

130th Legislature (2021)– Summary of Laws Enacted



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PUBLIC LAWS

Finalized on August 31, 2021

[PUBLIC LAW 2021 CHAPTER 54](#) – (LD 199) **An Act To Amend Certain Fish and Wildlife Laws and Related Provisions** (Warden Service Related Proposals)

(Effective: October 18, 2021)

This law has several section numbers that address different topics which include:

Sects 1, 8 & 9: all of these sections are related. It provides a definition of “upland game species” that includes bobwhite quail, gray squirrel, porcupine, ring-necked pheasant, ruffed grouse, snowshoe hare, spruce grouse and woodchuck. This will be in statute because though upland game species are mentioned in department rule, there is no official definition. It also creates a sliding penalty scale for each upland game species over a person’s limit. For instance, a person who kills 10 snowshoe hare over their limit should be subject to a different penalty than a person who exceeds their limit by 1. The sliding penalty scale is the approach utilized for a person who is caught exceeding their bag limit of fish. It allows the Commissioner of IFW to set a daily bag limit and possession limit for upland game species and makes violating these limits a Class E crime with a fine of not less than \$200 plus \$50 for each animal taken in violation may be adjudged.

Sects. 2. & 5. Allows the department to enforce the law when someone abuses another person’s property even when they aren’t involved in an activity such as hunting, fishing or trapping. If a person is

found to have violated that law, they may be ordered to pay restitution to the landowner for damages. It also allows for the revocation for one year of any license, permit or registration issued by the department, not just hunting and fishing licenses, of a person who is convicted of destroying, tearing down, defacing or otherwise damaging a property posting sign.

Sec. 4. Clarifies that a person's hunting license will be revoked for 5 years if the person is convicted of night hunting while in possession of a thermal imaging device. This makes it clear that thermal imaging cameras are a form of night vision that are illegal and if a person is convicted of night hunting it will be a license suspension for 5 years, to be consistent with the use of other forms of night vision while night hunting.

Sec. 6. It prohibits domestic violence offenders and certain nonviolent juvenile offenders from obtaining or possessing any license or permit issued by the department that authorizes a person to hunt with a firearm. Currently there is a Title 12 law which makes it illegal for a person prohibited from possessing firearms under Title 15 Section 393 (1) to possess a firearms hunting license. A recent (2015) domestic violence (DV) law has made it a state violation to possess a firearm for 5 years by anyone who has been convicted of a DV offense after October 2015. This proposal would bring our Title 12 license prohibition in-line with the new Title 15 language. Essentially, if you are prohibited from possessing firearms due to DV convictions or non-violent juvenile convictions you are also prohibited from possessing a firearms license for the period in which you are prohibited from possessing firearms.

Secs. 7, 14, 15, 16 & 17: These sections are all related and clarify that bear fat (not attached to the meat) can legally be bought and sold for personal use, by and from a person who legally hunted or trapped a bear without a hide dealer's license. It further clarifies that bear fat (not attached to the meat) can be bought and sold commercially under the authority of a hide dealer's license. Numerous people have asked to utilize bear fat for various purposes, both personally and commercially and have wondered if the fat is regulated or if they have to be a hide dealer to sell it. This answers those questions and makes it consistent with uses of other parts of big game animals. It also requires a hide dealer to keep a true and complete record of those buying and selling bear fat.

Sec. 10. This makes a clarification that a person may not take or possess reptiles or amphibians from the wild for export, sale or commercial purposes. Because of the current word "**and**" being used, both actions, take and possessed, need to be proven to meet the elements of this crime. It should read "or" so that a person can be charged with either the taking "**or**" possessing of a reptile or amphibian from the wild when they are trying to export or sell them for commercial purposes.

Sec. 11. It specifies that a person may not keep bear, deer, moose or wild turkey without registering the animal for more than 18 hours after the animal was harvested. Current language has been construed to mean that the time limit of 18 hours only begins once the animal is brought home or to a place of storage, but the interpretation and enforcement of this law has always been that the time limit begins once the animal is killed and reduced to the hunter's possession.

Secs. 3, 12 & 13. It requires all the edible meat and head of a bear, deer or moose to be presented for registration along with evidence of the animal's sex. The following parts are not required to bring out for registration: the viscera, hide, lower legs and rib cage, including the ribs, spine and pelvis. It allows those animals to be dismembered for ease of transportation and allows the hunter to leave parts that are not of use so long as they are left away from public view.

Secs. 18 & 19. Make a special hide dealer's license valid for a full year, commencing January 1st, rather than a partial year, commencing August 1st.

Sec. 20. This amends the definition of "owner" for the purpose of registration of a snowmobile, watercraft and ATV to make the definitions consistent for all three types of recreational vehicles.

For purposes of registering all recreational vehicles “owner” now means a person holding title to or having equitable interest in that that recreational vehicle that entitles the person to possession of the recreational vehicle.

IFW does not title recreational vehicles or watercraft in Maine. This will address the “right to possession” for recreational vehicles titled in another state and address an issue of someone selling a recreational vehicle and a new owner being able to operate it on an old registration and not having to re-register it.

PUBLIC LAW 2021 CHAPTER 60 – (LD 547) **An Act Regarding Nuisance Beavers**

(Effective: By Emergency, May 25, 2021)

This law specifies that the IFW Commissioner may at any time authorize a landowner, a person on behalf of the landowner or an agent of IFW to take or kill beavers causing conflicts.

PUBLIC LAW 2021 CHAPTER 65 - (LD 88) **An Act To Amend Maine's Wildlife Laws Regarding Species of Special Concern**

(Effective: October 18, 2021)

This law provides a definition for the term: "species of special concern" that means a species of fish or wildlife that is not an endangered species or a threatened species but meets criteria for being of special concern as established by the commissioner by rule. It also provides for a rule-making process for identifying a species as a species of special concern and provides the framework for the rule-making process in a new section under the powers of the Commissioner of IFW. Species of special concern are listed on the Department’s website and the list is used as a way to focus work efforts but has never been codified in rule or law previously. Rulemaking will ensue to capture this list in rule.

The law also clarifies that the process undertaken by the commissioner in order to make a recommendation to the Legislature that a species be added to or deleted from the endangered or threatened species list requires only one public hearing, but may include more than one public hearing.

PUBLIC LAW 2021 CHAPTER 72 - (LD 361) **An Act To Establish a Permanent Appointment of a Member of the Wabanaki Tribes to the Inland Fisheries and Wildlife Advisory Council**

(Effective: October 18, 2021)

