

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

Sec. 1. 12 MRSA §10152, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §32 and affected by §422, is repealed.

Sec. 2. 12 MRSA §10853, sub-§11, as amended by PL 2013, c. 408, §8, is further amended to read:

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;

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

C. The person meets all other requirements for issuance of that permit and related licensing requirements and is not otherwise ineligible for that permit.

Each applicant's disability and needs must be reviewed ~~in consultation with the disabled hunter, trapper and angler advisory committee established in section 10152~~ 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 ~~disabled~~ 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.

Sec. 3. 12 MRSA §10952, sub-§1, as amended by PL 2013, c. 236, §1, is further amended to read:

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 ~~or a crossbow~~ 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 big game archery license or big game hunting license and a valid crossbow hunting license.

Sec. 4. 12 MRSA §10953, sub-§2, as enacted by PL 2005, c. 419, §2 and affected by §12, is repealed.

Sec. 5. 12 MRSA §10953, sub-§3 is enacted to read:

3. Crossbow requirements. A crossbow that is used to hunt under this section must meet the following requirements.

- A. The crossbow must have a shoulder-type stock. A hand-held pistol-type crossbow may not be used.
- B. The draw weight of the crossbow may not be less than 100 pounds.
- C. The arrowhead, including a mechanical broadhead when open, must be at least 7/8 inch in width.
- D. A crossbow arrow that has an explosive or poisonous tip may not be used.
- E. The crossbow must be equipped with a mechanical trigger safety device in working condition.
- F. The crossbow may be equipped with a scope or sight.

Sec. 6. 12 MRSA §11106, sub-§1, ¶A, as amended by PL 2013, c. 139, §2, is further amended to read:

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.

Sec. 7. 12 MRSA §11108-B, sub-§1-A, ¶A, as enacted by PL 2013, c. 538, §19, is amended to read:

A. "Adult supervisor" means a person who is 18 years of age or older and holds a valid Maine adult hunting license under this subchapter.

Sec. 8. 12 MRSA §11109, sub-§3, ¶F, as repealed and replaced by PL 2013, c. 538, §22, is amended to read:

F. A nonresident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$34. 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 nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

Sec. 9. 12 MRSA §11403, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 10. 12 MRSA §12152, sub-§3, as amended by PL 2005, c. 117, §2, is further amended to read:

3. Issuance. The commissioner may issue a permit to a person permitting the possession and use of wildlife with the following exceptions.

A. A propagation, rearing and sale permit does not authorize the permittee to 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 ~~H601~~12401, 12402 or ~~H602~~12404.

B. A commercial exhibition permit does not authorize the permittee to import any species of wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross or the eggs of these species.

C. A general possession permit does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid 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 ~~H601~~12401, 12402 or ~~H602~~12404.

D. A rehabilitation permit does not authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section ~~H601~~12401, 12402 or ~~H602~~12404.

Sec. 11. 12 MRSA §12204, sub-§1, ¶B, as amended by PL 2013, c. 538, §34, is further amended to read:

B. "Adult supervisor" means a person who is 18 years of age or older and ~~holds or~~ has held a valid adult trapping license under this subchapter for the prior 3 consecutive years ~~or has successfully completed a trapper education course of the type described in section 10108, subsection 7.~~

Sec. 12. 12 MRSA §13051, sub-§2, ¶C, as amended by PL 2011, c. 533, §7, is further amended to read:

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.

~~(2) If the agent has not paid the amount owed by the 60th day after the agent becomes delinquent, the commissioner shall assess a surcharge of 5% of the principal amount owed.~~

(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;

Sec. 13. 12 MRSA §13105, sub-§1, ¶C, as amended by PL 2011, c. 533, §10, is further amended to read:

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.

~~(2) If the agent has not paid the amount owed by the 60th day after the agent becomes delinquent, the commissioner shall assess a surcharge of 5% of the principal amount owed.~~

(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.

Sec. 14. 12 MRSA §13156, sub-§2, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 15. 12 MRSA §13157-A, sub-§5, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is repealed.

Sec. 16. 12 MRSA §13157-A, sub-§15, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is repealed.

Sec. 17. 12 MRSA §13157-A, sub-§25, ¶A, as amended by PL 2009, c. 340, §24, is further amended to read:

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.

Sec. 18. 12 MRSA §13159, as repealed and replaced by PL 2005, c. 397, Pt. E, §27, is amended to read:

§ 13159. Racing meets

Notwithstanding section 13155 and section 13157-A, ~~subsection 15~~, 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.

SUMMARY

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

1. It eliminates the disabled hunter, trapper and angler advisory committee and a reference to that committee.

2. It provides that a person must hold a valid archery hunting license to hunt with a hand-held bow and arrow during any open season on a bird or animal and that a person must hold a valid big game archery license or big game hunting license and a valid crossbow hunting license to hunt with a crossbow during any open season on a bird or animal.

3. It enacts in the statutes certain requirements regulating the use of crossbows and eliminates the maximum draw weight for crossbows of 200 pounds.

4. It amends the supervisory requirements for apprentice hunter licenses and apprentice trapper licenses. It specifies that the holder of an apprentice hunter license must hunt in the presence of a person who is 18 years of age or older and who holds a valid adult hunting license and specifies that the holder of an apprentice trapper license must trap in the presence of a person that has held a valid adult trapper license for the prior 3 years.

5. It specifies that a nonresident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost.

6. It corrects cross-references to statutory provisions that authorize the taking of wildlife that attack domestic animals, destroy property or cause damage to crops or orchards.

7. It eliminates language imposing a 5% surcharge on agents who fail to pay the amount owed the State for watercraft registration, snowmobile registration and all-terrain vehicle registration.

8. It repeals the provision of current law that prohibits a person from operating an all-terrain vehicle on a private road after being forbidden to do so by the owner or a municipal official.