

128th Legislature (2017)– Summary of Laws Enacted

***NOTE:** To read the chaptered law right click on the PUBLIC LAW 2017 CHAPTER #, scroll down and click on “open hyperlink”.

PUBLIC LAWS

[PUBLIC LAW 2017 CHAPTER 49](#) – (LD 357) **An Act To Increase Penalties for the Discharge of Sewage, Septic Fluids, Garbage, Sanitary Waste or Other Pollutants from Watercraft into Inland Waters**

(Effective: November 1, 2017)

This law creates an increased penalty if a person is convicted of discharging, spilling or permitting the discharge of sewage, septic fluids, garbage or other pollutants from a watercraft. The penalty is a civil violation with a minimum fine of \$500 and a maximum fine of \$10,000.

[PUBLIC LAW 2017 CHAPTER 50](#) – (LD 557) **An Act To Revoke the Hunting and Fishing Licenses of a Person Charged with Defacing Property Posting Signs** *(Effective: November 1, 2017)*

This law prohibits people who are hunting from destroying, tearing down, defacing or otherwise damaging property posting signs. If the hunter is convicted, his/her hunting and fishing licenses must be revoked and he/she becomes ineligible to obtain hunting or fishing licenses for one year after being convicted.

[PUBLIC LAW 2017 CHAPTER 69](#) – (LD 343) **An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp** *(Effective: November 1, 2017)*

If a State owned boat launching ramp is posted stating that there is “No discharge of a firearm within 300 feet of the boat launching ramp” and a person is convicted of violating this law, the individual can be convicted of a Class E crime. The exception to this law is if law enforcement officers are acting in the performance of their duties.

[PUBLIC LAW 2017 CHAPTER 71](#) - (LD 483) **An Act To Improve Enforcement of Snowmobile Noise Levels** *(Effective: November 1, 2017)*

This law changes snowmobile noise level law language so that the law is reflective of current snowmobile manufacturing standards.

- A person may not operate a snowmobile that has been modified in a way that increases the total noise from the way it was originally constructed, no matter when it was manufactured.
- A person may not modify an exhaust on a snowmobile.

[PUBLIC LAW 2017 CHAPTER 72](#) – (LD 552) **An Act To Amend Maine’s Fish and Wildlife Licensing Laws** *(Effective: November 1, 2017)*

Makes several changes to fish and wildlife licensing related laws:

Section 1: Creates a new complimentary, group fishing license that the Commissioner may issue for persons with disabilities. This allows the group to fish in a certain location for a period of time as specified on the license.

Section 2: Clarifies the length of the period of time during which a person who has obtained a moose hunting permit is ineligible to obtain another permit.

Section 3 & 4: Eliminates the \$50 examination fee for a taxidermy license so the language reflects the current practice of charging just the application fee and a license fee once the person passes the taxidermy test.

PUBLIC LAW 2017 CHAPTER 76 – (LD 553) **An Act To Offer Hunters 65 Years of Age or Older Who Have Accumulated at least 30 Points a Guaranteed Moose Permit**

(By Emergency Effective on May 21, 2017)

Guarantees a moose permit to resident applicants who are 65 years of age or older and have accumulated 30 points or more in the public chance drawing for moose permits. The law previously required an applicant to be 70 years of age or older with 30 points to be able to be guaranteed a moose permit.

PUBLIC LAW 2017 CHAPTER 82 – (LD 426) **An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red**

(Effective: November 1, 2017) Allows a hunter who has a religious opposition to wearing hunter orange clothing to substitute it for bright red clothing instead. All minimum wear requirements for hunter orange still apply when hunter red is substituted for orange.

PUBLIC LAW 2017 CHAPTER 85 – (LD 98) **An Act To Provide Greater Authority to the Department of Inland Fisheries and Wildlife over the Management of Wild Turkeys** *(Effective: November 1, 2017)*

Section 1: Rephrases the fact that crossbows can be used to hunt wild turkey in the spring season but not in the fall. This was done because the turkey hunting seasons will now be established by rule rather than statute. There is no longer any reference to spring or fall wild turkey seasons in statute.

Section 2 & 3: Eliminates the references to a spring and fall wild turkey season and the bag limits for wild turkey in those seasons so that the department can establish the seasons and bag limits in rule. This will provide consistency in how other species' seasons and bag limits are established.