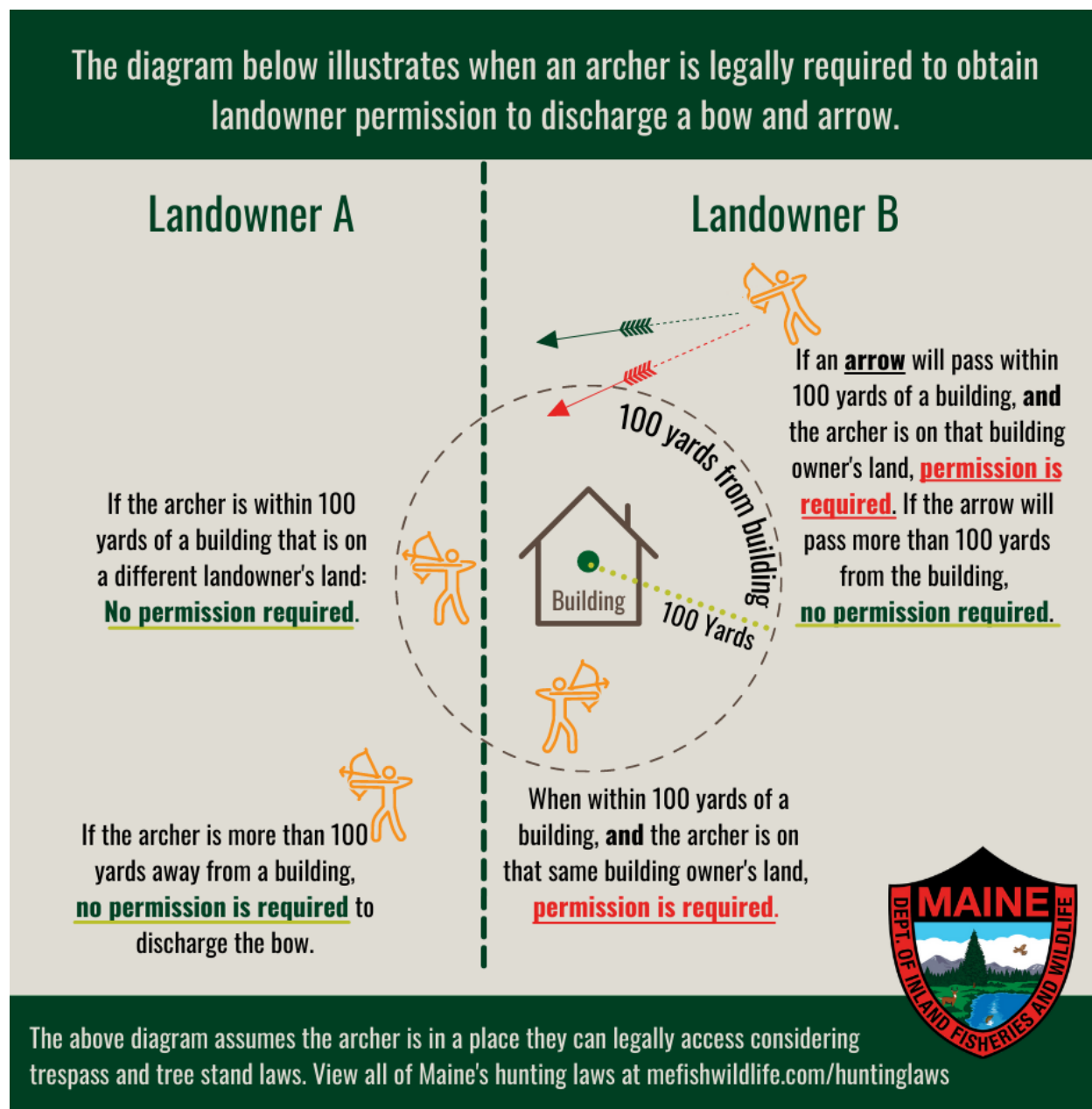
This law increases the membership of the IFW Advisory Council by adding a member who represents the Wabanaki Tribes. It clarifies that if the tribal governments do not make a unanimous joint recommendation, the Governor must appoint a member of a federally recognized Indian nation, tribe or band in the State and rotate the appointment among members of each federally recognized Indian nation, tribe or band in the State.

PUBLIC LAW 2021 CHAPTER 74 - (LD 569) **An Act To Prohibit Hunting with a Bow on Land of Another Person within 100 Yards of a Building or Residence on That Land without Permission**

(Effective: October 18, 2021)

This law prohibits the discharge of an arrow from a bow and arrow when on land of another person and within 100 yards of a building or residential dwelling on that land without the permission of the owner of that building or residential dwelling or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner. It also prohibits a person from causing an arrow from a bow and arrow to pass across the land of another person and within 100 yards of a building or residential dwelling on that land without the permission of the owner of that building or residential

dwelling or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner.



PUBLIC LAW 2021 CHAPTER 87 - (LD 309) **An Act Relating to Hunters Required To Hire Guides**
(Effective: October 18, 2021)

This law requires a nonresident who is not a citizen of the United States and is a resident of the Canadian province of New Brunswick or Quebec to be accompanied by a licensed guide when hunting bear, deer or moose in Maine. It provides an exception for such a person who:

- Owns or leases land in the State (department has interpreted that to include a LLC, Corporation such as a sugar bush or commercial sporting lodge owner);

- Is current on property taxes assessed for that land; and
- Keeps that land open for hunting by the public.

If these conditions are met, the person and the person's family members may be authorized to hunt without a guide. For purposes of this law "family member" means a parent, spouse, daughter or son or a grandchild who is less than 18 years of age.

PUBLIC LAW 2021 CHAPTER 100 - (LD 142) **An Act To Give the Commissioner of Inland Fisheries and Wildlife Rule-making Authority To Establish a Bear Season Framework and Bag Limits**

(Effective: January 1, 2022)

This law does the following:

1. It requires the Commissioner of IFW to establish by rule an open season on hunting bear beginning no earlier than the 2nd Monday preceding September 1st and ending no later than November 30th annually.
2. It clarifies that the commissioner may adopt rules to set the dates when dogs may be used to hunt black bear during any portion of the open bear hunting season.
3. It provides that a person may not set bear bait earlier than 30 days before the first Monday preceding September 1st.
4. It reduces the fee for a resident bear permit from \$27 to \$10.
5. It requires the commissioner to adopt rules governing the number of bears that may be hunted and trapped in a season, which may not be more than one by trapping or 2 in total.
6. It establishes a daily bag limit of one bear by hunting.
7. It provides that, beginning January 1, 2022, to obtain a bear trapping permit, a person must either have successfully completed a bear trapping education course or have previously held a valid Maine bear trapping permit in any year prior to 2022.
8. It provides that a resident may hunt bear without a valid permit during the open firearm season on deer.
9. Allows a person to trap for bear under the authority of either a trapping license or a big game hunting license, and a bear trapping permit.
10. When the bag limit on bear is more than one it requires a bear hunting permit for each bear.

PUBLIC LAW 2021 CHAPTER 104 - (LD 280) **An Act To Increase Funding for Snowmobile Trails and Capital Equipment Grants**

(Effective: October 18, 2021)

- This law increases the snowmobile registration fees as follows:
 - **Resident** registration fee from **\$45 to \$55**
 - **Nonresidents 3-day** registration fee from **\$49 to \$74**
 - **Nonresidents 10-day** registration fee from **\$75 to \$99.**
 - **Nonresident season** registration from **\$99 to \$119.**
- The portion of the registration fees allocated to help fund the Off-Road Vehicle Division Fund (DACF) are changed to:
 - **From \$5 to \$10** of all resident registration fees
 - **\$15** of all the nonresident registration fees
- The portion of the registration fees allocated to help fund the Snowmobile Trail Fund (DACF) are changed to:

- From **\$12 to \$17** of each **resident** registration fee
 - From **\$6 to \$16** of each **nonresident 3-day** registration fee
 - From **\$6 to \$16** of each **nonresident 10-day** registration fee
 - From **\$11 to \$21** of each **nonresident** registration fee
- Allocations of snowmobile registrations are to be transferred to the Snowmobile Enforcement Fund for Warden Service as follows:
 - **\$5** of each **nonresident 3-day registration**
 - **\$5** of each **nonresident 10-day registration**

PUBLIC LAW 2021 CHAPTER 112 - (LD 635) **An Act Relating to Hunting with a Noise Suppression Device**
(Effective: October 18, 2021)

1. It repealed the law in Title 12 relating to the use of noise suppression devices, including the permit requirement as well as the current enhanced penalties and mandatory license revocations that apply to committing hunting crimes while using a noise suppression device. While a person no longer needs a permit from Warden Service to hunt with a suppressor device, anyone who wishes to possess a firearm fitted or contrived with any device for deadening the sound of the explosion must still obtain the appropriate federal permit from The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
2. It created a new provision providing for the suspension of a person's hunting license for at least 3 years if that person is convicted of any of the violations listed in Title 12, section 10902, subsection 6 and found to have been in possession of a firearm with a noise suppression device. Subsection 6 includes night hunting and several other violations. Currently it is only a minimum one-year license revocation for the offenses listed in subsection 6.

PUBLIC LAW 2021 CHAPTER 121 - (LD 943) **An Act To Improve Turkey Tagging**
(Effective: October 18, 2021)

1. Exempts turkeys taken during the fall open season on hunting wild turkey from tagging and registration requirements; and
2. Requires IFW to determine the direct costs of and timeline required for implementing an electronic tagging system for wild turkey. The department is required to report its findings and recommendations to the Joint Standing Committee on IFW by January 3, 2022 and the committee is authorized to report out a bill related to turkey tagging to the 130th Legislature.

