

MAINE STATE LEGISLATURE

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L.D. 1239

(Filing No. H-615)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 895, L.D. 1239, Bill, "An Act to Amend and Update Laws Pertaining to Inland Fisheries and Wildlife"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 12 MRSA §7001, sub-§39, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

39. Water set. "Water set" means a trap set completely under water in such manner as to reasonably ensure the drowning of any furbearing animal caught in the trap.'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 12 MRSA §7031, as enacted by PL 1979, c. 420, §1, is amended to read:

§7031. Appointment

The commissioner shall be appointed by the Governor, subject to review by the ~~Joint--Standing--Committee--on--Fisheries--and--Wildlife~~ joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters and to confirmation by the Legislature. The commissioner shall serve during the pleasure of the Governor. Any candidate for the office of commissioner shall have a record of demonstrated support for, and an understanding of, the basics of modern wildlife and fisheries management and shall have experience in hunting, fishing or trapping.'

Further amend the bill by inserting after section 3 the following:

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'Sec. 4. 12 MRSA §7053, sub-§2, ¶D-1 is enacted to read:

D-1. If in uniform and if they have a reasonable and articulable suspicion that a motor vehicle or other conveyance, or its operator or occupant, is or has been involved in, or may contain evidence of, a violation of chapters 701 to 721, stop the motor vehicle or other conveyance to check its registration and vehicle identification number, request personal identification of the operator or occupant and question the operator or occupant about the violation.'

Further amend the bill by inserting after section 4 the following:

'Sec. 5. 12 MRSA §7055, first ¶, as amended by PL 1985, c. 304, §2, is further amended to read:

Sheriffs, deputy sheriffs, police officers, constables, marine patrol officers, Baxter Park rangers, wardens of the Penobscot Indian Nation within the Penobscot Indian Territory, as defined by Title 30, section 6205, subsection 2, and law enforcement personnel employed by the United States Department of the Interior shall have the powers of game wardens.'

Further amend the bill by striking out all of sections 8 and 9.

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

'Sec. 11. 12 MRSA §7110 is enacted to read:

§7110. Conventional firearm deer hunting license

1. Issuance; eligibility. The commissioner shall issue to eligible persons a license to hunt deer with a conventional firearm during any open season on deer if that person:

A. Is suffering from the loss of both arms above the elbow; and

B. Can demonstrate, to the satisfaction of the commissioner, proficiency with that firearm, including knowledge of safety skills and responsible hunting practices relevant to that firearm.

2. Limitation. Licenses issued pursuant to this section shall be valid for only one type of conventional firearm and shall specify that type of firearm on the license.

1 3. Schedule of fees. The schedule of fees for this license
2 shall be the same schedule of fees for other licenses provided in
3 section 7101 which allow the licensee to take deer, subject to
4 any special privileges in section 7076.

5 4. Applicability of laws. Except as provided in this
6 section, the provisions of chapters 701 to 721 relating to deer
7 shall be applicable to the taking of deer with a license issued
8 pursuant to this section.

9 **Sec. 12. 12 MRSA §7133, sub-§1, ¶E,** as enacted by PL 1987, c.
10 28, §1, is repealed and the following enacted in its place:

11 E. Nonresident aliens are not eligible to purchase a
12 trapping license.

13 **Sec. 13. 12 MRSA §7133, sub-§4, ¶D,** as enacted by PL 1987, c.
14 28, §2, is repealed.

15 **Sec. 14. 12 MRSA §7133, sub-§5, ¶D** is enacted to read:

16 D. Any person over 10 years of age and under 16 years of
17 age who holds a junior trapping license shall be accompanied
18 by an adult at all times while trapping, unless the holder
19 of the junior trapping license submits proof of having
20 successfully completed an education course of the type
21 described in subsection 8.

22 **Sec. 15. 12 MRSA §7151, sub-§3, ¶C,** as amended by PL 1985, c.
23 575, §§1 and 4, is further amended to read:

24 C. Any resident who procures a one-day or 3-day fishing
25 license may exchange it for an annual resident fishing
26 license or a resident combination hunting and fishing
27 license in the town in which he that person resides upon the
28 payment of \$1 to the clerk or issuing agent and, in the case
29 of the one-day license, the difference between the fee for
30 that the one-day or 3-day license and the fee for the annual
31 license.'

