

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
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Rep. Troy D. Jackson
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Rep. David E. Richardson*

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Maine State Legislature

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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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LD 652 proposed to allow a resident 100 years of age or older to obtain a complimentary license or permit to hunt any deer, including antlerless deer. Current law provides a complimentary license to hunt, trap or fish to residents 70 years of age or older; this benefit is due to expire January 1, 2006.

Committee Amendment "A" (S-70) proposed to authorize the Commissioner of Inland Fisheries and Wildlife to issue complimentary antlerless deer permits to residents 100 years of age or older.

Enacted law summary

Public Law 2005, chapter 75 authorizes the Commissioner of Inland Fisheries and Wildlife to issue complimentary antlerless deer permits to residents 100 years of age or older.

LD 660 An Act To Allow the Taking of Another Deer by Persons Who ONTP
Take a Deer on Youth Day

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 660 proposed to allow a youth who took a deer on youth deer hunting day to take another deer during the regular open season on deer.

LD 664 An Act To Control Fish Stocking in Inland Waters ONTP

<u>Sponsor(s)</u> FLETCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 664 proposed to prohibit the Commissioner of Inland Fisheries and Wildlife from authorizing another state agency to introduce fish into the inland waters of the State.

LD 723 An Act To Amend Laws Pertaining to Commercial Fishing and PUBLIC 237
Baitfish

<u>Sponsor(s)</u> CEBRA		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-352
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LD 723 proposed to change the definition of dip net to include a minimum size, provide further definition of a commercial grader within the smelt wholesaler's license and set reporting requirements for commercial smelt dealers.

Committee Amendment "A" (H-352) proposed to replace the bill and:

1. Provide restrictions on the size of a dip net that can be used to take smelts in certain areas;

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2. Provide that a person who holds a valid Maine fishing license could take smelts for recreational purposes only in inland waters free or partially free of ice from noon to 2:00 a.m. with a dip net. It would also provide that a licensee could keep only 5 dozen smelts of that person's bag limit alive and clarify that the bag limit is for a 24-hour period;
3. Provide that from ice-in to ice-out, smelt wholesale dealers would be prohibited from using baitfish traps and dip nets to take smelts, except a dip net could be used to assist in handling and transporting smelts;
4. Provide that in waters naturally free of ice, a smelt wholesale dealer could take smelts from noon to 2:00 a.m. by the use of a dip net and authorize the Commissioner of Inland Fisheries and Wildlife to establish a daily bag limit by rule. A licensee could keep the daily bag limit alive and the daily bag limit is for a 24-hour period. The amendment would also restrict wholesale dealers to 2 quarts during this time period;
5. Authorize the commissioner to shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes;
6. Prohibit smelt wholesale dealers from using food particles or any other type of bait or lure except artificial light for luring smelts into a drop net or lift net;
7. Amend the description of a smelt grader and give the commissioner the authority to modify that description by rule for conservation or enforcement purposes;
8. Require a person who holds a smelt wholesaler dealer license who fishes with a hook and line or a dip net to use a grader to size smelts caught by hook and line and dip net;
9. Remove the requirement that smelt wholesale dealers report dates they fished for smelts;
10. Change the date that smelt wholesale dealers would report to the Department of Inland Fisheries and Wildlife from April 10th to May 31st annually and make all data submitted in the report confidential, except the commissioner could release otherwise confidential information if it is released in a form that is statistical or general in nature; and
11. Give the commissioner the discretion to prohibit a person from obtaining a smelt wholesale dealers license if that person failed to meet reporting requirements. Current law mandates that a person who fails to meet the reporting requirements is ineligible to obtain a smelt wholesale dealers license.

Enacted law summary

Public Law 2005, chapter 237 affects Maine's smelt fishing laws as follows:

1. Provides restrictions on the size of a dip net that can be used to take smelts in certain areas;
2. Provides that a person who holds a valid Maine fishing license may take smelts for recreational purposes only in inland waters free or partially free of ice from noon to 2:00 a.m. with a dip net. It also provides that a licensee may keep only 5 dozen smelts of that person's bag limit alive and clarifies that the bag limit is for a 24-hour period;
3. Provides that from ice-in to ice-out, smelt wholesale dealers are prohibited from using baitfish traps and dip nets to take smelts, except a dip net can be used to assist in handling and transporting smelts;

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4. Provides that in waters naturally free of ice, a smelt wholesale dealer may take smelts from noon to 2:00 a.m. by the use of a dip net and authorizes the Commissioner of Inland Fisheries and Wildlife to establish a daily bag limit by rule. A licensee may keep the daily bag limit alive and the daily bag limit is for a 24-hour period. The amendment restricts wholesale dealers to 2 quarts during this time period;
5. It authorizes the commissioner to shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes;
6. Prohibits smelt wholesale dealers from using food particles or any other type of bait or lure except artificial light for luring smelts into a drop net or lift net;
7. Amends the description of a smelt grader and gives the commissioner the authority to modify that description by rule for conservation or enforcement purposes;
8. Requires a person who holds a smelt wholesaler dealer license who fishes with a hook and line or a dip net to use a grader to size smelts caught by hook and line and dip net;
9. Removes the requirement that smelt wholesale dealers report dates they fished for smelts;
10. Changes the date that smelt wholesale dealers must report to the Department of Inland Fisheries and Wildlife from April 10th to May 31st annually and makes all data submitted in the report confidential, except the commissioner may release otherwise confidential information if it is released in a form that is statistical or general in nature; and
11. Gives the commissioner the discretion to prohibit a person from obtaining a smelt wholesale dealers license if that person fails to meet reporting requirements. Current law mandates that a person who fails to meet the reporting requirements is ineligible to obtain a smelt wholesale dealers license.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

LD 759

An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters

PUBLIC 142

Sponsor(s)
JACKSON
PERRY J

Committee Report
OTP-AM

Amendments Adopted
H-225

LD 759 proposed to create a special antlerless deer license that allows a person with ambulatory disability to take an antlerless deer anywhere in the State where any deer may be taken. An applicant for the license would have to provide a letter signed by a licensed physician confirming the ambulatory disability.

Committee Amendment "A" (H-225) proposed to limit eligibility for the special antlerless deer permit to residents and clarify that these permits could be issued only in areas already open to antlerless deer hunting. The