

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

LD 1667 An Act To Prohibit the Entry of Anadromous Fish Species into Sheepscot Pond for 3 Years and To Study the Consequences of the Presence of Anadromous Fish in Sheepscot Pond

ONTP

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

This bill requires the Commissioner of Inland Fisheries and Wildlife to prohibit the entry of anadromous fish into Sheepscot Pond in the Town of Palermo through June 30, 2021. The bill also requires the commissioner, with the assistance of the Commissioner of Marine Resources and the Commissioner of Environmental Protection, to study the consequences of the presence of anadromous fish species in Sheepscot Pond, including any changes resulting from the prohibition through June 30, 2021, and to report the yearly findings of that study to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 15th annually through 2022; a report of the cumulative effects of the prohibition is due by January 15, 2022.

LD 1683 An Act To Extend the Term of Guide Licenses

PUBLIC 441

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TUELL W	OTP-AM	S-396 S-515 HAMPER J

This bill was carried over from the Second Regular Session of the 128th Legislature on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill establishes an exception to the requirement that a registered Maine guide applicant and a Maine guide licensed by the Department of Inland Fisheries and Wildlife submit to a background check when the applicant or guide holds or seeks to hold a guide license of the type for which passage of a background check is a prerequisite for any credential required to obtain that type of guide license. The bill also extends the term of a guide license from up to three years to up to five years.

Committee Amendment "A" (S-396)

This amendment replaces the bill, which creates an exception to the background check requirement for certain applicants for guide licenses. Like the bill, the amendment extends the term of a guide license from three years to five years, and it correspondingly increases the fee for a guide license from \$81 to \$135; however, unlike the bill, those changes take effect January 1, 2019. The amendment establishes a Class E crime for failing 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 and provides that failure to notify is grounds for permanent revocation or denial of a guide license.

Senate Amendment "A" To Committee Amendment "A" (S-515)

This amendment removes the provision in Committee Amendment "A" that establishes a Class E crime for failing 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. It retains the provisions of Committee Amendment "A" that extend the term of and increase the fee for a guide license. It also removes the emergency preamble and clause.

Enacted Law Summary

Public Law 2017, chapter 441 extends the term of a guide license from three years to five years, and it

Joint Standing Committee on Inland Fisheries and Wildlife

correspondingly increases the fee for a guide license from \$81 to \$135. Public Law 2017, chapter 441 has an effective date of January 1, 2019.

LD 1759 An Act To Rename the Coast of Maine Wildlife Management Area as the PUBLIC 325
Alan E. Hutchinson Wildlife Management Area

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R	OTP	

This bill renames the Coast of Maine Wildlife Management Area as the Alan E. Hutchinson Wildlife Management Area in Mr. Hutchinson's honor and memory.

Enacted Law Summary

Public Law 2017, chapter 325 renames the Coast of Maine Wildlife Management Area as the Alan E. Hutchinson Wildlife Management Area in Mr. Hutchinson's honor and memory.

LD 1790 An Act Regarding Youth Hunting Day for Hunting Bear and Carrying a PUBLIC 357
Handgun during the Regular Archery-only Season on Deer

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A	OTP-AM	S-369

This bill allows the Commissioner of Inland Fisheries and Wildlife to establish a youth hunting day for hunting bear. An adult supervisor, parent or guardian accompanying the youth is allowed to possess a firearm while the youth is hunting bear.

Committee Amendment "A" (S-369)

This amendment removes the provision of the bill that specifically provides that an adult supervisor, parent or guardian accompanying a youth on a youth hunting day for hunting bear may possess a firearm while the youth is hunting bear. The amendment also corrects a cross-reference in the section of law regarding carrying firearms during the regular archery-only season on deer to reflect that current law does not require a person eligible to carry a concealed handgun to obtain a permit to carry a concealed handgun in most circumstances.

Enacted Law Summary

Public Law 2017, chapter 357 allows the Commissioner of Inland Fisheries and Wildlife to establish a youth hunting day for hunting bear. Public Law 2017, chapter 357 corrects a cross-reference in the section of law regarding carrying firearms during the regular archery-only season on deer to reflect that current law does not require a person eligible to carry a concealed handgun to obtain a permit to carry a concealed handgun in most circumstances.

LD 1816 An Act Regarding the Penalties for Hunting Deer over Bait PUBLIC 355

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P MARTIN D	OTP	

Current law provides that a person who is convicted a second time of hunting deer over bait during an open season