Section 4: Rephrases the language on exceeding the bag limit on wild turkey. It prohibits by rule the possession of the number of wild turkey allowed. This also rephrases hunting wild turkey after having killed one and states a person may not hunt after they have killed or registered the maximum number of wild turkey allowed by rule during that season.

PUBLIC LAW 2017 CHAPTER 94 – (LD 1502) **An Act To Transfer Responsibility for Licensing of Land-based Aquaculture from the Department of Marine Resources to the Department of Agriculture, Conservation and Forestry** *(Effective: November 1, 2017)*

Transfers authority for the licensing of land-based aquaculture from the Department of Marine Resources and Inland Fisheries & Wildlife to the Department of Agriculture, Conservation and Forestry. The Commissioner of DACF shall refuse to issue a license if the Commissioner receives information from the Commissioner of either DMR or DIFW that the aquaculture activity presents an unreasonable risk to indigenous marine or freshwater life or its environment. The risk factors that DMR and DIFW shall consider include but are not limited to: risk of accidental or intentional introduction of marine or freshwater organisms, or organism products, into the waters of the State, risk of the introduction or spread of disease within the State and interference with the enforcement of possession, size or season limits for wild marine or freshwater organisms.

The Commissioner of DACF shall monitor licensed facilities annually and if there are risks noted such as listed above the Commissioner shall notify DIFW and DMR.

PUBLIC LAW 2017 CHAPTER 96 – (LD 558) **An Act To Improve Moose Hunting** *(By Emergency Effective on May 28, 2017)*

Provides that hunters under 10 years of age on the opening day of the open season for moose are eligible to apply to accrue points towards a moose permit but they are not eligible to receive a moose hunting permit as a permittee, sub-permittee or alternate sub-permittee.

PUBLIC LAW 2017 CHAPTER 97 – (LD 191) **An Act To Allow Open Snowmobile and All-terrain Vehicle Weekends and Events** *(Effective: November 1, 2017)*

Allows the Commissioner to have an annual 3-consecutive-day period (2 days being on a weekend) during which a nonresident (from another state or province) may operate a snowmobile in Maine (no reciprocity necessary) so long as he/she has a valid registration from his/her home state or province. It also allows the Commissioner to designate another weekend during the summer months for ATVs with all the same requirements.

Repeals the original law that allowed for a 3-day reciprocal weekend for snowmobiling if the nonresident's state or province allowed Maine registered snowmobiles to operate in his/her state or province for 3 days.

PUBLIC LAW 2017 CHAPTER 100 - (LD 275) **An Act To Expand Disabled Veteran Eligibility for Complimentary Hunting, Fishing and Trapping Licenses** *(Effective: November 1, 2017)*

Allows a nonresident veteran with a disability evaluated at 50% or more to obtain at no cost all hunting, trapping and fishing licenses and other provisions in Maine, if the nonresident's state has a reciprocal agreement with Maine. The law also removes the reference to only the States of New Hampshire and Vermont so that all states have this privilege.

PUBLIC LAW 2017 CHAPTER 125 - (LD 1019) **An Act To Establish a 6-day Nonresident Archery License** *(Effective: November 1, 2017)*

Establishes a nonresident 6-day archery license that is valid for 6 consecutive hunting days. It will cost \$26.

PUBLIC LAW 2017 CHAPTER 150 – (LD 547) **An Act To Update Maine's Fishing Laws** *(Effective: November 1, 2017)*

Accomplishes several separate things related to fisheries laws. The printed law is broken down into sections.

Sec. 1. Removes several species from the definition of baitfish that do not exist in the waters of the State, are not commonly used or sold in the State or are found in very localized areas and should not be used as bait due to the possibility of illegal introduction. Those species removed include the Emerald Shiner, Blacknose Shiner, and Spottail Shiner.

Sec. 2, 3, 4, 6, 7, 8, & 9. Replaces the term "alewives" with the term "river herring" to be more consistent with Department of Marine Resources usage. The definition of river herring includes both alewives and blueback herring.

Sec. 5. Clarifies that fish, including smelts, may not be altered from their natural state until after a wet measure has been conducted.

PUBLIC LAW 2017 CHAPTER 164 – (LD 1497) **An Act To Correct and Clarify Maine's Fish and Wildlife Laws** *(Effective: November 1, 2017)*

Corrects or clarifies certain fish and wildlife laws, broken down into numbered sections.

