

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
INLAND FISHERIES AND WILDLIFE**

JULY 1997

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Staff:

Patrick T. Norton, Principal Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Sponsor(s)
KILKELLY
PAUL

Committee Report
OTP-AM

Amendments Adopted
H-619 POULIN
H-659 BELANGER D
H-744 UNDERWOOD
S-281

LD 1604, the “Omnibus” bill of the Department of Inland Fisheries and Wildlife, proposed to:

1. Amend the definition of "firearm."
2. Add a definition of "fishway" consistent with the Department of Marine Resources' definition.
3. Add "wild animal hybrids," "wild bird hybrids" and "domestic animals" to the definition of "hunt" and the provisions on closed season for hunting.
4. Clarify that firearms of any type including muzzle-loading firearms and archery equipment are subject to specific provisions of law regarding hunting without a license, hunting while intoxicated and hunting on Sunday.
5. Amend the definition of "weir."
6. Allow the department to recover costs incurred for search and rescue operations that are initiated under false reports.
7. Allow the department to use revenue generated from selling advertising space in its law books to help cover the cost of printing the books.
8. Provide for reimbursement to the Bureau of Warden Service's personal services account for services rendered to federal agencies. Revenues received must be allocated for the purpose of funding the cost of providing the services.
9. Remove outdated language and replaces it with language that is consistent with all-terrain vehicle laws in regard to other law enforcement officers enforcing snowmobile, airmobile and all-terrain vehicle laws.
10. Amend laws governing complimentary licenses for the blind, paraplegic, resident disabled war veterans, mentally retarded and resident disabled veterans to make them valid for the life of the license holder, as long as they continue to meet residency requirements.
11. Give the Commissioner of Inland Fisheries and Wildlife the authority to require that a person whose license has been revoked or suspended complete a course on outdoor ethics scheduled by the Bureau of Warden Service.
12. Amend the law governing licenses for nonresident junior hunters.
13. Clarify that the commissioner has authority to establish the muzzle-loading season.

14. Make it illegal for a licensed bait dealer to possess any species of fish that is not legal to be sold as bait and makes it possible for biologists, acting as agents of the commissioner, to inspect bait dealer shops.
15. Make it illegal for a person holding a live bait retailer's license or a smelt wholesaler's license to obtain live smelts for resale from a person who is not licensed to deal in live smelts. It also requires a person holding a smelt wholesaler's license to have and use a number 14 fish grader during the winter months while engaged in the taking of live smelts and to immediately liberate undersized smelts alive into the waters from which they were taken.
16. Clarify the difference between a license to cultivate fish and a license to harvest fish in private ponds.
17. Enact a new section of law dealing with the transportation of live fish for breeding and advertising purposes.
18. Remove live fish from the section of law dealing with transportation for breeding and advertising purposes.
19. Require that, effective January 1, 1998, any person who has not renewed that person's guide license for five consecutive years must be reexamined.
20. Correct a reference to the Advisory Board for the Licensing of Guides.
21. Allow a licensed taxidermist to purchase heads and hides of wild animals by virtue of the taxidermist license.
22. Make the examination fee and process for whitewater guides consistent with those of regular guides. It also clarifies the three-year license for whitewater guides.
23. Amend the laws governing fishing for cusk and hornpout.
24. Repeal the requirement that tree ladders and stands be removed within 10 days after the close of the hunting season for which the ladder or stand was erected.
25. Make it unlawful to possess a wild animal or wild bird taken while Sunday hunting, to discharge a firearm too close to a dwelling, to abuse another person's property, to use or possess a prohibited implement or to trespass on another person's property.
26. Clarify that anyone hunting during any firearm season on deer is required to wear two articles of hunter orange clothing.
27. Remove superfluous language from the laws regarding failure to report a hunting accident.
28. Amend the laws regarding the placing of bear bait to provide that they also apply to the trapping of bears.
29. Change the amount of time a person has to register a bear from 12 hours to 18 hours.
30. Repeal the prohibition on nonresidents trapping beaver.
31. Give the commissioner the authority to establish fees for implementing special hunting seasons in areas where the wildlife population is causing problems.

