Summary of Laws Enacted in 2014

126th Legislature 2nd Regular Session

- ***NOTE:** To read the chaptered law right click on the LD #, scroll down and click on "open hyperlink".

PUBLIC LAW 2014 CHAPTER 538 – (LD 1667) An Act to Amend Certain Provisions of Inland Fisheries and Wildlife Laws *(Effective April 9, 2014)*

There are many different sections of law that this law amended. The following information summarizes each section of P.L.c. 538.

1.

This section changes the libel proceedings statute by adding an exemption for a person who is found hunting after revocation to allow a law enforcement officer to seize hunting equipment without following the libel proceedings for hunting with a suspended or revoked license;

2.

This section eliminates the delinquency fee charged to agents of IFW who sell licenses and registrations for the department but fail to remit the funds within 60 days;

3.

This section creates a mandatory fee of $25 to reinstate a license after a suspension;

4.

Within part of a law passed in 2013 the Legislature asked IFW to simplify and streamline the laws governing license revocations. This section of the law helps to address this request. It clarifies the time frame for which a person is ineligible to obtain any license issued by IFW following a conviction for disturbing traps. The timeframe is 3 years from the date of conviction for a first offense and 5 years following the date of conviction for a 2nd or subsequent offense;

5. – 11.

If a person unlawfully hunts or possesses an antlerless deer in a wildlife management district in which no antlerless deer permits are issued they are subject to a mandatory license revocation as a result of this law change.

If a person is caught hunting, fishing or engaging in an activity for which a particular license, permit or registration permits and that license, permit or registration is under revocation they are subject to an additional mandatory revocation for any license and/or permit issued by the department for a period of at least one year;

12.

This section of law exempts residents who lose a Maine license under the Interstate Wildlife Violator Compact as a result of a conviction occurring out of Maine, from the requirement that the person complete Maine's outdoor ethics course. The Maine license will be reinstated once the person has met the eligibility requirements for reinstatement of the license in the state in which the conviction occurred;

13.

This section moves the provision of law regarding the outdoor ethics course so that it will be easier to locate within Title 12;

14 - 16, 28, & 29.

This section clarifies changes made to the crossbow laws by the Legislature in 2013. Currently a person may hunt with a crossbow during the open season on bear, wild turkey during the spring turkey season, moose during the moose season or deer during the open firearm season on deer. A person may not use crossbow to hunt for turkeys during the fall turkey season or for deer during the expanded and special archery seasons. Additionally, persons 70 years of age and older may hunt any wild bird or any wild animal with a crossbow during any open season on that bird or animal;

17.

This section corrects a reference to junior hunting licenses in the provision on hunter safety requirements so that the term "junior" rather than juvenile is used consistently when referring to a hunting license for people between 10 and 16 years of age.

18, 19, & 34

Several sections of law amend the apprentice hunting and apprentice trapping laws in order to make them more consistent in the realm of supervision requirements. The term “adult supervisor” and “in the presence of” have both been defined.

18, 19, & 34

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Apprentice Hunting:

- “Adult supervisor” for an apprentice hunter means that they must be 18 years of age or older and holds a valid Maine hunting license and must have held a valid hunting license for the prior 3 consecutive years to be qualified to supervise the apprentice hunter.
- “In the presence of” as it relates to supervising an apprentice hunter means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.
- “Eligibility” for an apprentice hunter means a resident or a nonresident 16 years of age or older who has never held a valid adult hunting license in this State, or any other state, province or country, is eligible to obtain an apprentice hunter license. Also they may obtain an apprentice hunter license without having successfully completed a hunter safety course but they may not obtain an apprentice hunter license more than twice. The law changed to allow someone to obtain an apprentice hunting license even if they have already held a junior hunting license in the past.

Apprentice Trapping:

- "Adult supervisor" for an apprentice trapper means that they must be 18 years of age or older and holds or has held a valid trapping license for 3 consecutive years or has successfully completed a trapper education course to be qualified to supervise an apprentice trapper.
- "In the presence of" for an apprentice trapper means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.
- "Eligibility" for an apprentice trapper means a resident or nonresident 16 years of age or older who has never held a valid adult trapping license in this State, or any other state, province or country, is eligible to obtain an apprentice trapper license. Also they may obtain an apprentice trapper license without having successfully completed a trapper education course but they may not obtain an apprentice trapping license more than twice. The law changed to allow someone to obtain an apprentice trapping license even if they have already held a junior trapping license in the past.

21 & 22.

This section clarifies a 2013 change made to the law regarding resident and nonresident junior hunting licenses. It specifies that the license does not exempt the holder from having to comply with the requirements of the lottery processes, including those of the lottery for an antlerless deer permit and the moose lottery;

23.

It corrects an error made in Public Law 2013, chapter 408, which amended the qualifications for an antlerless deer permit for a person with a disability. The 2013 law had inadvertently made a person who is suffering from the permanent loss of use of both lower limbs ineligible to apply;

24.

This law repeals Public Law 2013, chapter 437, section 1, which passed in January of 2014 and establishes moose hunting permits for hunting lodges. Also, for purposes of entry into the moose permit lottery and allocation of moose lottery permits it defines "hunting outfitter" to include sporting camp owner-operators who are licensed to provide package deals for food, lodging and the services of a guide. It prohibits the sale or transfer of the permit by a hunter who receives it through a hunting outfitter; [There are very specific requirements to be able to apply for this moose permit. Please visit the Moose Hunting page of the IFW website for more detailed information.]

