

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Inland Fisheries and Wildlife*

August 2005

Members:

*Sen. Bruce S. Bryant, Chair
Sen. Joseph C. Perry
Sen. Chandler E. Woodcock*

*Rep. Thomas R. Watson, Chair
Rep. Walter A. Wheeler, Sr.
Rep. Stanley A. Moody*

*Rep. Jacqueline A. Lundeen
Rep. Troy D. Jackson
Rep. Mark E. Bryant
Rep. A. David Trahan
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Rep. David E. Richardson*

Staff:

Curtis C. Bentley, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

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

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 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 50

An Act To Ban Remote-control Hunting

PUBLIC 81

<u>Sponsor(s)</u> CARR CLUKEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-110
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LD 50 was a concept draft pursuant to Joint Rule 208. It proposed to ban remote-control hunting.

Committee Amendment "A" (H-110) proposed to replace the bill and prohibit the owner or operator of a commercial shooting area or a commercial large game shooting area from using a website or a service or business via any other means that would permit a person to hunt large game, wild animals or game birds that are located in this State through the use of a computer-controlled gun, shooting apparatus or any other remote-control device when the person using the website, service or business is physically removed from the immediate vicinity of the large game, wild animal or game bird. This amendment would make a violation of this prohibition a Class E crime.

Enacted law summary

Public Law 2005, chapter 81 prohibits the owner or operator of a commercial shooting area or a commercial large game shooting area from using a website or a service that allows a person to hunt large game, wild animals or game birds that are located in this State through the use of a computer-controlled gun or shooting apparatus when the person using the website or service is physically removed from the immediate vicinity of the large game, wild animal or game bird.

LD 67

An Act To Allow the Use of Crossbows for Hunting

PUBLIC 419

<u>Sponsor(s)</u> MOODY	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-152
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LD 67 proposed to remove the prohibition against using a crossbow or set bow to hunt a wild animal or wild bird.

Committee Amendment "A" (H-152) proposed to replace the bill and would:

1. Allow the use of crossbows to hunt bear and deer during the regular firearms season on those species and clarify that a person would not be able to use a crossbow to hunt deer during an expanded season or in expanded archery zones or in the muzzle-only deer season;
2. Establish a crossbow hunting license and fees;
3. Require a person to hold a valid big game hunting license to be eligible for a crossbow hunting license;
4. Require the Department of Inland Fisheries and Wildlife to adopt rules regulating the use of crossbows for hunting that would include a prohibition against the use of pistol-type crossbows or crossbows with a draw weight of less than 100 pounds or more than 200 pounds;
5. Require the Commissioner of Inland Fisheries and Wildlife to establish a crossbow hunting education course;

Joint Standing Committee on Inland Fisheries and Wildlife

6. Require a person to complete both the crossbow and the archery hunting education courses prior to obtaining a crossbow license;
7. Prohibit the possession of a crossbow by a convicted felon until 5 years after the person is discharged from the sentences imposed; and
8. Make this Act effective January 1, 2006.

Enacted law summary

Public Law 2005, chapter 419 allows the use of crossbows to hunt bear and deer during the regular firearms season on those species but does not allow the use of crossbows to hunt deer during the expanded archery deer season or in the expanded archery zones or in the muzzle-loading-only deer season. It requires a person to complete both a crossbow and archery hunting education course to be eligible for a crossbow hunting license and sets a fee schedule for the license. Public Law 2005, chapter 419 directs the Commissioner of the Department of Inland Fisheries and Wildlife to establish a crossbow education course and to adopt rules regulating the use of crossbows that must include a prohibition against the use of pistol-type crossbows or crossbows with a draw weight of less than 100 pounds or more than 200 pounds. It also prohibits convicted felons from possessing a crossbow and takes effect January 1, 2006.

LD 82

**An Act To Suspend or Revoke Licenses and Permits Issued by the
Department of Inland Fisheries and Wildlife to a Person Convicted
of Operating under the Influence**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	ONTP A	
	OTP-AM B	
	OTP-AM C	

LD 82 proposed to require the Commissioner of Inland Fisheries and Wildlife to suspend or revoke a license or permit issued under the Maine Revised Statutes, Title 12, Part 13 held by a person convicted of operating a motor vehicle under the influence. The bill would make a person ineligible to obtain a license or permit under Title 12, Part 13 during the applicable suspension or revocation period and would require the court to notify the Commissioner of Inland Fisheries and Wildlife of a person convicted of operating under the influence.

Committee Amendment "A" (S-71) was the majority report and proposed to add an appropriation and allocation section to the bill.

Committee Amendment "B" (S-72) was the minority report of the committee and proposed to replace the bill. This amendment proposed to authorize the court to suspend a person's hunting, fishing and trapping licenses for a period of one year after that person has been convicted of 3 OUI offenses within a 10-year period. For a person having 4 or more OUI offenses within a 10-year period, the court would be able to suspend those licenses for a period of at least one year and up to and including the permanent revocation of those licenses.