owner of the motorboat shall apply for and obtain from the commissioner a certificate of number authorizing its use for that purpose. This section applies to all motorboats carrying passengers for hire as defined in section 13001, subsection 17, except those subject to federal inspection requirements that have or are required to have a current valid federal inspection certificate on board.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Issuance. Before the certificate of number required under subsection 1 is issued, the owner shall satisfy the commissioner that the boat is safe to operate and will be maintained in safe condition.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Examinations. The commissioner may cause a motorboat carrying passengers for hire to be examined from time to time.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B372 (AMD). PL 2003, c. 655, §B422 (AFF).

§13063. Requirements for operators who carry passengers for hire with motorboat

1. Prohibition. A person may not operate a motorboat carrying passengers for hire without having successfully completed a boater safety education course approved by a national association of state boating law administrators and approved by the commissioner. A person operating a motorboat carrying passengers for hire shall provide proof of having successfully completed a course under this subsection when requested by the commissioner or the commissioner's agent. For purposes of this section, "carrying passengers for hire" means receiving remuneration to carry passengers in a motorboat from one predetermined point to another predetermined point on inland waters.

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. [PL 2003, c. 655, Pt. B, §373 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §373 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2019, c. 324, §3 (AMD).]

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 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. [PL 2019, c. 324, §3 (RP).]

B. [PL 2019, c. 324, §3 (RP).]
[PL 2019, c. 324, §3 (AMD).]

3. Issuance.
[PL 2019, c. 324, §3 (RP).]

4. Fee.
[PL 2019, c. 324, §3 (RP).]

5. Renewal.
[PL 2019, c. 324, §3 (RP).]

6. Expiration.
[PL 2019, c. 324, §3 (RP).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B373 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2019, c. 324, §3 (AMD).

§13064. Certificate of number for motorboats rented or leased

1. Certificate of number required. Before any motorboat is rented or leased, the owner of the motorboat shall obtain a certificate of number from the commissioner under section 13056.
[PL 2003, c. 655, Pt. B, §374 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §374 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §374 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 655, Pt. B, §374 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B374 (RPR). PL 2003, c. 655, §B422 (AFF).

§13065. Personal watercraft rental agent certificate

1. Prohibition. A person may not rent or lease a personal watercraft in violation of this section. This subsection does not apply to:

A. A campground licensed by the Department of Health and Human Services that offers the personal watercraft owned by that campground exclusively for use by campground clientele; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

B. A commercial sporting camp. For the purposes of this subsection, "commercial sporting camp" means a business consisting of primitive lodging facilities that offers the public the opportunity to pursue primitive hunting, fishing, boating or snowmobiling activities; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. A person lawfully engaged in guiding activities under section 12853 who accompanies others on guided trips that include the use of personal watercraft; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. A property owner who offers a person renting or leasing that property the use of a personal watercraft registered to the property owner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §375 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

1-A. Penalty. The following penalties apply to violations of subsection 1.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §376 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §376 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §376 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Registration and issuance. Except as provided in this section, a person or business may not rent or lease a personal watercraft unless that person or business:

A. Registers with the department as a personal watercraft rental agent and is issued a personal watercraft rental and leasing agent certificate from the commissioner; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Obtains a Maine certificate of number for each personal watercraft being offered for rent or lease in the name of the person or business holding a personal watercraft rental and leasing agent certificate; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Provides each person who rents or leases a personal watercraft with written instructions on how to operate the personal watercraft. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Fee. The fee for a personal watercraft rental and leasing agent certificate is $25. The certificate is valid from January 1st to December 31st.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Revocation of certificate. The commissioner may revoke a personal watercraft rental and leasing agent certificate issued pursuant to subsection 2 if the commissioner determines that the certificate holder:

A. Rented or leased a personal watercraft that was unsafe; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Failed to instruct a person intending to rent or lease a personal watercraft on personal watercraft safety. The department shall provide each certificate holder with written materials and instructional guidelines on personal watercraft safety that the certificate holder shall review with each personal watercraft renter or lessor before that person operates that personal watercraft. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B375,376 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 689, §B6 (REV).

§13066. Displaying excise tax decal and maintaining list

1. Failure to display excise tax decal. The owner of a watercraft shall display the excise tax decal, as required by Title 36, chapter 112. In all cases when the owner of a watercraft fails to display

an excise tax decal as required under Title 36, chapter 112, the law enforcement officer discovering the failure shall notify the tax collector of the owner's residence or, in the case of nonresidents, partnerships or corporations, foreign or domestic, the tax collector of the municipality where the watercraft is principally moored, docked or located or has its established base of operations.

A. A person who fails to display an excise tax decal in accordance with this subsection commits a civil violation for which a fine of not less than $25 nor more than $250 may be adjudged, which must be paid to the municipality in which the watercraft is subject to the excise tax. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §377 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who fails to display an excise tax decal in accordance with 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. Any fine imposed as part of the sentencing alternative must be paid to the municipality in which the watercraft is subject to the excise tax. [PL 2003, c. 655, Pt. B, §377 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §377 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Failure to maintain list or make list available. A marina or boatyard owner shall maintain the list required by Title 36, section 1504, subsection 9, and make that list available as required by that section.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $25 nor more than $250 may be adjudged. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §377 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §377 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §377 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B377 (AMD). PL 2003, c. 655, §B422 (AFF).

§13067. Waste water discharge in inland waters

1. Prohibition. A person may not launch a watercraft into or operate a watercraft on inland waters when that watercraft has a marine toilet, shower or sink unless:

A. The waste water from the toilet, shower or sink is fed directly into a holding tank; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The holding tank for sanitary waste water is not in any way connected to any through-hull fittings. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §378 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 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. [PL 2003, c. 655, Pt. B, §378 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §378 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B378 (AMD). PL 2003, c. 655, §B422 (AFF).

§13068. Operating watercraft; prohibitions

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 627, §3 (AMD). PL 2003, c. 655, §B379 (RP). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 397, §E15 (AMD).

§13068-A. Operating watercraft; prohibitions

1. Launching contaminated watercraft. A person may not place a watercraft that is contaminated with an invasive aquatic plant upon the inland waters of the State.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $500 and not more than $5,000 per violation may be adjudged. A fine imposed under this subsection may not be suspended by the court. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Unlawfully permitting operation by another. A person may not permit operation of a watercraft in violation of this subsection.

A. A person violates this subsection if that person owns a watercraft and negligently permits another person to operate that watercraft in violation of this chapter.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person violates this subsection if that person is the parent or guardian responsible for the care of a minor under 18 years of age and the minor operates a personal watercraft in violation of this chapter.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Operating motorboat other than personal watercraft while underage. A person under 12 years of age may not operate a motorboat propelled by machinery of more than 10 horsepower unless under the immediate supervision of a person located in the motorboat who is at least 16 years of age.

This subsection does not apply to operating a personal watercraft.

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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Operating watercraft without proper safety equipment. Except as provided in paragraph B, a person may not operate a watercraft without proper safety equipment as described in paragraph A.

A. A person operates a watercraft without proper safety equipment if the person operates a watercraft and:

(1) Fails to comply with the same requirements pertaining to lights, life-saving devices, fire extinguishers and other safety equipment as required by federal laws and regulations on federal navigable waters, as promulgated under the Federal Boat Safety Act of 1971, Public Law 92-75, as amended;

(2) Fails to comply with requirements pertaining to additional equipment not in conflict with federal navigation laws, which the commissioner may prescribe if there is a demonstrated need;

(3) Fails to wear a Coast Guard approved Type I, Type II or Type III personal flotation device while canoeing or kayaking on the Saco River between Hiram Dam and the Atlantic Ocean between January 1st and June 1st; or

(4) Fails to wear a Coast Guard approved Type I, Type II, Type III or Type V personal flotation device while operating a watercraft on:

(a) The Penobscot River, between the gorge and the head of Big Eddy; or

(b) The Kennebec River, between Harris Station and Turtle Island, at the foot of Black Brook Rapids. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Notwithstanding paragraph A:

(1) Canoes, owned by a youth camp located upon internal waters in the State and duly licensed by the Department of Health and Human Services and utilized by campers under the direction and supervision of a youth camp counselor at least 18 years of age or older during training and instruction periods on waters adjacent to the main location of the youth camp within a distance of 500 feet from the shoreline of that camp, are exempt from this subsection; and

(2) Log rafts, carrying not more than 2 persons and used on ponds or lakes or internal waters of less than 50 acres in area, are exempt from carrying personal flotation devices. [PL 2009, c. 211, Pt. B, §14 (AMD).]

C. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2009, c. 211, Pt. B, §14 (AMD).]

5. Operating watercraft to endanger. A person may not operate any of the following so as to endanger any person or property:

A. Watercraft; [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Water ski; or [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Surfboard or similar device. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this subsection commits a Class E crime.
[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Reckless operation of watercraft. A person may not operate any of the following in such a way as to recklessly create a substantial risk of serious bodily injury to another person:

A. Watercraft; [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Water ski; or [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Surfboard or similar device. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this subsection commits a Class D crime.
[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Operating watercraft at greater than reasonable and prudent speed. A person:

A. May not operate a watercraft except at a reasonable and prudent speed for existing conditions; and [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Shall regulate the speed of a watercraft so as to avoid danger, injury or unnecessary inconvenience in any manner to other watercraft and their occupants, whether anchored or under way; waterfront piers; floats or other property or shorelines, either directly or by the effect of the wash or wave created by the watercraft through its speed, or otherwise. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this subsection commits a Class E crime.
[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

8. Imprudent operation of watercraft. A person may not, while operating a watercraft on the inland or coastal waters of the State, engage in prolonged circling, informal racing, wake jumping or other types of continued and repeated activities that harass another person.

A. This subsection may be enforced by any law enforcement officer or a person may bring a private nuisance action for a violation of this subsection pursuant to Title 17, section 2802. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Operating watercraft to molest wild animals or wild birds. A person may not operate a watercraft so as to pursue, molest, harass, drive or herd any wild animal or wild bird, except as may be permitted during the open season on that animal.

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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

10. Operating motorboat that exceeds noise limits. The following provisions govern noise limits.

A. A person may not operate a motorboat in such a manner as to exceed:

(1) A noise level of 90 decibels when subjected to a stationary sound level test with and without cutouts engaged and as prescribed by the commissioner; or

(2) A noise level of 75 decibels when subjected to an operational test measured with and without cutouts engaged and as prescribed by the commissioner.

As used in this paragraph, "motorboat" does not include an "airboat," which has the same meaning as in paragraph A-1. [PL 2019, c. 662, §1 (AMD).]

A-1. A person may not operate an airboat in such a manner as to exceed noise level limits established by the commissioner by rule. Rules adopted under this paragraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine. [PL 2019, c. 662, §2 (NEW).]

B. 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 $300 nor more than $500 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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. This subsection does not apply to motorboats that are operating in a regatta or race approved by the commissioner under section 13061. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2019, c. 662, §§1, 2 (AMD).]

11. Operating motorboat without muffler. A person may not operate a motorboat that is not equipped at all times with an effective and suitable muffling device on its engine or engines to effectively deaden or muffle the noise of the exhaust, except that motorboats that are operating in a regatta or race approved by the commissioner under section 13061 may use cutouts for these motorboats while on trial runs or competing in speed events, for a period not to exceed 48 hours immediately preceding or following such an authorized event.

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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

12. Tampering with motorboat muffler system. A person may not modify a motorboat muffler system in any way that results in an increase in the decibels of sound emitted by that motorboat.

A. A person who violates this subsection commits a civil violation for which a fine not to exceed $100 may be adjudged. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

13. Headway speed only. The following provisions govern speeds in certain zones.

A. A person may not operate a watercraft at a speed greater than headway speed while within the water safety zone or within a marina or an approved anchorage in coastal or inland waters except:

(1) While actively fishing; or

(2) While picking up or dropping off one or more persons on water skis in the water safety zone if a reasonably direct course is taken through the water safety zone between the point that the skiers are picked up or dropped off and the outer boundary of the water safety zone. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. For the purposes of this subsection, "headway speed" means the minimum speed necessary to maintain steerage and control of the watercraft while the watercraft is moving. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

14. Operating motorboat in bathing areas. The following provisions apply to operating a motorboat in a bathing area.

A. A person may not:

(1) Operate a motorboat within a bathing area marked or buoyed for bathing; or

(2) Operate an airmobile on a beach adjacent to a bathing area marked or buoyed for bathing. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

15. Violation of surface use restriction order. A person may not operate, launch or remove a watercraft at a restricted-access site or refuse inspection of a watercraft in violation of an order issued under Title 38, section 1864.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $500 and not more than $5,000 per violation may be adjudged. A fine imposed under this subsection may not be suspended by the court. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2005, c. 397, Pt. E, §16 (AMD).]

16. Operating motorboat in prohibited or restricted area. The following provisions apply to operating a motorboat in prohibited or restricted areas.