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

33 Further amend the bill by inserting after section 12 the
34 following:

35 **Sec. 13. 12 MRSA §7171, sub-§4, ¶C,** as amended by PL 1987, c.
36 317, §11, is further amended to read:

37 C. The following restrictions apply to the taking and
38 selling of live smelts under the smelt wholesaler's license.

39 (1) Any person engaged in taking, or assisting in
40 taking, live smelts for resale from inland waters must

COMMITTEE AMENDMENT "A" to H.P. 895, L.D. 1239

1 hold a current smelt wholesaler's license which shall
3 be exhibited upon request to any agent of the
commissioner.

5 (2) The holder of a smelt wholesaler's license may
7 take live smelts for resale from any inland water in
accordance with general rules promulgated by the
9 commissioner in regard to the taking of smelts. In
11 taking smelts under the general rules, the holder of a
smelt wholesaler's license shall comply with the same
daily bag limit and the same tackle restrictions that
apply to all other anglers.

13 (3) The holder of a smelt wholesaler's license may use
15 a baitfish trap, a dipnet, a dropnet, a lift net, a bag
17 net or hook and line to take up to 8 quarts of smelts
in a 24-hour period, beginning at noon on any given
19 day, from specific inland waters designated by the
commissioner.

21 (4) The holder of a smelt wholesaler's license may use
23 particles of food for the purpose of luring smelts to a
baitfish trap, a dipnet, a dropnet, a lift net or a bag
net.

25 (5) The holder of a smelt wholesaler's license may
27 transport or possess at his the holder's business
facility more than the daily bag limit of smelts at any
29 time, providing that the smelts were acquired in a
lawful manner. If the smelts were purchased from
31 another person, a receipted invoice, bill of lading or
bill of sale shall be presented upon request to any
33 agent of the commissioner. For purposes of this
paragraph, live smelts shall be considered in
35 possession of the licensee once the smelts have been
removed from the inland waters and placed in a
37 container.

39 (6) If a person sells live smelts from more than one
wholesale facility, he that person must obtain a
41 separate license for each place of business.

43 (7) The holder of a smelt wholesaler's license may
designate others to assist him in selling live smelts
45 at his the holder's business facility.

47 (8) The holder of a smelt wholesaler's license, or his
the holder's designee, may transport live smelts,
49 except that live smelts being transported directly from
an inland water source must be accompanied by the
51 licensee.'

1 Further amend the bill by striking out all of section 17 and
inserting in its place the following:

3 Sec. 17. 12 MRSA §7363, sub-§6, as enacted by PL 1983, c.
5 502, §4, is amended to read:

7 6. Commercial whitewater outfitter; outfitter. "Commercial
9 whitewater outfitter" or "outfitter" means a person who conducts
commercial whitewater trips or who collects dues or fees or
11 receives any form of compensation for providing whitewater
rafting services or for operating a whitewater rafting
organization.

13 Sec. 18. 12 MRSA §7369, sub-§5, as amended by PL 1983, c. 786,
15 §5, is repealed and the following enacted in its place:

17 5. Term of allocation; abandonment of allocation; loss of
allocation. This subsection governs allocation terms,
19 abandonment and loss.

21 A. All allocations shall be awarded for a period of 5 years.

23 B. Any outfitter may abandon all or part of an allocation
at any time by giving the department written notice. In the
25 event that the department reissues an abandoned allocation,
any duplicate portion of the allocation fee shall be
27 refunded.

29 C. Allocations may be suspended revoked or reduced in whole
or in part as provided in this subchapter.

31 Sec. 19. 12 MRSA §7369, sub-§7, ¶E is enacted to read:

33 E. The department shall review all allocations issued for a
35 period in excess of 3 years at the end of the 3rd year of
the allocation period. This review shall be in addition to
37 any other review provided by law or regulation. The
39 department shall review the allocation to determine if the
41 outfitter has maintained a passenger level consistent with
that allocation. Substantial failure to maintain a
43 passenger level consistent with the allocation may result in
whole or partial loss of the allocation by that outfitter
for the remainder of the allocation period.

