

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 electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

August 2017

STAFF:

CRAIG NALE, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

MEMBERS:

SEN. SCOTT W. CYRWAY, CHAIR
SEN. DAVID WOODSOME
SEN. MICHAEL E. CARPENTER

REP. ROBERT S. DUCHESNE, CHAIR
REP. ROBERT W. ALLEY, SR.
REP. DENISE PATRICIA HARLOW
REP. CATHERINE M. NADEAU
REP. PAUL A. STEARNS
REP. STEPHEN J. WOOD
REP. ROGER E. REED
REP. PETER A. LYFORD
REP. TIMOTHY S. THERIAULT
REP. GINA M. MASON

STATE OF MAINE

128TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Inland Fisheries and Wildlife

by imprisonment for a term of one year. The bill allows a person to request a hearing to appeal the revocation, suspension or denial. The bill requires an applicant for or the holder of a guide license to notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that is grounds for the revocation, suspension or denial of a guide license.

Committee Amendment "A" (S-206)

This amendment adds to the bill a process by which a background check is performed on an applicant for a guide license. The amendment adds a requirement that an applicant for or the holder of a guide license must notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that would disqualify the person from holding a guide license within 30 days of the conviction or finding.

Enacted Law Summary

Public Law 2017, chapter 204 authorizes the Commissioner of Inland Fisheries and Wildlife to revoke, suspend, refuse to issue or refuse to renew a guide license if the license holder has been convicted of committing a crime punishable by imprisonment for one year or more or is found not criminally responsible by reason of insanity of committing a crime punishable by imprisonment for a term of one year. Public Law 2017, chapter 204 establishes a process by which a background check is performed on an applicant for a guide license. Public Law 2017, chapter 204 allows a person to request a hearing to appeal the revocation, suspension or denial. Public Law 2017, chapter 204 requires an applicant for or the holder of a guide license to notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that is grounds for the revocation, suspension or denial of a guide license within 30 days of the conviction or finding.

LD 1497 An Act To Correct and Clarify Maine's Fish and Wildlife Laws

PUBLIC 164

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOOD S	OTP-AM	H-322

This bill replaces the Hooked on Fishing Not on Drugs program with youth and family outdoor recreational programs and activities to encourage hunting and fishing activities as well as shooting sports. It amends language regarding certain licenses to provide that certain permits are included in the licenses. It allows the spouse and children of a member of the Armed Forces of the United States on active duty who is permanently stationed outside of the State to purchase trapping licenses at a reduced rate. It simplifies language regarding a person 70 years of age or older hunting with a crossbow. It repeals a provision allowing a person under 16 years of age holding a valid junior hunting license to obtain a muzzle-loading permit from the Commissioner of Inland Fisheries and Wildlife. It adds a wild turkey hunting permit to the nonresident small game apprenticeship hunter license. It repeals law establishing a youth bear hunting day. It changes the law regarding unlawful possession of wild turkeys to reflect the increase of the bag limit from one to two. It prohibits placing bait for wild turkeys and hunting over that bait for 30 days prior to the spring wild turkey hunting season. It adds firearms using a caliber cartridge smaller than the .22 caliber cartridge to the exceptions from the law prohibiting hunting with any automatic firearm. It amends the provision of a residents-only day in the law regarding open and closed seasons for deer to account for an exception for certain nonresident landowners. It repeals a provision making nonresident aliens ineligible to purchase a trapping license, as they are eligible to purchase a license to trap beaver when their state or province of residency allows residents of the State to trap beaver in that state or province and removes language requiring clerks or agents appointed by the Commissioner of Inland Fisheries and Wildlife to charge \$2 for each trapping license issued. It raises the fee for a resident and nonresident apprentice trapper license by \$1, consistent with changes to fees in Public Law 2015, chapter 245. It makes it a Class E crime for a licensee to receive, possess for resale, sell or offer to sell gift baitfish or gift smelts. It amends the law describing how the Open Water and Ice Fishing Regulations are distributed. It updates the name of an endangered species of bird. It changes the expiration date of a taxidermy license so that licenses expire three years from their date of issuance. It corrects a cross-reference. It allows ATVs, including two-wheel off-road motorcycles, without headlights or taillights to be operated between sunrise and

Joint Standing Committee on Inland Fisheries and Wildlife

sunset.

