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Legislative Document

No. 1376

H.P. 1010

House of Representatives, April 7, 2021

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

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

Received by the Clerk of the House on April 5, 2021. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Sinclair.

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

2 **Sec. 1. 12 MRSA §11109-A, sub-§3, ¶B**, as amended by PL 2007, c. 492, §2, is
3 further amended to read:

4 B. One deer in accordance with subsection ~~2~~ 2-A, paragraph ~~B~~ A; and

5 **Sec. 2. 12 MRSA §11154, sub-§2**, as amended by PL 2017, c. 427, §11 and
6 affected by §19 and amended by c. 458, §1, is repealed and the following enacted in its
7 place:

8 **2. Issuance of moose hunting permits.** In accordance with section 11552, the
9 commissioner may issue moose hunting permits and may establish the number of moose
10 hunting permits to be issued for each wildlife management district established by the
11 commissioner by rule open to moose hunting. No more than 8% of the moose hunting
12 permits may be issued to nonresidents. No more than 2% of the moose hunting permits
13 may be issued to hunting outfitters in accordance with subsection 14.

14 **Sec. 3. 12 MRSA §11154, sub-§9-A**, as enacted by PL 2013, c. 226, §2, is
15 repealed.

16 **Sec. 4. 12 MRSA §11154, sub-§10**, as enacted by PL 2003, c. 414, Pt. A, §2 and
17 affected by c. 614, §9, is repealed.

18 **Sec. 5. 12 MRSA §11217, sub-§2, ¶I** is enacted to read:

19 I. A person who has lawfully killed and registered a wild turkey may sell the plumage,
20 wing bones, beard and lower legs of that animal.

21 **Sec. 6. 12 MRSA §11217, sub-§3-A** is enacted to read:

22 **3-A. Prohibition on selling live wildlife.** A person may not sell any live wildlife
23 unless authorized pursuant to section 12152 and the commissioner's rules related to the
24 unrestricted species list or as otherwise provided in this Part.

25 **Sec. 7. 12 MRSA §12501, sub-§5**, as repealed and replaced by PL 2013, c. 538,
26 §40, is repealed.

27 **Sec. 8. 12 MRSA §12551-A, sub-§2, ¶E**, as enacted by PL 2017, c. 164, §20, is
28 amended to read:

29 E. When licensed under this section, receive, possess for resale, sell or offer to sell gift
30 baitfish or gift smelts ~~without an appropriate and valid license issued under subsection~~
31 ~~3.~~

32 **Sec. 9. 12 MRSA §12708, sub-§1, ¶B**, as amended by PL 2017, c. 325, §1 and c.
33 403, Pt. A, §1 and affected by §4, is further amended by amending subparagraph (57) to
34 read:

35 (57) Plymouth Bog WMA - Plymouth, ~~Detroit, Burnham~~ - Penobscot County,
36 Somerset County and Waldo County; ~~and~~

37 **Sec. 10. 12 MRSA §12708, sub-§1, ¶B**, as amended by PL 2017, c. 325, §1 and
38 c. 403, Pt. A, §1 and affected by §4, is further amended by amending subparagraph (58) to
39 read:

1 (58) Such other areas as the commissioner designates, by rules adopted in
2 accordance with section 12701, as state-owned wildlife management areas; and

3 **Sec. 11. 12 MRSA §12708, sub-§1, ¶B**, as amended by PL 2017, c. 325, §1 and
4 c. 403, Pt. A, §1 and affected by §4, is further amended by enacting subparagraph (59) to
5 read:

6 (59) Pleasant Bay WMA - Addison - Washington County.