A. A person may not:

(1) Operate a motorboat on that portion of Portage Lake in Township T. 13, R. 6, W.E.L.S., County of Aroostook, known as the Floating Island Area, north and westerly of a line beginning at the eastern edge of the marshy peninsula running out from Hutchinson Ridge, running 50 yards outside of the floating islands in a northerly direction to the mouth of Mosquito Brook;

(2) Operate a motorboat on Quimby Pond in the Town of Rangeley, Franklin County;

(3) Operate a motorboat upon the waters of Jerry Pond, so called, situated within the boundaries, or having a shore line abutting, the incorporated municipality of Millinocket and the unincorporated Townships being T.1, R. 7 and T.A., R. 7, all in Penobscot County;

(4) Operate a motorboat on Upper and Lower Ox Brook Lakes in the Towns of T. 6 ND, T. 6 RI and Talmadge in Washington County;

(5) Operate a motorboat on Little Nesowadnehunk (Sournahunk) Lake, in T. 5, R. 11, Piscataquis County;

(6) Operate a motorboat having more than 10 horsepower on Eagle Lake and Jordan Pond, Mt. Desert Island, Hancock County and Long Pond, T.E. and T. D., Franklin County;

(7) Operate a motorboat on a body of water commonly known as and referred to in the Dunham-Davee Work Plan as Snow's Pond, situated west of Route 7 in the Town of Dover-Foxcroft, Piscataquis County;

(8) Operate a motorboat having more than 6 horsepower on Long Pond, Town of Denmark, Oxford County;

(9) Operate a motorboat on Lily Pond, Edgecomb, Lincoln County;

(10) Operate a motorboat powered by an internal combustion engine on Nokomis Pond, situated in the Towns of Newport and Palmyra, Penobscot County;

(11) Operate a motorboat in Merrymeeting Bay at a speed in excess of 10 miles per hour, except within the confines of the buoyed channels;

(12) Operate a motorboat equipped with an internal combustion engine on the following waters on Mount Desert Island in Hancock County: Witch Hole Pond; Aunt Betty's Pond; Bubble Pond; Round Pond; and Lake Wood;

(13) Operate a motorboat equipped with a motor greater than 10 horsepower on Upper Hadlock Pond or Lower Hadlock Pond on Mount Desert Island in Hancock County;

(14) Operate a personal watercraft in violation of section 685-C, subsection 10 or any rule adopted by the Maine Land Use Planning Commission to implement that subsection;

(15) Operate a watercraft at greater than headway speed on any area of Torsey Lake within 1/2 mile from the boat launch on Desert Pond Road in the Town of Mount Vernon;

(16) Operate a watercraft at greater than headway speed on any area of Torsey Lake within 1/2 mile from the boat launch on Old Kents Hill Road in the Town of Readfield;

(17) Operate a watercraft equipped with a motor greater than 10 horsepower on Cold Rain Pond in the Town of Naples or on Holt Pond in the Town of Naples and the Town of Bridgton;

(18) Operate a watercraft equipped with a motor greater than 5 horsepower on Moose Pond in the Town of Otisfield;

(19) Operate a watercraft at greater than headway speed on any area of Pickerel Pond in the Town of Wayne;

(20) Operate a motorboat having more than 10 horsepower on Middle Branch Pond in the Town of Waterboro in York County;

(21) Operate a motorboat having more than 10 horsepower on Adams Pond, Foster Pond or Otter Pond in the Town of Bridgton in Cumberland County; or

(22) Operate a motorboat having more than 10 horsepower on Pickerel Pond in the territory of T.32 MD in Hancock County. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2011, c. 682, §38 (REV).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2011, c. 682, §38 (REV).]

SECTION HISTORY

PL 2003, c. 655, §B380 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 397, §E16 (AMD). PL 2009, c. 211, Pt. B, §14 (AMD). PL 2011, c. 682, §38 (REV). PL 2019, c. 662, §§1, 2 (AMD).

§13069. Watercraft accident; requirements

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B381 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 436, §3 (RP).

§13069-A. Watercraft accidents involving personal injury or death

The following provisions govern accidents involving watercraft that result in personal injury or death of a person. [PL 2005, c. 436, §4 (NEW).]

1. Law enforcement officer notification. The operator of a watercraft involved in an accident that results in personal injury or death of a person or results in the disappearance of a person indicating death or injury shall immediately report the accident, by the quickest means of communication, to the available law enforcement officer nearest to the place where the accident occurred.

A. The owner of a watercraft who knows that that watercraft was involved in an accident as described in this subsection shall report the accident as provided in this subsection if the operator of the watercraft is unknown. [PL 2005, c. 436, §4 (NEW).]

[PL 2005, c. 436, §4 (NEW).]

2. Provide information to injured party. The operator or a person acting on behalf of the operator of a watercraft involved in an accident shall provide to an injured person or the operator or an occupant of any other watercraft involved in the accident:

A. The operator's name and address; and [PL 2005, c. 436, §4 (NEW).]

B. The registration number of the operator's watercraft. [PL 2005, c. 436, §4 (NEW).]
[PL 2005, c. 436, §4 (NEW).]

3. Render assistance. The operator of a watercraft involved in an accident shall render reasonable assistance to an injured person.
[PL 2005, c. 436, §4 (NEW).]

4. Penalties. A person who violates this section commits a Class E crime.
[PL 2005, c. 436, §4 (NEW).]

5. Aggravated punishment category. Notwithstanding subsection 4, a person who intentionally, knowingly or recklessly fails to comply with this section when the accident resulted in serious bodily injury, as defined in Title 17-A, section 2, subsection 23, or death, commits a Class C crime.
[PL 2005, c. 436, §4 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §4 (NEW).

§13069-B. Watercraft accidents involving property damage

The following provisions govern accidents involving watercraft that result in property damage only.
[PL 2005, c. 436, §4 (NEW).]

1. Provide information. The operator of a watercraft involved in a collision or accident that results in property damage shall provide the owner or operator of that property:

A. The operator's name and address; and [PL 2005, c. 436, §4 (NEW).]

B. The registration number of the operator's watercraft. [PL 2005, c. 436, §4 (NEW).]
[PL 2015, c. 301, §44 (AMD).]

2. Render assistance. The operator of a watercraft involved in an accident shall render reasonable assistance to all persons involved in the accident as far as the operator can without serious damage to the operator's watercraft or serious risk to crew or passengers.
[PL 2005, c. 436, §4 (NEW).]

3. Violation. A person who violates this section commits a Class E crime.
[PL 2005, c. 436, §4 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §4 (NEW). PL 2015, c. 301, §44 (AMD).

§13069-C. Watercraft accident reports

A person shall report a watercraft accident to the commissioner in accordance with this section.
[PL 2005, c. 436, §4 (NEW).]

1. Injury to person. An operator or owner of a watercraft involved in a collision, accident or other casualty while using the watercraft that results in the death of a person, a person's losing consciousness or receiving medical treatment, a person's becoming disabled for more than 24 hours or the disappearence of a person from a watercraft under circumstances indicating death or injury shall file a written report on forms provided by the commissioner containing the information as required by the commissioner within 24 hours of the occurrence.
[PL 2005, c. 436, §4 (NEW).]

2. Damage to watercraft. Accidents involving only damage to watercraft or other property to the estimated amount of $2,000 or more must be reported within 72 hours on forms provided by the commissioner.
[PL 2015, c. 301, §45 (AMD).]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2005, c. 436, §4 (NEW).]

B. A person who violates this section 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. [PL 2005, c. 436, §4 (NEW).]
[PL 2005, c. 436, §4 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §4 (NEW). PL 2015, c. 301, §45 (AMD).

§13070. Operating airmobile

1. No permission given. This chapter does not give license or permission to cross or go on the property of another.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Stop and identify requirement. Persons operating an airmobile upon the land of another shall stop and identify themselves upon the request of the landowner or the landowner's duly authorized representative. A person who violates this subsection commits a Class E crime.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Restrictions. If restrictions on operation are posted on the land of another, a person operating an airmobile shall observe those restrictions.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Operating airmobile upon public way. Except as provided in this subsection, a person may not operate an airmobile upon a public way.

A. Properly registered airmobiles may cross public ways, including bridges, overpasses and underpasses. For crossing public ways, sidewalks and culverts, persons operating airmobiles may travel only the distance necessary, but in no case exceeding 300 yards, for the sole purpose of crossing as directly as possible. For crossing bridges, overpasses and underpasses, persons operating airmobiles may travel only the distance necessary, but in no case exceeding 500 yards, for the sole purpose of crossing as directly as possible. All crossings are subject to the following conditions:

(1) The operator of the airmobile may cross public ways only if the crossing can be made safely and does not interfere with vehicular traffic approaching from either direction;

(2) The operator of the airmobile shall dismount and lead the machine along the extreme right of the traveled way; and

(3) The operator of the airmobile shall yield the right-of-way to all vehicular traffic. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Failing to stop airmobile before entering public way. A person shall bring an airmobile to a complete stop before entering a public way.

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. [PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Failing to yield right-of-way while operating airmobile. A person shall yield the right-of-way to all vehicular traffic while operating an airmobile on a public way.

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. [PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Operating airmobile that exceeds noise limit. Airmobiles are subject to the following noise level limits.

A. Except as provided in this paragraph, a person may not operate an airmobile that exceeds 78 decibels of sound pressure at 50 feet on the "A" scale, as measured by the Society of Automotive Engineers standards J-192. Airmobiles that are operating in a race approved by the commissioner under section 13061 may exceed this maximum noise level. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. A person may not operate an airmobile in such a manner as to exceed:

(1) A noise level of 90 decibels when subjected to a stationary sound level test with and without cutouts engaged and as prescribed by the commissioner; or

(2) A noise level of 75 decibels when subjected to an operational test measured with and without cutouts engaged and as prescribed by the commissioner. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. 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 $300 nor more than $500 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. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

8. Operating airmobile on railroad tracks. A person may not operate an airmobile along or adjacent and parallel to the tracks of any railroad within the limits of the railroad right-of-way without written permission from the railroad.

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. [PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Operating airmobile too close to certain buildings.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §382 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

10. Operating airmobile too close to certain buildings. Except as provided in this subsection, a person may not operate an airmobile within 200 feet of a dwelling, hospital, nursing home, convalescent home or church.

A. This subsection does not apply to a person operating an airmobile:

(1) On public ways in accordance with subsections 4, 5, 6 and 7;

(2) On the frozen surface of any body of water; and

(3) On land that the operator owns or is permitted to use. [PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §382 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B382 (AMD). PL 2003, c. 655, §B422 (AFF).

§13071. Operating personal watercraft

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B383 (RP). PL 2003, c. 655, §B422 (AFF).

§13071-A. Operating personal watercraft

1. Operating personal watercraft while underage. A person under 16 years of age may not operate a personal watercraft.

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. [PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Additional safety requirements while operating personal watercraft. The following provisions apply to operating or being a passenger on a personal watercraft.

A. A person may not:

(1) Operate or be a passenger on a personal watercraft unless the person is wearing Coast Guard approved Type I, Type II or Type III personal flotation devices; or

(2) Operate a personal watercraft during the hours between sunset and sunrise. [PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Operating rented or leased personal watercraft without identification decal. A person may not operate a rented or leased personal watercraft on Brandy Pond in the Town of Naples or on Long Lake in the Town of Naples, the Town of Bridgton and the Town of Harrison that does not have a clearly visible decal affixed to the personal watercraft that identifies the rental agent.

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. [PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Operating personal watercraft in prohibited area. The following provisions apply to operating a watercraft in prohibited areas.

A. A person may not operate a personal watercraft on:

(1) Mud Pond, Oversett Pond, South Pond, Round Pond, Twitchell Pond, Hicks Pond, Indian Pond or Furlong Pond in the Town of Greenwood in Oxford County;

(2) North Pond or Bryant Pond, also known as Christopher Lake, in the Town of Greenwood and the Town of Woodstock in Oxford County;

(3) Concord Pond, Little Concord Pond or Shagg Pond in the Town of Woodstock in Oxford County;

(4) Hamilton Pond in Bar Harbor in Hancock County;

(5) Bog Lake or Horseshoe Lake in the Town of Northfield in Washington County;

(6) Megunticook Lake in the Town of Camden and the Town of Hope in Knox County and the Town of Lincolnville in Waldo County;

(7) Hobbs Pond, Fish Pond or Alford Lake in the Town of Hope in Knox County;

(8) Norton Pond or Coleman Pond in the Town of Lincolnville in Waldo County;

(9) Pitcher Pond in the Town of Lincolnville and the Town of Northport in Waldo County;

(10) Torsey Lake in the Town of Mount Vernon and the Town of Readfield in Kennebec County;

(11) Trickey Pond in the Town of Naples in Cumberland County;

(12) Brandy Pond in the Town of Naples in Cumberland County between sunset and 9:00 a.m.;

(13) Fulton Lake in the Town of Northfield in Washington County;

(14) Knight Pond in the Town of Northport in Waldo County;

(15) Moose Pond or Saturday Pond in the Town of Otisfield in Oxford County;

(16) Tripp Pond, Upper Range Pond or Middle Range Pond in the Town of Poland in Androscoggin County;

(17) Keewaydin Lake, Virginia Lake, Trout Pond, Weymouth Pond or Whitney Pond in the Town of Stoneham in Oxford County;

(18) Lermond Pond in the Town of Union and the Town of Hope in Knox County;

(19) Pocasset Lake or Pickerel Pond in the Town of Wayne in Kennebec County;

(20) Androscoggin Lake in the Town of Wayne in Kennebec County and the Town of Leeds in Androscoggin County;

(21) Little Cobbosseecontee Lake in the Town of Winthrop in Kennebec County;

(22) Somes Pond in the Town of Mount Desert;

(23) Long Pond in the Town of Mount Desert and the Town of Southwest Harbor;

(24) Little Long Pond in the Town of Mount Desert;

(25) Meetinghouse Pond, Big Pond, Wat Tuh Lake, Center Pond and Silver Lake, also known as Silver Pond, in the Town of Phippsburg in Sagadahoc County;

(26) South Branch Lake in the Plantation of Seboeis and the Township of T2 R8 NWP in Penobscot County;

(27) Spring Lake in Spring Lake Township in Somerset County;

(28) Kennebago Lake and Kennebago River in Davis Township and Stetsontown Township in Franklin County;

(29) Nicatous Lake in the Townships of T40 MD, T41 MD and T3 ND in Hancock County;

(30) Crystal Lake in the Town of Washington in Knox County;

(31) Middle Branch Pond in the Town of Waterboro in York County;

(32) Highland Lake or Woods Pond in the Town of Bridgton in Cumberland County if the personal watercraft is rented and does not display a decal identifying the rental agency that owns the personal watercraft; or

(33) Lake St. George in the Town of Liberty. [PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §384 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Operating personal watercraft while 16 years of age or older and under 18 years of age; boater education. The following provisions apply to operating a personal watercraft by a person 16 years of age or older and under 18 years of age.

