

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1226, L.D. 1784, Bill, "An Act to Amend Certain Provisions of the Inland Fisheries and Wildlife Laws"

Amend the bill by inserting after section 2 the following:

Sec. 3. 12 MRSA §7001, sub-§1-C, as enacted by PL 1987, c. 212, §1, is amended to read:

1-C. Bear bait. "Bear bait" means any animal or plant or derivative of an animal or plant used to attract bear. "Bear bait" does not include any packaging or container materials that fall within the definition of litter under Title 17, section 2263.

Sec. 4. 12 MRSA §7001, sub-§§1-D, 14-A, 33-C, 33-D and 38-A are enacted to read:

1-D. Artificial lure. "Artificial lure" means any fishing lure constructed by humans as an imitation or substitute for natural bait or fish forage. "Artificial lure" includes, but is not limited to, artificial flies, spinners, spoons, poppers, plugs, jigs and plastic, rubber or other artificial imitations of natural bait.

An artificial lures only rule prohibits the use of any live, dead or chemically preserved natural or organic bait or food.

14-A. Hook. "Hook" means a single fishhook constructed with one, 2 or 3 points.

33-C. Set line. "Set line" means a line extending into the water and rigged to catch fish that has one end secured to the shore or to a fixed or buoyant object and that is not personally attended.

33-D. Single-baited hook. "Single-baited hook" means up to 3 hooks attached together or in tandem to the end of a line and baited as a single apparatus designed to catch only one fish at a time.

2           38-F. Troll. "Troll" means to fish by trailing a line  
3           rigged to catch fish through or over the water behind a  
4           watercraft being propelled by mechanical, wind or manual power.'

6           Further amend the bill in section 5 in subsection 4-A by  
7           striking out all of the first paragraph (page 1, lines 46 to 50  
8           in L.D.) and inserting in its place the following:

10           '4-A. Resident disabled veterans. A complimentary license  
11           to hunt or fish, or a combination hunting and fishing license  
12           and, ~~if requested, a pheasant hunting permit, shall a~~  
13           muzzle-loading hunting license under section 7107-A may be issued  
14           to any resident of the State who:'

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

18           'Sec. 11. 12 MRSA §7107-A, sub-§1, as enacted by PL 1985, c.  
20           320, §2, is amended to read:

22           1. Eligibility. Any person who will be ~~16~~ 14 years of age  
23           or older at the beginning of the special season ~~is~~ established  
24           under subsection 4, may obtain a muzzle-loading license from the  
25           commissioner or ~~his~~ the commissioner's authorized agent, provided  
26           that ~~that~~ the person possesses a valid license to hunt big game.  
27           The muzzle-loading hunting license ~~shall~~ must be in the form of a  
28           stamp ~~which shall~~ that must be affixed to the person's big game  
29           hunting license. The stamp ~~shall~~ must bear the words "RIGHT TO  
30           BEAR ARMS"- ARMS."

32           Further amend the bill by inserting after section 17 the  
33           following:

34           'Sec. 18. 12 MRSA §7406, sub-§3, as enacted by PL 1979, c.  
36           420, §1, is repealed and the following enacted in its place:

38           3. Hunting under the influence or with excessive  
39           blood-alcohol level. A person is guilty of a Class E crime if  
40           that person hunts wild animals or wild birds:

42           A. While under the influence of intoxicating liquor or  
43           drugs or a combination of liquor and drugs; or

44           B. While having 0.08% or more by weight of alcohol in that  
46           person's blood.

48           Sec. 19. 12 MRSA §7406, sub-§3-A is enacted to read:

50           3-A. Failure to comply with duty to submit. A person is  
51           guilty of failure to comply with the duty to submit to and  
52           complete a blood-alcohol test under section 7408 if that person

2 refuses to submit to or fails to complete a blood-alcohol test  
3 when requested to do so by a law enforcement officer who has  
4 probable cause to believe that the person is hunting wild animals  
5 or wild birds while under the influence of intoxicating liquor.'