45 Sec. 20. 12 MRSA §7432, sub-§2, as amended by PL 1987, c. 317,
47 §18, is repealed and the following enacted in its place:

49 2. Failure to visit traps. A person is guilty of failure
to visit traps if that person:

51 A. While trapping in any organized or incorporated place,
fails to visit each trap, except under ice water sets for

1 beaver and muskrat, or fails to cause the same to be visited
2 at least once in every calendar day, including Sunday;

3
4 B. While trapping in any unorganized or deorganized place,
5 fails to visit each trap, except killer-type traps and water
6 sets, so-called, or fails to cause the same to be visited at
7 least once in every calendar day, including Sunday; or

8
9 C. While trapping in any unorganized or deorganized place,
10 fails to visit each killer-type trap or water set,
11 so-called, except under ice water sets for beaver and
12 muskrat, or fails to cause the same to be visited at least
13 once in every 3 calendar days, including Sunday.'

14 Further amend the bill by striking out all of section 19 and
15 inserting in its place the following:

16
17 'Sec. 19. 12 MRSA §7452, sub-§1-A, as amended by PL 1987, c.
18 742, §8, is further amended to read:

19
20 1-A. Nonresident hunting bear with dogs. A nonresident is
21 guilty of unlawfully hunting bear with dogs if he the
22 nonresident:

23
24 A. Hunts bear with the use of a dog or dogs; and

25
26 B. Does not employ and hunt ~~in the presence of~~ with a
27 resident Maine guide. ~~That presence must be unaided by~~
28 ~~visual or audio enhancement devices, including binoculars~~
29 ~~and citizen band radios~~ The total number of clients with a
30 resident Maine guide may not be more than 3 in order to
31 satisfy the requirements of this paragraph.

32
33 This subsection does not apply to nonresidents who hold a valid
34 Maine guide license.'

35
36 Further amend the bill by inserting after section 21 the
37 following:

38
39 'Sec. 22. 12 MRSA §7452, sub-§15, ¶A-1, as enacted by PL 1987,
40 c. 317, §21, is amended to read:

41
42 A-1. Notwithstanding subsection 6, paragraph C, a person on
43 a hunting trip in an unorganized township and staying at a
44 temporary place of lodging ~~during the open firearm season on~~
45 ~~deer,~~ may keep an unregistered bear at that temporary place
46 of lodging for a period not to exceed 7 days or until he
47 that person leaves the woods, whichever comes first.'

48
49 Further amend the bill by inserting after section 24 the
50 following:

1 'Sec. 25. 12 MRSA §7463-A, sub-§4, as amended by PL 1989, c.
134, is further amended to read:

3
4. Hunting permits. The commissioner may issue up to 1,000
5 moose hunting permits annually and may establish the number of
6 moose hunting permits to be issued for each moose hunting zone.
7 No more than 10% of the moose hunting permits may be issued to
8 nonresident and alien hunters. A person whose application is
9 selected may purchase a moose hunting permit upon presentation of
10 proof that the person possesses:

11 A. A valid Maine hunting license, if the person is a
12 resident of the State; or

13
14 B. A valid Maine big game hunting license, if the person is
15 a nonresident or alien.

16
17 The fee for a moose hunting permit is \$25 for residents and \$200
18 for nonresidents and aliens. ~~At the time the permit is obtained,~~
19 ~~the permittee may designate a subpermittee to hunt with the~~
20 ~~permittee. The permittee may choose not to designate a~~
21 ~~subpermittee and hunt alone, but a subpermittee must always be in~~
22 ~~the presence of the permittee while hunting moose. That presence~~
23 ~~must be unaided by visual or audio enhancement devices, including~~
24 ~~binoculars and citizen band radios. The permittee who has~~
25 ~~designated a subpermittee may rescind the original designation~~
26 ~~and designate a different person. The permittee may change the~~
27 ~~subpermittee only once. An application to change the~~
28 ~~subpermittee designation must be received by the department at~~
29 ~~least 5 business days prior to the first day of the moose~~
30 ~~season. While hunting moose, each nonresident or alien hunter,~~
31 both permittee and subpermittee, shall be in possession of a
32 valid Maine nonresident or alien big game hunting license,
33 whichever is applicable.

34
35 Sec. 26. 12 MRSA §7463-A, sub-§4-A is enacted to read:

36
37 4-A. Subpermittees. A permittee may authorize one
38 subpermittee to participate in the moose hunt with the
39 permittee. The permittee may choose not to authorize a
40 subpermittee and hunt alone, but a subpermittee must always be in
41 the presence of the permittee while hunting moose. That presence
42 must be unaided by visual or audio enhancement devices, including
43 binoculars and citizen band radios. The permittee may designate
44 a subpermittee and an alternate subpermittee or a substitute
45 subpermittee under either of the following options, but not under
46 both.