A. A person 16 years of age or older and under 18 years of age may not operate a personal watercraft unless:

(1) That person is accompanied by a person 18 years of age or older who physically occupies the personal watercraft; or

(2) While operating the personal watercraft, that person possesses on that person identification showing proof of age and proof of successful completion of a boater safety education course approved by a national association of state boating law administrators, including but not limited to courses offered by the U.S. Coast Guard Auxiliary or other organizations approved by the commissioner for providing boater safety education courses. The commissioner shall establish a list of approved organizations for providing boater safety education courses and make that list readily available to the public. [PL 2005, c. 536, §1 (NEW); PL 2005, c. 536, §3 (AFF).]

B. 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 $100 and not more than $500 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. [PL 2005, c. 536, §1 (NEW); PL 2005, c. 536, §3 (AFF).]

[PL 2005, c. 536, §1 (NEW); PL 2005, c. 536, §3 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B384 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 536, §1 (AMD). PL 2005, c. 536, §3 (AFF).

§13072. Harbor masters on inland waters

1. Appointment; compensation. The municipal officers of a town that borders or contains inland waters but does not border or contain territorial waters may appoint a harbor master for a term of not less than one year and may establish the harbor master's compensation. Except as provided in subsection 2-A, the harbor master is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and rules promulgated by the municipality. The municipal officers may remove the harbor master from office for cause, declared in writing, after due notice to the harbor master and a hearing, if requested.

For purposes of this subsection, "territorial waters" has the same meaning as provided in section 6001, subsection 48-B.

[PL 2005, c. 492, §2 (AMD).]

2. Authority and responsibility. Except as provided in subsection 2-A, a harbor master appointed under this section shall enforce the watercraft laws of the State and the municipality on any water within the jurisdiction of the municipality.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 627, §4 (AMD).]

2-A. Authority to enforce invasive aquatic species laws. A municipality may appoint a harbor master whose only duties are to enforce the provisions of section 13058 and section 13068-A, subsections 1 and 15 on any water within the jurisdiction of the municipality.
[RR 2003, c. 2, §22 (COR).]

3. Jointly appointed harbor masters. The municipal officers of 2 or more municipalities that border on the same inland waters may jointly appoint a single harbor master who has authority over the jurisdictions of all the participating municipalities.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Power to arrest for assault. The municipal officers may prohibit a harbor master from making an arrest or carrying a weapon. A harbor master who is not prohibited from making arrests may arrest and deliver to the law enforcement authorities on shore any person committing an assault upon the harbor master or another person acting under the harbor master's authority. A harbor master may not make arrests or carry a firearm unless the harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I.
[PL 2005, c. 492, §3 (NEW).]

5. Mooring sites. The regulation of moorings in inland waters is governed by Title 38, except that Title 38 may not be construed to require the municipal officers of a town that does not border or contain territorial waters to appoint a harbor master upon the request of a person desiring mooring privileges or the regulation of mooring privileges. Nothing in this subsection limits or expands a municipality's authority to regulate moorings under Title 38 or as otherwise provided in law.
[PL 2005, c. 492, §3 (NEW).]

SECTION HISTORY

RR 2003, c. 2, §22 (COR). PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 627, §§4,5 (AMD). PL 2005, c. 492, §§2,3 (AMD).

§13073. Harbor masters on inland waters; violations

A person who neglects or refuses to obey any lawful order of a harbor master authorized pursuant to section 13072 commits a Class E crime. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

CHAPTER 937

SNOWMOBILES

§13101. Application

This chapter applies to the operation of snowmobiles in all areas that come within the jurisdiction of the State. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§13102. License not required

An operator's license is not required for the operation of a snowmobile. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§13103. Rule violations; snowmobiles and snowmobile races

The following penalties apply to violations of rules regulating snowmobiles or the protection and safety of spectators at snowmobile races. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §385 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Civil. Notwithstanding section 10650, a person who violates a rule regulating snowmobiles or the protection and safety of spectators at snowmobile races commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2003, c. 655, Pt. B, §385 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Criminal. A person who violates a rule regulating snowmobiles or the protection and safety of spectators at snowmobile races 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.
[PL 2003, c. 655, Pt. B, §385 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B385 (RPR). PL 2003, c. 655, §B422 (AFF).

§13104. Registration

1. Operating unregistered snowmobile. Except as provided in this subsection, subsection 7 and section 13112, a person may not operate a snowmobile that is not registered in accordance with this section.

A. A registration is not required for a snowmobile operated over the snow on land on which the owner lives or on land on which the owner is domiciled, provided the snowmobile is not operated elsewhere within the jurisdiction of this State. [PL 2005, c. 1, §1 (AMD).]

B. A registration is not required for a snowmobile operated by a commercial ski area for the purpose of packing snow or for rescue operations thereon unless the snowmobile is required to cross a public way during that operation. [PL 2005, c. 1, §1 (AMD).]

C. Snowmobiles owned and operated in this State by the Federal Government, the State or a political subdivision of the State are exempt from registration fees but must be registered and required to display numbers. [PL 2005, c. 1, §1 (AMD).]

D. Registration is not required to field test repairs to a snowmobile if valid snowmobile repair shop number plates issued under section 13110 are affixed to the snowmobile during the field test and the snowmobile is not owned by the snowmobile repair shop or any repair shop employee. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Registration is not required to field test repairs to a snowmobile when the snowmobile is tested on the premises of a snowmobile repair shop when the snowmobile repair shop is open and the snowmobile is not owned by the snowmobile repair shop or any repair shop employee. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

F. 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 $200 nor more than $500 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. [PL 2009, c. 213, Pt. OO, §18 (AMD).]

[PL 2009, c. 213, Pt. OO, §18 (AMD).]

2. Application and issuance. The commissioner or the commissioner's designee may register and assign a registration number to all snowmobiles upon application and payment of a registration fee by the owner. The commissioner shall charge a fee of $1 for each registration issued by department employees.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Form of registration. The snowmobile registration must be in such form as the commissioner may determine except that the commissioner shall develop a single form of registration that can be used for the 3-day, 10-day or seasonal nonresident registrations.

[PL 2015, c. 237, §1 (AMD).]

4. Fee. Except as provided in subsection 5, the annual snowmobile registration fee is as follows:

A. For residents, $45. The registration for a snowmobile owned by a resident is valid for one year, commencing on July 1st of each year; and [PL 2015, c. 237, §2 (AMD).]

B. For nonresidents:

(1) Forty-nine dollars for a 3-consecutive-day registration. A person may purchase more than one 3-day registration in any season;

(2) Ninety-nine dollars for a seasonal registration; and

(3) Seventy-five dollars for a 10-consecutive-day registration. A person may purchase more than one 10-day registration in any season.

The registration for a snowmobile owned by a nonresident must specify the dates for which the registration is valid. [PL 2015, c. 237, §2 (AMD).]

Five dollars from each registration fee collected pursuant to this subsection must be transferred to a special fund administered by the Off-Road Vehicle Division of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry. The funds must be used to assist any entity that has a snowmobile trail grooming contract with the Bureau of Parks and Lands in the purchase of trail-grooming equipment. The funds also may be used for the repair or overhaul of trail-grooming equipment.

Twelve dollars from each resident snowmobile registration fee must be transferred to the Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands.

Six dollars from each nonresident 3-day snowmobile registration fee, $6 from each nonresident 10-day snowmobile registration fee and $11 from each nonresident seasonal snowmobile registration fee must be transferred to the Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands.

[PL 2015, c. 237, §2 (AMD).]

5. Antique snowmobile registration fee. A person who owns a snowmobile that is more than 25 years old and that is substantially maintained in original or restored condition may register that snowmobile under this subsection as an antique snowmobile. An antique snowmobile registration authorizes that snowmobile to be operated only for the purpose of traveling to, returning from and participating in an exhibition, parade or other event of interest to the public or for occasional personal use. The fee for an antique snowmobile registration is $33. An antique snowmobile registration is valid until the ownership of that antique snowmobile is transferred to another person. Upon the transfer of ownership, the new owner may reregister that snowmobile as an antique snowmobile by paying the

$33 antique snowmobile registration fee. The registration fee for an antique snowmobile is allocated according to section 10206, subsection 2, paragraph A.
[PL 2017, c. 164, §25 (AMD).]

6. Members of armed forces permanently stationed in Maine. The following persons are eligible to register any snowmobile owned by them at the resident fee:

A. Any person serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The spouse and children of the person described in paragraph A, provided that the spouse and children permanently reside with that person. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A member of the armed forces described in paragraph A who desires to register a snowmobile shall present certification from the commander of the post, station or base, or from the commander's designated agent, that the member is permanently stationed at that post, station or base. Registration fees for registrations pursuant to this subsection must be allocated as if the person registering the snowmobile was a resident of the municipality in which the post, station or base is situated.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Snowmobiles of nonresidents; Maine-New Hampshire Cooperative Trails. Except as specifically provided in this subsection and notwithstanding any other provision of law, a snowmobile belonging to a nonresident may be possessed or operated by any person in this State as long as the snowmobile is properly registered in this State in the name of a nonresident owner of the snowmobile. Nothing in this subsection authorizes the operation of a snowmobile in a manner contrary to this chapter.

A. A nonresident is ineligible to obtain a resident registration for a snowmobile owned by that nonresident. Snowmobiles and grooming equipment registered to federal or state entities, snowmobile clubs, municipalities or counties from bordering states or provinces and engaged in trail grooming may be operated without being registered under this subsection. Snowmobiles registered in either New Hampshire or Canada may be operated on any lake or pond that is partly in both the State and New Hampshire or Canada without being registered in the State. [PL 2005, c. 456, §1 (NEW).]

B. A snowmobile registered in this State or in New Hampshire may be operated without further registration requirements on those portions of the Maine-New Hampshire Cooperative Trails located in Maine. For purposes of this paragraph, "Maine-New Hampshire Cooperative Trails" means:

(1) New Hampshire Trail 18 as identified in the Success Pond - Grafton Notch area; and

(2) Maine Trail ITS-80 as identified in the Evans Notch area of the White Mountain National Forest. [PL 2005, c. 456, §1 (NEW).]

C. Snowmobiles registered in another state or in a Canadian province may be operated without a Maine registration at a special event or festival organized to occur in this State if such operation is approved by the commissioner. An event or festival organizer must submit a request in writing to the commissioner at least 60 days prior to the event or festival and shall include a map of trails where operation will be allowed. [PL 2005, c. 465, §1 (NEW).]

D. A snowmobile owned or under the control of a snowmobile manufacturer may be operated without a Maine registration at a demonstration event organized to occur in this State if such operation is approved by the commissioner. A snowmobile manufacturer or a representative of a snowmobile manufacturer must submit a request in writing to the commissioner at least 60 days

prior to the demonstration event and shall include a description and the location of the event. [PL 2009, c. 184, §1 (NEW).]

E. The commissioner may annually establish one 3-consecutive-day period, 2 days of which are weekend days, during which a nonresident may operate in the State a snowmobile that is not registered in this State if the nonresident's snowmobile has a valid registration from another state or a Canadian province and if the nonresident has submitted notification under paragraph F. [PL 2019, c. 207, §1 (AMD); PL 2019, c. 207, §4 (AFF).]

F. The commissioner shall establish an online notification process to promote seasonal nonresident snowmobile registration opportunities to nonresident snowmobile operators and to promote general snowmobile recreational activities in the State through regional state tourism organizations and a statewide organization with an interest in snowmobiling. The process must allow a nonresident who plans to operate in this State during the 3-consecutive-day period under paragraph E a snowmobile that is not registered in this State to provide information to the department using an electronic form accessible through the department's publicly accessible website. The commissioner may not require a fee to submit the electronic form. The electronic form must:

(1) Briefly describe the purpose of this process and clearly indicate that the notification process is free;

(2) Request the nonresident snowmobile operator's name, address, telephone number and e-mail address and the location or locations where the nonresident plans to operate the snowmobile during the 3-consecutive-day period under paragraph E; and

(3) Include a statement that by submitting the electronic form the person named on the electronic form authorizes the commissioner to share the information on the electronic form with the Department of Economic and Community Development, Office of Tourism after the end of the 3-consecutive-day period under paragraph E for purposes of promoting seasonal nonresident snowmobile registration opportunities to nonresident snowmobile operators and promoting general snowmobile recreational activities in the State through regional state tourism organizations and a statewide organization with an interest in snowmobiling.