- Sec. 1.** Replaces the “Hooked on Fishing Not on Drugs” program with youth and family outdoor recreational programs and activities to encourage hunting and fishing activities as well as shooting sports.
- Sec. 2, 3, 5, 8, & 9** Amends language regarding certain licenses to provide that certain permits are included in the licenses rather than stating that the permit must be issued when that isn’t the case.
- Sec. 4.** Allows the spouse and children of a member of the Armed Forces of the United States, on active duty who is permanently stationed outside of the State, to purchase trapping licenses at a reduced rate. This is already the case for hunting and fishing licenses.
- Sec. 6.** Simplifies language regarding a person 70 years of age or older hunting with a crossbow by simply stating that they can hunt for any species during any season with a crossbow.
- Sec. 12.** Repeals the law, to be consistent with all other youth hunting days that established a youth bear hunting day because the authority was placed in rule.
- Sec. 14, 16, & 17** Repeals a provision that made nonresident aliens ineligible to purchase a trapping license, as they are eligible to purchase a license to trap beaver when their state or province of residency allows residents of Maine to trap beaver in that state or province. This also removed language requiring license agents appointed by IFW to charge \$2 for each trapping license issued. It raised the fee for a resident and nonresident apprentice trapper license by \$1, consistent with changes to fees in Public Law 2015, chapter 245.
- Sec. 15.** Updates language regarding the year in which proof is needed for a trapper education course and refers to a tribal reservation governor as a reservation chief, whichever may apply.
- Sec. 18.** Updates language stating that the electronic version of the fishing rules are declared to be the official version, not the printed version.
- Sec. 19, 20 & 21** Makes it a Class E crime for a licensee to receive, possess for resale, sell or offer to sell gift baitfish or gift smelts and repeals the old language that had no penalty.
- Sec. 22.** Removes any kind of waiting period for a landowner to remove the shack if left on his/her property without permission.
- Sec. 23.** Updates the common and scientific name of the threatened bird the Common Moorhen.
- Sec. 24.** Changes when a taxidermist’s license expires. It will now expire 3 years from the date of issuance rather than at the end of the calendar year.
- Sec. 25.** Allows nonresidents to register the antique snowmobiles at the same rate as a resident antique snowmobile registration.
- Sec. 26.** Clarifies language regarding operating a snowmobile on a public way.
- Sec. 27.** Exempts 2-wheel off-road motorcycles (or dirt bikes) from being operated without lights during the daylight hours due to the fact that they can be manufactured and sold without head or taillights. Previously they were not allowed to be driven during the daylight hours without head or taillights.

[PUBLIC LAW 2017 CHAPTER 176](#) – (LD 693) **An Act To Clarify the Laws Governing Hunting from a Vehicle** (*Effective: November 1, 2017*)

This law states that a person may not shoot while in or on a vehicle, have a loaded firearm or crossbow while in or on a vehicle or rest a loaded firearm or crossbow on a vehicle except in the following situations:

- While hunting, a person who is not in or on a motor vehicle may rest a loaded firearm or crossbow, that is under his/her control, on the motor vehicle to shoot. That firearm or crossbow may only be shot when the motor vehicle is not in motion and the engine is off.
- While hunting, a person who is on an ATV or snowmobile but not within an enclosed area or passenger compartment may shoot a firearm or crossbow or rest a loaded firearm or crossbow, that is under the person’s control on the ATV or snowmobile to shoot only when the ATV or snowmobile is not in motion and the engine is off.

- While target shooting, not hunting, a person who is on a motor vehicle, but not within an enclosed area or passenger compartment, may shoot or rest a loaded firearm or crossbow, that is under his/her control, on the motor vehicle to shoot only when the motor vehicle is not in motion and the engine is off.
- A paraplegic or single or double amputee of the legs may shoot from a motor vehicle that isn't in motion. *(This isn't a new law but the language appears new because the whole section was repealed and replaced.)*
- A person who is 21 years or older and isn't prohibited from possessing a firearm or is 18 years or older and under 21 years and is on active duty in the US Military or National Guard or is an honorably discharged veteran of the US Military or National Guard if they aren't prohibited from carrying a firearm may have in or on a vehicle a loaded pistol or revolver. *(This isn't a new law but the language appears new because the whole section was repealed and replaced.)*

Please note: the law that prohibits hunting from a paved way has not changed.