7 **Sec. 12. 12 MRSA §13056, sub-§2, ¶F**, as amended by PL 2013, c. 408, §23, is
8 further amended to read:

9 F. ~~A motorboat from a country other than the United States, as long as the motorboat~~
10 ~~has not been within this State for a period in excess of 60 consecutive days~~ foreign
11 watercraft;

12 **Sec. 13. 12 MRSA §13106-A, sub-§15, ¶A**, as enacted by PL 2003, c. 655, Pt. B,
13 §394 and affected by §422, is amended by amending subparagraph (2) to read:

14 (2) On the rear at least one ~~lamp~~ taillight capable of displaying a red light visible
15 at a distance of at least 100 feet behind the snowmobile.

16 **Sec. 14. 12 MRSA §13106-A, sub-§19, ¶A**, as enacted by PL 2003, c. 655, Pt. B,
17 §394 and affected by §422, is amended by amending subparagraph (1) to read:

18 (1) On public ways in accordance with subsections 5, ~~6, 7~~ and 8 or on controlled
19 access highways in accordance with subsection 3, paragraph A;

20 **Sec. 15. 12 MRSA §13154-A, sub-§1**, as enacted by PL 2003, c. 655, Pt. B, §404
21 and affected by §422 and enacted by c. 695, Pt. B, §12 and affected by Pt. C, §1, is amended
22 to read:

23 **1. Minimum age.** Except as provided in subsection 5 ~~6~~, a person under 10 years of
24 age may not operate an ATV.

25 A. A person who violates this subsection commits a civil violation for which a fine of
26 not less than \$100 nor more than \$500 may be adjudged.

27 B. A person who violates this subsection after having been adjudicated as having
28 committed 3 or more civil violations under this Part within the previous 5-year period
29 commits a Class E crime.

30 **Sec. 16. 12 MRSA §13155, sub-§3**, as affected by PL 2003, c. 614, §9 and
31 amended by c. 695, Pt. B, §13 and affected by Pt. C, §1, is further amended to read:

32 **3. Application and issuance.** The commissioner, or an agent designated by the
33 commissioner, may register and assign a registration number to an ATV upon application
34 and payment of an annual fee by the owner. The commissioner shall charge a fee of \$1 in
35 addition to the annual fee for each registration issued by an employee of the department.
36 The registration number in the form of stickers issued by the commissioner must be clearly
37 displayed on the front and rear of the vehicle. A registration is valid for one year
38 commencing July 1st of each year, except that any registration issued prior to July 1st but
39 after May 1st is valid from the date of issuance until June ~~31st~~ 30th of the following year.

40 **Sec. 17. 12 MRSA §13155, sub-§11**, as enacted by PL 2007, c. 70, §1, is amended
41 to read:

1 **11. Member** ~~Members of United States Armed Forces~~ **armed forces permanently**
2 **stationed in State.** ~~A person is~~ The following persons are eligible to register an ATV
3 owned by ~~that person~~ them at the resident fee ~~if that person is~~:

4 A. ~~Serving~~ A person serving in the Armed Forces of the United States ~~and who~~ is
5 permanently stationed at a military or naval post, station or base in the State; ~~or and~~

6 B. The spouse ~~or child~~ and children of a ~~the person under~~ described in paragraph A if
7 the spouse ~~or child~~ and children permanently ~~resides~~ reside with that person.

8 A member of the ~~Armed Forces of the United States~~ armed forces
9 described in paragraph A or the spouse or child of that member who desires to register an
10 ATV ~~in this State~~ shall present certification from the commander of the ~~member's military~~
11 ~~or naval~~ post, station or base, or from the commander's designated agent, that the member
12 is permanently stationed at that post, station or base. Registration fees for registrations
13 pursuant to this subsection must be allocated as if the person registering the ATV was a
14 resident of the municipality in which the post, station or base is situated.

15 **Sec. 18. 12 MRSA §13157-A, sub-§13**, as enacted by PL 2003, c. 655, Pt. B, §414
16 and affected by §422, is amended to read:

17 **13. Operating ATV without protective headgear.** ~~Notwithstanding Title 29-A,~~
18 ~~section 2083,~~ a person under 18 years of age may not operate an ATV without protective
19 headgear.

20 A. A person who violates this subsection commits a civil violation for which a fine of
21 not less than \$100 nor more than \$500 may be adjudged.

