

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
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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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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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON PERRY J	OTP-AM	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

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amendment would also clarify that an eligible person must submit an application and provide verification of disability before being issued a permit.

Enacted law summary

Public Law 2005, chapter 142 creates a special antlerless deer license for residents that allow a person with an ambulatory disability to take an antlerless deer in areas already open to antlerless deer hunting. It also provides that an eligible person must submit an application and provide verification of disability before being issued the permit.

LD 761 **An Act To Extend the Deer Hunting Season by One Week** **ONTP**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 761 proposed to extend the regular firearm deer hunting season by one week.

LD 762 **An Act To Provide Moose Permits to Persons 75 Years of Age or Older with Hunting Experience** **ONTP**

<u>Sponsor(s)</u> JACOBSEN COURTNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 762 proposed to allow a person 75 years of age or older who held a hunting permit for 3 of the past 5 years to receive a moose permit upon application to the Commissioner of Inland Fisheries and Wildlife.

LD 810 **An Act To Require the Use of Reflective Material on Ice Fishing Shacks** **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u> PERRY A RAYE		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 810 proposed to require that the information displayed on an ice fishing shack be in reflective material.

Committee Amendment "A" (H-231) proposed to replace the bill and prohibit a person from placing an ice fishing shack or structure on the inland waters of the State, unless it is marked midway up on 4 sides with Department of Transportation-approved reflective material measuring at least 12 square inches.