The commissioner shall share the information collected on the electronic form under this paragraph with the Department of Economic and Community Development, Office of Tourism annually after the end of the 3-consecutive-day period under paragraph E for purposes of promoting seasonal nonresident snowmobile registration opportunities to nonresident snowmobile operators and promoting general snowmobile recreational opportunities in the State through regional state tourism organizations and a statewide organization with an interest in snowmobiling.

Notwithstanding any other provisions of law, failure to comply with this paragraph is not a violation of any law or rule administered by the department. Nothing in this paragraph relieves a person of the person's responsibilities under any law or rule regulating the ownership or operation of a snowmobile in the State. [PL 2019, c. 207, §2 (NEW); PL 2019, c. 207, §4 (AFF).]

The commissioner shall adopt rules regarding the grooming and maintenance of the Maine-New Hampshire Cooperative Trails and reimbursement or payment for those services. The rules must allow reimbursement for grooming and maintenance services to be through direct cash payments by users of the Maine-New Hampshire Cooperative Trails or through in-kind services. The costs of grooming and maintenance must be based on the average per mile costs to Maine and New Hampshire of providing these services. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 207, §§1, 2 (AMD); PL 2019, c. 207, §4 (AFF).]

8. Duplicate registration certificate. The holder of any resident or nonresident seasonal registration certificate issued under this section may obtain a duplicate from the commissioner upon application and payment of a fee of $1.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

9. Numbers permanent.
[PL 2007, c. 165, §1 (RP).]

10. Transfer of ownership, discontinuance of use. The following provisions govern transfer of ownership and discontinued use.

A. A person who transfers the ownership or permanently discontinues the use of a snowmobile having a resident registration or a nonresident seasonal registration and applies for registration of another snowmobile in the same registration year is entitled to a registration upon payment of a transfer fee of $4 and is not required to pay the regular registration fee. [PL 2005, c. 12, Pt. III, §42 (AMD).]

B. Whenever ownership is transferred or the use of a snowmobile for which a registration has already been issued is discontinued, the old registration must be properly signed and executed by the owner showing that the ownership of the snowmobile has been transferred or its use discontinued and returned to the commissioner within 10 days of the transfer or discontinuance of use. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. If there is a change of ownership of a snowmobile for which a registration has previously been issued, the new owner shall apply for a new registration, shall set forth the original number in the application and shall pay the regular fee for the particular snowmobile involved. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2005, c. 12, Pt. III, §42 (AMD).]

11. Open snowmobile weekend.

[PL 2005, c. 1, §3 (RP).]

12. Restrictions.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §388 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

12-A. Registration certificate; inspection and display. The following provisions apply to registration certificates and numbers.

A. A person shall:

(1) Provide a registration certificate or an online registration receipt for inspection by any law enforcement officer on demand; and

(2) Display a registration number assigned to a snowmobile in such form and manner as the commissioner may determine, except that an antique snowmobile is not required to display registration numbers. A person may operate a snowmobile registered online without displaying a registration number until that person receives the registration certificate from the department or for 30 days after registering the snowmobile online, whichever occurs first. [PL 2007, c. 651, §18 (AMD).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §389 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2007, c. 651, §18 (AMD).]

13. Fraudulent acquisition of snowmobile registration.

[PL 2019, c. 452, §11 (RP).]

14. Report of destroyed, abandoned or permanently removed snowmobile. A registrant shall notify the commissioner if a snowmobile is destroyed, abandoned or permanently removed from the State.

[PL 2003, c. 655, Pt. B, §391 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

15. Reciprocity.

[PL 2011, c. 437, §1 (NEW); MRSA T. 12 §13104, sub-§15 (RP).]

REVISOR'S NOTE: Subsection 15 was repealed 10/1/13. PL 2013, c. 386, §1 attempted to strike the language that repealed the subsection, but did not take effect in time.

16. Reciprocity.

[PL 2017, c. 97, §2 (RP).]

17. Snowmobile Trail Fund Donation Sticker Program. The commissioner shall establish the Snowmobile Trail Fund Donation Sticker Program. The commissioner shall design and issue 3 different Snowmobile Trail Fund donation stickers to reflect a donor's donation of $25, $50 and $100, respectively. For every donation $2 is retained by the department and the remainder is transferred to the Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands.

A Snowmobile Trail Fund donation sticker is in addition to and separate from the snowmobile registration requirements of this section.

[PL 2015, c. 237, §3 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B386-391 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 1, §§1-3 (AMD). PL 2005, c. 12, §§III41,42 (AMD). PL 2005, c. 456, §1 (AMD). PL 2005, c. 465, §1 (AMD). PL 2007, c. 165, §1 (AMD). PL 2007, c. 556, §3 (AMD). PL 2007, c. 651, §18 (AMD). PL 2009, c. 184, §1 (AMD). PL 2009, c. 213, Pt. OO, §§18-20 (AMD). PL 2009, c. 226, §1 (AMD). PL 2011, c. 129, §1 (AMD). PL 2011, c. 437, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2013, c. 588, Pt. E, §6 (AMD). PL 2013, c. 588, Pt. E, §7 (AFF). RR 2015, c. 2, §8 (COR). PL 2015, c. 130, §1 (AMD). PL 2015, c. 237, §§1-3 (AMD). PL 2017, c. 97, §§1, 2 (AMD). PL 2017, c. 164, §25 (AMD). PL 2019, c. 207, §§1, 2 (AMD). PL 2019, c. 207, §4 (AFF). PL 2019, c. 452, §11 (AMD).

§13105. Snowmobile registration agents

1. Appointment of snowmobile registration agents; report; fees. Appointment of snowmobile registration agents and applicable fees are governed by the following.

A. The commissioner may appoint municipal clerks or other persons who a municipality may designate as municipal agents to issue snowmobile registrations. The commissioner may designate other agents as necessary to issue snowmobile registrations. The commissioner shall determine by rule the period when agents shall act. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §392 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Agents may charge a service fee of not more than $1 for each snowmobile renewal registration issued and $2 for each registration covered by sections 13002 to 13005. This service fee is retained by the agent. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. An agent is delinquent if that agent fails to forward to the commissioner funds collected by that agent by the date established in rules adopted under this subsection. Failure to remit the funds as provided in this subsection results in the following sanctions, in addition to any other provided by law.

(3) If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one year, the commissioner shall:

(a) Terminate the agency for the balance of the year; and

(b) Order that the agency not be renewed for the next year. [PL 2015, c. 301, §46 (AMD).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 301, §46 (AMD).]

2. Unlawful issuance of snowmobile registration. An agent may not issue a resident snowmobile registration to a nonresident or a nonresident snowmobile registration to a resident.

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. [PL 2003, c. 655, Pt. B, §392 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §392 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §392 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B392 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 533, §10 (AMD). PL 2015, c. 301, §46 (AMD).

§13106. Operation of snowmobile

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B393 (RP). PL 2003, c. 655, §B422 (AFF).

§13106-A. Operation of snowmobile

1. No permission given. This chapter does not give license or permission to cross or go on the property of another.
[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Stop and identify requirement. Persons operating a snowmobile upon the land of another shall stop and identify themselves upon the request of the landowner or the landowner's duly authorized representative.

A person who violates this subsection commits a Class E crime.
[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Operating snowmobile upon controlled access highway. Except as provided in paragraph A, a person may not operate a snowmobile upon a controlled access highway or within the right-of-way limits of a controlled access highway.

A. A person may operate a snowmobile upon a controlled access highway or within the right-of-way limits of a controlled access highway in accordance with this paragraph.

(1) A person on a properly registered snowmobile may cross controlled access highways by use of bridges over or roads under those highways, or by use of roads crossing controlled access highways at grade.

(2) The Commissioner of Transportation may issue special permits for designated crossings of controlled access highways.

(3) A person on a properly registered snowmobile may operate the snowmobile within the right-of-way limits of a controlled access highway on a trail segment approved by the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable.

At the request of the Commissioner of Agriculture, Conservation and Forestry, the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable, may permit construction of a snowmobile trail within the right-of-way limits of a controlled access highway under the jurisdiction of the Department of Transportation or the Maine Turnpike Authority being constructed on or after January 1, 2016 when there is an ability to provide for the continuity of a state-owned or state-controlled network of snowmobile trails. Funds for the construction of a snowmobile trail under this paragraph may not be provided from the Highway Fund. [PL 2015, c. 413, §1 (AMD).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2015, c. 413, §1 (AMD).]

4. Unlawfully operating snowmobile on plowed road. A person may not operate a snowmobile upon any plowed private road, or public road plowed privately without public compensation, after having been forbidden to do so by the owner thereof, the owner's agent or a municipal official, either personally or by appropriate notices posted conspicuously on that road.

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Operating snowmobile on public way. Except as provided in subsection 3 and this subsection, a person may not operate a snowmobile upon the main traveled portion, the sidewalks or the plowed snowbanks of a public way.

A. A properly registered snowmobile may be operated on a public way only the distance necessary, but in no case to exceed 500 yards, on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, sidewalk or culvert. [PL 2011, c. 533, §11 (AMD).]

B. A properly registered snowmobile may be operated on a public way only the distance necessary, but in no case to exceed 500 yards, on the extreme right of the traveled way for the sole purpose of crossing, as directly as possible, a bridge, overpass or underpass, as long as that operation can be made in safety and that it does not interfere with vehicular traffic approaching from either direction on the public way. [PL 2017, c. 164, §26 (AMD).]

C. A snowmobile may be operated on any portion of a public way when the public way has been closed in accordance with Title 23, section 2953. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. If the main traveled portion of a public way is publicly plowed and utilized by conventional motor vehicles, a snowmobile may be operated only on that portion of the way not maintained or utilized for the operation of conventional motor vehicles, except that operation on the left side of the way is prohibited during the hours from sunset to sunrise on the portion of the way not maintained or utilized for the operation of conventional motor vehicles. This paragraph does not apply to a snowmobile operated by a public utility regulated by the Public Utilities Commission while being operated in the course of the utility's corporate function, so that public utilities may effectively and speedily carry out their obligations to the public. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. A snowmobile may be operated on streets and public ways during a period of emergency when the emergency has been so declared by a police agency having jurisdiction and when travel by conventional motor vehicles is not practicable. This paragraph does not apply to a snowmobile operated by a public utility regulated by the Public Utilities Commission while being operated in the course of the utility's corporate function, so that public utilities may effectively and speedily carry out their obligations to the public. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

F. A snowmobile may be operated on streets and public ways in special snowmobile events of limited duration conducted according to a prearranged schedule and under a permit from the governmental unit having jurisdiction. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

G. Notwithstanding paragraphs A to F, a snowmobile may be operated on the extreme right of a public way within the built-up portion of a municipality or unorganized or unincorporated township if the appropriate governmental unit has designated the public way as a snowmobile-access route for the purpose of allowing snowmobiles access to places of business. A public way designated by an appropriate governmental unit as a snowmobile-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the snowmobile-access route. Before designating a public way as a snowmobile-access route, the appropriate governmental unit shall make appropriate determinations that snowmobile travel on the extreme right of the public way may be conducted safely and will not interfere with vehicular traffic on the public way. For purposes of this paragraph, "appropriate governmental unit" means the Department of Transportation, county commissioners or municipal officers within their respective jurisdictions. The jurisdiction of each appropriate governmental unit over public ways pursuant to this paragraph is the same as its jurisdiction over the passage of vehicles on public ways pursuant to Title 29-A, section 2395. Municipal or county law enforcement officials having jurisdiction have primary enforcement authority over any route established under this paragraph. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

H. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2017, c. 164, §26 (AMD).]

6. Failing to stop snowmobile before entering public way. A person shall bring a snowmobile to a complete stop before entering a public way or a private way maintained for travel.

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

7. Failing to yield right-of-way while operating snowmobile. A person shall yield the right-of-way to all vehicular traffic while operating a snowmobile on a public way or a private way maintained for travel.

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

8. Crossing closed bridge, culvert, overpass or underpass with snowmobile. This subsection applies to the crossing with a snowmobile of a bridge, culvert, overpass or underpass closed to snowmobiles by the Commissioner of Transportation.

A. A person may not cross with a snowmobile a bridge, culvert, overpass or underpass closed to snowmobiles by the Commissioner of Transportation.

(1) The Commissioner of Transportation may, following a public hearing, prohibit the crossing of an individual bridge, culvert, overpass or underpass if the commissioner determines that that crossing or use of the public way is hazardous.

(2) Any bridge, culvert, overpass or underpass closed by the Commissioner of Transportation must be posted by appropriate notices. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Reckless operation of snowmobile. A person may not operate a snowmobile in such a way as to recklessly create a substantial risk of serious bodily injury to another person. Violation of this subsection is a Class D crime.

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

10. Operating snowmobile to endanger. A person may not operate a snowmobile so as to endanger any person or property by:

A. Operating the snowmobile except at a reasonable and prudent speed for the existing conditions, including when approaching and crossing an intersection or railway grade crossing, when approaching and taking a curve, when approaching a hill crest, when traveling upon any narrow or winding trail and when a special hazard exists with respect to pedestrians, skiers or other traffic by reason of weather or trail conditions; or [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Operating the snowmobile in a manner that fails to control its speed at all times as necessary to avoid colliding with any person, vehicle, snowmobile or other object. [PL 2019, c. 452, §12 (AMD).]

A person who violates this subsection commits a Class E crime.
[PL 2019, c. 452, §12 (AMD).]