6 Further amend the bill by inserting after section 18 the  
7 following:

8  
9 'Sec. 19. 12 MRSA §7408 is enacted to read:

10 §7408. Implied consent to chemical tests  
11

12 Any person who hunts wild animals or wild birds within this  
13 State has a duty to submit to a test to determine that person's  
14 blood-alcohol level by analysis of blood or breath if there is  
15 probable cause to believe that the person is hunting wild animals  
16 or wild birds while under the influence of intoxicating liquor.  
17 The duty to submit to a blood-alcohol test includes the duty to  
18 complete either a blood or breath test. Tests and procedures for  
19 determining whether a person is under the influence of  
20 intoxicating liquor are governed by section 7912.'  
21

22 Further amend the bill by striking out all of section 20.

23 Further amend the bill by inserting after section 24 the  
24 following:

25 'Sec. 25. 12 MRSA §7553, sub-§1, ¶B, as amended by PL 1989, c.  
26 493, §42, is repealed and the following enacted in its place:

27 B. At the following places, the fishway and the area within  
28 75 feet of any part of the fishway are closed to fishing at  
29 all times:

30 (1) Grand Falls Powerhouse Dam on the St. Croix River  
31 in Baileyville; and

32 (2) Woodland Dam on the St. Croix River in Baileyville;

33 Sec. 26. 12 MRSA §7553, sub-§1, ¶B-1 is enacted to read:

34 B-1. At the following places, the area within 75 feet of  
35 the mouth of the fishway is closed to fishing at all times:

36 (1) East Grand Lake Dam in Forest City Township, T9 R4  
37 NBPP; and

38 (2) Spednic Lake Dam in Vanceboro;'

39 Further amend the bill by inserting after section 25 the  
40 following:

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Sec. 26. 12 MRSA §7799, sub-§7 is enacted to read:

7. Exception. This section does not apply to any person who operates a watercraft in connection with a boys or girls camp located in this State and licensed by the Department of Human Services or located in another state and licensed in a similar manner in that state.

Sec. 27. 12 MRSA §7827, sub-§9, as amended by PL 1981, c. 698, §80, is repealed and the following enacted in its place:

9. Operating a snowmobile under the influence or with excessive blood-alcohol level. A person is guilty of a Class E crime if that person operates or attempts to operate any snowmobile:

A. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs; or

B. While having 0.08% or more by weight of alcohol in that person's blood.

Sec. 28. 12 MRSA §7827, sub-§9-A is enacted to read:

9-A. Failure to comply with duty to submit. A person is guilty of failure to comply with the duty to submit to and complete a blood-alcohol test under section 7828 if that person refuses to submit to or fails to complete a blood-alcohol test when requested to do so by a law enforcement officer who has probable cause to believe that the person operated or attempted to operate a snowmobile while under the influence of intoxicating liquor.

Sec. 29. 12 MRSA §7828 is enacted to read:

§7828. Implied consent to chemical tests

Any person who operates or attempts to operate a snowmobile within this State has a duty to submit to a test to determine that person's blood-alcohol level by analysis of blood or breath if there is probable cause to believe that the person has operated or attempted to operate a snowmobile while under the influence of intoxicating liquor. The duty to submit to a blood-alcohol test includes the duty to complete either a blood or breath test. Tests and procedures applicable in determining whether a person is under the influence are governed by section 7912.

Sec. 30. 12 MRSA §7857, sub-§10, as enacted by PL 1983, c. 297, §§1 and 3, is repealed and the following enacted in its place:

2 10. Operating an ATV under the influence or with excessive  
3 blood-alcohol level. A person is guilty of a Class E crime if  
4 that person operates or attempts to operate any ATV:

5 A. While under the influence of intoxicating liquor or  
6 drugs or a combination of liquor and drugs; or

7 B. While having 0.08% or more by weight of alcohol in that  
8 person's blood.

9 **Sec. 31. 12 MRSA §7857, sub-§10-A is enacted to read:**

10 10-A. Failure to comply with duty to submit. A person is  
11 guilty of failure to comply with the duty to submit to and  
12 complete a blood-alcohol test under section 7860 if that person  
13 refuses to submit to or fails to complete a blood-alcohol test  
14 when requested to do so by a law enforcement officer who has  
15 probable cause to believe that the person operated or attempted  
16 to operate an ATV while under the influence of intoxicating  
17 liquor.