47
48 A. At the time the permit is obtained, a permittee may
49 designate a primary subpermittee and one alternate
50 subpermittee. The alternate subpermittee may substitute for
51 the primary subpermittee if the permittee notifies the

1 department of the substitution at least 5 business days
2 prior to the first day of the moose season.

3
4 B. Any permittee who originally designated only one
5 subpermittee at the time the permit was obtained may rescind
6 the original designation and designate a different person.
7 The permittee may change the subpermittee designation only
8 once. An application to change the subpermittee designation
9 must be received by the department at least 5 business days
10 prior to the first day of the moose season.'

11 Further amend the bill by inserting after section 25 the
12 following:

13
14 'Sec. 26. 12 MRSA §7504, sub-§5, ¶C, as enacted by PL 1979, c.
15 420, §1, is repealed.'

16
17 Further amend the bill by inserting after section 34 the
18 following:

19
20 'Sec. 35. 12 MRSA §7771, sub-§4, ¶C, as enacted by PL 1987, c.
21 241, §2, is repealed and the following enacted in its place:

22
23 C. The department shall submit an annual report to the
24 joint standing committee of the Legislature having
25 jurisdiction over inland fisheries and wildlife no later
26 than March 1st of each year on the use of gill nets by
27 department personnel. The report shall include a summary of
28 each use of gill nets, indicating the following:

29
30 (1) The specific purpose for which the gill nets were
31 used;

32
33 (2) The date of each use;

34
35 (3) The location of each use by water body, town and
36 county; and

37
38 (4) The number and mortality of each species of fish
39 taken by gill nets.'

40
41 Further amend the bill by striking out all of section 35 and
42 inserting in its place the following:

43
44 'Sec. 35. 12 MRSA §7792, sub-§1-A, as amended by PL 1985, c.
45 579, §§1 and 7, is repealed and the following enacted in its
46 place:

47
48 1-A. Appointment of watercraft registration agents; report;
49 fees. Rules authorizing the commissioner to delegate the
50 authority to issue watercraft registrations subject to the
51 following.

1
3 A. The commissioner may appoint municipal clerks or other
5 persons who a municipality may designate as municipal agents
to issue watercraft registrations. The commissioner shall
determine the period when the agents shall act.

7 B. For the purpose of issuing watercraft registrations,
9 agents other than municipal agents shall be appointed or
reappointed as follows.

11 (1) The commissioner shall designate as an agent, for
13 the purpose of issuing watercraft registrations, any
15 person who holds a boat dealer's certificate of number
17 in accordance with section 7795, submits a complete
application, is credit worthy and has not violated any
provision of this subchapter.

19 (2) A business, the agency of which is revoked for a
21 violation of this subchapter, may reapply for an agency
for the 2nd year following the last year it held an
agency.

23 C. Each agent, for the purpose of issuing watercraft
25 registrations, shall submit a report to the commissioner on
27 or before the 15th day of each calendar month. The report
shall include an accounting of all watercraft registrations
issued during the previous calendar month and shall be
accompanied by:

29
31 (1) The department's copy of each registration issued;
and

33 (2) All watercraft registration funds collected by the
35 agent during the reporting period.

37 D. Agents may charge a service fee of not more than \$1 for
39 each watercraft registration issued and this service fee
shall be retained by the agent;'

41 Further amend the bill by striking out all of section 40 and
inserting in its place the following:

43 'Sec. 40. 12 MRSA §7824, sub-§1-B, as enacted by PL 1985, c.
45 631, §§1 and 2, is repealed and the following enacted in its
place:

47 1-B. Appointment of snowmobile registration agents; report;
49 fees. Appointment of snowmobile registration agents is governed
by the following.

51 A. The commissioner may appoint municipal clerks or other
persons who a municipality may designate as municipal agents

1 to issue snowmobile registrations. The commissioner shall
2 determine the period when the agents shall act.

3
4 B. For the purpose of issuing snowmobile registrations,
5 agents other than municipal agents shall be appointed or
6 reappointed as follows.

7
8 (1) The commissioner shall designate as an agent, for
9 the purpose of issuing snowmobile registrations, any
10 person who is licensed as a snowmobile dealer in
11 accordance with section 7825, submits a complete
12 application, is credit worthy and has not violated any
13 provision of this subchapter.

