

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Inland Fisheries and Wildlife*

July 2003

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 considered by the committees. It is arranged alphabetically by committee name 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 PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd 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>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</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>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
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Joint Standing Committee on Inland Fisheries and Wildlife

LD 77

An Act to Require Permission for an ATV to Cross Private Land

ONTP

<u>Sponsor(s)</u> KNEELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 77 proposed to prohibit the operation of an ATV on private land without the written permission of the landowner or landowner's agent unless the landowner specifically permitted ATVs without written permission. Current law includes a variety of provisions regarding the operation of an ATV on the land of another. The bill proposed to repeal or modify these provisions to make the law consistent with the written-permission requirement. The bill also proposed to move appropriate penalties into appropriate sections and proposed to repeal the penalties that applied to the provisions of law that were repealed by the bill.

1. Current law prohibits operation of any motor vehicle, including an ATV, on snowmobile trails financed with funds from the Snowmobile Trail Fund unless operation has been authorized by the landowner or the landowner's agent or unless the use is necessitated by an emergency involving safety of persons or property. The bill proposed to amend the language to cross reference the written-permission requirement for ATVs and proposed to move the amended provision to a more appropriate section of the law.
2. Current law prohibits a person from operating an ATV on a private road after having been forbidden to do so by the owner thereof, the owner's agent or a municipal official, either personally or by appropriate notices posted conspicuously on that road. The bill proposed to add to this section a cross-reference to the written-permission requirement to clarify that a person who had not been forbidden to operate an ATV on the road still would have to obtain permission to operate on that road.
3. Current law prohibits operation of an ATV on any cropland or pastureland without the permission of the owner or lessee. The bill proposed to repeal this provision as it was superseded by the broader written-permission requirement.

LD 82

An Act Regarding Fish Stocking Decisions

PUBLIC 27

<u>Sponsor(s)</u> HONEY BRYANT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-15
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LD 82 proposed to allow anglers to have more input when the Department of Inland Fisheries and Wildlife is making management and stocking changes on a body of water.

Committee Amendment "A" (H-15) proposed to replaces the bill. It proposed to repeal the requirement that the Department of Inland Fisheries and Wildlife conduct public meetings whenever the department changes management or fish stocking objectives on a body of water.

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted Law Summary

Public Law 2003, chapter 27 repeals the requirement that the Department of Inland Fisheries and Wildlife conduct public meetings whenever the department changes management or fish stocking objectives on a body of water.

LD 98 **An Act to Prohibit Personal Watercraft on Rocky Pond in Orland** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN YOUNGBLOOD	ONTP MAJ OTP-AM MIN	

LD 98 proposed to prohibit the use of personal watercraft on Rocky Pond in Orland.

Committee Amendment "A" (H-340), the minority report of the Committee on Inland Fisheries and Wildlife, proposed to replace the bill and prohibit the operation of a motorboat having more than 10 horsepower on Rocky Pond in the Town of Orland. (Not adopted)

LD 106 **An Act Regarding Alewife Harvesting** **PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY MITCHELL	OTP-AM	H-302

LD 106 proposed to authorize the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to issue permits for the harvesting of alewives with fish pumps.

Committee Amendment "A" (H-302) proposed to remove language from the bill regarding the Department of Marine Resources and to authorize the Department of Inland Fisheries and Wildlife to regulate the type of gear used to harvest alewives, suckers, yellow perch, eels and lampreys. It also proposed to authorize the use of fish pumps to harvest alewives.

Enacted Law Summary

Public Law 2003, chapter 276 authorizes the Department of Inland Fisheries and Wildlife to regulate the type of gear used to harvest or concentrate for harvest alewives, eels, suckers, lampreys and yellow perch and authorizes the use of fish pumps to harvest alewives.