

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

**JOINT STANDING COMMITTEE ON INLAND FISHERIES
AND WILDLIFE**

May 2008

MEMBERS:

SEN. BRUCE S. BRYANT, CHAIR
SEN. JOSEPH C. PERRY
SEN. WALTER R. GOOLEY

REP. TROY DALE JACKSON, CHAIR
REP. WALTER A. WHEELER, SR.
REP. JACQUELINE A. LUNDEEN
REP. EDWARD D. FINCH
REP. JANE E. EBERLE
REP. SHERYL J. BRIGGS
REP. DAVID E. RICHARDSON
REP. EVERETT W. MCLEOD, SR.
REP. THOMAS B. SAVIELLO
REP. RALPH W. SARTY

STAFF:

CURTIS C. BENTLEY, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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>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; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</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>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 2045 An Act To Enact Guidelines for the Operation of Motorboats by Minors **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES	ONTP	

This bill requires the same guidelines for the operation of motorboats by people under 18 years of age as already exists for the operation of personal watercraft. The personal watercraft guidelines that prohibited use of personal watercraft on certain lakes and ponds were not included.

LD 2065 An Act To Clarify the Filing Requirements for Noncommercial Whitewater Rafting Organizations **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT	ONTP	

Current law requires a club that desires to qualify as a noncommercial whitewater rafting club, and thus be exempt from the requirement of obtaining a commercial whitewater outfitter's license, to file a list of all of its dues-paying members by January 1st of each year, prior to the start of the whitewater rafting season.

LD 2065 maintains the January 1st filing requirement for officers and board members of the club, but allows the club to file a list of the other members annually by December 31st, after the whitewater rafting season.

LD 2067 An Act To Require Boating Safety Education **ACCEPTED ONTP
REPORT**

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

LD 2067 requires boating safety education for all motorboat users and personal watercraft users in the State. It requires full compliance for all users by 2016 but created a phase-in for implementation by age group.

LD 2088 Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Renew Their Watercraft Registrations Online and To Direct the State Controller To Make Certain Transfers **RESOLVE 227**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL	OTP-AM MAJ ONTP MIN	H-688 S-668 ROTUNDO

LD 2088 directs the Department of Inland Fisheries and Wildlife to institute a system of registering watercraft through a safe and secure website.

Committee Amendment "A" (H-688)

This amendment clarifies that the online registration of watercraft should be available only for renewing watercraft registrations and directs the Department of Inland Fisheries and Wildlife to recoup its administrative costs for

Joint Standing Committee on Inland Fisheries and Wildlife

providing online registration and, to the extent possible, merchant fees charged on the excise tax to ensure municipalities do not lose excise tax revenue because of the online registrations.

Senate Amendment "A" (S-668)

This amendment proposes to transfer funds from an account in the Department of Inland Fisheries and Wildlife to provide cash as a working capital advance for the operation of Swan Island. The capital advance is to be paid back using the fees charged for admission to the Maine Wildlife Park and the Steve Powell Wildlife Management Area at Perkins Township, Sagadahoc County, known as Swan Island and Little Swan Island.

Enacted Law Summary

Resolve 2007, chapter 227, directs the Department of Inland Fisheries and Wildlife to institute a system for renewing watercraft registrations through a safe and secure website. It also directs the department to recoup its administrative costs for providing online registration and, to the extent possible, merchant fees charged on the excise tax to ensure municipalities do not lose excise tax revenue because of the online registrations.

Resolve 2007, chapter 227 transfers funds from an account in the Department of Inland Fisheries and Wildlife to provide cash as a working capital advance for the operation of Swan Island. The capital advance is to be paid back using the fees charged for admission to the Maine Wildlife Park and the Steve Powell Wildlife Management Area at Perkins Township, Sagadahoc County, known as Swan Island and Little Swan Island.

LD 2089 An Act To Allow Certain Assistance to Guides and Hunters

PUBLIC 532

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ ONTP MIN	H-740

LD 2089 allows individuals who are not licensed as guides to provide certain services and assistance to bear hunters such as transportation to bear baiting sites.

Committee Amendment "A" (H-740)

This amendment authorizes a person licensed as a guide to employ the services of a person not licensed as a guide to transport hunters along a public or private road in a motor vehicle for the sole purpose of delivering those hunters to a predetermined destination prior to or at the conclusion of the time those hunters are engaged in hunting. It prohibits the unlicensed person from hunting or participating in hunting-related activities while transporting hunters for a guide. This amendment also provides liability for a guide when there are 3 or more violations of the transportation provision by a person employed by that guide within a 5-year period. The provisions of the amendment are repealed on July 31, 2010.

Enacted Law Summary

Public Law 2007, chapter 532 allows a person licensed as a guide to employ the services of a person not licensed as a guide to transport hunters along a public or private road in a motor vehicle for the sole purpose of delivering those hunters to a predetermined destination prior to or at the conclusion of the time those hunters are engaged in hunting. It prohibits the unlicensed person from hunting or participating in hunting-related activities while transporting hunters for a guide. Public Law 2007, chapter 531 provides liability for a guide when there are 3 or more violations of the transportation provision by a person employed by that guide within a 5-year period. The provisions of Public Law 2007, chapter 532 are repealed on July 31, 2010.