Committee Amendment "A" (H-322)

This amendment repeals provisions of law that allow hunting with firearms using the .22 caliber rimfire cartridge or any autoloading pistol having a barrel less than eight inches in length when the firearm is an automatic firearm or the cartridges contain tracer bullets or explosive bullets. The amendment removes provisions of the bill affecting turkey bag limits and time limits on certain turkey hunting methods. The amendment allows a landowner to remove an ice shack placed on the landowner's property without permission immediately, rather than requiring the landowner to wait 15 days for the ice shack to be considered abandoned, which current law requires. The amendment provides that any person, rather than residents only, may register a snowmobile that is more than 25 years old as an antique snowmobile.

Enacted Law Summary

Public Law 2017, chapter 164 replaces the Hooked on Fishing Not on Drugs program with youth and family outdoor recreational programs and activities to encourage hunting and fishing activities as well as shooting sports. It amends language regarding certain licenses to provide that certain permits are included in the licenses. It allows the spouse and children of a member of the Armed Forces of the United States on active duty who is permanently stationed outside of the State to purchase trapping licenses at a reduced rate. It simplifies language regarding a person 70 years of age or older hunting with a crossbow. It repeals a provision allowing a person under 16 years of age holding a valid junior hunting license to obtain a muzzle-loading permit from the Commissioner of Inland Fisheries and Wildlife. It adds a wild turkey hunting permit to the nonresident small game apprenticeship hunter license. It repeals law establishing a youth bear hunting day. It adds firearms using a caliber cartridge smaller than the .22 caliber cartridge to the exceptions from the law prohibiting hunting with any automatic firearm and repeals provisions of law that allow hunting with firearms using the .22 caliber rimfire cartridge or any autoloading pistol having a barrel less than eight inches in length when the firearm is an automatic firearm or the cartridges contain tracer bullets or explosive bullets. It amends the provision of a residents-only day in the law regarding open and closed seasons for deer to account for an exception for certain nonresident landowners. It repeals a provision making nonresident aliens ineligible to purchase a trapping license, as they are eligible to purchase a license to trap beaver when their state or province of residency allows residents of the State to trap beaver in that state or province and removes language requiring clerks or agents appointed by the Commissioner of Inland Fisheries and Wildlife to charge \$2 for each trapping license issued. It raises the fee for a resident and nonresident apprentice trapper license by \$1, consistent with changes to fees in Public Law 2015, chapter 245. It makes it a Class E crime for a licensee to receive, possess for resale, sell or offer to sell gift baitfish or gift smelts. It amends the law describing how the Open Water and Ice Fishing Regulations are distributed. It updates the name of an endangered species of bird. It changes the expiration date of a taxidermy license so that licenses expire three years from their date of issuance. It corrects a cross-reference. It allows ATVs, including two-wheel off-road motorcycles, without headlights or taillights to be operated between sunrise and sunset. It provides that any person, rather than residents only, may register a snowmobile that is more than 25 years old as an antique snowmobile. It allows a landowner to remove an ice shack placed on the landowner's property without permission immediately, rather than requiring the landowner to wait 15 days for the ice shack to be considered abandoned.

LD 1580 An Act To Clarify and Enhance Maine's Wildlife Laws

PUBLIC 205

Sponsor(s)

WOOD S

Committee Report

OTP-AM

Amendments Adopted

H-425

This bill:

1. Moves the planning functions of the Department of Inland Fisheries and Wildlife from the Division of Planning, which no longer exists, to the Bureau of Resource Management;