18 **Sec. 32. 12 MRSA §7860 is enacted to read:**

19 **§7860. Implied consent to chemical tests**

20 Any person who operates or attempts to operate an ATV within  
21 this State has the duty to submit to a test to determine that  
22 person's blood-alcohol level by analysis of blood or breath if  
23 there is probable cause to believe that the person has operated  
24 or attempted to operate an ATV while under the influence of  
25 intoxicating liquor. The duty to submit to a blood-alcohol test  
26 includes the duty to complete either a blood or breath test.  
27 Tests and procedures applicable in determining whether a person  
28 is under the influence are governed by section 7912.

29 **Sec. 33. 12 MRSA §7861, sub-§3 is enacted to read:**

30 3. Rock dove permits. Notwithstanding section 7456, the  
31 commissioner may issue permits to persons licensed as breeders  
32 under section 7235 to take rock doves from the wild by the use of  
33 box traps or nets for the purpose of training sporting dogs  
34 pursuant to this section and section 7863.

35 **Sec. 34. 12 MRSA §7901, sub-§14, as enacted by PL 1989, c.**  
36 **599, §4, is amended to read:**

37 14. Penalties for failure to comply with duty to submit.  
38 The offense offenses defined in section 7406, subsection 3-A;  
39 section 7801, subsection 9-A,--is-a; section 7827, subsection 9-A  
40 and section 7857, subsection 10-A are civil violation violations  
41 for which a forfeiture of up to \$500 may be adjudged.

2           Sec. 35. 12 MRSA §7912, as enacted by PL 1989, c. 599, §5, is  
amended to read:

4       **§7912. Hunting or operating under the influence or with an  
excessive blood-alcohol level; tests and procedures**

6           1. **Blood or breath test.** If the law enforcement officer  
8 has probable cause to believe a person hunted wild animals or  
wild birds or operated or attempted to operate a watercraft,  
10 snowmobile or ATV while under the influence of intoxicating  
liquor, then the officer shall inform the person that a breath  
12 test will be administered, unless, in the determination of the  
officer, it is unreasonable for a breath test to be administered,  
14 in which case a blood test shall must be administered. When a  
blood test is required, the test may be administered by a  
16 physician of the accused's choice, at the request of the accused  
and if reasonably available. The law enforcement officer may  
18 determine which type of breath test, as described in subsection  
5, ~~is to~~ will be administered.

20           2. **Prerequisites to tests.** Before any test is given, the  
22 law enforcement officer shall inform the person to be tested  
that, if that person fails to comply with the duty to submit to  
24 and complete a blood-alcohol test to determine the level of  
~~blood-alcohol~~ blood alcohol at the direction of the officer, that  
26 person ~~will be~~ is committing a civil violation for which the  
person may be required to pay a civil forfeiture of up to \$500.  
28 The officer shall also inform the person that the failure to  
comply with the duty to submit to a blood-alcohol test ~~shall be~~  
30 is admissible in evidence against that person at any trial for  
hunting or operating under the influence of intoxicating liquor.

32           No test results may be excluded as evidence in any proceeding  
34 before any administrative officer or court of this State as a  
result of the failure of the law enforcement officer to comply  
36 with these prerequisites. The only effects of the failure of the  
officer to comply with the prerequisites shall ~~be~~ are as provided  
38 in subsection 7.

40           3. **Results of test.** Upon the request of the person who  
submits to a chemical test or tests at the request of a law  
42 enforcement officer, full information concerning the test or  
tests shall must be made available to that person or that  
44 person's attorney by the law enforcement officer.

46           4. **Blood-alcohol level.** The following percentages by  
weight of alcohol in the defendant's blood shall have the  
48 following evidentiary effect.

50           A. If there was, at the time alleged, 0.05% or less by  
weight of alcohol in the defendant's blood, it is prima

2 facie evidence that the defendant was not under the  
influence of intoxicating liquor.

4 B. If there was, at the time alleged, in excess of 0.05%  
6 but less than 0.08% by weight of alcohol in the defendant's  
7 blood, it is relevant evidence, but it is not to be given  
8 prima facie effect in indicating whether or not the  
9 defendant was under the influence of intoxicating liquor  
10 within the meaning of this section, but that fact may be  
11 considered with other competent evidence in determining  
12 whether or not the defendant was under the influence of  
intoxicating liquor.

14 C. For purposes of evidence in proceedings other than those  
15 arising under section 7406, subsection 3; section 7801,  
16 subsection 9; section 7827, subsection 9; or section 7857,  
17 subsection 10, it shall ~~be~~ is presumed that a person was  
18 under the influence of intoxicating liquor when that person  
19 has a blood-alcohol level of 0.08% or more by weight.

