

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
FISHERIES AND WILDLIFE

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

| | |
|-----------------------------------|---|
| <i>PUBLIC XXX</i> | <i>Chapter # of enacted Public Law</i> |
| <i>P&S XXX</i> | <i>Chapter # of enacted Private & Special Law</i> |
| <i>RESOLVE XXX</i> | <i>Chapter # of enacted Resolve</i> |
| <i>CON RES XXX</i> | <i>Chapter # of Constitutional Resolution passed by both Houses</i> |
| <i>EMERGENCY</i> | <i>Enacted law takes effect sooner than 90 days</i> |
| <i>CARRIED OVER</i> | <i>Bill carried over to Second Session</i> |
| <i>ONTP</i> | <i>Ought Not to Pass report accepted</i> |
| <i>ENACTMENT FAILED</i> | <i>Bill failed to get majority vote</i> |
| <i>INDEF PP</i> | <i>Bill Indefinitely Postponed</i> |
| <i>FAILED EMERGENCY ENACTMENT</i> | <i>Emergency bill failed to get 2/3 vote</i> |
| <i>FAILED MANDATE ENACTMENT</i> | <i>Bill imposing local mandate failed to get 2/3 vote</i> |
| <i>DIED BETWEEN BODIES</i> | <i>House & Senate disagree; bill died</i> |
| <i>CONF CMTE UNABLE TO AGREE</i> | <i>Committee of Conference formed but unable to agree</i> |
| <i>VETO SUSTAINED</i> | <i>Legislature failed to override Governor's Veto</i> |
| <i>UNSIGNED</i> | <i>Not signed by Governor within 10 days</i> |
| <i>DIED ON ADJOURNMENT</i> | <i>Action incomplete when session ended; bill died</i> |

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

The committee amendment (H-199) requires the commissioner of Inland Fisheries and Wildlife to adopt rules extending the open water fishing season through November for certain waters of the State.

LD 798 An Act Regarding the Baiting of Animals PUBLIC 156

| SPONSOR(S) | COMMITTEE REPORT | | AMENDMENTS ADOPTED |
|-------------------|-------------------------|-----|---------------------------|
| HALL | OTP-AM | MAJ | S-87 |
| | ONTP | MIN | |

SUMMARY

This bill proposed to make it illegal to place bait for wild birds or wild animals to attract them to a hunting location during the open hunting season on a wild bird or wild animal.

The committee amendment (S-87) prohibits a person from enticing deer with food during any open deer season. The amendment also prohibits any person from hunting from an observation stand or blind overlooking food that is attractive to deer except that this prohibition does not apply to hunting from a blind or stand overlooking standing crops, food left by agricultural activities, food left by natural occurrence or bear bait placed in accordance with existing laws.

LD 829 An Act to Restrict the Harvesting of Smelts ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| BAILEY H | ONTP | |

SUMMARY

This bill proposed to limit commercial harvesting of smelt to the use of a hook and line only. Currently, smelts may be harvested with a dip net, baitfish trap, drop net, lift net or bag net.

LD 850 An Act to Amend the Allocation System for Commercial Whitewater Outfitters ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| CARROLL | ONTP | |

SUMMARY

This bill proposed to establish a minimum allocation award to all outfitters who have carried 150 or more passengers per year in at least 3 of the 5 years preceding an allocation period.

The bill also proposed to reduce the allocation period by eliminating the requirement for allocations before July 8th.

LD 853 An Act to Amend the Maine Hunting Laws to Prohibit Discharges of Firearms across Paved Ways PUBLIC 212

| SPONSOR(S) | COMMITTEE REPORT | | AMENDMENTS ADOPTED |
|-------------------|-------------------------|-----|---------------------------|
| BUTLAND | OTP-AM | MAJ | S-120 |
| | ONTP | MIN | |

SUMMARY

Under current law it is a Class E crime to hunt from a paved way or from within the right-of-way of a controlled access highway. This bill proposed to extend the prohibition so that it would be a Class E crime to discharge a firearm across a paved way.

The bill also proposed to suspend the license of a person who fails to be a reasonable and prudent hunter as defined in the Maine Revised Statutes, Title 12, section 7406-A, subsection 2.

The committee amendment (S-120) strikes and replaces the bill. The amendment prohibits persons from discharging firearms across paved ways. The amendment also alters the prohibition on hunting from a paved way. Under current law, it is illegal to hunt from a paved way. Under this amendment it will be illegal to hunt from a paved way or from within 10 feet of the pavement of a paved way. The amendment also makes parallel amendments to evidentiary provisions of fisheries and wildlife laws.

LD 859 An Act Regarding the Penalty for Failing to Register a Deer ONTP

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
HALL ONTP

SUMMARY

Under current law, failure to register a deer is a Class E crime. This bill proposed to change the penalty for failing to register a deer to a Class D crime and to require imprisonment for not less than 3 days for the first offense and not less than 10 days for each succeeding offense and to require a fine of not less than \$1,000.

LD 867 An Act to Grant Disabled Persons Antlerless Deer Permits upon Request ONTP

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
TRACY ONTP

SUMMARY

This bill proposed to allow disabled persons who hold valid hunting licenses to have antlerless deer permits on request without having to participate in the antlerless deer lottery.

LD 905 An Act to Distribute the Number of Moose Hunting Permits Based on the Moose Population ONTP

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
DONNELLY ONTP
HALL

SUMMARY

This bill proposed to remove the statutory cap on the number of moose hunting permits that may be issued in one year and instead to require the Commissioner of Inland Fisheries and Wildlife to determine annually the total number of moose hunting permits based upon information from the Department of Inland Fisheries and Wildlife, Bureau of Resource Management concerning the moose population. (See LD 1025)