

MAINE STATE LEGISLATURE

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L.D. 561

2

(Filing No. H-262)

3

STATE OF MAINE

4

HOUSE OF REPRESENTATIVES

5

112TH LEGISLATURE

6

FIRST REGULAR SESSION

7

COMMITTEE AMENDMENT "A" to H.P. 408, L.D. 561,
8 Bill, "AN ACT to Modify and Update Certain Laws Per-
9 taining to Inland Fisheries and Wildlife."

10

Amend the bill by inserting after section 1 the
11 following:

12

'Sec. 2. 12 MRSA §7001, sub-§32, as amended by
13 PL 1983, c. 797, §1, is further amended to read:

14

32. Resident. "Resident" means a citizen of the
15 United States who has ~~been domiciled~~ lived in this
16 State continuously during the 3 months next prior to
17 the date on which he applies for any license or per-
18 mit under chapter 707, or an alien who has ~~been~~ so
19 ~~domiciled~~ lived for one year. No person may be con-
20 sidered a resident if he has not:

21

A. If registered to vote, registered in Maine;

22

B. If licensed to drive a motor vehicle, made
23 application for a Maine motor vehicle operator's
24 license;

25

C. If owning a motor vehicle or vehicles located
26 within the State, registered each such vehicle in
27 Maine; and

28

D. Complied with the state income tax laws.

29

A person who is a full-time student at a Maine col-
30 lege or university, who has resided in Maine continu-
31 ously for 3 months and has satisfied the requirements
32 of paragraphs A to D shall be rebuttably presumed to
33 have been domiciled in Maine during that period.

34

Sec. 3. 12 MRSA §7034, sub-§2-A, as enacted by

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1 PL 1983, c. 489, §9, is amended to read:

2 2-A. Employment of personnel. The commissioner
3 shall employ, subject to the Personnel Law, such em-
4 ployees as are necessary to carry out the duties of
5 his organization, except that persons in the follow-
6 ing positions shall be appointed by and serve at the
7 pleasure of the commissioner: Deputy Commissioner;
8 Game Warden Colonel; ~~Assistant to the Commissioner;~~
9 and Assistant to the Commissioner for Public Informa-
10 tion.

11 The Game Warden Colonel shall be appointed from among
12 the game wardens of the department with the rank of
13 sergeant or higher. In the event that the Game War-
14 den Colonel is not reappointed, he shall have the
15 right to be restored to the classified position from
16 which he shall have been promoted or to a position
17 equivalent thereto in salary grade in an agency,
18 without impairment of his personnel status or the
19 loss of seniority, retirement or other rights to
20 which uninterrupted service in the classified posi-
21 tion would have entitled him. If his service in that
22 unclassified supervisory position shall have been
23 terminated for cause, his right to be so restored
24 shall be determined by the Personnel Board.'

25 Further amend the bill in inserting after section
26 2 the following:

27 'Sec. 3. 12 MRSA §7076, sub-§6, as amended by PL
28 1983, c. 807, Pt. P, §1, is further amended to read:

29 6. Armed Forces domiciled in Maine. A combina-
30 tion fishing and hunting license shall be issued upon
31 payment of \$11 in 1985, \$13 in 1986 and \$15 in 1987
32 and thereafter, plus the issuing fee, to a Maine
33 resident person domiciled in Maine, but not resident
34 by reason of being on active duty in the Armed Forces
35 of the United States, his spouse and children. These
36 persons shall be issued all other licenses or permits
37 at resident fees. The license will be valid during

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1 the year of issue.'

2 Further amend the bill in section 3, in subsec-
3 tion 2, in the last line (page 2, line 11 in L.D.) by
4 striking out the following: "\$5" and inserting in its
5 place the following: '\$2'

6 Further amend the bill by inserting after section
7 6 the following:

8 'Sec. 7. 12 MRSA §7235, sub-§5, ¶C, as enacted
9 by PL 1979, c. 543, §24, is repealed.'

10 Further amend the bill by inserting after section
11 9 the following:

12 'Sec. 10. 12 MRSA §7351, sub-§2, as amended by
13 PL 1983, c. 807, Pt. P, §22, is repealed and the fol-
14 lowing enacted in its place:

15 2. Fee. The annual fee for a taxidermist li-
16 cence shall be \$11 for 1985, \$12 for 1986 and \$13 for
17 1987 and every year thereafter.'

18 Further amend the bill by inserting after section
19 12 the following:

20 'Sec. 13. 12 MRSA §7452, sub-§1-A is enacted to
21 read:

22 1-A. Nonresident hunting bear with dogs. A non-
23 resident is guilty of unlawfully hunting bear with
24 dogs if he:

25 A. Hunts bear with the use of a dog or dogs; and

26 B. Does not employ and hunt in conjunction with
27 a resident Maine guide.'

28 Further amend the bill by striking out all of
29 section 14 and inserting in its place the following:

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1 'Sec. 14. 12 MRSA §7455, first ¶, as enacted by
2 PL 1983, c. 69, is amended to read:

3 The open season on hunting partridge shall not
4 extend any later than November 30th in any calendar
5 year, in Wildlife Management Units 1, 2, 3, 4 and 5,
6 nor any later than December 10th in any calendar year
7 in Wildlife Management Units 6, 7 and 8, except as
8 provided in subsection 1.'