32. Give the commissioner the authority to adopt rules to implement a landowner permit system for turkey hunting.
33. Repeal the prohibition against introducing fish or fish spawn raised by the department in a private pond.
34. Require that baitfish traps be checked at least once in every seven calendar days rather than three days.
35. Amend the laws regarding fishing with illegal devices.
36. Repeal the provision regarding the illegal use of hellgramites.
37. Provide for the removal of ice shacks prior to the close of the ice fishing season.
38. Repeal the provision allowing the use of the eggs of Atlantic sea run salmon and landlocked salmon for bait.
39. Repeal a provision regarding the authority of the commissioner to permit the taking of fish to protect other fish.
40. Give the commissioner authority to collect a \$1 fee for issuance of registrations by department employees.
41. Clarify the laws governing operating a snowmobile to endanger.
42. Require the Commissioner of Inland Fisheries and Wildlife to charge a fee of \$1 in addition to the annual fee for each all-terrain vehicle registration issued by an employee of the Department of Inland Fisheries and Wildlife.
43. Clarify the age requirements for all-terrain vehicle operation.
44. Make technical changes in format to the Maine Revised Statutes, Title 12, section 7901, subsection 2.
45. Make reckless operation of a snowmobile, watercraft or all-terrain vehicle a Class D crime in order to conform to the Maine Criminal Code in which reckless conduct under Title 17-A, section 211 is a Class D crime.

Committee Amendment "A" (S-281) proposed to:

1. Remove sections from the bill that pertained to the definitions of firearm and hunting, hunting domestic animals, hunting without hunter orange clothing, tree ladders, registering bear, trapping beaver, turkey hunting, the taking of pickerel and perch, stocking department fish in private ponds, registering watercraft and penalties for certain hunting violations;
2. Add a provision to the search and rescue powers of the Commissioner of Inland Fisheries and Wildlife that allows the commissioner to recover search and rescue costs from the person for whom the search was conducted or from a person who knowingly gives out false information that leads to a search or rescue attempt;
3. Make the Saturday and Sunday during Father's Day weekend and the Saturday and Sunday immediately preceding President's Day "free fishing days";
4. Clarify the complimentary hunting and fishing licenses that are available to resident disabled veterans;
5. Require a person who violates a fish and wildlife law that carries a mandatory license suspension to complete an outdoor ethics course before having that license returned;
6. Repeal the provision that prohibits more than two shooting ranges in one county;

7. Clarify the licensing requirements for a person who wishes to operate a private pond for fishing;
8. Require that a person who applies for a Maine guide license or a whitewater guide license take an examination if that person has not held that license within the previous three years;
9. Clarify that a person give notice to a game warden in the event of a hunting accident or, in the event that the game warden can not be contacted, to the law enforcement officer nearest the place where the event occurred;
10. Establishes a point system for the moose lottery that gives a person one point for each consecutive year in which that person purchases a moose lottery application but is not selected to receive a permit;
11. Require ice shacks to be removed from the ice by March 15th in Androscoggin, Cumberland, Hancock, Kennebec, Lincoln, Oxford, Sagadahoc, Waldo and York counties;
12. Allow commercially prepared fish eggs from species that do not naturally occur in Maine to be used for bait;
13. Clarify what constitutes operating a snowmobile to endanger;
14. Creates an 11-member Commission to Study the Stocking of Alewives; and
15. Add an appropriation section, an allocation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-619) proposed to retain the current law regarding ice shacks.

House Amendment "A" (H-659) proposed to clarify that the definition of hunting equipment includes only that equipment that is permitted under the hunting laws.

House Amendment "C" to Committee Amendment "A" (H-744) proposed to require that the Department of Inland Fisheries and Wildlife do the Alewife study during the interim and report back to the Joint Standing Committee on Inland Fisheries and Wildlife.

Enacted law summary

Public Law 1997, chapter 432 incorporates the changes described above in the adopted amendments.

LD 1611 **An Act to Amend Snowmobile Registration Fees and Promote Snowmobile Club Participation** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELANGER D PARADIS	ONTP MAJ OTP-AM MIN	

LD 1611 proposed to make the annual snowmobile registration fee \$35 for both residents and nonresidents, removing the current dual fee structure. It also proposed to provide a \$10 discount on the registration fee for members of a snowmobile club recognized and approved by an incorporated statewide snowmobile association,