11. Operating snowmobile at greater than reasonable and prudent speed. A person may not operate a snowmobile except at a reasonable and prudent speed for the existing conditions.

A person who violates this subsection commits a Class E crime.
[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

12. Operating snowmobile while underage. A person under 14 years of age may not operate a snowmobile across any public way maintained for travel.

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

13. Permitting unaccompanied child to operate snowmobile. A person may not permit a child under 10 years of age to operate a snowmobile unless the child is accompanied by an adult.

This subsection does not apply on land that is owned by the parent or guardian or on land where permission for use has been granted to the parent or guardian.

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

14. Snowmobile noise level limits.

[PL 2017, c. 71, §1 (RP).]

14-A. Snowmobile noise requirements. This subsection governs noise level requirements for snowmobiles.

A. Except as provided in section 13112, a person may not:

(1) Operate a snowmobile manufactured after February 1, 2007 that does not display on its exhaust silencer a visible, unaltered certification marking issued by an independent organization that certifies snowmobiles for uniformity of safety features and noise levels;

(2) Operate a snowmobile manufactured after October 1, 1985 that emits total vehicle noise greater than 78 decibels of sound pressure level at 50 feet on the "A" scale, as measured by the SAE standards J-192; or

(3) Operate a snowmobile with an exhaust system that has been modified in a manner that amplifies or otherwise increases total noise emission above that of the snowmobile as originally constructed, regardless of the date of manufacture.

A snowmobile manufactured on or before October 1, 1973 is not subject to a specific noise level, except that a person may not operate a snowmobile modified in violation of subparagraph (3). [PL 2017, c. 71, §2 (NEW).]

B. 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 $100 nor more than $500 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. [PL 2017, c. 71, §2 (NEW).]

[PL 2017, c. 71, §2 (NEW).]

15. Snowmobile headlight and taillight equipment requirements. Except as provided in section 13112, a person may not operate a snowmobile that is not equipped as provided in this subsection.

A. A person may not operate a snowmobile unless the snowmobile has mounted:

(1) On the front at least one headlight capable of casting a white beam for a distance of at least 100 feet directly ahead of the snowmobile; and

(2) On the rear at least one lamp capable of displaying a red light visible at a distance of at least 100 feet behind the snowmobile. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

16. Required use of snowmobile lights. Except as provided in section 13112, a person shall use lights as specified in this subsection.

A. A person shall use snowmobile lights:

(1) During the period from 1/2 hour after sunset to 1/2 hour before sunrise; and

(2) At any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

17. Unlawfully operating snowmobile on railroad tracks. The following provisions govern the operation of a snowmobile on railroad tracks or railroad rights-of-way.

A. A person may not operate a snowmobile along or adjacent and parallel to the tracks of a railroad within the limits of a railroad right-of-way without written permission from the railroad owning the right-of-way.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person may not operate a snowmobile across the tracks of a railroad after having been forbidden to do so by the railroad owning the railroad right-of-way, or by an agent of that railroad, either personally or by appropriate notices posted conspicuously along the railroad right-of-way.

(1) A person who violates this paragraph 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 this paragraph 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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Notwithstanding this subsection, a person may operate a snowmobile on railroad tracks if the person is operating within the right-of-way of a portion of railroad line that has been officially abandoned under the authority of the Interstate Commerce Commission. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

18. Operating snowmobile in cemetery. A person may not operate a snowmobile in any cemetery, burial place or burying ground.

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

19. Operating too close to certain buildings. A person may not operate a snowmobile within 200 feet of a dwelling, hospital, nursing home, convalescent home or church.

A. This subsection does not apply when a person is operating a snowmobile:

(1) On public ways in accordance with subsections 5, 6, 7 and 8 or on controlled access highways in accordance with subsection 3, paragraph A;

(2) On the frozen surface of any body of water; and

(3) On land the operator owns or is permitted to use. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

20. Abuse of another person's property. A person may not while operating a snowmobile:

A. Tear down or destroy a fence or wall on another person's land; [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Leave open a gate or bar on another person's land; or [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Trample or destroy crops on another person's land. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

21. Snowmobile owner; operation by another. A person is in violation of this subsection if that person is the owner of a snowmobile that is operated in violation of this chapter.

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

22. Parent or guardian; operation by minor. A person is in violation of this subsection if that person is the parent or guardian responsible for the care of a minor under 18 years of age who is operating a snowmobile in violation of this chapter.

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

23. Failure to report accident.

[PL 2005, c. 436, §5 (RP).]

24. Operating snowmobile on open water. A person may not operate or attempt to operate a snowmobile on open water. For purposes of this subsection, "open water" means any area of an inland water body that is free of ice and snow. This subsection does not apply to private ponds.

Notwithstanding Title 17, section 2267-A, subsection 3, the owner or operator of a snowmobile that has been submerged or partially submerged as a result of a violation of this subsection shall remove the

snowmobile within 24 hours of its submersion. The owner or operator of a snowmobile submerged or partially submerged as a result of a violation of this subsection shall pay any damages resulting from the submersion or removal. If the owner or operator of a snowmobile submerged or partially submerged as the result of a violation of this subsection fails to remove the snowmobile within 24 hours of its submersion, the commissioner may remove the snowmobile at the expense of the owner or operator or request in writing that the court direct the owner or operator to remove the snowmobile immediately.

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

25. Headgear required. This subsection applies to snowmobile trails funded by the Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands.

A. A person operating a snowmobile on a snowmobile trail identified by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands as having been funded by the Snowmobile Trail Fund pursuant to section 1893, subsection 3:

(1) If the person is under 18 years of age, shall wear protective headgear that conforms to the standards established under Title 29-A, section 2083, subsection 3; and

(2) May not carry a passenger under 18 years of age on the snowmobile unless the passenger is wearing protective headgear that conforms to the standards established under Title 29-A, section 2083, subsection 3. [RR 2011, c. 2, §12 (COR); PL 2013, c. 405, Pt. A, §24 (REV).]

B. The Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands shall develop an administratively simple means of identifying trails that have been funded by the Snowmobile Trail Fund so that snowmobile riders can readily determine to which trails this subsection applies. [RR 2011, c. 2, §12 (COR); PL 2013, c. 405, Pt. A, §24 (REV).]

C. The following penalties apply to violations of this subsection.

(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. [PL 2003, c. 655, Pt. B, §394 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[RR 2011, c. 2, §12 (COR); PL 2013, c. 405, Pt. A, §24 (REV).]

26. Operating snowmobile left of center of snowmobile trail. A person may not operate a snowmobile to the left of the center on a snowmobile trail that is funded in whole or part by the Snowmobile Trail Fund when approaching or navigating a curve, corner, grade or hill. For purposes of this subsection, "snowmobile trail" means a trail that is at least wide enough to allow 2 snowmobiles to pass safely in opposite directions and where the snow over the entire width of the trail has been mechanically packed and groomed for the purpose of snowmobile traffic.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 and not more than $500 may be adjudged. [PL 2005, c. 73, §1 (NEW).]

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. [PL 2005, c. 73, §1 (NEW).]

[PL 2007, c. 651, §19 (AMD).]

SECTION HISTORY

PL 2003, c. 655, §B394 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 73, §1 (AMD). PL 2005, c. 436, §5 (AMD). PL 2007, c. 651, §19 (AMD). PL 2009, c. 340, §20 (AMD). RR 2011, c. 2, §12 (COR). PL 2011, c. 533, §11 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2015, c. 413, §1 (AMD). PL 2017, c. 71, §§1, 2 (AMD). PL 2017, c. 164, §26 (AMD). PL 2019, c. 452, §12 (AMD).

§13106-B. Snowmobile accidents involving personal injury or death

The following provisions govern snowmobile accidents that result in personal injury or death of a person. [PL 2005, c. 436, §6 (NEW).]

1. Law enforcement officer notification. The operator of a snowmobile involved in an accident that results in personal injury or death of a person shall immediately report the accident, by the quickest means of communication, to the available law enforcement officer nearest to the place where the accident occurred.

A. The owner of a snowmobile who knows that that snowmobile was involved in an accident as described in this subsection shall report the accident as provided in this subsection if the operator of the snowmobile is unknown. [PL 2005, c. 436, §6 (NEW).]

[PL 2005, c. 436, §6 (NEW).]

2. Provide information to injured party. The operator or a person acting on behalf of the operator of a snowmobile involved in an accident shall provide to an injured person or the operator or an occupant of any other snowmobile involved in the accident:

A. The operator's name and address; and [PL 2005, c. 436, §6 (NEW).]

B. The registration number of the operator's snowmobile. [PL 2005, c. 436, §6 (NEW).]

[PL 2005, c. 436, §6 (NEW).]

3. Render assistance. The operator of a snowmobile involved in an accident shall render reasonable assistance to an injured person.

[PL 2005, c. 436, §6 (NEW).]

4. Penalties. A person who violates this section commits a Class E crime.

[PL 2005, c. 436, §6 (NEW).]

5. Aggravated punishment category. Notwithstanding subsection 4, a person who intentionally, knowingly or recklessly fails to comply with this section when the accident resulted in serious bodily injury, as defined in Title 17-A, section 2, subsection 23, or death, commits a Class C crime.

[PL 2005, c. 436, §6 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §6 (NEW).

§13106-C. Snowmobile accident reports

1. Report requirements. A person shall give notice of a snowmobile accident within 72 hours to the commissioner on forms provided by the commissioner if the person is:

A. The operator of a snowmobile involved in an accident that does not result in injuries requiring the services of a physician or in the death of a person but involves property damage estimated to cost $1,000 or more; [PL 2005, c. 436, §6 (NEW).]

B. A person acting for the operator of a snowmobile described in paragraph A; or [PL 2005, c. 436, §6 (NEW).]

C. The owner of a snowmobile described in paragraph A having knowledge of the accident, if the operator of the snowmobile is unknown. [PL 2005, c. 436, §6 (NEW).]

[PL 2005, c. 436, §6 (NEW).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2005, c. 436, §6 (NEW).]

B. A person who violates this section 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. [PL 2005, c. 436, §6 (NEW).]

[PL 2005, c. 436, §6 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §6 (NEW).

§13106-D. Accidents involving property damage

1. Notification to property owner. The operator of a snowmobile involved in an accident that results in property damage shall take reasonable steps to notify the owner of that property of the accident.

[PL 2009, c. 340, §21 (NEW).]

2. Provide information to property owner. The operator of a snowmobile involved in an accident under subsection 1 shall, if the property owner is notified pursuant to subsection 1, provide to the property owner:

A. The operator's name and address; [PL 2009, c. 340, §21 (NEW).]

B. The registration number of the operator's snowmobile; and [PL 2009, c. 340, §21 (NEW).]

C. An opportunity to examine the registration certificate if the owner so requests and the certificate is available. [PL 2009, c. 340, §21 (NEW).]

[PL 2009, c. 340, §21 (NEW).]

3. Penalties. A person who violates this section commits a Class E crime.

[PL 2009, c. 340, §21 (NEW).]

SECTION HISTORY

PL 2009, c. 340, §21 (NEW).

§13107. Unlawfully operating vehicle on snowmobile trail

A person may not operate any 4-wheel-drive vehicle, dune buggy, all-terrain vehicle, motorcycle or any other motor vehicle, other than a snowmobile and appurtenant equipment, on snowmobile trails that are financed in whole or in part with funds from the Snowmobile Trail Fund, unless that use has been authorized by the landowner or the landowner's agent, or unless the use is necessitated by an emergency involving safety of persons or property. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

1. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.

[PL 2003, c. 655, Pt. B, §395 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Repeat violations. A person who violates this section 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.

[PL 2003, c. 655, Pt. B, §395 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B395 (AMD). PL 2003, c. 655, §B422 (AFF).

§13108. Liability for damage caused by minors

The owner of a snowmobile, the person who gives or furnishes that snowmobile to a person under 18 years of age and the parent or guardian responsible for the care of that minor are jointly and severally liable with the minor for any damages caused in the operation of the snowmobile by that minor. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§13109. Dealer's registration and license

1. Application and issuance. A person may not engage in the business of selling new or used snowmobiles in the State unless the person has registered as a dealer and secured a valid dealer's license from the commissioner. A dealer so registered and licensed need not register individual snowmobiles. For the purposes of this subsection, "new snowmobile" means a snowmobile that has not been registered in this State or any other state or for which sales tax has not been paid in this State or any other state if that other state taxes the purchase of a new snowmobile.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Fees. The dealer's registration and license fee is $15 annually from each July 1st.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Dealer's number plates. Dealer's number plates must be provided and obtained as follows.

A. A registered dealer may receive dealer's number plates. The annual fee for a dealer's number plate is:

(1) For a resident dealer's plate, $16; and

(2) For a nonresident dealer's plate, $60. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Replacement for lost or stolen dealer's number plates may be obtained for a fee of $5 for each plate. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. If a dealer's number plate is lost or stolen, the owner shall notify the commissioner immediately. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Temporary registrations and numbers. The commissioner may issue temporary numbers and registrations for snowmobiles to bona fide dealers, who may, upon the sale or exchange of a snowmobile, issue them to new owners in order to allow them to operate snowmobiles for a period of 20 consecutive days after the date of sale in lieu of a permanent number as required by this chapter. The fee for each temporary registration certificate is $1.
[PL 2013, c. 408, §26 (AMD).]

5. Display of dealer's number. A dealer shall display that dealer's number on each snowmobile being used until the sale of the snowmobile, whereupon it becomes the owner's responsibility to register the snowmobile.