22 B. A person who violates this subsection after having been adjudicated as having
23 committed 3 or more civil violations under this Part within the previous 5-year period
24 commits a Class E crime.

25 **Sec. 19. 12 MRSA §13157-A, sub-§14**, as enacted by PL 2003, c. 655, Pt. B, §414
26 and affected by §422, is amended to read:

27 **14. Carrying passenger on ATV without headgear.** ~~Notwithstanding Title 29-A,~~
28 ~~section 2083,~~ a person may not carry a passenger under 18 years of age on an ATV unless
29 the passenger is wearing protective headgear.

30 A. A person who violates this subsection commits a civil violation for which a fine of
31 not less than \$100 nor more than \$500 may be adjudged.

32 B. A person who violates this subsection after having been adjudicated as having
33 committed 3 or more civil violations under this Part within the previous 5-year period
34 commits a Class E crime.

35 **Sec. 20. 12 MRSA §13157-A, sub-§16, ¶A**, as enacted by PL 2003, c. 655, Pt. B,
36 §414 and affected by §422, is amended by amending subparagraph (2) to read:

37 (2) The ATV must have mounted on the rear at least one taillight capable of
38 displaying a red light that must be visible at a distance of at least 100 feet behind
39 the ATV.

40 **Sec. 21. 12 MRSA §13157-A, sub-§19, ¶A**, as enacted by PL 2003, c. 655, Pt. B,
41 §414 and affected by §422, is amended by amending subparagraph (1) to read:

1 (1) Public ways in accordance with subsections ~~3~~, ~~6~~, ~~7~~, ~~8~~ and ~~9~~ or on controlled
2 access highways in accordance with subsection 3, paragraph A;

3 SUMMARY

4 This bill makes the following changes to the fish and wildlife laws.

5 1. It corrects cross-references.

6 2. It corrects a conflict created by Public Law 2017, chapters 427 and 458, which
7 affected the same provision of law. It provides that no more than 8% of moose hunting
8 permits may be issued to nonresidents and no more than 2% may be issued to hunting
9 outfitters.

10 3. It removes an obsolete provision related to road safety management areas.

11 4. It eliminates the requirement that moose hunters complete a questionnaire.

12 5. It provides that a person who has lawfully killed and registered a wild turkey may
13 sell the plumage, wing bones, beard and lower legs of that animal.

14 6. It provides that a person may not sell any live wildlife, subject to certain exceptions.

15 7. It removes an obsolete provision related to a nonresident junior fishing license.

16 8. It provides that a person licensed to deal in live smelts or baitfish may not receive,
17 possess for resale, sell or offer to sell gift baitfish or gift smelts.

18 9. It adds the Pleasant Bay Wildlife Management Area in Washington County to the
19 list of wildlife management areas and adds 2 towns to the Plymouth Bog Wildlife
20 Management Area.

21 10. It exempts all foreign watercraft from the requirement that the owner obtain a
22 certificate of number from the Commissioner of Inland Fisheries and Wildlife.

23 11. It makes requirements for taillights for snowmobiles and all-terrain vehicles
24 consistent.

25 12. It changes a reference in the laws governing all-terrain vehicle registration from
26 June 31st to June 30th.

27 13. It changes the language of the provision governing the registration of an all-terrain
28 vehicle by a member of the Armed Forces of the United States who is permanently
29 stationed in this State to make it more consistent with a similar provision for the registration
30 of a snowmobile. It provides that registration fees for the registration of such an all-terrain
31 vehicle must be allocated as if the person registering the all-terrain vehicle was a resident
32 of the municipality where the member is stationed.

33 14. It removes incorrect cross-references to the Maine Revised Statutes, Title 29-A in
34 the laws governing wearing helmets while on an all-terrain vehicle.

35 15. It makes consistent the provisions prohibiting the operation of all-terrain vehicles
36 and snowmobiles too close to certain buildings.