14
15 (2) A business, the agency of which is revoked for a
16 violation of this subchapter, may reapply for an agency
17 for the 2nd year following the last year it held an
18 agency.

19
20 C. Each agent, for the purpose of issuing snowmobile
21 registrations, shall submit a report to the commissioner on
22 or before the 15th day of each calendar month. The report
23 shall include an accounting of all snowmobile registrations
24 issued during the previous calendar month and shall be
25 accompanied by:

26
27 (1) The department's copy of each registration issued;
28 and

29
30 (2) All snowmobile registration funds collected by the
31 agent during the reporting period.

32
33 D. Agents may charge a service fee of not more than \$1 for
34 each snowmobile registration issued and this service fee
35 shall be retained by the agent.'

36
37 Further amend the bill by striking out all of section 41.

38
39 Further amend the bill by inserting after section 43 the
40 following:

41
42 'Sec. 44. 12 MRSA §7853, sub-§2, as enacted by PL 1985, c.
43 762, §4, is amended to read:

44
45 2. Training. A person under ~~18~~ 16 years of age is required
46 to successfully complete a training program approved by the
47 department prior to operating an ATV on any land other than the
48 land on which that person is domiciled or land owned or leased by
49 that person's parent or guardian. The training program shall
50 include instruction on the safe operation of ATV's, the laws
51 pertaining to ATV's, the effect of ATV's on the environment and
ways to minimize that effect, courtesy to landowners and other

1 ~~recreationalists recreationists~~ and other materials as determined
2 by the department.

3 Sec. 45. 12 MRSA §7853, sub-§3 is enacted to read:

4
5 3. Minimum age. No person less than 10 years of age may
6 operate an ATV, except on the land on which that person is
7 domiciled or land owned by that person's parent or guardian.'

8
9 Further amend the bill by striking out all of section 45 and
10 inserting in its place the following:

11
12 'Sec. 45. 12 MRSA §7854, sub-§1-A, as enacted by PL 1985, c.
13 762, §6, is repealed and the following enacted in its place:

14
15 1-A. Appointment of ATV registration agents; report; fees.
16 Appointment of ATV registration agents is governed by the
17 following.

18
19 A. The commissioner may appoint municipal clerks or other
20 persons who a municipality may designate as municipal agents
21 to issue ATV registrations. The commissioner shall
22 determine the period when the agents shall act.

23
24 B. For the purpose of issuing ATV registrations, agents
25 other than municipal agents shall be appointed or
26 reappointed as follows.

27
28 (1) The commissioner shall designate as an agent, for
29 the purpose of issuing ATV registrations, any person
30 who is licensed as an ATV dealer in accordance with
31 section 7855, submits a complete application, is credit
32 worthy and has not violated any provision of this
33 subchapter.

34
35 (2) A business, the agency of which is revoked for a
36 violation of this subchapter, may reapply for an agency
37 for the 2nd year following the last year it held an
38 agency.

39
40 C. Each agent, for the purpose of issuing ATV
41 registrations, shall report to the commissioner on or before
42 the 15th day of each calendar month. The report shall
43 include an accounting of all ATV registrations issued during
44 the previous calendar month and shall be accompanied by:

45
46 (1) The department's copy of each registration issued;
47 and

48
49 (2) All ATV registration funds collected by the agent
50 during the reporting period.

1 D. Agents may charge a service fee of not more than \$1 for
3 each ATV registration issued and this service fee shall be
 retained by the agent.'

5 Further amend the bill by striking out all of section 49 and
7 inserting in its place following:

9 'Sec. 49. 12 MRSA §7857, sub-§1-A is enacted to read:

11 1-A. Display of registration numbers. Every new ATV sold
13 in Maine after January 1, 1991, shall have a 3 1/2" x 5" space
 provided on the front and rear of the machine, as high above the
 tires as possible, for the vertical display of the registration
15 numbers.