A. A dealer who violates this subsection commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §396 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A dealer 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. [PL 2003, c. 655, Pt. B, §396 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Each day a dealer violates this subsection is a separate offense. [PL 2003, c. 655, Pt. B, §396 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §396 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Penalty.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §397 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B396,397 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2013, c. 408, §26 (AMD).

§13110. Snowmobile repair shop registration and license

1. Application and issuance. A person whose business includes repairing snowmobiles but who is not required to be licensed as a snowmobile dealer under section 13109 may register that business entity as a snowmobile repair shop and secure a snowmobile repair shop license and number plate from the commissioner.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Fee. The commissioner shall set the fee for a snowmobile repair shop license. The fee may not exceed $15 for any 12-month period.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Field testing repairs on unregistered snowmobiles. The owner of a snowmobile repair shop licensed under this section may operate or allow the operation of an unregistered snowmobile for the purpose of field testing repairs to that snowmobile if:

A. Valid snowmobile repair shop number plates issued under this section are affixed to the snowmobile during the field test; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The snowmobile is not owned by the snowmobile repair shop or any person employed by the snowmobile repair shop. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Operating an unregistered snowmobile in compliance with this subsection is not a violation of section 13104, subsection 1.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§13111. Snowmobile rental agent certificate

1. Registration and issuance. Except as provided in this section, a person or business may not rent or lease a snowmobile unless that person or business:

A. Registers with the department as a snowmobile rental agent and is issued a snowmobile rental agent certificate from the commissioner; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Obtains a Maine certificate of number for each snowmobile being offered for rent or lease in the name of the person or business holding that certificate; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Instructs each person who rents or leases a snowmobile how to operate the snowmobile, including how to use the brake, throttle and kill switch, and provides to that person a pamphlet describing proper hand signals. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §398 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Exception; guides. This section does not apply to a person lawfully engaged in guiding activities under section 12853 who accompanies others on guided trips that include the use of snowmobiles, except that such a person must provide the operators of snowmobiles with instructions equivalent to those described in subsection 1, paragraph C.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Fee. The fee for a snowmobile rental agent certificate is $25. The certificate is valid from July 1st to June 30th.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Prohibition; penalty. A person may not rent or lease a snowmobile in violation of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §399 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §399 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §399 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B398,399 (AMD). PL 2003, c. 655, §B422 (AFF).

§13112. Racing meets

Notwithstanding section 10650 and section 13106-A, subsections 14-A, 15 and 16, snowmobiles operated at a prearranged racing meet whose sponsor has obtained a permit to hold such a meet from the commissioner are exempt from the provisions of this chapter concerning registration, noise, horsepower and lights during the time of operation at such meets and at all prerace practices at the location of the meet. [PL 2017, c. 71, §3 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B400 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2017, c. 71, §3 (AMD).

§13113. Registration of trail-grooming equipment

1. Definitions. For purposes of this section, "trail-grooming equipment" means a self-propelled vehicle that:

A. [PL 2013, c. 190, §1 (RP).]

B. [PL 2013, c. 190, §1 (RP).]

C. Is driven by a track or tracks in contact with the snow; and [PL 2005, c. 93, §3 (NEW).]

D. Is performing snowmobile trail maintenance by plowing, leveling or compacting snow by use of a front plow or rear attachments that include but are not limited to rollers, compactor bars or trail drags. [PL 2013, c. 190, §2 (AMD).]

[PL 2013, c. 190, §§1, 2 (AMD).]

2. Operating unregistered trail-grooming equipment. Except as provided in this section, a person may not operate trail-grooming equipment on a snowmobile trail that is financed in whole or in part by the Snowmobile Trail Fund unless that trail-grooming equipment is registered in accordance with this section.

A. A registration is not required for trail-grooming equipment operated on land on which the owner lives or on land on which the owner is domiciled, if the trail-grooming equipment is not operated elsewhere within the jurisdiction of this State. [PL 2005, c. 93, §3 (NEW).]

B. A registration is not required for trail-grooming equipment operated by a commercial ski area for the purpose of packing snow or for rescue operation, unless the trail-grooming equipment is required to cross a public way during that operation. [PL 2005, c. 93, §3 (NEW).]

C. Trail-grooming equipment owned and operated by the Federal Government, the State or a political subdivision of the State is exempt from registration fees, but must be registered and is required to display the registration. [PL 2005, c. 93, §3 (NEW).]

[PL 2005, c. 93, §3 (NEW).]

3. Application and issuance. The commissioner may register trail-grooming equipment upon application by the owner if the owner is a nonprofit organization that has an approved contract for snowmobile trail grooming with the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, Off-Road Vehicle Division or a person that can provide proof to the department at the time of application that the person is a member of an organization eligible to register trail-grooming equipment under this section. The commissioner may establish procedures necessary to carry out the purposes of this section.

[PL 2013, c. 190, §3 (AMD); PL 2013, c. 405, Pt. A, §24 (REV).]

4. Form of registration. The trail-grooming equipment registration must be in such form as the commissioner may determine.

[PL 2005, c. 93, §3 (NEW).]

5. Fee. The registration fee for trail-grooming equipment is a one-time fee of $33. The registration fee is valid from the date of issuance until the date that the equipment is sold or transferred. Revenue from the registration fee is allocated according to section 10206, subsection 2, paragraph A.

[PL 2005, c. 93, §3 (NEW).]

6. Fraudulent acquisition of trail-grooming registration.

[PL 2019, c. 452, §13 (RP).]

7. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2005, c. 93, §3 (NEW).]

B. A person who violates this section 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. [PL 2005, c. 93, §3 (NEW).]

[PL 2005, c. 93, §3 (NEW).]

SECTION HISTORY

PL 2005, c. 93, §3 (NEW). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 190, §§1-3 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2019, c. 452, §13 (AMD).

CHAPTER 939

ATVS

§13151. Application

This chapter applies to the operation of ATVs in the State. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§13152. License and training

1. License. An operator's license is not required for the operation of an ATV, except as required by Title 29-A.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Training. A person over 9 years of age and under 16 years of age must successfully complete a training program approved by the department prior to operating an ATV except on:

A. Land on which that person is domiciled; [PL 2005, c. 397, Pt. E, §17 (RPR).]

B. Land owned or leased by that person's parent or guardian; or [PL 2005, c. 397, Pt. E, §17 (RPR).]

C. A safety training site approved by the department. [PL 2005, c. 397, Pt. E, §17 (RPR).]

A person under 16 years of age must attend the training program with that person's parent or guardian. The training program must include instruction on the safe operation of ATVs, the laws pertaining to ATVs, the effect of ATVs on the environment and ways to minimize that effect, courtesy to landowners and other recreationists and landowners and other materials as determined by the department.
[PL 2005, c. 397, Pt. E, §17 (RPR).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B401 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 695, §B10 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2005, c. 397, §E17 (AMD).

§13153. Rule violations; ATVs

The following penalties apply to violations of rules regulating ATVs. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §402 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Civil. Notwithstanding section 10650, a person who violates a rule regulating ATVs commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.
[PL 2003, c. 655, Pt. B, §402 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Criminal. A person who violates a rule regulating ATVs 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.
[PL 2003, c. 655, Pt. B, §402 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B402 (RPR). PL 2003, c. 655, §B422 (AFF).

§13154. Age restrictions

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B403 (RP). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 695, §B11 (RP). PL 2003, c. 695, §C1 (AFF).

§13154-A. Age restrictions

1. Minimum age. Except as provided in subsection 5, a person under 10 years of age may not operate an ATV.

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. [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

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. [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

2. Permitting child under 10 years to operate ATV. Except as provided in subsection 6, a person may not permit a child under 10 years of age to operate an ATV.

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. [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

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. [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

3. Unlawfully operating ATV by person 10 to under 16 years of age. Except as provided in subsection 6, a person 10 years of age or older but under 16 years of age may not operate an ATV unless that person has successfully completed a training course approved by the department pursuant to section 13152 and is accompanied by an adult. Proof of having completed a training course must be presented for inspection upon request of a law enforcement officer.

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. [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

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. [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2011, c. 253, §36 (AMD).]

4. Person under 16 years of age crossing public way. A person under 16 years of age may not cross a public way maintained for travel unless the crossing is in accordance with section 13157-A, subsection 6, paragraph A and the person satisfies the requirements of subsection 3.

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. [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

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. [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

5. Permitting an unaccompanied person under 16 years of age to operate an ATV. Except as provided in subsection 6, a person may not permit an unaccompanied person 10 years of age or older but under 16 years of age to operate an ATV.

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. [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

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. [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

[PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

6. Exceptions for certain property. This section does not apply to the operation of an ATV on:

A. The land on which the operator is domiciled; [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

B. Land owned or leased by the operator's parent or guardian; or [PL 2003, c. 655, Pt. B, §404 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 695, Pt. B, §12 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

C. A safety training site approved by the department. [PL 2005, c. 397, Pt. E, §18 (RPR).]

[PL 2005, c. 397, Pt. E, §18 (AMD).]

SECTION HISTORY

PL 2003, c. 655, §B404 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 695, §B12 (NEW). PL 2003, c. 695, §C1 (AFF). PL 2005, c. 397, §E18 (AMD). PL 2011, c. 253, §36 (AMD).

§13155. Registration

1. Operating unregistered ATV.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §405 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. Operating unregistered ATV. Except as provided in paragraph A, a person may not operate an ATV that is not registered in accordance with subsection 3.

A. The following exceptions apply.

(1) Registration is not required for an ATV operated on land on which the owner lives or on land on which the owner is domiciled, as long as the ATV is not operated elsewhere within the jurisdiction of the State.

(2) Registration is not required for an ATV operated by a commercial ski area for the purpose of packing snow or for rescue operations on the commercial ski area, unless the ATV is required to cross a public way during that operation.

(3) An ATV owned and operated in the State by the Federal Government, the State or a political subdivision of the State is exempt from registration fees but must be registered and is required to display registration numbers.

(4) An ATV registration for the farm use specified in Title 29-A, section 501, subsection 8, paragraph E is not required for a vehicle registered with the Secretary of State under Title 29-A, section 501, subsection 8.

(5) An ATV registered in another state or in a Canadian province may be operated without being registered pursuant to this section at a special event organized to occur in this State if the special event organizer submits a request in writing to the commissioner 60 days prior to the special event and provides the commissioner with a map of the trails to be used during the special event and the commissioner approves the request.

(6) An ATV owned or under the control of an ATV manufacturer may be operated without a Maine registration at a demonstration event organized to occur in this State if such operation is approved by the commissioner. An ATV manufacturer or a representative of an ATV manufacturer must submit a request in writing to the commissioner at least 60 days prior to the demonstration event and shall include a description and the location of the event.

(7) The commissioner may annually establish one 3-consecutive-day period, 2 days of which are weekend days, during which a nonresident may operate in the State an ATV that is not registered in this State if the nonresident's ATV has a valid registration from another state or a Canadian province. [PL 2017, c. 97, §3 (AMD).]

B. 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 $200 nor more than $500 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. [PL 2009, c. 213, Pt. OO, §21 (AMD).]

[PL 2017, c. 97, §3 (AMD).]

2. Reciprocity.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §407 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Application and issuance. The commissioner, or an agent designated by the commissioner, may register and assign a registration number to an ATV upon application and payment of an annual fee by the owner. The commissioner shall charge a fee of $1 in addition to the annual fee for each registration issued by an employee of the department. The registration number in the form of stickers issued by the commissioner must be clearly displayed on the front and rear of the vehicle. A registration is valid for one year commencing July 1st of each year, except that any registration issued prior to July 1st but after May 1st is valid from the date of issuance until June 31st of the following year.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 695, Pt. B, §13 (AMD); PL 2003, c. 695, Pt. C, §1 (AFF).]

4. Form of registration. An ATV registration must be in such form as the commissioner may determine.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Fees. The ATV registration fee is:

A. For a resident, $45 annually. The registration for an ATV owned by a resident is valid for one year, beginning on July 1st of each year; and [PL 2019, c. 75, §3 (AMD).]

B. For a nonresident:

(1) Seventy-five dollars for a registration valid for 7 consecutive days. A person may purchase more than one 7-day registration in any season; and

(2) Ninety dollars for a registration valid for one year.

The registration for an ATV owned by a nonresident must specify the dates for which the registration is valid. [PL 2019, c. 75, §3 (AMD).]

Twelve dollars of each fee collected pursuant to this subsection must be deposited in the ATV Recreational Management Fund established in section 1893, subsection 2.

Ten dollars of each fee collected pursuant to paragraph B must be deposited in the ATV Enforcement Fund established in section 10267.
[PL 2019, c. 75, §3 (AMD).]

5-A. Temporary fee.

[PL 2003, c. 655, Pt. B, §408 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF); MRSA T. 12 §13155, sub-§5-A (RP).]

6. Duplicate registration certificate. The holder of a registration certificate issued under this section may obtain a duplicate from the commissioner upon application and payment of a fee of $1.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Transfer of ownership, discontinuance of use. A transfer of ownership or discontinuance of use of an all-terrain vehicle is subject to this subsection.