PUBLIC LAW 2021 CHAPTER 124 - (LD 1031) **An Act To Create an Administrative Review Process for Hunting Violations**
(Effective: October 18, 2021)

This law establishes a procedure for the Commissioner of IFW to take administrative action regarding civil trespass while hunting without first requiring a criminal conviction or civil adjudication. If a person alleged to have committed a violation of Title 12, section 10657 while hunting is not charged with violating section 10657, the commissioner may initiate administrative proceedings, which include notice and an opportunity to be heard, and impose administrative penalties including revocation of a license to hunt for up to 3 years. If the person violates section 10657 while hunting and does not hold a hunting license, the commissioner may refuse to issue a hunting license to that person for up to 5 years. The decision of the commissioner may be appealed to Superior Court. This process would be initiated when the Game Warden Colonel determines, after consultation with the district attorney, that a person the

Colonel has probable cause to suspect has violated the law prohibiting trespassing while hunting will not be charged with that violation by the district attorney.

[PUBLIC LAW 2021 CHAPTER 130](#) - (LD 1244) **An Act To Extend Electronic Proof of Registration to All-terrain Vehicles, Snowmobiles and Watercraft**

(Effective: October 18, 2021)

This law allows a person to present or have available for inspection an electronic form of a registration certificate, online registration receipt or certificate of number for a snowmobile, watercraft or ATV.

[PUBLIC LAW 2021 CHAPTER 153](#) - (LD 984) **An Act To Increase Government Accountability by Removing the Restriction on the Dissemination of Information Regarding Investigations**

(Effective: October 18, 2021)

This law repeals the law prohibiting a Maine criminal justice agency from confirming the existence or nonexistence of confidential intelligence and investigative record information to any person or public or private entity that is not eligible to receive that information.

[PUBLIC LAW 2021 CHAPTER 162](#) - (LD 1474) **An Act To Promote Outdoor Recreational Opportunities for Maine Students**

(Effective: June 11, 2021)

- This law went into effect on June 11, 2021 and is aimed at creating a pathway for public and private elementary and secondary schools and postsecondary educational institutions to safely conduct overnight camping trips to primitive camping areas in the State for students and adults associated with those institutions.
- It establishes an educational trip leader permit in the laws governing guides and youth camp trip leaders, using the youth camp trip leader permit as a model. Schools currently conducting these trips as part of their programming have until October 1, 2022 to comply with the new permit process.
- It requires camping trips to be led by persons who have obtained educational trip leader permits. It also establishes the Advisory Committee for Educational Trip Leader Permits to provide advice to the Commissioner of IFW regarding the permit and to regulate educational trip leader instructors.
- More specifically it defines "outdoor educational trip" as an educational or recreational outdoor trip conducted by an educational institution that includes nonmotorized boating or camping at a primitive camping area but does not include fishing, hunting, trapping or the use of snowmobiles, motorboats or all-terrain vehicles;
- It clarifies that the Commissioner of IFW must adopt rules to implement the program, including establishing an advisory committee to advise the commissioner on the program;
- The penalty that applies if a person who is not a guide conducts an outdoor educational trip without an educational trip leader permit is a civil penalty; and
- The renewal fee for an educational trip leader permit is \$20.

[PUBLIC LAW 2021 CHAPTER 166](#) - (LD 114) **An Act To Address Airboat Operation in the State**

(Effective: October 18, 2021)

This law does the following:

- Repeals current law requiring IFW to establish noise level limits for airboats by rule and replaces it with a provision establishing temporary airboat noise limits. It sets a noise limit of 90 decibels

as measured in a stationary sound level test as prescribed by the Society of Automotive Engineers (SAE) in standards J-2005.

- Between the hours of 7 p.m. and 7 a.m. the operational noise limit is 75 decibels as measured by the shoreline test, except to the extent necessary to achieve headway speed when leaving a boat launch or to get off a tidal flat.
- After 7 a.m. and before 7 p.m. the operational noise limit is 90 decibels as measured by the shoreline test, except to the extent necessary to achieve headway speed when leaving a boat launch or to get off a tidal flat.
- This statutory provision establishing noise limits is repealed September 30, 2022;

Stakeholder group on airboat noise issues. The Commissioner of Marine Resources and the Commissioner of IFW, shall convene a stakeholder group on issues related to airboat noise.

1. Formation. The stakeholder group must include a marine patrol officer and a game warden appointed by the commissioners and the following members to serve as part of the stakeholder group:

- 3 commercial marine shellfish harvesters who operate airboats;
- 3 resident coastal property owners;
- 2 municipal marine shellfish officers; and
- 2 coastal municipal administrators. The commissioners or the commissioners' designees serve as cochairs of the stakeholder group. The cochairs shall call and convene the first meeting of the stakeholder group no later than 30 days following the effective date of this section.

2. Duties. The stakeholder group:

- A.** Shall examine and determine airboat mechanical systems and adjustments that result in the lowest practically achievable airboat decibel levels;
- B.** Shall examine and determine available federal or other funding to assist airboat owners in addressing any identified deficiencies in their airboat mechanical systems to achieve the results determined under paragraph A; and
- C.** May examine any related issues that the stakeholder group determines appropriate, including but not limited to establishing and restoring shellfish harvester access to coastal tidal areas, airboat operational techniques to allow for lower decibel levels and appropriate training and equipment for state and municipal law enforcement officers.

3. Staff; information. The commissioners shall provide necessary staffing services to the stakeholder group. Within existing resources, the commissioners shall arrange for input from experts in airboat noise. The commissioners shall also ensure that local sound data related to airboat use on inland and coastal waters using SAE standards J-1970, SAE standards J-34 and SAE standards J-2005 testing procedures is gathered and provided to the stakeholder group. For the purposes of this subsection, "SAE standards" means technical standards adopted by the Society of Automotive Engineers.

4. Report. By January 15, 2022, the commissioners shall report to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on IFW the findings and recommendations of the stakeholder group, including any recommended legislation. After receiving the report, the Joint Standing Committee on IFW may report out a bill relating to airboats to the 130th Legislature.

(Effective: October 18, 2021)

This law does the following:

- It corrects cross-references.
- It corrects a conflict created by Public Law 2017, chapters 427 and 458, which affected the same provision of law. It provides that no more than 8% of moose hunting permits may be issued to nonresidents and no more than 2% may be issued to hunting outfitters.
- It removes an obsolete provision related to road safety management areas that were part of the Moose Management System, but permits are no longer issued there.
- It eliminates the requirement that moose hunters complete an after-season questionnaire.
- It provides that a person who has lawfully killed and registered a wild turkey may sell the plumage, wing bones, beard and lower legs of that animal, there had a been a conflict in law.
- It provides that a person may not sell any live wildlife, subject to certain exceptions.
- It removes an obsolete provision related to a nonresident junior fishing license because there is no longer a nonresident junior fishing license.
- It provides that a person licensed to deal in live smelts or baitfish may not receive, possess for resale, sell or offer to sell gift baitfish or gift smelts.
- It adds the Pleasant Bay Wildlife Management Area (WMA) in Washington County to the list of WMAs and adds 2 towns to the Plymouth Bog WMA.
- It makes requirements for taillights for snowmobiles and ATVs consistent by requiring a rear taillight capable of displaying a red light that can be seen from at least 100 feet.
- It changes the language of the provision governing the registration of an ATV by a member of the Armed Forces of the United States who is permanently stationed in this State to make it more consistent with a similar provision for the registration of a snowmobile. It provides that registration fees for the registration of such an ATV must be allocated as if the person registering the ATV was a resident of the municipality where the member is stationed.
- It removes incorrect cross-references to the Maine Revised Statutes, Title 29-A in the laws governing wearing helmets while on an all-terrain vehicle.
- It makes consistent the provisions prohibiting the operation of ATVs and snowmobiles too close to certain buildings. There are incorrect references to “how a person operates” rather than “where a person operates” a snowmobile, those should be removed.
- It adds a new section that allows the Inland Fisheries and Wildlife Advisory Council to conduct public meetings using telephonic, video, electronic or other means of remote participation if certain requirements are met.