20 D. Percent by weight of alcohol in the blood shall ~~be~~ is  
22 based upon grams of alcohol per 100 milliliters of blood.

24 **5. Administration of tests.** Persons conducting analyses of  
25 blood or breath for the purpose of determining the blood-alcohol  
26 level shall must be certified for this purpose by the Department  
27 of Human Services under certification standards ~~to be~~ set by that  
28 department.

30 Only a duly licensed physician, registered physician's assistant,  
31 registered nurse or a person certified by the Department of Human  
32 Services under certification standards ~~to be~~ set by that  
33 department, acting at the request of a law enforcement officer,  
34 may draw a specimen of blood to determine the blood-alcohol level  
35 of a person who is complying with the duty to submit to a  
36 blood-alcohol test. This limitation shall does not apply to the  
37 taking of breath specimens. When a person draws a specimen of  
38 blood at the request of a law enforcement officer, that person  
39 may issue a certificate which that states that the person is in  
40 fact a duly licensed or certified person as required by this  
41 paragraph subsection and that the person followed the proper  
42 procedure for drawing a specimen of blood to determine the  
43 blood-alcohol level. That certificate, when duly signed and  
44 sworn to by the person, shall ~~be~~ is admissible ~~in as~~ evidence in  
45 any court of the State. It is prima facie evidence that the  
46 person was duly licensed or certified and that the person  
47 followed the proper procedure for drawing a specimen of blood to  
48 determine the blood-alcohol level, unless, with ~~10-days'~~ 10 days'  
49 written notice to the prosecution, the defendant requests that  
50 the person testify as to licensure or certification, or the  
51 procedure for drawing the specimen of blood.



2 A law enforcement officer may take a sample specimen of the  
3 breath of any person whom the officer has probable cause to  
4 believe hunted wild animals or wild birds or operated or  
5 attempted to operate a watercraft, snowmobile or ATV while under  
6 the influence of intoxicating liquor and who is complying with  
7 the duty to submit to and complete a blood-alcohol test. The  
8 sample specimen shall must be submitted to the Department of  
9 Human Services or a person certified by the Department of Human  
10 Services for the purpose of conducting chemical tests of the  
11 sample specimen to determine the blood-alcohol level of that  
12 sample.

13  
14 Only equipment approved by the Department of Human Services shall  
15 may be used by a law enforcement officer to take a sample  
16 specimen of the defendant's breath for submission to the  
17 Department of Human Services or a person certified by the  
18 Department of Human Services for the purpose of conducting tests  
19 of the sample specimen to determine the blood-alcohol level of  
20 that sample. Approved equipment shall must have a stamp of  
21 approval affixed by the Department of Human Services. Evidence  
22 that the equipment was in a sealed carton bearing the stamp of  
23 approval shall must be accepted in court as prima facie evidence  
24 that the equipment was approved by the Department of Human  
25 Services for use by the law enforcement officer to take the  
26 sample specimen of the defendant's breath.

27  
28 As an alternative to the method of breath testing described in  
29 this subsection, a law enforcement officer may test the breath of  
30 any person, whom the officer has probable cause to believe hunted  
31 wild birds or wild animals or operated or attempted to operate a  
32 watercraft, snowmobile or ATV while under the influence of  
33 intoxicating liquor, by use of a self-contained, breath-alcohol  
34 testing apparatus to determine the blood-alcohol level, provided  
35 the testing apparatus is reasonably available. The procedures  
36 for the operation and testing of self-contained, breath-alcohol  
37 testing apparatuses shall must be as provided by rule adopted by  
38 the Department of Human Services. The result of any such test  
39 shall must be accepted as prima facie evidence of the  
40 blood-alcohol level in any court.

41  
42 Approved self-contained, breath-alcohol testing apparatuses shall  
43 must have a stamp of approval affixed by the Department of Human  
44 Services after periodic testing. That stamp of approval shall ~~be~~  
45 is valid for a limited period of no more than one year.  
46 Testimony or other evidence that the equipment was bearing the  
47 stamp of approval shall must be accepted in court as prima facie  
48 evidence that the equipment was approved by the Department of  
49 Human Services for use by the law enforcement officer to collect  
50 and analyze a sample specimen of the defendant's breath.