A. Whoever transfers the ownership or discontinues the use of a registered all-terrain vehicle shall, within 10 days, properly sign the registration, indicate the disposition of the all-terrain vehicle and return the registration to the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. An all-terrain vehicle owner who transfers ownership or discontinues its use may, within 10 days from the date of transfer or discontinuance, apply to the commissioner for registration of another all-terrain vehicle. The fee for the transfer is $4, and the registration is valid for the remainder of the registration year for which the previous all-terrain vehicle had been registered. [PL 2007, c. 651, §20 (AMD).]

C. When there is a change of ownership of an all-terrain vehicle for which a registration has previously been issued, the new owner shall apply for a new registration and shall pay the applicable fee under subsection 5. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
[PL 2007, c. 651, §20 (AMD).]

8. Restrictions.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §409 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

8-A. Registration inspection. An owner or operator of an ATV shall present a registration certificate or an online registration receipt for inspection by any law enforcement officer on demand.

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. [PL 2003, c. 655, Pt. B, §410 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §410 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2009, c. 340, §22 (AMD).]

8-B. Notification of destroyed, abandoned, stolen or permanently removed ATV. The registrant shall notify the commissioner if an ATV is destroyed, abandoned, stolen or permanently removed from the State.

[PL 2003, c. 655, Pt. B, §410 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Display of registration numbers. Each new ATV sold in the State must have a space 6 inches in width by 3 1/2 inches in height provided on the front and rear of the machine, as high above the tires as possible, for the vertical display of the registration numbers. A person may not operate an ATV that is required to be registered under this section unless registration numbers in the form of stickers are displayed in these spaces or as otherwise required by the department. A person may operate an ATV registered online without displaying a registration number until that person receives the registration certificate from the department or for 30 days after registering the ATV online, whichever occurs first.

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. [PL 2003, c. 655, Pt. B, §411 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §411 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2015, c. 281, Pt. B, §1 (AMD).]

10. Training and education. The department shall provide training and education relating to ATVs.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

11. Member of United States Armed Forces permanently stationed in State. A person is eligible to register an ATV owned by that person at the resident fee if that person is:

A. Serving in the Armed Forces of the United States and is permanently stationed at a military or naval post, station or base in the State; or [PL 2007, c. 70, §1 (NEW).]

B. The spouse or child of a person under paragraph A if the spouse or child permanently resides with that person. [PL 2007, c. 70, §1 (NEW).]

A member of the Armed Forces of the United States stationed in the State or the spouse or child of that member who desires to register an ATV in this State shall present certification from the commander of the member's military or naval post, station or base, or from the commander's designated agent, that the member is permanently stationed at that post, station or base.

[PL 2007, c. 70, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B405-411 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 695, §B13 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2005, c. 12, §III43 (AMD). PL 2005, c. 177, §1 (AMD). PL 2007, c. 70, §1 (AMD). PL 2007, c. 651, §20 (AMD). PL 2009, c. 184, §2 (AMD). PL 2009, c. 213, Pt. OO, §21 (AMD). PL 2009, c. 340, §§21-23 (AMD). PL 2011, c. 116, §1 (AMD). PL

2011, c. 116, §2 (AFF). PL 2015, c. 281, Pt. B, §1 (AMD). PL 2017, c. 97, §3 (AMD). PL 2019, c. 75, §3 (AMD).

§13156. ATV registration agents

1. Appointment of ATV registration agents. The commissioner may appoint municipal clerks or other persons whom a municipality may designate as municipal agents to issue ATV registrations. The commissioner may designate other agents as necessary to issue ATV registrations. The commissioner shall determine by rule the period when the agents must act. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §412 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Failure to remit funds. An agent is delinquent if that agent fails to forward to the commissioner funds collected by that agent by the date established in rules adopted under subsection 1. Failure to remit the funds as provided in this subsection results in the following sanctions, in addition to any other provided by law.

A. [PL 2011, c. 533, §12 (RP).]

B. [PL 2015, c. 301, §47 (RP).]

C. If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one year, the commissioner shall:

(1) Terminate the agency for the balance of the year; and

(2) Order that the agency not be renewed for the next year. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2015, c. 301, §47 (AMD).]

3. Service fees. An agent may charge a service fee of $1 for each ATV renewal registration issued and $2 for each registration covered by sections 13002 to 13005. This service fee is retained by the agent.
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 655, Pt. B, §412 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B412 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 533, §12 (AMD). PL 2015, c. 301, §47 (AMD).

§13156-A. Findings

The Legislature finds that activities associated with ATVs constitute a more intrusive use of private property open to recreational use by the public than do other recreational activities, and that abusive uses of ATVs puts access to private property for recreational use at risk. [PL 2003, c. 695, Pt. B, §14 (NEW); PL 2003, c. 695, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2003, c. 695, §B14 (NEW). PL 2003, c. 695, §C1 (AFF).

§13157. Operation of ATVs

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B413 (RP). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 695, §§B15-23 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2005, c. 397, §E19 (RP).

§13157-A. Operation of ATVs

1. No permission given.

[PL 2005, c. 397, Pt. E, §20 (RP).]

1-A. Permission required. A person may not operate an ATV on the land of another without the permission of the landowner or lessee. Permission is presumed on designated state-approved ATV trails or in areas open to ATVs by landowner policy. A landowner may limit the use of a designated state-approved ATV trail on that landowner's property through agreements with the State or an ATV club to address environmental, public safety or management concerns. Written permission of the landowner or lessee is required on cropland or pastureland or in an orchard. As used in this subsection, "cropland" means acreage in tillage rotation, land being cropped and land in bush fruits and "pastureland" means acreage devoted to the production of forage plants used for animal production. Nothing in this subsection may be construed to limit or expand a landowner's property rights.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2005, c. 397, Pt. E, §21 (NEW).]

B. A person who violates this subsection after having been adjudicated of having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [PL 2005, c. 397, Pt. E, §21 (NEW).]

[PL 2007, c. 509, §1 (AMD).]

2. Stop and identify requirement. Persons operating ATVs upon the land of another shall stop and identify themselves upon the request of the landowner or the landowner's duly authorized representative. A person who violates this subsection commits a Class E crime.

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Operating ATV upon controlled access highway. The following provisions govern the operation of ATVs on controlled access highways.

A. A person may not operate an ATV upon a controlled access highway or within the right-of-way limits of a controlled access highway, except that:

(1) A person on a properly registered ATV may cross controlled access highways by use of bridges over or roads under those highways or by use of roads crossing controlled access highways at grade;

(2) The Commissioner of Transportation may issue special permits for designated crossings of controlled access highways; and

(3) A person on a properly registered ATV may operate the ATV within the right-of-way limits of a controlled access highway on a trail segment approved by the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable.

At the request of the Commissioner of Agriculture, Conservation and Forestry, the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable, may permit construction of an ATV trail within the right-of-way limits of a controlled access highway under the jurisdiction of the Department of Transportation or the Maine Turnpike Authority being constructed on or after January 1, 2016 when there is an ability to provide for the continuity of a state-owned or state-controlled network of ATV trails. Funds for the construction of an ATV trail under this paragraph may not be provided from the Highway Fund. [PL 2015, c. 413, §2 (AMD).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2015, c. 413, §2 (AMD).]

4. Unlawfully operating ATV on snowmobile trail. Operating an ATV on a snowmobile trail financed in whole or in part with funds from the Snowmobile Trail Fund is governed by section 13107. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Unlawfully operating ATV on private road.

[PL 2015, c. 301, §48 (RP).]

5-A. Operating a motor vehicle on an ATV trail. A person may not operate a motor vehicle as defined in Title 29-A, section 101, subsection 42 on a designated ATV trail that is not on a gravel road system unless that use has been authorized by the landowner or the landowner's agent or it is necessitated by an emergency involving the safety of a person or property.

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. [PL 2007, c. 202, §1 (NEW).]

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. [PL 2007, c. 202, §1 (NEW).]

[PL 2019, c. 204, §2 (AMD).]

6. Operating ATV on public way. Except as provided in this subsection, a person may not operate an ATV, other than an ATV registered with the Secretary of State under Title 29-A, on any portion of a public way maintained or used for the operation of conventional motor vehicles or on the sidewalks of any public way.

A. A properly registered ATV may be operated on a public way only the distance necessary, but in no case to exceed 500 yards, on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, bridge, overpass, underpass, sidewalk or culvert as long as that operation can be made safely and does not interfere with traffic approaching from either direction on the public way. [PL 2005, c. 626, §3 (AMD).]

B. [PL 2005, c. 626, §4 (RP).]

C. An ATV may be operated on any portion of a public way when the public way has been closed in accordance with Title 23, section 2953. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. An ATV may be operated on a public way that is not maintained or used for the operation of conventional motor vehicles, except that operation on the left side of the way is prohibited during the hours from sunset to sunrise. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

E. An ATV may be operated on streets and public ways during a period of emergency when the emergency has been so declared by a police agency having jurisdiction and when travel by conventional motor vehicles is not practicable. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

F. An ATV may be operated on streets and public ways in special events of limited duration conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

G. An ATV may be operated on a public way on the extreme right of the traveled way by a law enforcement officer for the sole purpose of traveling between the place where the ATV is usually stored and an area to be patrolled by the law enforcement officer. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

H. Notwithstanding paragraphs A to G, an ATV may be operated on the extreme right of a public way or as directed by the appropriate governmental unit within the public way of a municipality or an unorganized or unincorporated township if the appropriate governmental unit has designated the public way as an ATV-access route. An ATV must travel in the same direction as motor vehicle traffic on a public way designated as an ATV-access route. A public way designated by an appropriate governmental unit as an ATV-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the ATV-access route. Before designating a public way as an ATV-access route, the appropriate governmental unit shall make appropriate determinations that ATV travel on the extreme right of the public way or as directed by the appropriate governmental unit within the public way may be conducted safely and will not interfere with vehicular traffic on the public way. For purposes of this paragraph, "appropriate governmental unit" means the Department of Transportation, county commissioners or municipal officers within their respective jurisdictions. The jurisdiction of each appropriate governmental unit over public ways pursuant to this paragraph is the same as its jurisdiction over the passage of vehicles on public ways pursuant to Title 29-A, section 2395. Municipal or county law enforcement officials having jurisdiction have primary enforcement authority over any route established under this paragraph. [PL 2007, c. 33, §1 (AMD).]

I. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2007, c. 33, §1 (AMD).]

7. Failing to stop ATV before entering public way. A person shall bring an ATV to a complete stop before entering a public way.

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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

8. Failing to yield right-of-way while operating ATV. A person shall yield the right-of-way to all other types of vehicular traffic while operating an ATV on a public way.

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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

9. Crossing closed bridge, culvert, overpass or underpass with ATV. A person may not cross with an ATV a bridge, culvert, overpass or underpass closed to ATVs by the Commissioner of Transportation pursuant to this subsection. The Commissioner of Transportation may, following a public hearing, prohibit the crossing by an ATV of an individual bridge, culvert, overpass or underpass if the commissioner determines that that crossing or use of a public way is hazardous. Any bridge, culvert, overpass or underpass closed by the commissioner must be posted by appropriate notices.

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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

10. Reckless operating on ATV. A person may not operate an ATV in such a way as to recklessly create a substantial risk of serious bodily injury to another person.

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

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

11. Operating ATV to endanger. A person may not operate an ATV so as to endanger any person or property.

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

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

12. Operating ATV at greater than reasonable and prudent speed. A person may not operate an ATV except at a reasonable and prudent speed for the existing conditions.

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

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

13. Operating ATV without protective headgear. Notwithstanding Title 29-A, section 2083, a person under 18 years of age may not operate an ATV without protective headgear.

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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

14. Carrying passenger on ATV without headgear. Notwithstanding Title 29-A, section 2083, a person may not carry a passenger under 18 years of age on an ATV unless the passenger is wearing protective headgear.

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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

15. ATV noise and fire control devices.

[PL 2015, c. 301, §49 (RP).]

16. ATV headlight and taillight requirements. This subsection establishes light equipment requirements for the operation of an ATV.

A. Except as provided in this subsection and section 13159, a person may not operate an ATV in the State, regardless of where purchased, unless equipped with front and rear lights as follows.

(1) The ATV must have mounted on the front at least one headlight capable of casting a white beam for a distance of at least 100 feet directly ahead of the ATV.

(2) The ATV must have mounted on the rear at least one taillight capable of displaying a light that must be visible at a distance of at least 100 feet behind the ATV. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. The following are exceptions to the requirements of paragraph A.

(2) A person may operate an ATV including a 2-wheel off-road motorcycle without a headlight and taillight between sunrise and sunset. [PL 2017, c. 164, §27 (AMD).]

C. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2017, c. 164, §27 (AMD).]

17. Required use of ATV lights. Except as provided in section 13159, the following provisions govern the use of ATV lights.

A. A person shall use the lights required under subsection 16 as follows:

(1) During the period from 1/2 hour after sunset to 1/2 hour before sunrise; and

(2) At any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

18. Unlawfully operating ATV on railroad tracks. This subsection governs operation of an ATV on railroad tracks.

A. A person may not:

(1) Operate an ATV along or adjacent and parallel to the tracks of a railroad within the limits of the railroad right-of-way without written permission from the railroad owning the right-of-way; or

(2) Operate an ATV across the tracks of a railroad after having been forbidden to do so by the railroad owning the railroad right-of-way or by an agent of that railroad, either personally or

by appropriate notices posted conspicuously along the railroad right-of-way. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Notwithstanding paragraph A, a person may operate within the right-of-way of a portion of railroad line that has been officially abandoned under the authority of the Interstate Commerce Commission. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

19. Operating too close to certain buildings. A person may not operate an ATV within 200 feet of a dwelling, hospital, nursing home, convalescent home or church.