PUBLIC LAW 2017 CHAPTER 202 – (LD 1083) **An Act To Increase the Penalties for Hunting Deer over Bait** *(Effective: November 1, 2017)*

Changes the penalty if someone is convicted of placing bait or hunting over bait by creating a mandatory hunting license revocation for one year from the date of conviction on a first time offense and a permanent hunting license revocation for a 2nd offense.

PUBLIC LAW 2017 CHAPTER 204 – (LD 1489) **An Act To Authorize the Revocation, Suspension or Denial of a Guide License under Specified Circumstances** *(Effective: November 1, 2017)*

Authorizes the Commissioner to revoke, suspend, refuse to issue or refuse to renew a guide license if the license holder has been convicted of committing a crime punishable by imprisonment for one year or more or is found not criminally responsible by reason of insanity of committing a crime punishable by imprisonment for a term of one year. It allows a person to request a hearing to appeal the revocation, suspension or denial. It also describes the process by which a background check is performed on an applicant for, a guide license and has a requirement that an applicant for or the holder of a guide license must notify the Department within 30 days of the conviction or finding of "not criminally responsible" that would disqualify the person from holding a guide license.

The background process itself will be the responsibility of the applicant to apply online. State Bureau of Identification run by Maine State Police will administer the process and act as a liaison with the Federal Bureau of Identification.

PUBLIC LAW 2017 CHAPTER 205 – (LD 1580) **An Act To Clarify and Enhance Maine's Wildlife Laws** *(Effective: November 1, 2017)*

Sec. 1. Strikes a reference to a section of law that will be repealed and moved to another section of the law.

Sec. 2., 3., 4., & 5. Makes necessary edits to the law related to moving the planning functions of the Department from the Division of Planning, which no longer exists, to the Bureau of Resource Management.

Sec. 6. & 7. Makes edits due to referencing the scientific & educational permit section that is being moved to a new section.

Sec. 8. & 9. Provides the Commissioner the authority to open a town or a designated geographical area to the taking of antlerless deer within a Wildlife Management District (WMD) that does not allow the

taking of antlerless deer. This is designed to be able to address small areas within a WMD that have high density deer populations even when the WMD as a whole does not have a high enough deer population to allow for the taking of antlerless deer.

Sec. 10. Adds activities for bird dog training during field trials.

Sec. 11. & 12. Moves a penalty for remote control hunting in a commercial shooting area to a more appropriate location within the section of law that describes a commercial shooting area.

Sec. 13. Removes references to sections that are being repealed.

Sec. 14. Adds language that explains that the list of unregulated fish and wildlife species does not require any of the captive wildlife type permits described within 12152.

Sec. 15. Creates an exemption to a captive wildlife permit requirement, allowing a person to collect and possess native reptiles, amphibians or invertebrates for personal use as long as they are not threatened or endangered and it also creates possession limits for these specimens. A person can possess up to 5 amphibians, up to 2 reptiles, and unlimited invertebrates. It also stipulates that the animals must be released back into the wild; near the same location they were captured.

Sec. 16. Creates language that describes the commissioner's authority to adopt rules that classify captive, exotic wildlife into categories from highest risk to lowest risk. It states that the rules must include the following:

1. Unrestricted species list for which no permit is needed;
2. A category (Category 2 Species) that requires permitting due to special care requirements;
3. Another category (Category 1 Species) that requires permitting due to more serious concerns such as risk to humans or to Maine's native wildlife; and
4. A prohibited category of species that can't be permitted except for scientific research purposes.

Sec. 17. Repeals the section that describes the commercial exhibition permit because it is described in a new way in this law.

Sec. 18. Describes the types of permits that the commissioner can grant for the new categories of species, the cost for the applications and permits and what the purpose of the permit is for. All applications for permits are nonrefundable. The lists of permits are as follows:

Permits for Category 1 Restricted Species:

- **Category 1 restricted species importation permit** authorizes the permittee to import wildlife into the State for exhibition purposes (a separate permit is required for exhibition of the species). The application fee is \$250 and the permit fee is \$27.
- **Category 1 restricted species exhibition permit** authorizes the permittee to exhibit wildlife except wolf hybrids for commercial purposes. It expires 2 years from the date of issuance. The application fee is \$250 and the permit fee is \$150.

Permits for Category 2 Restricted Species:

- **Category 2 restricted species importation permit** authorizes the permittee to import wildlife into the state. These species generally require special housing or care. The application fee is \$100 and the permit fee is \$27.
- **Category 2 restricted species possession permit** authorizes the permittee to import wildlife into the state. These species generally require special housing or care. It expires 2 years from the date of issuance. The application fee is \$27 and the permit fee is \$27.