9 Further amend the bill by striking out all of
10 section 17.

11 Further amend the bill by striking out all of
12 section 19.

13 Further amend the bill by striking out all of
14 section 21 and inserting in its place the following:

15 'Sec. 21. 12 MRSA §7857, sub-§22-A is enacted to
16 read:

17 22-A. Operating an ATV on salt marshes,
18 intertidal zones, sand dunes or beaches. A person is
19 guilty of operating an ATV on a salt marsh,
20 intertidal zone or sand dune if he operates an ATV on
21 a salt marsh, intertidal zone or sand dune. A person
22 is guilty of operating an ATV on a beach if he oper-
23 ates an ATV on a beach without the permission of the
24 owner.

25 Sec. 22. 12 MRSA §7857, sub-§24, ¶D, as amended
26 by PL 1983, c. 797, § 13, is amended to read:

27 D. Notwithstanding the provisions of subsection
28 5:

29 (1) Properly registered ATV's may operate
30 on a public way only the distance necessary,
31 but in no case to exceed ~~300~~ 100 yards, on
32 the extreme right of the traveled way for
33 the purpose of crossing, as directly as pos-

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1 sible, a public way, sidewalk or culvert;

2 (2) Properly registered ATV's may operate
3 on a public way only the distance necessary,
4 but in no case to exceed ~~500~~ 100 yards, on
5 the extreme right of the traveled way for
6 the sole purpose of crossing, as directly as
7 possible, a bridge, overpass or underpass,
8 provided that that operation can be made in
9 safety and that it does not interfere with
10 traffic approaching from either direction on
11 the public way;

12 (3) ATV's may operate on any portion of
13 public ways when the public way has been
14 closed in accordance with Title 23, section
15 2953;

16 (4) ATV's may operate on a public way which
17 is not maintained or utilized for the opera-
18 tion of conventional motor vehicles, except
19 that operation on the left side of the way
20 shall be prohibited during the hours from
21 sunset to sunrise;

22 (5) ATV's may be operated on streets and
23 public ways during a period of emergency
24 when the emergency has been so declared by a
25 police agency having jurisdiction and when
26 travel by conventional motor vehicles is not
27 practicable; and

28 (6) ATV's may be operated on streets and
29 public ways in special events of limited du-
30 ration conducted according to a prearranged
31 schedule, under a permit from the governmen-
32 tal unit having jurisdiction.'

33 Further amend the bill by renumbering the sec-
34 tions to read consecutively.

35 Further amend the bill by inserting before the

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1 Statement of Fact the following:

2 'FISCAL NOTE

3 This bill results in an increase in revenue to
4 the Department of Inland Fisheries and Wildlife of
5 \$14,800 in 1985-86 and 1986-87. This is due to the
6 sale of 900 coyote permits at \$2 each and the fact
7 that only servicemen who are domiciled in, but not
8 residents of, Maine will be eligible for special li-
9 cense fees.'

10 STATEMENT OF FACT

11 This amendment accomplishes the following:

12 1. Defines a resident as someone who has lived
13 in the State, not someone who is domiciled there.
14 This brings this section into line with the new defi-
15 nition of domicile;

16 2. Requires that a serviceman be domiciled in
17 Maine, but not a resident in Maine to qualify for a
18 reduced rate on the combined license. In the current
19 law, this reduction is given to servicemen who are
20 Maine residents;

21 3. Eliminates the position of Assistant to the
22 Commissioner;

23 4. Reduces the coyote permit fee of the bill
24 from \$5 to \$2;

25 5. Requires fencing for wildlife to be raised on
26 islands. Fencing is currently required for wildlife
27 raised in nonisland situations;

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- 1 6. Increases taxidermist license fees;
- 2 7. Requires that nonresidents employ a guide in
3 order to hunt with dogs;
- 4 8. Lengthens the season for hunting partridge in
5 the southern part of the State;
- 6 9. Eliminates the provision of the bill which
7 would have allowed nonresidents to trap beaver;
- 8 10. Eliminates the provision of the bill which
9 would have allowed destruction of beavers which dam-
10 age personal property;
- 11 11. Eliminates the provision of the bill which
12 would have allowed state agents to use gill nets.
- 13 12. Eliminates the provision of the bill which
14 requires that agencies charge a fee for registering
15 ATV's. This is to be dealt with in a bill specifi-
16 cally concerned with ATV's;
- 17 13. Prohibits operation of ATV's on beaches
18 without the owner's permission and on salt marshes
19 and sand dunes;
- 20 14. Reduces to 100 yards the distance that ATV's
21 may operate on a public right of way; and
- 22 15. Adds a fiscal note concerning the increase
23 in revenues of \$14,800 due to the coyote permit fees,
24 \$1,800, and the elimination of reduced license fees
25 for some servicemen, \$13,000.

26

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Reported by the Committee on Fisheries and Wildlife
Reproduced and distributed under the direction of the
Clerk of the House

5/30/85

(Filing No. H-262)