A. This subsection does not apply when a person is operating an ATV on:

(1) Public ways in accordance with subsections 3, 6, 7, 8 and 9;

(2) The frozen surface of any body of water; or

(3) Land that the operator owns or is permitted to use. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. 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 $100 nor more than $500 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. [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

20. Failure to report accident.

[PL 2005, c. 436, §7 (RP).]

21. Operating ATV in prohibited area.

[PL 2005, c. 397, Pt. E, §22 (RP).]

22. Abuse of another person's property. A person may not while operating an ATV:

A. Tear down or destroy a fence or wall on another person's land; [PL 2003, c. 655, Pt. B, §414 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Leave open a gate or bars on another person's land; [PL 2005, c. 397, Pt. E, §23 (AMD).]

C. Trample or destroy crops on another person's land; or [PL 2005, c. 397, Pt. E, §23 (AMD).]

D. Remove or destroy signs or posted notices. [PL 2005, c. 397, Pt. E, §24 (NEW).]

A person who violates this subsection commits a Class E crime.
[PL 2005, c. 397, Pt. E, §§23, 24 (AMD).]

23. Operating ATV on cropland or pastureland.

[PL 2005, c. 397, Pt. E, §25 (RP).]

24. Operation of ATV on temporarily closed trail. A person may not operate an ATV on any section of a trail posted with a notice of temporary closure in accordance with this subsection. The notice must specify the section of trail that is closed and the period of the closure and must be conspicuously posted at each end of the closed section of the trail.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2005, c. 397, Pt. E, §26 (NEW).]

B. A person who violates this subsection after having been adjudicated of having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [PL 2005, c. 397, Pt. E, §26 (NEW).]

[PL 2005, c. 397, Pt. E, §26 (NEW).]

25. ATV noise and fire control devices. The following provisions pertain to ATV muffling and fire control devices and noise level limits.

A. Except as provided in section 13159, a person may not:

(1) Operate an ATV that is not equipped at all times with an effective and suitable muffling device on its engine to effectively deaden or muffle the noise of the exhaust;

(2) Operate or modify an ATV with an exhaust system that has been modified in any manner that will increase the noise emitted above the following emission standard:

(a) Each ATV must meet noise emission standards of the United States Environmental Protection Agency and in no case exceed 96 decibels of sound pressure when measured from a distance of 20 inches using test procedures established by the commissioner; or

(3) Operate an ATV without a working spark arrester. [PL 2015, c. 301, §50 (AMD).]

B. 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 $100 or more than $500 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.

(3) In addition to any penalties imposed under this subsection, the court may, subject to section 9321 and Title 17-A, chapter 69, order restitution for fire suppression costs incurred by state or municipal government entities in suppressing a fire caused by an ATV operating without a working spark arrester. [PL 2019, c. 113, Pt. C, §24 (AMD).]

[PL 2019, c. 113, Pt. C, §24 (AMD).]

26. Prohibited equipment. A person may not operate an ATV that is equipped with a snorkel kit or other equipment designed to allow the ATV to be used in deep water except with the permission of the owner of the land on which the ATV is operated or as provided in section 13159.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 or more than $500 may be adjudged. [PL 2005, c. 397, Pt. E, §26 (NEW).]

B. A person who violates this subsection after having been adjudicated of having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [PL 2005, c. 397, Pt. E, §26 (NEW).]

[PL 2005, c. 397, Pt. E, §26 (NEW).]

27. Operation of ATV in prohibited area. The following provisions establish areas where the operation of an ATV is prohibited.

A. A person may not operate an ATV:

(1) On a salt marsh, intertidal zone, marine sand beach or sand dune or any cemetery, burial place or burying ground; or

(2) When the ground is not frozen and sufficiently covered with snow to prevent direct damage to the vegetation:

(a) On alpine tundra;

(b) On a freshwater marsh or bog, river, brook, stream, great pond, nonforested wetland or vernal pool; or

(c) In a source water protection area as defined in Title 30-A, section 2001, subsection 20-A.

The provisions of this subparagraph do not apply to a trail designated for ATV use by the Department of Agriculture, Conservation and Forestry. The provisions of this subparagraph also do not apply to a person accessing land for maintenance or inspection purposes with the landowner's permission or to local, state or federal government personnel in the performance of official duties, provided there is no significant ground disturbance or sedimentation of water bodies. [PL 2005, c. 397, Pt. E, §26 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

B. 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 $100 or more than $500 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. [PL 2005, c. 397, Pt. E, §26 (NEW).]

[PL 2005, c. 397, Pt. E, §26 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 2003, c. 655, §B414 (NEW). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 397, §§E20-26 (AMD). PL 2005, c. 436, §7 (AMD). PL 2005, c. 626, §§3,4 (AMD). PL 2007, c. 33, §1 (AMD). PL 2007, c. 202, §1 (AMD). PL 2007, c. 509, §1 (AMD). PL 2009, c. 340, §24 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). PL 2015, c. 301, §§48-50 (AMD). PL 2015, c. 413, §2 (AMD). PL 2017, c. 164, §27 (AMD). PL 2019, c. 113, Pt. C, §24 (AMD). PL 2019, c. 204, §2 (AMD).

§13157-B. ATV accidents involving personal injury or death

1. Law enforcement officer notification. The operator of an ATV involved in an accident that results in personal injury or death of a person shall immediately report the accident, by the quickest means of communication, to the available law enforcement officer nearest to the place where the accident occurred.

A. The owner of an ATV who knows that that ATV was involved in an accident as described in this subsection shall report the accident as provided in this subsection if the operator of the ATV is unknown. [PL 2005, c. 436, §8 (NEW).]

[PL 2005, c. 436, §8 (NEW).]

2. Provide information to injured party. The operator or a person acting on behalf of the operator of an ATV involved in an accident shall provide to an injured person or the operator or an occupant of any other ATV involved in the accident:

A. The operator's name and address; and [PL 2005, c. 436, §8 (NEW).]

B. The registration number of the operator's ATV. [PL 2005, c. 436, §8 (NEW).]

[PL 2005, c. 436, §8 (NEW).]

3. Render assistance. The operator of an ATV involved in an accident shall render reasonable assistance to an injured person.
[PL 2005, c. 436, §8 (NEW).]

4. Penalties. A person who violates this section commits a Class E crime.
[PL 2005, c. 436, §8 (NEW).]

5. Aggravated punishment category. Notwithstanding subsection 4, a person who intentionally, knowingly or recklessly fails to comply with this section when the accident resulted in serious bodily injury, as defined in Title 17-A, section 2, subsection 23, or death, commits a Class C crime.
[PL 2005, c. 436, §8 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §8 (NEW).

§13157-C. ATV accident reports

1. Report requirements. A person shall give notice of an ATV accident within 72 hours to the commissioner on forms provided by the commissioner if the person is:

A. The operator of an ATV involved in an accident that does not result in injuries requiring the services of a physician or in the death of a person but involves property damage estimated to cost $1,000 or more; [PL 2005, c. 436, §8 (NEW).]

B. A person acting for the operator of an ATV described in paragraph A; or [PL 2005, c. 436, §8 (NEW).]

C. The owner of an ATV described in paragraph A having knowledge of the accident if the operator of the ATV is unknown. [PL 2005, c. 436, §8 (NEW).]
[PL 2005, c. 436, §8 (NEW).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2005, c. 436, §8 (NEW).]

B. A person who violates this section 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. [PL 2005, c. 436, §8 (NEW).]
[PL 2005, c. 436, §8 (NEW).]

SECTION HISTORY

PL 2005, c. 436, §8 (NEW).

§13158. Unlawfully permitting operation; liability for damage by other persons

(REPEALED)

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B415 (RP). PL 2003, c. 655, §B422 (AFF).

§13158-A. Unlawfully permitting operation; liability for damage by other persons

1. ATV owner; operation by another. A person is in violation of this subsection if that person is the owner of an ATV that is operated in violation of this chapter.

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. [PL 2003, c. 655, Pt. B, §416 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §416 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §416 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Parent or guardian; operation by minor. A person is in violation of this subsection if that person is a parent or guardian responsible for the care of a minor under 18 years of age who is operating an ATV in violation of this chapter.

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. [PL 2003, c. 655, Pt. B, §416 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §416 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §416 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Furnishing ATV. An owner of an ATV, a person who gives or furnishes an ATV to a person and a parent or guardian responsible for the care of a minor under 18 years of age are jointly and severally liable with the operator for damages caused in the operation of the vehicle or by the minor in operating any ATV.

[PL 2003, c. 655, Pt. B, §416 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 655, §B416 (NEW). PL 2003, c. 655, §B422 (AFF).

§13159. Racing meets

Notwithstanding section 13155 and section 13157-A, subsection 16, paragraph A, subsection 17 and subsection 25, ATVs used exclusively for scheduled racing meets and operated solely on predefined race courses are exempt from the provisions of this chapter concerning registration, mufflers, snorkel kits and lights during the time of operation at these meets and at all prerace practices at the location of the meets. [PL 2015, c. 301, §51 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B417 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 695, §B24 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2005, c. 397, §E27 (RPR). PL 2015, c. 301, §51 (AMD).

§13160. Dealer's registration and license

1. Application and issuance. A person may not engage in the business of selling ATVs in the State unless that person has registered as a dealer and secured a valid dealer's license from the commissioner. A dealer so registered and licensed need not register individual ATVs.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of $50 and an amount equal to twice the applicable license fee must be imposed.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Fees. The annual license fee for a dealer registered under subsection 1 is $15. The license runs from July 1st of each year.

A. A dealer licensed under Title 29-A, section 954, subsection 2 is not required to pay the license fee under this subsection. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Dealer's number plates. Dealer's number plates must be provided and obtained as follows.

A. A dealer registered under subsection 1 may receive dealer's number plates for a $5 annual fee for each plate. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Replacements for lost or stolen plates may be obtained for a fee of $5 for each plate. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. If a number plate is lost or stolen, the owner shall notify the commissioner immediately. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Temporary registration certificate. The commissioner may issue temporary registration certificates to a registered dealer who may, upon the sale or exchange of an ATV, issue a temporary registration certificate to a new owner, in order to allow the new owner to operate the ATV for a period of 20 consecutive days, after the date of sale in lieu of a permanent number as required by this chapter. The fee for each temporary registration is $1.

[PL 2009, c. 340, §25 (AMD).]

5. Display of dealer's number plate. A dealer shall display the dealer's number on each ATV being used until the sale of the ATV, whereupon it becomes the owner's responsibility to register the ATV.

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. [PL 2003, c. 655, Pt. B, §418 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

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. [PL 2003, c. 655, Pt. B, §418 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Each day a person violates this subsection is a separate offense. [PL 2003, c. 655, Pt. B, §418 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §418 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Warranties and information on used ATVs. A dealer who offers a warranty in connection with the sale or transfer of a used ATV shall furnish a written statement concerning that warranty. The statement regarding the warranty must indicate the parts or systems of the vehicle that are covered and those not covered by the warranty and what the dealer will do in the event of a defect and at whose expense repairs be made.

The dealer shall also furnish before sale a written statement identifying any and all defects known to the dealer and any type of damage that the vehicle has sustained if such information is known to the dealer.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

7. Violation.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §419 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B418,419 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 340, §25 (AMD).

§13161. Sale of ATV; light equipment

1. Headlight and taillight required. A person may not sell or offer to sell a new ATV unless:

A. That ATV is equipped with a functioning headlight and taillight; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The ATV:

(1) Is a 2-wheel off-road motorcycle; or

(2) Has an engine size of 90 cubic centimeters or less and has 4 or more wheels. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2003, c. 655, Pt. B, §420 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section 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. [PL 2003, c. 655, Pt. B, §420 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §420 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B420 (AMD). PL 2003, c. 655, §B422 (AFF).

SUBPART 7

LOCAL REGULATION

CHAPTER 941

LOCAL REGULATION

§13201. Limits on local regulation

A municipality or political subdivision of the State may not enact any ordinance, law or rule regulating or charging a fee for the hunting, trapping or fishing for any species of fish or wildlife; the possession or use of any equipment expressly permitted for use in hunting under this Part; the operation, registration or numbering of all-terrain vehicles, watercraft or snowmobiles or any other subject matter relating to all-terrain vehicles, watercraft or snowmobiles regulated under chapter 935 or 937 or under any other provisions of this Part, except that a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by that municipality. For purposes of this section, except as provided in subsection 3, the regulation of fishing includes the regulation of ice fishing shacks. This section does not prohibit: [PL 2013, c. 199, §1 (AMD).]

1. Firearm discharge. The enactment of any ordinance generally regulating the discharge of firearms in a municipality or any part of a municipality;

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Certain rules. The adoption of rules as authorized in section 13051; or

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Ice fishing shacks. The enactment of any ordinance regulating ice fishing shacks on:

A. Sources of public water supply as provided under Title 22, section 2642 except that a municipality or political subdivision of the State may not impose a fee on ice fishing shacks on sources of public water supply; or [PL 2011, c. 519, §1 (AMD).]

B. Coastal waters as defined in section 6001, subsection 6 except that a municipality or political subdivision of the State may not impose a fee on ice fishing shacks on coastal waters. [PL 2011, c. 519, §1 (AMD).]

[PL 2011, c. 519, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B421 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2011, c. 519, §1 (AMD). PL 2013, c. 199, §1 (AMD).

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