[PUBLIC LAW 2021 CHAPTER 215](#) - (LD 1439) **An Act To Clarify All-terrain Vehicle Registration Requirements and Establish Regular Maintenance of Designated State-approved All-terrain Vehicle Trails**

(Effective: October 18, 2021)

This law does the following:

- It increases the registration fees for ATVs by \$25 for each type of registration.
- It states that the Department of Agriculture, Conservation and Forestry (DACF), Bureau of Parks and Lands (BPL) must use the registration fees deposited into the ATV Recreational Management Fund to oversee construction and maintenance of designated state-approved ATV trails.
- It adds an annual inspection of designated state-approved ATV trails to the purposes of the ATV Recreational Management Fund.
- It ensures that funds in the ATV Recreational Management Fund may be used to:

- assist in the design and development of ATV trails following the design specifications developed by the, DACF, BPL;
 - conduct research on issues related to the management of ATVs;
 - assist in the formation of nonprofit ATV groups;
 - make grants-in-aid to others, including political subdivisions, educational institutions, regional planning agencies and ATV groups, to construct and maintain designated state-approved ATV trails;
 - purchase equipment or to otherwise carry out the purposes of the fund;
 - assist in the design and development of designated state-approved ATV trails;
 - ensure that designated state-approved ATV trails are inspected annually;
 - purchase, lease or otherwise acquire interests in land, including, but not limited to, fee or easement interests for designated state-approved ATV trails or sport-riding facilities;
 - provide protection to landowners against ATV-related suit or liability; and
 - otherwise provide for the wise and orderly management of ATVs.
- It creates a new registration category of “antique ATV,” which is an ATV over 25 years old that must be substantially maintained in its original or restored condition having a registration fee of \$45 all of which is to be deposited into the General Fund.
 - It creates a category of “oversized ATV,” which is an ATV that is wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer’s specifications. Registration of an oversized ATV is allowed only for residents who have previously registered that oversized ATV prior to January 1, 2022. An oversized ATV that is allowed under this law to be registered by its current owner may be transferred to a new owner who may also register that ATV.
 - It requires the DACF and DIFW to review ATV registration fees and maintenance needs for ATV trails in 2022 and 2023 and every 2 years thereafter and report their findings to the joint standing committee on IFW.
 - It allows operation of an unregistered ATV on land that the operator owns or leases.
 - It clarifies and reinforces that landowners or lessees across whose land state-approved ATV trails run, may limit not only the size and weight of ATVs allowed on the land but also the type of ATVs. Operators of ATVs, including oversized ATVs, on designated state-approved ATV trails must adhere to limitations imposed by landowners, lessees, and the State.
 - It also requires IFW to develop and make available an educational component for ATV owners and ATV registration agents regarding the operation and registration of oversized ATVs, including guidance regarding which ATVs are considered oversized ATVs, under which conditions oversized ATVs may be registered and where oversized ATVs may be operated.
 - It requires, when an oversized ATV is going to be registered that a registration agent explain orally and provide a form developed by IFW, which explains the size and weight restrictions for registering that ATV and provisions of the law regarding the use of ATVs on designated state-approved ATV trails.
 - If a dealer fails to provide this information it is a civil penalty.
 - Oversized ATVs that are registered may be operated on frozen bodies of water; unregistered ATVs, whether oversized or not, are allowed to be operated only on land the operator owns or leases.
 - It requires that a dealer selling a new or used oversized ATV explain orally and in writing the size and weight restrictions for registering that ATV and the provisions of law regarding the use of ATVs on designated state approved ATV trails. It requires the purchaser to acknowledge receipt of the form so that the dealer has a record of compliance.
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PUBLIC LAW 2021 CHAPTER 409 - (LD 404) **An Act To Preserve Deer Habitat**

(Effective: By Emergency, July 8, 2021)

- This law establishes preferential consideration under the Land for Maine’s Future (LMF) program for projects that conserve deer wintering areas identified by DIFW and that satisfy other land management requirements;
- It states within Title 5 that funds used for the development of a plan for a deer wintering area on land acquired with proceeds from the LMF Fund and any investments made to fund minor capital investments in the stewardship and management of that land may not together exceed 5% of the appraised value of the acquired property.
- Directs the Commissioner of IFW to identify areas that are important to the conservation of deer in northern, eastern and western Maine, and authorizes the department to acquire these lands, which must be designated as wildlife management areas and directs the department to ensure that appropriate deed restrictions are placed on the land acquired and to develop appropriate purchase and sale agreements to ensure that deer wintering areas on land to be acquired is preserved as deer wintering areas prior to purchase. Beginning January 15, 2023 and annually thereafter, the department is required to report to the joint standing committee of IFW matters on the acquisition and management of deer wintering areas;
- Allows the Maine Deer Management Fund to be used to acquire deer habitat;
- Authorizes DIFW to prohibit or limit the feeding of deer, bear, moose or wild turkey as part of a plan to promote the use of deer wintering areas by deer.

PUBLIC LAW 2021 CHAPTER 435 - (LD 1012) **An Act To Provide Funding for the Maine Outdoor Heritage Fund Program**

(Effective: October 18, 2021)

The law provides \$75,000 from the unappropriated surplus of the General Fund in each year of the biennium to support the Maine Outdoor Heritage Fund program. Under the program, grants are made to various project categories to maintain, improve and expand state and local natural resource conservation programs and associated compatible public uses. Wildlife rehabilitators may now receive grants from this unappropriated surplus.

PUBLIC LAW 2021 CHAPTER 411 - (LD 223) **An Act To Clarify Maine's Fish and Wildlife Licensing and Registration Laws** (Licensing Related Proposals)

(Effective: October 18, 2021)

Secs. 1, 2 & 3. Are all related and require payment of a \$50 reinstatement fee for a suspended or revoked license, permit or registration under DIFW laws and any civil contempt reinstatement fee to be deposited into the Landowner Relations Fund.

Secs. 4, 5 & 6. It also allows a nonresident junior trapper to purchase a trapping license at the resident junior rate and clarifies that a nonresident trapper of any age who is not a citizen of the United States may trap only beaver.

Secs. 7 & 8. It includes language that is consistent with ATV registration requirements in regard to the form and display of snowmobile registration numbers and stickers and provides that a snowmobile registered after May 1st and prior to July 1st has a registration that is valid for the upcoming winter and expires June 30th of the following year. It clarifies language regarding fees for snowmobile registrations to reflect that not all snowmobile registrations last a full year. It makes similar changes to the law regarding ATV registration fees and changes a date from June 31st, which does not exist, to June 30th.

Sec. 9. It adds an appropriations and allocations section of \$13,000 in each of the FY21/22 and FY22/23 budgets for the Keep Maine Clean Program.

IFW Work Prior to Next Session

Resolves, Carryovers, Studies, Stakeholders Groups, Report Backs

Rulemaking

[PUBLIC LAW 2021 CHAPTER 100](#) - (LD 142) **An Act To Give the Commissioner of Inland Fisheries and Wildlife Rule-making Authority To Establish a Bear Season Framework and Bag Limits**

(Effective: October 18, 2021)

This law does the following:

- It requires the Commissioner of IFW to establish by rule an open season on hunting bear beginning no earlier than the 2nd Monday preceding September 1st and ending no later than November 30th annually.
- It clarifies that the commissioner may adopt rules to set the dates when dogs may be used to hunt black bear during any portion of the open bear hunting season.
- It provides that a person may not set bear bait earlier than 30 days before the first Monday preceding September 1st.
- It reduces the fee for a resident bear permit from \$27 to \$10.
- It requires the commissioner to adopt rules governing the number of bears that may be hunted and trapped in a season, which may not be more than one by trapping or 2 in total.
- It establishes a daily bag limit of one bear by hunting.
- It provides that, beginning January 1, 2022, to obtain a bear trapping permit, a person must either have successfully completed a bear trapping education course or have previously held a valid Maine bear trapping permit in any year prior to 2022.
- It provides that a resident may hunt bear without a valid permit during the open firearm season on deer.
- Allows a person to trap for bear under the authority of either a trapping license or a big game
- When the bag limit on bear is more than one it requires a bear hunting permit for each bear.

