

MAINE STATE LEGISLATURE

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H. 777
H. 018

L.D. 1743

DATE: 3-19-04

(Filing No. H-781)

INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1265, L.D. 1743, Bill, "An Act To Make Technical Corrections to Maine's Fish and Wildlife Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain provisions of this bill must take effect immediately to avoid placing an undue economic hardship on certain small businesses and to help secure the public's safety; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 12 MRSA §12553, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

COMMITTEE AMENDMENT

2 **2. Sale of bait in polystyrene foam containers.** A person
3 who sells bait ~~or baitfish~~ may not provide or sell the bait ~~or~~
4 ~~baitfish~~ in containers that are composed in whole or in part of
5 polystyrene foam plastic. This subsection does not apply to
6 baitfish.

8 ~~A person who violates this subsection commits a civil violation~~
9 ~~for which a forfeiture of not less than \$100 nor more than \$500~~
10 ~~may be adjudged.~~

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

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

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21 Further amend the bill by inserting after section 4 the
22 following:

24 'Sec. 5. 29-A MRSA §2115 is enacted to read:

26 **§2115. Operating motor vehicle on Pickerel Pond**

28 A person may not operate a motor vehicle as defined in
29 section 101, subsection 42 on Pickerel Pond located in Township
30 32 Middle Division. This section does not apply to motor
31 vehicles of the Department of Inland Fisheries and Wildlife,
32 airmobiles as defined in Title 12, section 7791 and authorized
33 emergency vehicles as defined in section 2054, subsection 1,
34 paragraph B. A person who violates this section commits a civil
35 violation for which a fine of not less than \$100 nor more than
36 \$500 may be adjudged.

38 Sec. 6. PL 2003, c. 414, Pt. D, §7 is amended to read:

40 **Sec. D-7. Effective date.** This Act takes effect ~~90 days after~~
41 ~~the adjournment of the Second Regular Session of the 121st~~
42 Legislature August 31, 2004, except that Part D, sections 5 and 6
43 take effect 90 days after the adjournment of the First Regular
44 Session of the 121st Legislature.

46 **Emergency clause.** In view of the emergency cited in the
47 preamble, this Act takes effect when approved.'
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SUMMARY

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This amendment prohibits the operation of motor vehicles on Pickerel Pond located in Township 32 Middle Division except for authorized emergency vehicles and motor vehicles of the Department of Inland Fisheries and Wildlife. It also allows the sale of baitfish in containers composed in whole or in part of polystyrene foam plastic. Additionally, it changes the effective date for Public Law 2003, chapter 414 from 90 days after adjournment of the Second Regular Session of the 121st Legislature to August 31, 2004. The amendment adds an emergency preamble and emergency clause to the bill, making the bill effective upon approval.

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FISCAL NOTE REQUIRED
(See attached)



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1743

**An Act To Make Technical Corrections to Maine's Fish and Wildlife
Laws**

LR 2625(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new civil violation.