17 Sec. 50. 12 MRSA §7857, sub-§13, as amended by PL 1985, c.
 762, §12, is repealed and the following enacted in its place:

19 13. Unlawfully operating ATV while under age. A person is
21 guilty of unlawfully operating an ATV while under age, if:

23 A. That person is under the age of 10 years;

25 B. That person is under the age of 15 years and operates an
 ATV across any public way maintained for travel; or

27 C. That person is under 15 years of age and operates an ATV
29 while unaccompanied by an adult.

31 Notwithstanding this subsection, persons over the age of 12
33 years, who have successfully completed a training course approved
 by the department pursuant to section 7853, may cross public ways
 as permitted under subsection 24, paragraph D, subparagraph (1),
35 provided that they are accompanied by an adult.

37 A person is not guilty of unlawfully operating an ATV while under
 age if that person is operating on land which is owned by the
 parent or guardian of the operator.

39 Sec. 51. 12 MRSA §7857, sub-§13-A, as enacted by PL 1985, c.
41 762, §13, is amended to read:

43 13-A. Operating ATV without certificate of training. A
45 person is guilty, except as provided in subsection 24, paragraph
 E, of operating an ATV without a certificate of training, if he
47 that person is under ~~18~~ 16 years of age and operates an ATV
 without having successfully completed a training course approved
49 by the department pursuant to section 7853.

51 Sec. 52. 12 MRSA §7857, sub-§14-A is enacted to read:

1 14-A. Permitting child under 10 years to operate ATV. A
2 person is guilty, except as provided in subsection 24, of
3 permitting a child under the age of 10 to operate an ATV, if that
4 person permits a child under the age of 10 to operate an ATV.

5 **Sec. 53. 12 MRSA §7857, sub-§16, ¶C** is enacted to read:

6 C. Every new ATV sold in Maine after January 1, 1991, shall
7 be equipped with working headlights, taillights and brake
8 lights.

9 **Sec. 54. 12 MRSA §7857, sub-§22-A,** as repealed and replaced
10 by PL 1985, c. 762, §19, is amended to read:

11 **22-A. Operating ATV in prohibited area.** A person is
12 guilty of operating an ATV in a prohibited area if he that person
13 operates an ATV on a salt marsh, intertidal zone, marine sand
14 beach, sand dune or any cemetery, burial place or burying ground
15 or if he that person operates an ATV on alpine tundra or on a
16 freshwater marsh or bog, other than on a trail designated for ATV
17 use by the Department of Conservation, when the ground is not
18 frozen and sufficiently covered with snow to prevent direct
19 damage to the vegetation.

20 **Sec. 55. 12 MRSA §7857, sub-§24, ¶E-1,** as enacted by PL 1985,
21 c. 762, §22 is amended to read:

22 **E-1.** Notwithstanding subsection 16, ATV's manufactured
23 prior to January 1, 1991, without a headlight or taillight
24 are exempt from the provisions of that subsection while
25 being operated between the hours of sunrise and sunset.'

26 Further amend the bill by inserting after section 50 the
27 following:

28 **Sec. 51. 12 MRSA §7910, sub-§5,** as enacted by P.L. 1979, c.
29 420, §1, is repealed.

30 **Sec. 52. PL 1989, c. 52,** is amended by striking out all of the
31 amending clause and inserting in its place the following:

32 **Sec. 1. 12 MRSA §7076, sub-§1,** as amended by PL 1987, c. 742,
33 §4, is further amended to read:

34 **Sec. 53. PL 1989, c. 52** is amended to read:

35 **Sec. 2. Effective date.** This Act shall take effect January 1,
36 1990.

37 **Sec. 54. Effective date.** The Maine Revised Statutes, Title 12,
38 section 7463-A, subsection 4, as amended in this Act and

1 Title 12, section 7463-A, subsection 4-A, as enacted in this Act,
3 shall take effect January 1, 1990.'

5 Further amend the bill by renumbering the sections to read
7 consecutively.

9 Further amend the bill by inserting at the end before the
11 statement of fact the following:

13 **FISCAL NOTE**

15 It is anticipated that this legislation would have an
17 insignificant financial impact on the Department of Inland
19 Fisheries and Wildlife revenues for the biennium.'

21 **STATEMENT OF FACT**

23 This amendment deletes sections 8, 9, 11 and 41 of the bill.

25 The amendment replaces section 17 with a provision which
27 changes the trap tending laws to require daily tending of traps
29 set in the unorganized areas of the State, except killer-type
31 traps and water sets. Killer-type traps and water sets in
33 unorganized towns would require tending at least once in every 3
35 calendar days. Trap tending requirements in the organized towns
37 would be unaffected by this change. The amendment also redefines
39 water-set traps by replacing section 1.