51  
52 Failure to comply with any provision of this subsection or with  
any rule adopted under this subsection shall does not, by itself,

2 result in the exclusion of evidence of blood-alcohol level,  
unless the evidence is determined to be not sufficiently reliable.

4 Testimony or other evidence that any materials used in operating  
or checking the operation of the equipment were bearing a  
6 statement of the manufacturer or of the Department of Human  
Services shall must be accepted in court as prima facie evidence  
8 that the materials were of a composition and quality as stated.

10 A person certified by the Maine Criminal Justice Academy, under  
certification standards ~~to be~~ set by the academy, as qualified to  
12 operate approved self-contained, breath-alcohol testing  
apparatuses may operate those apparatuses to collect and analyze  
14 a sample specimen of a defendant's breath.

16 6. **Liability.** No physician, physician's assistant,  
registered nurse, person certified by the Department of Human  
18 Services or hospital or other health care provider in the  
exercise of due care may ~~be~~ is liable in damages or otherwise for  
20 any act done or omitted in performing the act of collecting or  
withdrawing specimens of blood at the request of a law  
22 enforcement officer pursuant to this section.

24 7. **Evidence.** The percentage by weight of alcohol in the  
defendant's blood at the time alleged, as shown by the chemical  
26 analysis of the defendant's blood or breath or by results of a  
self-contained, breath-alcohol testing apparatus authorized by  
28 subsection 5, ~~shall be~~ is admissible in evidence.

30 When a person, certified under subsection 5, conducts a chemical  
analysis of blood or breath to determine blood-alcohol level, the  
32 person may issue a certificate stating the results of the  
analysis. That certificate, when duly signed and sworn to by the  
34 certified person, ~~shall be~~ is admissible in evidence in any court  
of the State. It ~~shall be~~ is prima facie evidence that the  
36 person taking a specimen of blood was a person authorized by  
subsection 5; that the equipment, chemicals and other materials  
38 used in the taking of the blood specimen or a breath sample were  
of a quality appropriate for the purpose of producing reliable  
40 test results; that any equipment, chemicals or materials required  
by subsection 5 to be approved by the Department of Human  
42 Services were in fact approved; that the sample tested by the  
person certified under subsection 5 was in fact the same sample  
44 taken from the defendant; and that the percentage by weight of  
alcohol in the defendant's blood was, at the time the blood or  
46 breath sample was taken, as stated in the certificate, unless  
with ~~10 days'~~ 10 days' written notice to the prosecution, the  
48 defendant requests that a qualified witness testify as to any of  
the matters as to which the certificate constitutes prima facie  
50 evidence. The notice shall must specify those matters concerning  
which the defendant requests testimony.  
52

2 A person certified under subsection 5, as qualified to operate a  
3 self-contained, breath-alcohol testing apparatus to determine the  
4 blood-alcohol level, may issue a certificate stating the results  
5 of the analysis. That certificate, when duly signed and sworn to  
6 by the certified person, shall-be is admissible in evidence in  
7 any court of the State. It shall-be is prima facie evidence that  
8 the percentage by weight of alcohol in the defendant's blood was,  
9 at the time the breath sample was taken, as stated in the  
10 certificate, unless, with ~~10-days'~~ 10 days' written notice to the  
11 prosecution, the defendant requests that the operator or other  
12 qualified witness testify as to the results of the analysis.

13  
14 Transfer of sample specimens to and from a laboratory for  
15 purposes of analysis may-be is by certified or registered mail  
16 and, when so made, shall-be is deemed to comply with all  
17 requirements regarding the continuity of custody of physical  
18 evidence.

19  
20 The failure of a person to comply with the duty to submit to and  
21 complete a blood-alcohol test under section ~~7408, 7802 shall-be,~~  
22 7828 or 7860 is admissible in evidence on the issue of whether  
23 that person was under the influence of intoxicating liquor. If  
24 the law enforcement officer having probable cause to believe that  
25 the person hunted wild animals or wild birds or operated or  
26 attempted to operate a watercraft, snowmobile or ATV while under  
27 the influence of intoxicating liquor fails to give either of the  
28 warnings required under subsection 2, the failure of the person  
29 to comply with the duty to submit to a blood-alcohol test shall  
30 is not be admissible, except when a test was required pursuant to  
31 subsection 11. If a failure to submit to and complete a  
32 blood-alcohol test is not admitted into evidence, the court may  
33 inform the jury of the fact that no test result is available.

