

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
Rep. Earl E. Richardson
Rep. Richard M. Cebra
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.

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Committee Amendment "A" (H-388) was the minority report and would add an appropriations and allocations section to the bill.

LD 516 **An Act To Prohibit Bear Baiting within 100 Yards of an Adjoining Property** **ONTP**

<u>Sponsor(s)</u> SMITH W MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 516 proposed to prohibit bear baiting within 100 yards of an adjoining property unless written permission was granted by the owner or lessee.

LD 531 **An Act To Limit the Harvesting of Eels in Maine Rivers** **ONTP**

<u>Sponsor(s)</u> DAMON KAELIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 531 proposed to prohibit the fishing for or taking of eels in Maine inland waters, except by eel pot or by hook and line.

LD 565 **An Act To Amend the Law Regarding Fishing Derbies** **PUBLIC 96
EMERGENCY**

<u>Sponsor(s)</u> PIOTTI WESTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-137
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LD 565 proposed to exempt accredited postsecondary educational institutions that hold fishing derbies from the prize limits set by the Commissioner of Inland Fisheries and Wildlife for derbies if the derby event meets the following requirements:

1. Participants may not fish from motorboats;
2. Participants may only use artificial lures;
3. The derby must be an event that is only catch and release or catch, measure and release;
4. Participants may target only warm-water species;
5. There is a limit of one rod per person and a maximum of 2 rods per boat; and

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6. At least 80% of the prizes awarded are in the form of scholarships.

Committee Amendment "A" (H-137) proposed to replace the bill with an emergency measure that would establish a derby fishing permit for educational institutions that wish to hold fishing derbies and award prizes in excess of \$10,000 for a single fishing derby. Additionally, the amendment would establish the following permit restrictions.

1. Rules adopted by the commissioner pursuant to the Maine Revised Statutes, Title 12, section 12504 would be applicable to permits issued under the new derby permit section, except for rules limiting the cash value of prizes or concerning an ice fishing derby.
2. A derby could be conducted only in bodies of water free of ice and could not target cold water species.
3. A person could not participate as an angler in a derby unless that person was affiliated with the sponsoring educational institution, either as a student, a parent or sibling of a student, an alumnus or a staff member of the educational institution. A student could invite a single guest to participate in the derby.
4. At least 80% of the prizes awarded at a derby would be in the form of scholarships.
5. An angler participating in a derby could not use a motorboat or have more than one rod per person or more than 2 rods per boat and would be limited to fishing with artificial lures only.
6. A derby would have to be an event that is only catch and release or catch, measure and release.

Enacted law summary

Public Law 2005, chapter 96 establishes a derby fishing permit for educational institutions that wish to hold fishing derbies and award prizes in excess of \$10,000 for a single fishing derby. It provides a number of permit restrictions regarding how and when a derby may be conducted, form of prizes awarded and who may participate in such a derby.

Public Law 2005, chapter 96 was enacted as an emergency measure effective May 12, 2005.

LD 612

An Act To Authorize the Exchange of a Designated Hunting Season for Another Hunting Season for the Same Game Species

PUBLIC 74

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M DIAMOND	OTP-AM	H-112

LD 612 proposed to allow a person who holds a valid hunting permit to transfer that permit with a person who also holds a valid hunting permit. The bill would also require that the transfer take place prior to the start of a particular season.

Committee Amendment "A" (H-112) proposed to replace the bill. Current law allows a person who has been assigned a designated hunting area or zone by the department for purposes of hunting a game animal to exchange that designated zone or area with another person assigned a different hunting zone or area for the same game