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H.P. 1238

House of Representatives, May 14, 2019

An Act To Clarify Inland Fisheries and Wildlife Laws Regarding Boating and Hunting Licensing

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered
printed.

A handwritten signature in cursive script that reads "Robert 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 §11108-B**, as amended by PL 2015, c. 136, §7 and affected by
3 §12 and amended by c. 301, §12, is further amended to read:

4 **§11108-B. Apprentice hunter license restrictions**

5 **1. Apprentice supervisor required.** A holder of an apprentice hunter license may
6 not hunt other than in the presence of an ~~adult~~ apprentice supervisor.

7 A. The following penalties apply to violations of this subsection.

8 (1) A person who violates this subsection commits a civil violation for which a
9 fine of not less than \$500 and not more than \$1,000 may be adjudged.

10 (2) A person who violates this subsection after having been adjudicated as
11 having committed 3 or more civil violations under this Part within the previous 5-
12 year period commits a Class E crime.

13 **1-A. Definitions.** As used in this section, unless the context otherwise indicates, the
14 following terms have the following meanings.

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

17 B. "In the presence of" means in visual and voice contact without the use of visual or
18 audio enhancement devices, including but not limited to binoculars and citizen band
19 radios.

20 **2. Apprentice supervisor responsibility.** An ~~adult~~ apprentice supervisor must have
21 held a valid hunting license for the prior 3 consecutive years to be qualified to supervise a
22 holder of an apprentice hunter license. An ~~adult~~ apprentice supervisor shall ensure that
23 the holder of an apprentice hunter license follows safe and ethical hunting protocol and
24 adheres to the laws under this Part. An ~~adult~~ apprentice supervisor may not intentionally
25 permit a person hunting under an apprentice hunter license with that ~~adult~~ apprentice
26 supervisor to violate subsection 1.

27 A. The following penalties apply to violations of this subsection.

28 (1) A person who violates this subsection commits a civil violation for which a
29 fine of not less than \$500 must be adjudged.

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

33 **3. Eligibility.** A resident or nonresident 16 years of age or older who has never held
34 a valid adult hunting license in this State, or any other state, province or country, is
35 eligible to obtain an apprentice hunter license. Notwithstanding section 11105, a person is
36 eligible to obtain an apprentice hunter license without having successfully completed a
37 hunter safety course. A person may not obtain an apprentice hunter license more than 5
38 times. A person selected to receive a moose permit may not then purchase an apprentice
39 hunter license to meet the licensing requirements for that permit.

1 **4. Expiration of apprentice hunter license.** An apprentice hunter license is valid
2 for up to 12 calendar months and expires on December 31st.

3 **Sec. 2. 12 MRSA §11152, sub-§5-A,** as enacted by PL 2015, c. 219, §1, is
4 amended to read:

5 **5-A. Permit transfer to junior hunter.** Notwithstanding subsection 5, a junior
6 hunter may take an antlerless deer if another person who ~~is 18 years of age or older and~~
7 holds a valid antlerless deer permit transfers that permit to that junior hunter by
8 identifying the name and address of the transferee on the permit as well as any other
9 information reasonably requested by the commissioner and then returns the permit to the
10 department at least 48 hours prior to the junior hunter's hunting antlerless deer. Upon
11 transfer of the antlerless deer permit to a junior hunter, the transferor may not hunt an
12 antlerless deer pursuant to the transferred permit but remains eligible, unless otherwise
13 prohibited, to take a deer other than an antlerless deer in accordance with this Part.

14 The commissioner shall record a transfer under this subsection and return the permit to
15 the transferee. A valid permit must be in the possession of the transferee in order for the
16 transferee to take an antlerless deer.

17 **Sec. 3. 12 MRSA §12855, sub-§3,** as enacted by PL 2003, c. 414, Pt. A, §2 and
18 affected by c. 614, §9, is repealed.

19 **Sec. 4. 12 MRSA §13063,** as affected by PL 2003, c. 614, §9 and amended by c.
20 655, Pt. B, §373 and affected by §422, is further amended to read:

21 **§13063. Requirements for operators who carry passengers for hire with motorboat**

22 **1. Prohibition.** A person may not operate a motorboat carrying passengers for hire
23 without ~~an operator's license to carry passengers for hire as required in this section~~ having
24 successfully completed a boater safety education course approved by a national
25 association of state boating law administrators and approved by the commissioner. A
26 person operating a motorboat carrying passengers for hire shall provide proof of having
27 successfully completed a course under this subsection when requested by the
28 commissioner or the commissioner's agent. For purposes of this section, "carrying
29 passengers for hire" means receiving remuneration to carry passengers in a motorboat
30 from one predetermined point to another predetermined point on inland waters.

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

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

36 **2. Requirement.** Every operator of a motorboat, other than a licensed Maine guide
37 certified in watercraft safety, carrying passengers for hire, except those operators who
38 have been issued and have or are required to have in their possession a current valid
39 federal operator's license, shall ~~obtain an operator's license to carry passengers for hire~~
40 ~~from the commissioner as provided in this section before operating a motorboat carrying~~

1 ~~passengers for hire. show proof of having successfully completed an approved boater~~
2 ~~safety education course in accordance with subsection 1 upon request of the~~
3 ~~commissioner or the commissioner's agent.~~

4 ~~A. The operator shall make written application for the license to carry passengers for~~
5 ~~hire on forms provided by the commissioner.~~

6 ~~B. The commissioner shall cause operators applying for a license to carry passengers~~
7 ~~for hire for the first time to be examined as to their qualifications.~~

8 ~~**3. Issuance.** The commissioner shall issue the license to carry passengers for hire to~~
9 ~~applicants who have satisfactorily passed the examination.~~

10 ~~**4. Fee.** The fee for an operator's license to carry passengers for hire is \$1.~~

11 ~~**5. Renewal.** The commissioner may grant a renewal of license to carry passengers~~
12 ~~for hire upon written application and payment of the \$1 fee without examination.~~

13 ~~**6. Expiration.** Every license to carry passengers for hire expires on December 31st~~
14 ~~of the year for which issued.~~

15 SUMMARY

16 This bill changes the term "adult supervisor" to "apprentice supervisor" in the law
17 governing apprentice hunter license restrictions. It eliminates the threshold prohibiting
18 persons younger than 18 years of age from transferring a valid antlerless deer permit to a
19 junior hunter. It repeals the provision requiring the Commissioner of Inland Fisheries and
20 Wildlife to designate locations where guide license examinations will be held. It also
21 removes the requirement that a license must be obtained from the Department of Inland
22 Fisheries and Wildlife to operate a motorboat carrying passengers for hire and instead
23 requires proof of successful completion of a boater safety education course approved by a
24 national association of state boating law administrators.