Other permit types:

- **Wildlife rehabilitation permit** authorizes the permittee to possess debilitated or orphaned wildlife, rehabilitate that wildlife, release it into the wild as soon as the wildlife is rehabilitated or euthanize that wildlife if it cannot be rehabilitated and released. There is no cost for this permit and it expires 2 years from the date of issuance.

- **Research permit** authorizes the permittee to import and possess either Category 1 or Category 2 species to conduct scientific research or to use for educational purposes. There is no cost for this permit and it expires 2 years from the date of issuance.
- **Educational and scientific collection permit** authorizes the permittee to hunt, trap, possess, band and transport wildlife in Maine for educational or scientific purposes. There is no cost and it expires one year from the date of issuance. This permit is not required to hunt, trap, possess, band or transport invertebrates that are not listed as endangered, threatened or of special concern.

Sec. 19. Repeals the section that listed the cost and expiration of each permit type, this information is now captured within section 12152-3-D.

Sec. 20. Changes the reference to wild birds and wild animals to wildlife.

Sec. 21. Repeals the law requiring an importation permit for pheasants. There is no requirement for importation or propagation permitting of pheasants or other domesticated game birds that are used for personal or commercial purposes. Persons who import these types of birds from out of state must comply with the Department of Agriculture Conservation and Forestry's requirement to provide a certificate of health certifying they come from a healthy flock.

Sec. 22. Explains that the commercial amphibian permit costs \$27 and it expires one year from the date of issuance. There was never a cost or expiration associated with the permit, either in statute or rule.

Sec. 23. Repeals language that stated the commissioner shall adopt rules pertaining to establishing a fee schedule for the commercial amphibian permit.

Sec. 24. Explains that the commercial nonmarine invertebrate permit costs \$27 and it expires one year from the date of issuance. There was never a cost or expiration associated with the permit, either in statute or rule.

Sec. 25. & 26. Repeals language that stated the commissioner shall adopt rules pertaining to establishing a fee schedule for the commercial nonmarine invertebrate permit.

Sec. 27. Repeals the section describing the permit to hunt, trap, possess, band and transport wild animals and birds for educational or scientific purposes because the section was moved to the area where all related permits are now placed within 12152.

Sec. 28. References the appropriate section where the educational and scientific permit is located in statute.

PUBLIC LAW 2017 CHAPTER 225 – (LD 767) **An Act To Prohibit Feeding or Baiting Deer During Certain parts of the Year** (*Effective: November 1, 2017*)

Expands the time frame in which a person is prohibited from feeding deer. A person may not place salt or any other bait or food in a place to entice deer from June 1st to December 15th.

PUBLIC LAW 2017 CHAPTER 226 – (LD 869) **An Act To Amend the Laws Governing Tagging of Harvested Animals** (*Effective: November 1, 2017*)

Allow a person to keep an unregistered animal harvested by that person if they notify a game warden within 18 hours and provide the location of the animal and the circumstances preventing the person from registering the animal.

PUBLIC LAW 2017 CHAPTER 239 – (LD 1137) – **An Act To Lower the Age at Which a Person May Hunt with a Crossbow During Any Open Season** (*Effective: November 1, 2017*)

Lowers the age from 70 to 65 in which a person can hunt with a crossbow during any open season on any wild bird or wild animal including hunting deer in an expanded archery zone or during the muzzle-loading only deer hunting season.

PUBLIC LAW 2017 CHAPTER 285 – (LD 305) **An Act To Increase the Penalty for Allowing Wildlife in Captivity To Escape in Violation of a Permit Requirement** (*Effective: November 1, 2017*)

Creates new penalties for escaped captive wildlife that is considered restricted (a permit is required for possession).

- A person now commits a Class E Crime if he/she allows wildlife in captivity that he/she has a legal permit for, to escape his/her possession or control and if he/she does not notify a law enforcement officer when the animal has escaped.
- A person commits a Class E crime if he/she possesses unpermitted restricted wildlife in captivity, allows the escape and he/she notifies a law enforcement officer of the escape.
- A person commits a Class D crime if he/she possess unpermitted restricted wildlife in captivity, allow the escape and he/she do not immediately notify a law enforcement officer.