Study / Report Back

[RESOLVE CHAPTER 28](#) - (LD 937) **Resolve, To Direct the Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife To Jointly Develop Recommendations Regarding Carbon Storage Programs and Policies**

(Effective: October 18, 2021)

This resolve does the following:

Sec. 1. Department of Agriculture, Conservation and Forestry (DACF) and Department of Inland Fisheries and Wildlife (IFW) to develop recommendations regarding carbon storage programs and policies. DACF and IFW shall jointly develop recommendations for the establishment of programs and policies to promote and incentivize, where appropriate, practices that increase sequestration of soil carbon on natural and

working lands by farmers, landowners and land managers, including, but not limited to, technical assistance and financial incentives for that purpose. The departments shall consult with stakeholders with expertise on carbon storage programs, agriculture, forestry, land management and economic incentives for carbon storage and with members of the Maine Climate Council's working lands working group.

Sec. 2. Reports regarding carbon storage programs and policies due on or before March 1, 2022, the departments under section 1 shall submit an interim report with findings and recommendations to the Joint Standing Committee on DACF they may submit a bill to the 130th Legislature relating to the subject matter of the interim report. On or before September 1, 2022, the departments shall submit a final report with findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agricultural, conservation and forestry matters, and the joint standing committee may submit a bill to the First Regular Session of the 131st Legislature relating to the subject matter of the report.

***REPORT BACK:** March 1, 2022

Study / Report Back

RESOLVE CHAPTER 45 - (LD 349) **Resolve, Directing an Examination of Issues Related to Operation of Watercraft on Waters of the State**

(Effective: October 18, 2021)

Study. Resolved: IFW shall examine issues related to the operation of watercraft, including personal watercraft, on the waters of the State including how best to educate the public about current laws governing the safe and appropriate operation of watercraft. The department shall also monitor whether the Town of Sweden votes to support prohibiting personal watercraft on Keyes Pond. The department shall report the department's findings and recommendations to the Joint Standing Committee on IFW prior to March 31, 2022. The committee may report out a bill related to the subject matter of the report, including relating to the operation of personal watercraft on Keyes Pond, to the 130th Legislature.

***REPORT BACK:** By March 31, 2022

Study / Report Back

RESOLVE CHAPTER 49 - (LD 1213) **Resolve, Regarding Electronic Tagging of Big Game Animals**

(Effective: October 18, 2021)

This resolve does the following:

Sec. 1. Study. Resolved: IFW shall examine electronic tagging of big game. The examination must determine the direct costs of and timeline required for implementing an electronic tagging option for hunters of big game animals and must include an evaluation of whether and how electronic tagging systems can effectively be implemented and any related costs and benefits of the system options. The department shall report the department's findings and recommendations, including suggested legislation, to the Joint Standing Committee on IFW by January 3, 2022. The committee may report out a bill related to big game tagging to the 130th Legislature.

Sec. 2. Registration stations. Resolved: That IFW shall take actions necessary to increase the number of big game registration stations to meet existing needs. In taking actions under this section, the department may allow wild game processing facilities, hunting outfitters, and other appropriate hunting-related businesses to apply to be selected as registration agents and may waive any requirements in the department's rules for registration stations to operate for a minimum number of days per week or a minimum number of hours of a day or to satisfy restrictions related to location.

***REPORT BACK:** By January 3, 2022

Study / Report Back

RESOLVE CHAPTER 67 - (LD 1572) **Resolve, To Analyze the Impact of Sea Level Rise**
(Effective: October 18, 2021)

This resolve requires DACF, the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, the DEP, the DIFW, the DMR, the Office of the Attorney General and DOT to review the laws and rules they are charged with administering and submit recommendations to the Joint Standing Committee on Environment and Natural Resources by January 1, 2022 necessary to incorporate consideration of 1.5 feet of relative sea level rise by 2050 and 4 feet by 2100 into administration of those laws and rules and to implement the strategy designated as "Strategy F3" in the 2020 state climate action plan.

Report Back/Stakeholder Group

RESOLVE CHAPTER 77 - (LD 770) **Resolve, To Direct the Department of Inland Fisheries and Wildlife To Examine Issues Related to Hunting Dogs and Civil Trespass**
(Effective: October 18, 2021)

Sec. 1. Examination. Resolved: That IFW shall establish a stakeholder group to examine issues related to hunting dogs and civil trespass. The department shall ensure that the stakeholder group is as broadly representative of interested parties and groups as possible and shall invite participation from at least the following: representatives of affected landowners and persons who use dogs in hunting and others with interest in or expertise on the subject matter of the examination. The department may include or involve the Landowners and Sportsmen Relations Advisory Board under the Maine Revised Statutes, Title 12, section 10157 in the work of the stakeholder group.

Sec. 2. Report. Resolved: That IFW shall report the findings and recommendations resulting from the examination under section 1 to the Joint Standing Committee on IFW by January 3, 2022. The committee may report out a bill related to the subject matter of the report to the 130th Legislature.

***REPORT BACK:** By January 3, 2022

Report Back/Stakeholder Group

[RESOLVE 2021 CHAPTER 107](#) - (LD 1033) **Resolve, To Direct the Department of Inland Fisheries and Wildlife To Examine Sunday Hunting**

(Effective: October 18, 2021)

Sec. 1. Review. Resolved: That IFW shall establish a stakeholder group to examine issues related to allowing Sunday hunting.

Sec. 2. Stakeholder group. Resolved: That the department shall ensure that the stakeholder group established under section 1 is as broadly representative of interested parties and groups as possible and shall invite participation from at least the following: representatives of farmers, small landowners and large landowners; supporters and opponents of Sunday hunting opportunities; hunters and nonhunters; guides; persons or entities from diverse geographic regions of the State; and others with interest or expertise in the subject matter of the examination. IFW shall hire a facilitator to assist the stakeholder group in its work under this resolve.

Sec. 3. Survey. Resolved: That, to the extent IFW receives adequate funding under section 4, the department, in consultation with the stakeholder group established under section 1, shall develop and complete an appropriate public opinion survey relating to the subject matter of the examination under section 1.

Sec. 4. Outside funding. Resolved: That the department may seek and accept outside funding to fund the survey under section 3.

Sec. 5. Report. Resolved: That the department shall report the findings and recommendations of the stakeholder group established under section 1 together with the results of any survey completed under section 3 to the Joint Standing Committee on IFW by January 3, 2022. The committee may report out a bill related to Sunday hunting to the 130th Legislature.

Sec. 6. Appropriations and allocations. That the following appropriations and allocations are made. To DIFW Office of the Commissioner - Inland Fisheries and Wildlife 0529 7 Initiative: Provides an appropriation to hire a facilitator for a stakeholder group tasked with examining issues related to allowing Sunday hunting of \$15,000 from the general fund in FY 21/22.

***REPORT BACK: By January 3, 2022**

Rulemaking:

[PUBLIC LAW 2021 CHAPTER 65](#) - (LD 88) **An Act To Amend Maine's Wildlife Laws Regarding Species of Special Concern**

(Effective: October 18, 2021)

- The commissioner by rule shall establish criteria for determining when a species of fish or wildlife that is not an endangered species or a threatened species is of special concern. The rules may include different criteria for categories of species of special concern, including a category for species that are rare. The rules must list the species that meet the criteria established in rule. The commissioner shall use the list in administering section 12152 and may also use the list in administering any other laws or programs or when providing advisory recommendations to other entities or agencies on fish and wildlife matters in accordance with applicable laws or rules. IFW shall provide public notice and offer at least 1 public hearing on the proposed recommendation.