41 The amendment replaces section 19 to amend the requirements
43 for nonresident bear hunters who utilize dogs by deleting the
45 requirements for hunting "in the presence of a resident Maine
47 guide," but limiting the number of nonresidents who may hunt
49 "with a resident Maine guide" at one time to 3. It also exempts
51 nonresidents who hold a valid Maine guide license from this
requirement.

The amendment makes technical changes in sections 35, 40 and
45 by replacing them and adds new provisions to make the
following changes to the fish and wildlife laws:

1. It requires the Commissioner of Inland Fisheries and
Wildlife to have an understanding of and support for modern
wildlife and fisheries management and to have experience in
hunting, fishing or trapping.

2. Public Law 1989, chapter 170, repealed an
unconstitutional provision concerning stopping and searching
vehicles by game wardens. The intent was not to prohibit
those searches, but only to repeal the unconstitutional
provision. In order to avoid the possible interpretation
that repealing that section was meant to repeal the

1 authority of game wardens to stop and search vehicles, this
2 amendment reenacts that law, but amends it to make it
3 consistent with the United States Constitution and the
4 Constitution of Maine.

5
6 3. It makes it clear that Baxter Park rangers have
7 authority to enforce the State's fish and wildlife laws.

8
9 4. It creates a special license to allow an individual who
10 suffers from loss of both arms above the elbow to hunt for
11 deer with an conventional firearm.

12
13 5. It eliminates the nonresident trapping license.

14
15 6. It requires that persons who are over 10 years of age
16 and under 16 years of age who hold a junior trapping license
17 be accompanied at all times while trapping by an adult,
18 unless that person has successfully completed a trapper
19 education course.

20
21 7. It makes it clear that residents may exchange a one-day
22 or 3-day fishing license for either an annual fishing
23 license or a combination hunting and fishing license. This
24 exchange provision currently applies only to annual resident
25 fishing licenses.

26
27 8. It makes it clear that in taking smelts for resale from
28 waters which are opened to smelting to the general public, a
29 licensed smelt dealer must comply with the same bag limit
30 and tackle restrictions as apply to those who take smelts by
31 virtue of a regular fishing license.

32
33 9. It amends the whitewater rafting law to redefine an
34 outfitter, change the allocation period from 3 years to 5
35 years, and require a review at the end of the 3 year period
36 for passenger level consistency with the level of allocation.

37
38 10. It makes it clear that bear hunters staying at a
39 hunting camp in unorganized territory may keep an
40 unregistered bear at that location for up to 7 days or until
41 they leave the woods. This change is consistent with
42 existing provisions involving registration of deer.

43
44 11. It allows moose permit holders to designate a primary
45 and an alternate subpermittee at the time the permit is
46 obtained.

47
48 12. It repeals a provision in the law which requires that
49 the owner of blueberry land obtain written approval prior to
50 protecting blueberries from damage by deer. Removal of this
51 section makes it clear that the protection of blueberry
lands from damage by wild animals is consistent with the

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1 protection afforded to orchards and other growing crops,
except grasses and grain fields.

3

5 13. It repeals the sunset provision on departmental use of
gill nets and requires an annual report on that use.

7

9 14. It includes provisions adapted from the study by the
Department of Conservation and the Department of Inland
11 Fisheries and Wildlife of the current ATV statutes, as
required by the 113th Legislature, to reduce the age below
13 which training is required to operate an ATV from 18 to 16
years, to be consistent with motor vehicle laws; to
15 establish a minimum age of 10 for the operation of ATV's,
which is consistent with the hunting laws; to require that
17 new ATV's sold after January 1, 1991 have a 3 1/2" x 6"
space for the display of registration numbers; to make the
19 operation of an ATV by a person under 10 years unlawful and
make it unlawful to permit the operation of an ATV by a
21 person under 10; to require that new ATV's sold in Maine
after January 1, 1991, have working brake lights; and to
make it unlawful to operate an ATV on a marine sand beach.

23

25 15. It removes a provision which requires that the
Department of Inland Fisheries and Wildlife reimburse the
27 appropriate county for costs associated with imprisonment of
persons convicted of fish and wildlife related violations.

29

This amendment also adds a fiscal note.

31

This amendment also changes the effective date of Public Law
1989, chapter 52, enacted this year, to avoid making changes in
the middle of a calender year.

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