34  
35 If a test result is not available for a reason other than failing  
36 to comply with the duty to submit to and complete a blood-alcohol  
37 test, the unavailability and the reason shall-be are admissible  
38 in evidence.

39  
40 **8. Statements by accused.** Any statement by a defendant  
41 that the defendant was the operator of a watercraft, which  
42 snowmobile or ATV that the defendant is accused of operating in  
43 violation of section 7801, subsection 9; section 7827, shall-be  
44 subsection 9; or section 7857, subsection 10 is admissible if it  
45 was made voluntarily and is otherwise admissible under the United  
46 States Constitution or the Constitution of Maine. The statement  
47 may constitute sufficient proof by itself, without further proof  
48 of corpus delicti, that the watercraft, snowmobile or ATV was  
49 operated and was operated by the defendant. Any statement by a  
50 defendant that the defendant was hunting wild animals or wild  
51 birds is admissible against a defendant accused of hunting wild  
52 animals or wild birds in violation of section 7406, subsection 3  
if the statement was made voluntarily and is otherwise admissible

2 under the United States Constitution or the Constitution of  
3 Maine. The statement may constitute sufficient proof by itself,  
4 without further proof of corpus delicti, that the defendant was  
5 hunting wild animals or wild birds.

6 9. **Payment for tests.** Persons authorized to take specimens  
7 of blood at the direction of a law enforcement officer and  
8 persons authorized to perform chemical tests of specimens of  
9 blood or breath shall must be paid from the General Fund or from  
10 dedicated revenues of the Department of Inland Fisheries and  
11 Wildlife when a law enforcement officer of the Department of  
12 Inland Fisheries and Wildlife authorizes the chemical tests. The  
13 Department of Marine Resources shall pay for chemical tests  
14 authorized by marine patrol officers with funds available within  
15 that department.

16 10. **Accidents and officer's duties.** The law enforcement  
17 officer shall ~~have~~ has the following duties.

18 A. After a person has been charged with hunting wild  
19 animals or wild birds or with operating or attempting to  
20 operate a watercraft, snowmobile or ATV while under the  
21 influence of intoxicating liquor or drugs or with an  
22 excessive blood-alcohol level, the investigating or  
23 arresting officer shall investigate to determine whether the  
24 charged person has any previous convictions of a violation  
25 of section 7406, subsection 3; section 7801, subsection 9;  
26 section 7827, subsection 9; or section 7857, subsection 10  
27 or adjudications for failure to comply with the duty to  
28 submit to and complete a blood-alcohol test under section  
29 7408, 7802, 7828 or 7860. As part of that investigation,  
30 the officer shall review the records maintained by the  
31 courts, the State Bureau of Identification, the Secretary of  
32 State, including telecommunications of records maintained by  
33 the Secretary of State, or the Department of Inland  
34 Fisheries and Wildlife.

35 B. A law enforcement officer may arrest, without a warrant,  
36 any person whom the officer has probable cause to believe  
37 hunted any wild animal or wild bird or operated or attempted  
38 to operate a watercraft, snowmobile or ATV while under the  
39 influence of intoxicating liquor or drugs if the arrest  
40 occurs within a period following the offense reasonably  
41 likely to result in the obtaining of probative evidence of  
42 blood-alcohol level.

43 11. **Fatalities.** Notwithstanding any other provision of  
44 this section, each any person hunting wild animals or wild birds  
45 who is involved in a hunting accident or any operator of a  
46 watercraft, snowmobile or ATV who is involved in a watercraft,  
47 snowmobile or ATV accident which that results in the death of any  
48 person shall must submit to and complete a test to determine that

2 person's blood-alcohol level by analysis of blood or breath. A  
law enforcement officer may determine which type of test shall  
3 will be administered. The result of a test taken pursuant to  
4 this paragraph subsection is not admissible at trial unless the  
court is satisfied that probable cause exists, independent of the  
6 test result, to believe that the hunter or operator was under the  
influence of intoxicating liquor or drugs or had an excessive  
8 blood-alcohol level.