Study / Stakeholder Group / Report Back:

PUBLIC LAW 2021 CHAPTER 166 - (LD 114) **An Act To Address Airboat Operation in the State** *(Effective: October 18, 2021)*

- In addition to the full law language that changed regarding airboat noise, unallocated language was included in the law that directs the work of a stakeholder group, see below:
- **Stakeholder group on airboat noise issues.** The Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife shall convene a stakeholder group on issues related to airboat noise, referred to in this section as "the stakeholder group."
- **Formation.** The stakeholder group must include a marine patrol officer and a game warden appointed by the commissioners. The commissioners shall also invite the following to serve as members of the stakeholder group: 3 commercial marine shellfish harvesters who operate airboats; 3 resident coastal property owners; 2 municipal marine shellfish officers; and 2 coastal municipal administrators. The commissioners or the commissioners' designees serve as cochairs of the stakeholder group. The cochairs shall call and convene the first meeting of the stakeholder group no later than 30 days following the effective date of this section.
- **Duties.** The stakeholder group:
 - Shall examine and determine airboat mechanical systems and adjustments that result in the lowest practically achievable airboat decibel levels;
 - Shall examine and determine available federal or other funding to assist airboat owners in addressing any identified deficiencies in their airboat mechanical systems to achieve the results determined under paragraph A; and
 - May examine any related issues that the stakeholder group determines appropriate, including but not limited to establishing and restoring shellfish harvester access to coastal tidal areas, airboat operational techniques to allow for lower decibel levels and appropriate training and equipment for state and municipal law enforcement officers.
- **Staff; information.** The commissioners shall provide necessary staffing services to the stakeholder group. Within existing resources, the commissioners shall arrange for input from experts in airboat noise. The commissioners shall also ensure that local sound data related to airboat use on inland and coastal waters using SAE standards J-1970, SAE standards J-34 and SAE standards J-2005 testing procedures is gathered and provided to the stakeholder group. For the purposes of this subsection, "SAE standards" means technical standards adopted by the Society of Automotive Engineers.

***REPORT BACK:** By January 15, 2022, the commissioners shall report to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on IFW the findings and recommendations of the stakeholder group, including any recommended legislation. After receiving the report, the Joint Standing Committee on IFW may report out a bill relating to airboats to the 130th Legislature.

Carryover / Stakeholder Group / Report Back

(LD 116) An Act To Allow the Commissioner of Inland Fisheries and Wildlife To Authorize the Hunting of Antlerless Deer without a Permit in Certain Areas

- The committee requested that IFW form a stakeholder group to review the antlerless deer permit system. In reviewing the antlerless deer permit system, the stakeholder group should consider recommending changes that will allow the Department to continue to meet deer management objectives while also providing a transparent system that has some predictability and equitable access for hunting opportunities. The stakeholder group may also consider recommending changes that will allow for increased participation in deer hunting by specific groups, such as youth hunters.
- In addition, during the committee's work on LD 404, the committee voted unanimously to include in this letter a request that the stakeholder group also examine restructuring the antlerless deer permit system to identify potential revenue sources to fund efforts to protect deer wintering areas, including potentially charging applicants for doe permits in the same manner applicants for moose permits are charged and increasing the fee for awarded permits.
- IFW is to provide a report to the Committee by January 15, 2022, that includes a list of stakeholders that participated in discussions, a summary of the process, and any recommendations, including any proposed statutory changes, if needed.

***REPORT BACK:** January 15, 2022

Letter to IFW LD 116:



Letter to DIFW on LD
116.pdf

Carryover / Stakeholder Group / Rulemaking/Report Back:

(LD 394) An Act To Protect Maine's Loons and Other Wildlife in the Issuance of a Permit To Hold a Regatta, Race or Boat or Water-ski Exhibition

- The department indicated support for an amendment that would expressly give the commissioner authority to condition and restrict a permit in order to protect public safety,

wildlife, wildlife habitat and water quality, to revoke a permit for a violation of a condition or restriction, and to disallow the participation of an individual in a permitted event if the person violates a condition or restriction. However, the department also indicated it had sufficient authority under current law to address these matters through rulemaking.

- On the basis of this information, the committee determined that the most appropriate way to proceed would be to request the department to undertake an appropriate rulemaking on the subject and to report back to this committee next session.
- After we have reviewed the results of the rulemaking, we will be in a good position to take final action on LD 394.

***REPORT BACK: February 1, 2021.**

Letter to IFW LD 394:



Letter to DIFW on LD
394.pdf

Carryover / Rulemaking / Report Back

(LD 626) An Act To Clarify Temporary Mooring Privileges for Moorings on Inland Waters

- The Committee understands there are complex issues and questions associated with moorings on inland waters, including floating structures that remain moored or anchored in one place for considerable periods of time. In order for the committee to properly understand this matter and possibly take some action, we would request that your department, working in concert with DACF, Bureau of Parks and Lands, undertake research and gather information relating to relevant State laws and rules as well as municipal powers governing inland moorings, floating houses, boating, adjacent real estate, environmental protection and so forth, as well as the relevant enforcement authorities. We would request that you compile the information in an organized fashion that identifies the current regulatory structure and relevant jurisdictional authorities and also identifies any recommendations you may develop for the beginning of February, 2022, so that we can then act on that information, using LD 626 as a vehicle, during the Second Regular Session of the 130th Legislature.

***REPORT BACK: By February 1, 2022**

Letter to IFW LD 626:



LD 626_Letter From
Committee to IFW on

Study / Report Back

[PUBLIC LAW 2021 CHAPTER 121](#) - (LD 943) **An Act To Improve Turkey Tagging**

- 1. Exempts turkeys taken during the fall open season on hunting wild turkey from tagging and registration requirements; and
- 2. Requires IFW to determine the direct costs of and timeline required for implementing an electronic tagging system for wild turkey. The department is required to report its findings and recommendations to the Joint Standing Committee on IFW by January 3, 2022 and the committee is authorized to report out a bill related to turkey tagging to the 130th Legislature.

***REPORT BACK:** By **January 3, 2022**

Rulemaking / Est. Advisory Committee

[PUBLIC LAW 2021 CHAPTER 162](#) - (LD 1474) **An Act To Promote Outdoor Recreational Opportunities for Maine Students**

- This law aimed to create a pathway for public and private elementary and secondary schools and postsecondary educational institutions to safely conduct overnight camping trips to primitive camping areas in the State for students and adults associated with those institutions by establishing an educational trip leader permit in the laws governing guides and youth camp trip leaders, using the youth camp trip leader permit as a model.
- **October 1, 2022** is the deadline when schools currently conducting these trips as part of their programming have to comply with the new permit process.
- It requires camping trips to be led by persons who have obtained educational trip leader permits.
- It also establishes the Advisory Committee for Educational Trip Leader Permits to provide advice to the Commissioner of IFW regarding the permit and to regulate educational trip leader instructors.

[EXECUTIVE ORDER 41](#) **Review of Aerial Application of Herbicides for Forest Mgt**

- IFW will undertake a review to assess wildlife habitat impacts related to sites treated by aerial application of herbicides. Board of Pesticide Control (DACF) will take the lead.

Carryover /Report Back with Proposed Statute Language

LD 1663: An Act To Improve Boating Safety on Maine Waters

- After the bill came out so late in the session the Committee agreed to carry this over and allow IFW to work with interested parties to create amended law language for the bill and present it in the next session.

***REPORT BACK:** *Next Session*

Already Law with need for report back and suggestion to sunset or continue the law:

PUBLIC LAW CHAPTER 98 (LD 27) **An Act To Allow the Use of a Crossbow for a Limited Duration during the Archery Season on Deer and the Fall Season on Wild Turkey**

Crossbow Expansion Law Report back to sunset or continue the allowance for use.

