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Legislative Document

No. 1196

S.P. 423

In Senate, April 2, 2015

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

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 "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative SHAW of Standish and
Senator: DUTREMBLE of York, Representatives: ALLEY of Beals, COREY of Windham,
CRAFTS of Lisbon, DANA of the Passamaquoddy Tribe, HILLIARD of Belgrade, LYFORD
of Eddington, REED of Carmel.

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

2 **Sec. 1. 12 MRSA §10152**, as affected by PL 2003, c. 614, §9 and amended by c.
3 655, Pt. B, §32 and affected by §422, is repealed.

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

6 **11. Permits to accommodate permanent physical disabilities.** The commissioner
7 may issue a special permit to a person with a permanent physical disability that includes
8 special authorization that allows that person to hunt, trap or fish at times or in a manner
9 otherwise prohibited by this Part in order to enhance access to hunting, trapping and
10 fishing opportunities. No laws or rules may be waived except as are necessary to effect
11 this subsection. A permit may be issued under this subsection only if:

12 A. The applicant provides the commissioner with a letter signed by a licensed
13 physician clearly stating the nature of that person's disability, the permanence of the
14 disability and the extent to which the disability affects that person's ambulatory
15 ability or endurance; use of one or both hands, arms or legs; or sight or hearing;

16 B. The commissioner determines that the permanent physical disability prevents that
17 person from safely accessing hunting, trapping or fishing opportunities at the times or
18 in the manner allowed by this Part or by rules adopted pursuant to this Part; and

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

21 Each applicant's disability and needs must be reviewed ~~in consultation with the disabled~~
22 ~~hunter, trapper and angler advisory committee established in section 10152 by the~~
23 department and a determination made regarding the special authorization that may be
24 made to enhance the applicant's access to fishing, hunting and trapping opportunities. A
25 permit issued under this subsection must be signed by the commissioner and include a
26 clear and specific description of the activities authorized by that permit. The ~~disabled~~
27 person with a disability shall carry the permit whenever that person is hunting, trapping
28 or fishing, and the permit must be presented to a game warden or other law enforcement
29 officer upon request. No laws or rules may be waived except as are necessary to effect
30 this subsection.

31 The commissioner may authorize only the minimum special exceptions necessary to
32 overcome the applicant's disability and allow that applicant to safely hunt, trap or fish.
33 This does not authorize the commissioner to issue special exceptions that endanger public
34 safety. A permit issued under this subsection does not authorize a person to exceed the
35 allowable bag or size limits for any fish or wildlife species; to fish for or take a fish or
36 wildlife species for which a license is not otherwise issued; to fish for, trap or hunt a fish
37 or wildlife species more than 7 days before the opening or more than 7 days after the
38 closing of the regular open season for that species; or to fish, trap or hunt in any area
39 permanently closed to those activities by state law or rule.

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

1 **1. Hunting with a bow and arrow or a crossbow.** A person may, except as
2 otherwise provided in this Part, hunt any wild bird or wild animal with a hand-held bow
3 and arrow ~~or a crossbow~~ during any open season on that bird or animal if the person
4 holds a valid archery hunting license and may, except as otherwise provided in this Part,
5 hunt any wild bird or wild animal with a crossbow during any open season on that bird or
6 animal if the person holds a valid big game archery license or big game hunting license
7 and a valid crossbow hunting license.

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

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

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

13 A. The crossbow must have a shoulder-type stock. A hand-held pistol-type
14 crossbow may not be used.

15 B. The draw weight of the crossbow may not be less than 100 pounds.

16 C. The arrowhead, including a mechanical broadhead when open, must be at least
17 7/8 inch in width.

18 D. A crossbow arrow that has an explosive or poisonous tip may not be used.

19 E. The crossbow must be equipped with a mechanical trigger safety device in
20 working condition.

21 F. The crossbow may be equipped with a scope or sight.

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

24 A. A resident or nonresident 16 years of age or older who has satisfied the
25 requirements of subsection 2 or holds an apprenticeship hunter license, or who is
26 exempt under subsection 3, may obtain an archery hunting license to hunt with bow
27 and arrow in accordance with section 10952 from the commissioner or the
28 commissioner's authorized agent.

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

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

33 **Sec. 8. 12 MRSA §11109, sub-§3, ¶F,** as repealed and replaced by PL 2013, c.
34 538, §22, is amended to read:

35 F. A nonresident junior hunting license, for a person 10 years of age or older and
36 under 16 years of age, is \$34. Notwithstanding the permit fees established in
37 subchapter 3, a nonresident junior hunting license includes all permits, stamps and
38 other permissions needed to hunt at no additional cost. A nonresident junior hunting

1 license does not exempt the holder of the license from lottery-related application
2 requirements under this Part.

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

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

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

9 A. A propagation, rearing and sale permit does not authorize the permittee to
10 possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or wild
11 turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate
12 or sell any wild animal taken in accordance with section ~~11601~~ 12401, 12402 or
13 ~~11602~~ 12404.

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

17 C. A general possession permit does not authorize the permittee to possess,
18 propagate or sell deer, bear, moose, wild turkey, hybrid turkey or wild turkey-
19 domestic turkey cross nor does it authorize the permittee to possess, propagate or sell
20 any wild animal taken in accordance with section ~~11601~~ 12401, 12402 or ~~11602~~
21 12404.

22 D. A rehabilitation permit does not authorize the permittee to possess, propagate or
23 sell any wild animal taken in accordance with section ~~11601~~ 12401, 12402 or ~~11602~~
24 12404.

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

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

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

33 C. An agent is delinquent if that agent fails to forward to the commissioner funds
34 collected by that agent by the date established in rules adopted under this subsection.
35 Failure to remit the funds as provided in this subsection results in the following
36 sanctions, in addition to any other provided by law.

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

1 (3) If an agent is delinquent for more than 150 days or is delinquent 3 or more
2 times in one year, the commissioner shall:

3 (a) Terminate the agency for the balance of the year; and

4 (b) Order that the agency not be renewed for the next year;

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

7 C. An agent is delinquent if that agent fails to forward to the commissioner funds
8 collected by that agent by the date established in rules adopted under this subsection.
9 Failure to remit the funds as provided in this subsection results in the following
10 sanctions, in addition to any other provided by law.

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

14 (3) If an agent is delinquent for more than 150 days or is delinquent 3 or more
15 times in one year, the commissioner shall:

16 (a) Terminate the agency for the balance of the year; and

17 (b) Order that the agency not be renewed for the next year.

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

20 **Sec. 15. 12 MRSA §13157-A, sub-§5**, as enacted by PL 2003, c. 655, Pt. B,
21 §414 and affected by §422, is repealed.

22 **Sec. 16. 12 MRSA §13157-A, sub-§15**, as enacted by PL 2003, c. 655, Pt. B,
23 §414 and affected by §422, is repealed.

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

26 A. Except as provided in section 13159, a person may not:

27 (1) Operate an ATV that is not equipped at all times with an effective and
28 suitable muffling device on its engine to effectively deaden or muffle the noise of
29 the exhaust;

30 (2) Operate or modify an ATV with an exhaust system that has been modified in
31 any manner that will increase the noise emitted above the following emission
32 standard:

33 (a) Each ATV must meet noise emission standards of the United States
34 Environmental Protection Agency and in no case exceed 96 decibels of sound
35 pressure when measured from a distance of 20 inches using test procedures
36 established by the commissioner; or

37 (3) Operate an ATV without a working spark arrester.