25.

This section prohibits discharging an arrow from a bow over or near a public paved way;

26.

The recent law change that was specific to discharging a bow and arrow within 100 yards of a building or residential dwelling without permission from the building's owner or occupant or owner's authorized representative has been repealed;

20, 30 - 33

In 2013 the Legislature asked IFW to propose some changes that would make supervision requirements for junior hunting and junior trapping laws more consistent. As a result the term "adult supervisor" and "in the presence of" have both been defined.

Junior Hunting

- "Adult supervisor" for a junior hunter means the parent or guardian of the junior hunter or a person 18 years of age or older who is approved by the parent or guardian of the junior hunter and who holds or has held a valid Maine hunting license or has completed a hunting safety course.
- "In the Presence of" as it relates to supervising a junior hunter means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.
- "Eligibility" for a junior hunter means a resident or nonresident who is at least 10 years of age and under 16 years of age.

Junior Trapping

- "Adult supervisor:" for a junior trapper means a parent or guardian of the junior trapper or a person 18 years of age or older who is approved by the parent or guardian of the junior trapper and who holds or has held a valid Maine trapping license or has completed a trapping safety course.
- "In the Presence of" as it relates to supervising a junior trapper means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.
- "Eligibility" for a junior trapper means they must be over 10 years of age and under 16 years of age and must hold a junior trapping license and be in the presence of and under the effective control of an adult supervisor at all times while trapping, unless the holder of the junior trapping license submits proof of having successfully completed a trapper education course.

29.

This section repeals the law requiring a grouse hunter to label ruffed grouse harvested when traveling within or through unorganized territory;

35. – 38.

This section of the law requires the Commissioner to provide an annual report to the IFW Committee which documents any rule-making actions taken that add or remove waters on the state heritage fish waters list. It also allows the department to use routine technical rule-making instead of major substantive rule-making when removing waters from the list;

40. & 41.

It resolves a conflict created by Public Law 2013, chapters 380 and 408, which repealed the same provisions of law regarding nonresident junior fishing licenses. Chapter 380 delayed the repeal until January 1, 2015 to allow the department to collect revenue for another year. The conflict is resolved by delaying the repeal until January 1, 2015, as in chapter 380.

42. & 43.

Public Law 2013, chapter 368 authorized the transfer of $150,000 to fund security improvements and renovations at the Gray headquarters facility. This section of law authorizes the funds to be utilized for the construction of a new headquarters facility in Gray instead.

PUBLIC LAW 2014 CHAPTER 539– (LD 1671) An Act To Prohibit Motorized Recreational Gold Prospecting in Class AA Waters and Certain Atlantic Salmon and Brook Trout Habitats *(Effective April 8, 2014)*

- This law defines motorized recreational gold prospecting. It also prohibits motorized recreational gold prospecting in waters classified as Class AA waters and certain stream segments that contain important brook trout and Atlantic salmon habitats. It directs IFW and DMR by December 1, 2015, to review data, conduct site visits and collect any additional information necessary to determine whether these statutorily specified stream segments continue to represent critical or high-value brook trout or Atlantic salmon habitat, and whether there are areas not listed that represent additional critical or high-value brook trout or Atlantic salmon habitat that should be closed to motorized recreational gold prospecting. The review asks that at a minimum specific locations be reviewed.

- By January 15, 2016, each department is further directed to submit any recommendations for the addition or removal of areas of critical or high-value brook trout or Atlantic salmon habitat on the list of areas closed to motorized recreational gold prospecting under Title 38, to the environmental and natural resource committee, and the committee is authorized to report out a bill relating to the recommendations to the Second Regular Session of the 127th Legislature.

PUBLIC LAW 2014 CHAPTER 499– (LD 1695) An Act Regarding Fishways *(Effective 90 days after the Legislature adjourns in 2014, date to be determined)*

- This law makes the fishing restrictions around certain fishways less restrictive. It allows people to fish up to the fishway but they cannot fish into the fishway or from the fishway at the following locations: Webber Pond Dam in the Town of Vassalboro in Kennebec County, the fishway at Pushaw Lake Dam in the Town of Hudson in Penobscot County, Davis Pond Dam in the Town of Eddington in Penobscot County, Leonard's Mills Dam on Blackman Stream in the Town of Bradley in Penobscot County and Souadabscook Stream Dam at Grist Mill Road in the Town of Carmel in Penobscot County.

PUBLIC LAW 2014 CHAPTER- (LD 1626) An Act To Fund Invasive Species Prevention and Control *(Effective April 29, 2014)*

- It increases from 60% to 80% the percentage of fees dedicated to the Invasive Aquatic Plant and Nuisance Species Fund in the Department of Environmental Protection and reduces from 40% to 20% the percentage of these fees dedicated to the Lake and River Protection Fund in the Department of Inland Fisheries and Wildlife. It requires the Commissioner of Environmental Protection to use at least 20% of the money in the Invasive Aquatic Plant and Nuisance Species Fund for eradication activities. It allocates funds from the Inland Fisheries and Wildlife Carrying

Account, General Fund account within the Department of Inland Fisheries and Wildlife to the Lake and River Protection Fund in an amount equal to the reduction in funding to the Lake and River Protection Fund caused by the reduction in the percentage of fees dedicated to the fund for the current biennium.