- **Report.** By January 15, 2022, the Commissioner of Inland Fisheries and Wildlife shall submit a report to the joint standing committee of the Legislature having jurisdiction over IFW matters detailing the impact on the deer population from the use of a crossbow in accordance with the Title 12, section 10953, subsection 1, paragraph E and the impact on the turkey population from the use of a crossbow in accordance with Title 12, section 10953, subsection 1, paragraph F.
- The report must include:
 - Whether the commissioner allowed the use of a crossbow in any area where a special archery hunting season on deer was established by the commissioner pursuant to Title 12, section 11402, subsection 4 during the 2020, 2021 or 2022 season.
 - The report must detail any issues or conflicts that arose from the use of a crossbow during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey.
 - Lastly, the report must specify if the use of a crossbow should continue to be permitted during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey. The committee may report out a bill to the Second Regular Session of the 130th Legislature based on the report.

***REPORT BACK:** *By January 15, 2022*

Laws of Interest:

PUBLIC LAW 2021 CHAPTER 50 - (LD 67) **An Act To Assist in the Restoration of Atlantic Salmon** *(Effective: October 18, 2021)*

This law eliminates restrictions for the total number of discharge licenses allowed to be issued for Class AA and Class A waters. It retains the requirement in current law that those discharges assist in the restoration of Atlantic salmon and will return the waters to a state that is closer to historically natural chemical quality.

PUBLIC LAW 2021 CHAPTER 52 - (LD 106) An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes

(Effective: October 18, 2021)

This law amends the aquaculture leasing and licensing statutes to:

- Authorize the Commissioner of Marine Resources to require an applicant for a lease issued under Title 12, section 6072 or 6072-A to reimburse the Department of Marine Resources (DMR) for costs incurred in providing general notice of the applicant's lease application and public hearing on the lease application;
- Provide that the Department of Environmental Protection (DEP) must receive a notice when an activity under an aquaculture lease application involves a discharge into the waters of the State.
- Expand the reasons under which the Commissioner of Marine Resources may initiate lease revocation proceedings to include operating in a manner substantially injurious to public health or violating minimum lease maintenance standards that have been adopted by rule;
- Reduce the number of days in advance of which an individual must apply for the renewal of a lease from 90 days prior to the expiration to 30 days prior to the expiration;
- Clarify notice requirements when a standard lease is proposed for renewal;
- Require the fee for a lease transfer to be paid upon application for the transfer instead of at the execution of the lease;
- Specify that a person may not apply for an expansion of a lease until the person has held that lease for a minimum of 2 years from the date the lease was originally executed;
- Move the responsibility for notifying riparian landowners of an application for a lease expansion from the applicant to DMR and move the responsibility for providing public notice in the newspaper from the department to the applicant;
- Establish the rule-making authority for the commissioner to establish fees for services provided by the department to lease holders if they request testing or studies to ensure their products are safe for human consumption. It specifies that the fees collected must be deposited in the Shellfish Fund;
- Broadens the language allowing changes to leases, including to allow modifications in operations as a result of changes in species and gear authorizations. It also requires the commissioner to establish a fee for making changes to a lease;
- Removes the commissioner's rule-making authority regarding changes to limited purpose leases;
- Effective January 1, 2024, requires the holder of a limited-purpose aquaculture license to directly supervise any unlicensed individuals participating in the licensed activities, except that the commissioner may grant an exception to this requirement to a limited-purpose aquaculture license holder who is the holder of an aquaculture lease or is a majority shareholder in a corporation that holds such a lease, who uses specific gear types specified in rules adopted by the commissioner or who has applied for an aquaculture lease for an area that includes the area covered by the license;
- Raise the fee for a limited-purpose aquaculture license from \$50 to \$100 for a resident and from \$300 to \$400 for a nonresident, effective January 1, 2022;
- Authorize the commissioner to adopt rules to limit the period of the year during which an applicant may submit an application for a limited-purpose aquaculture license; and
- Authorize the commissioner to adopt and amend rules to implement the issuance, renewal and amendment of marine organism aquaculture licenses.
- It allows a license holder to designate one unlicensed individual as a primary assistant who may conduct the licensed activities without the direct supervision of the license holder.

- It clarifies who receives notice of a lease renewal application. It allows the Commissioner of Marine Resources to grant an exception to the direct supervision of unlicensed assistants when a license holder also has an ownership interest in an entity, including as a shareholder of a corporation, that also holds an aquaculture lease.

PUBLIC LAW 2021 CHAPTER 62 – (LD 28) **An Act To Update the Silver Alert Program To Include Missing Endangered Persons**

(Effective: October 18, 2021)

This law updates the existing Silver Alert Program within the Department of Public Safety to include missing endangered persons. "Missing endangered person" is defined as a person who is believed to be in danger because of the person's age, mental or physical health or intellectual or developmental disability, because of environmental or weather conditions or because the person is missing in dangerous, unexplained, involuntary or suspicious circumstances as determined by a local law enforcement agency.

PUBLIC LAW 2021 CHAPTER 99 - (LD 103) **An Act To Improve the Animal Welfare Laws**

(Effective: October 18, 2021)

This law amends the laws pertaining to agriculture and animals to allow the Commissioner of Agriculture, Conservation and Forestry to employ any person considered necessary to assist in any response to a natural or man-made disaster affecting animals both in the State and outside the State and provides for such a person's compensation. It also establishes reporting requirements regarding such a disaster response. It allows the Animal Welfare Advisory Council to have as a member a person who is a pet food supplier and to have as a member a person who is an attorney that must have prosecutorial experience in the state court system. It changes the rabies vaccination requirement to provide that the owner or keeper of a dog, within 30 days after the dog attains the age of 3 months, is required to have that dog vaccinated against rabies. It adds dangerous dogs and nuisance dogs to those animals that are excluded from obtaining dog licenses through the Internet licensing project. It provides that an owner or keeper of a dog is exempt from the rabies vaccination requirement if a medical reason exists that precludes the vaccination of the dog. It provides for the revocation of animal control officer certification if the officer refuses or intentionally fails to perform the officer's statutory duties. It amends animal welfare laws to define "animal care facility" and to provide that the definition of "boarding kennel" applies to all privately owned animals that are kept for a fee.

PUBLIC LAW 2021 CHAPTER 145 - (LD 596) **An Act To Improve the Law Regarding Abandoned Roads**

(Effective: October 1, 2021)

This law goes into effect October 1, 2021, repeals the current statute on the abandonment of town ways and enacts a new abandonment process in statute that a municipality may choose to follow to declare a town way abandoned. This process includes notice provisions to abutting property owners, property owners for whom the town way is the only means of access and adjacent municipalities and counties and provides for a public hearing process and an appeals process. The law clarifies that the public easement retained in a town way discontinued by abandonment is limited to rights of access by foot or motor vehicle, which are the limits of public easements laid out by a municipality through its eminent domain powers in Maine Statute Title 23, section 3022.

[PUBLIC LAW 2021 CHAPTER 196](#) – (LD 513) **An Act Regarding the Citizen Members and the Complaint Review Committee of the Board of Trustees of the Maine Criminal Justice Academy**

(Effective: October 18, 2021)

- The law expands the total membership of the board's complaint review committee from 3 to 5 and the number of members who are citizens who have not and never have been sworn members of a law enforcement agency from one to 2.
- The law allows deliberations when a majority of the members of the committee, including at least one citizen member, is present instead of requiring that all members be present.
- It defines a "citizen member" of the board as an educator, municipal official or citizen member who is not and never has been a sworn member of a law enforcement agency.

[PUBLIC LAW 2021 CHAPTER 204](#) - (LD 1313) **An Act To Clarify Who Signs and Swears to a Certificate Stating the Results of a Breath-alcohol Test**

(Effective: October 18, 2021)

This law clarifies that a certificate of a chemical analysis of a breath-alcohol test with respect to a motor vehicle offense may be used as prima facie evidence only if the certificate is issued by the qualified person who administered the test.