10 12. Aid in enforcement among municipalities. Except as  
otherwise prohibited by municipal charter or ordinance,  
12 municipalities may, in the manner provided by Title 30-A, section  
2674, enter into agreements regarding mutual aid in enforcing  
14 laws governing the hunting of wild animals or wild birds while  
under the influence or the operation of a watercraft, snowmobile  
16 or ATV while under the influence.'

18 Further amend the bill by renumbering the sections to read  
consecutively.

20 Further amend the bill by inserting at the end before the  
22 statement of fact the following:

24 **FISCAL NOTE**

26 This bill makes changes to certain provisions of the inland  
28 fisheries and wildlife laws, including a reduction in the one-day  
bass tournament fee and an increase in the fishing derby fee.  
30 The net impact of these fee changes on the General Fund will be  
negligible.'

34 **STATEMENT OF FACT**

36 This amendment deletes reference in the bill to pheasant  
hunting permits because the pheasant permit program has been  
38 abolished.

40 This amendment adds new sections that:

42 1. Exclude from the definition of "bear bait" packaging  
materials that fall within the definition of litter under the  
44 Maine Revised Statutes, Title 17, section 2263. This section  
clarifies that bear baiting laws do not allow the use of  
46 packaging materials that constitute litter as bait;

48 2. Provide definitions of the following fishing terms:  
"artificial lures," "hook," "set line," "single-baited hook" and  
50 "troll";

2 3. Change the eligibility requirement for a muzzle-loading  
4 hunting license from 16 years of age or older to 14 years of age  
5 or older;

6 4. Change current law regarding East Grand Lake Dam in  
7 Forest City Township and Spednic Lake Dam in Vanceboro to what it  
8 was prior to 1988. Under this amendment, fishing is prohibited  
9 within 75 feet of the mouths of the fishways rather than within  
10 75 feet of any portion of the fishways. Under this language, it  
11 will again be legal to fish immediately above these dams;

12 5. Eliminate the provision in the bill that allowed the  
13 taking and possession of rock doves at any time of year. New  
14 language is added that allows the Department of Inland Fisheries  
15 and Wildlife to issue permits to use rock doves in the training  
16 of sporting dogs;

17 6. Exempt operators of watercraft used in association with  
18 boys and girls camps from the provisions of Title 12, section  
19 7799, which require operators of motorboats who carry passengers  
20 for hire to obtain an operator's license;

21 7. Clarify the definition of the crime of hunting under the  
22 influence so that it includes hunting while having 0.08% or more  
23 by weight of alcohol in the blood. This creates a duty for any  
24 person who hunts to submit to a blood-alcohol test if there is  
25 probable cause to believe the person is hunting under the  
26 influence. These provisions parallel existing law on the  
27 operation of watercraft under the influence;

28 8. Clarify the definition of the crime of operating a  
29 snowmobile under the influence so that it includes operating  
30 while having 0.08% or more by weight of alcohol in the blood.  
31 This creates a duty for any person who operates a snowmobile to  
32 submit to a blood-alcohol test if there is probable cause to  
33 believe the person is operating the snowmobile under the  
34 influence. These provisions parallel existing law on the  
35 operation of watercraft under the influence;

36 9. Clarify the definition of the crime of operating an ATV  
37 under the influence so that it includes operating while having  
38 0.08% or more by weight of alcohol in the blood. This creates a  
39 duty for any person who operates an ATV to submit to a  
40 blood-alcohol test if there is probable cause to believe the  
41 person is operating the ATV under the influence. These  
42 provisions parallel existing law on the operation of watercraft  
43 under the influence;

44 10. Amend Title 12, section 7901, subsection 14 so that the  
45 current penalty that applies to any person who fails to submit to  
46 a required blood-alcohol test with regard to operating a  
47 watercraft under the influence also applies to persons who fail  
48

2 to submit to a required blood-alcohol test with regard to  
operating a snowmobile or ATV or hunting wild birds or animals  
4 under the influence. The penalty is a forfeiture of up to \$500;  
and

6 11. Amend Title 12, section 7912 so that the tests and  
procedures that currently apply to persons suspected of operating  
8 a watercraft under the influence apply to persons suspected of  
operating a snowmobile or ATV or hunting wild birds or animals  
10 under the influence.

12 The amendment also adds a fiscal note to the bill.

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