

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 70 - L.D. 131

An Act to Clarify and Correct Inland Fisheries and Wildlife Laws

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

Sec. 1. 12 MRSA §10107-A, as enacted by PL 2011, c. 381, §3, is repealed.

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

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

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

§10260. Black Bear Research and Management Fund

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

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

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

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

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

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

Sec. 7. 12 MRSA §11109-A, sub-§2-A, as amended by PL 2021, c. 599, §8, is repealed and the following enacted in its place:

2-A. Antlerless deer permit. The following provisions govern the ability of a super pack license holder to obtain an antlerless deer permit.

A. In a wildlife management district in which the commissioner issues at least 2,000 antlerless deer permits, the commissioner may allocate up to 2.5% of those antlerless deer permits to super pack license holders. The commissioner shall award to successful applicants an antlerless deer permit as described under section 11152, valid for use only in a designated district.

B. In order to receive a super pack antlerless deer permit, a super pack licensee must apply through the antlerless deer permit lottery. If the applicant receives a super pack antlerless deer permit in accordance with paragraph A, the applicant may claim the permit at no cost. If the applicant receives but does not claim the permit, the applicant forfeits the permit. If the applicant does not receive a super pack antlerless deer permit

in accordance with paragraph A, the applicant is eligible to receive an antlerless deer permit by means of the antlerless deer permit lottery as described in section 11152 and if received may claim and pay for the antlerless deer permit. The applicant may purchase an antlerless deer permit over the counter.

Sec. 8. 12 MRSA §11109-A, sub-§3, as amended by PL 2023, c. 49, §1 and affected by §3, is further amended to read:

3. ~~Harvest of 6 deer~~ Deer harvest authorizations. 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 season or the special muzzle-loading season in accordance with sections 11401, 11403 and 11404, respectively; and

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

C. Three antlerless deer and one deer of either sex during the special archery season in accordance with section 11402, subsection 4.

Sec. 9. 12 MRSA §11552, first ¶, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

~~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.~~

Sec. 10. 12 MRSA §12260-A, sub-§4, as enacted by PL 2021, c. 100, §12 and affected by §13, is amended by enacting a new 2nd blocked paragraph to read:

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 appropriate reservation chief or governor or the Aroostook Micmac Council stating that the person is an enrolled member of a federally recognized Indian nation, band or tribe listed in this paragraph is exempt from this subsection.

Sec. 11. 12 MRSA §12501, sub-§6, ¶B, as amended by PL 2009, c. 213, Pt. OO, §11, is further amended to read:

B. A resident combination hunting and fishing license is \$42 \$43.

Sec. 12. 12 MRSA §12501, sub-§6, ¶C, as amended by PL 2009, c. 213, Pt. OO, §11, is further amended to read:

C. A resident combination archery hunting and fishing license is \$42 \$43.

Sec. 13. 12 MRSA §13068-A, sub-§4, ¶A, as enacted by PL 2003, c. 655, Pt. B, §380 and affected by §422, is amended by amending subparagraph (3) to read:

(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

Sec. 14. 12 MRSA §13068-A, sub-§4, ¶A, as enacted by PL 2003, c. 655, Pt. B, §380 and affected by §422, is amended by amending subparagraph (4) to read:

(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.

Sec. 15. 12 MRSA §13071-A, sub-§2, ¶A, as enacted by PL 2003, c. 655, Pt. B, §384 and affected by §422, is amended by amending subparagraph (1) to read:

(1) Operate or be a passenger on a personal watercraft unless the person is wearing a Coast Guard approved ~~Type I, Type II or Type III~~ personal flotation devices device; or

Sec. 16. 12 MRSA §13152, sub-§2, as repealed and replaced by PL 2005, c. 397, Pt. E, §17, is amended by amending the first blocked paragraph to read:

~~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.

Sec. 17. Effective date. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 12, section 11109-A, subsection 2-A and that section of this Act that amends Title 12, section 11109-A, subsection 3 take effect January 1, 2024.