[PUBLIC LAW 2021 CHAPTER 255](#) - (LD 505) **An Act To Expand the Disciplinary Authority of the Board of Trustees of the Maine Criminal Justice Academy**

(Effective: October 18, 2021)

This law amends the powers and duties of the Board of Trustees of the Maine Criminal Justice Academy to include that the board adopt rules for standards of conduct that subject an applicant for a certificate or a certificate holder to disciplinary action for a violation. The amendment authorizes the board to take action against an applicant for a certificate or a certificate holder for violation of the standards of conduct established by the board. The amendment requires that any action taken by the board as a result of a complaint, charge or accusation must be supported by a statement of findings and must be issued as a written decision of the board. The amendment designates the written decision of the board and findings as public records under the Freedom of Access Act.

[PUBLIC LAW 2021 CHAPTER 256](#) - (LD 573) **An Act Concerning Records of the Employment of Law Enforcement Officers and Corrections Officers**

(Effective: October 18, 2021)

This law requires a law enforcement officer, (LEO) or corrections officer (CO) who applies for employment with a law enforcement agency, (LEA), correctional facility or county or regional jail, when the applicant is employed by or within 90 days prior to the application employed by another LEA, correctional facility or county or regional jail, to request that the officer's personnel records, employment records, and any other records pertaining to the applicant's employment and the job performance except internal investigative records of the applicant be released to the other agency, facility or jail. The request form, which must be signed and witnessed, must include a waiver of any

rights that the applicant has to the privacy of the personnel and employment records and any other records pertaining to the employment and job performance of the applicant. The law directs the Board of Trustees of the Maine Criminal Justice Academy to adopt routine technical rules to establish the request and waiver form. The law requires the agency, facility or jail to which the request was made to promptly release the requested information. It provides civil and criminal immunity to both the sending and the receiving agency, facility or jail. It requires an agency, facility or jail that performs a polygraph examination on a LEO or corrections officer to notify the head of the agency, facility or jail that employs the officer if the results indicate probable cause to believe that the officer is or has been involved in criminal activity.

PUBLIC LAW 2021 CHAPTER 267 - (LD 1171) **An Act To Curtail No-knock Warrants**

(Effective: October 18, 2021)

This law defines "no-knock warrant" as a warrant that authorizes execution of the warrant without the law enforcement officer first announcing the authority for the execution of the warrant and the purpose of the warrant. It provides that any warrant that is executed without waiting at least 20 seconds after the announcement of authority and purpose before making entry is a no-knock warrant. The amendment prohibits the use of no-knock warrants, except in the event of imminent risk of death or bodily injury to persons and when a recognized exception to the warrant requirement, such as exigent circumstances, allows unannounced entry. The law requires an officer executing a no-knock warrant to wear an official uniform and, if provided by the officer's law enforcement agency, a body-worn camera worn in accordance with agency policies. The law limits the use of stun grenade, stun, distraction or other similar devices during the execution of a no-knock warrant to officers trained in the use of such a device during the execution of the warrant.

PUBLIC LAW 2021 CHAPTER 290 (LD 32) - **An Act Regarding Remote Participation in Public Proceedings**

(Effective: By Emergency, June 21, 2021)

It provides authorization for any public body subject to the Freedom of Access Act to conduct public proceedings by remote methods if the public body adopts a policy that meets certain requirements. "Remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability.

PUBLIC LAW 2021 CHAPTER 342 – (LD 1043) **An Act Concerning the Unannounced Execution of Search Warrants**

(Effective: October 18, 2021)

This law requires law enforcement agencies to adopt written policies regarding the unannounced execution of search warrants. Such policies must meet the minimum standards adopted by the Board of Trustees of the Maine Criminal Justice Academy.

PUBLIC LAW 2021 CHAPTER 375 – (LD 1346) **An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Fees Charged for Responding to Public Records Requests**

(Effective: October 18, 2021)

This law implements recommendations of the Right To Know Advisory Committee concerning the fees that an agency or official may charge to cover the costs of responding to public records requests.

1. It extends the time period for which an agency or official may not charge a fee for searching for, retrieving and compiling a requested public record from the first hour of staff time per request to the first 2 hours of staff time per request.
2. It increases the fee that may be charged after the first 2 hours of staff time per request for searching for, retrieving and compiling a requested public record from not more than \$15 per hour to not more than \$25 per hour.
3. It specifies that an agency may retain any fee or cost charged.

PUBLIC LAW 2021 CHAPTER 460 – (LD 132) **An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine**

(Effective: July 1, 2023)

This law requires all law enforcement (LE) agencies, beginning July 1, 2023, to collect information about each person stopped for a traffic infraction.

- The information must include the characteristics of race, color, ethnicity, gender and age of those persons. The identification of such characteristics must be based on the observation and perception of the law enforcement officer (LEO) responsible for reporting the stop;
 - The person stopped may not be required to provide the information;
 - The information must also include whether a warning or citation was issued, an arrest was made or a search was conducted as a result of the stop for a traffic infraction; and
 - Any additional information the law enforcement agency determines appropriate. The additional information may not include any other personally identifiable information about a person stopped for a traffic infraction such as the person's driver's license number, name or address.
 - Each LE agency must report the information to the Attorney General (AG).
 - The AG is required to report the information, along with analysis and any recommendations, to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters beginning January 15, 2024 and annually thereafter. The report must be made available to the public.
 - By January 1, 2023, the AG shall adopt rules for the recording, retention and reporting of information pursuant to section 4752 pertaining to persons stopped for traffic infractions. The information must include the characteristics of race, color, ethnicity, gender and age of the persons stopped, based on the observation and perception of the law enforcement officer making the stop. Rules adopted pursuant to this subsection are routine technical rules.
 - In adopting rules pursuant to subsection 1, the AG shall consult with the Commissioner of Public Safety and interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations and persons with lived experience of being profiled. The AG shall ensure that the parties consulted represent the racial and ethnic diversity of the State.
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[PUBLIC LAW 2021 CHAPTER 348](#) – (LD 1336) **An Act To Discontinue the Use of the Terms "Handicap," "Handicapped" and "Hearing Impaired" in State Laws, Rules and Official Documents**
(Effective: October 18, 2021)

The State must discontinue use of terms "handicap," "handicapped" and "hearing impaired". Departments, agencies and offices of the legislative, executive and judicial branches of State Government shall discontinue the use of the terms "handicap," "handicapped" and "hearing impaired" to describe a person or set of persons in all laws, rules and official documents. The commissioner's office of each department of State Government shall report to the Joint Standing Committee on Judiciary by December 1, 2021 regarding progress on removing the terms from official documents and a reasonable time frame to complete the removal.

Sec. 16 of the law replaced the only portion of IFW Title 12 law that mentioned "handicapped" within §12503, sub-§6. It now states: "Fishing during event sanctioned by department. A person who does not hold a fishing license may assist a child or a person who is disabled who is a participant in a fishing event sanctioned by the department."

IFW must edit all forms, licenses, permits, applications, rules, policies and documents to reflect the new terminology.

***REPORT BACK: By December 1, 2021 to the Judiciary Committee**

[PUBLIC LAW 2021 CHAPTER 327](#) – (LD 336) **An Act To Encourage Research To Support the Maine Offshore Wind Industry**
(Effective: October 18, 2021)

This law provides that the Public Utilities Commission (PUC) shall require the negotiation of a long-term contract for the design, permitting, construction and operation of the State's proposed floating offshore wind research array between the developer of the research array and an investor-owned transmission and distribution utility.

[PUBLIC LAW 2021 CHAPTER 381](#) – (LD 448) **An Act Regarding Recording of Witness Interviews**
(Effective: October 18, 2021)

It directs the Maine Criminal Justice Academy Board of Trustees to adopt minimum policy standards regarding the recording and preservation of witness interviews conducted by law enforcement officers in murder investigations and Class A, Class B and Class C crime investigations. Law enforcement agencies are required to adopt policies containing at least the minimum policy standards. The policy may not require the recording of all witness interviews, but must factor in the feasibility of recording individual interviews, taking into account the circumstances of the witness, the time and place of the interview and the crime as well as the capability of the law enforcement agency to record the interview.

Supplemental Budget

[PUBLIC LAW 2021 CHAPTER 398](#) – (LD 221) An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023

(Effective: by emergency July 1, 2021)