

# MAINE STATE LEGISLATURE

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DATE: June 22, 1995

(Filing No. S- 311)

**INLAND FISHERIES AND WILDLIFE**

Reported by: Senator MICHAUD of Penobscot for the Committee.

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**STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 562, L.D. 1530, Bill, "An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 12 MRSA §7035, sub-§11-A, as enacted by PL 1989, c. 177, is repealed.

Sec. 2. 12 MRSA §7071, sub-§8, as enacted by PL 1985, c. 90, is repealed and the following enacted in its place:

8. Trespass reminder. The following notice must be printed on each hunting and fishing license: This license does not authorize you to enter private property without permission.

Sec. 3. 12 MRSA §7074, sub-§6 is enacted to read:

6. Rules. Notwithstanding any other provision of this section, the commissioner may adopt rules as necessary to satisfy the provisions of the federal migratory bird harvest information program. These rules may include a requirement that agents appointed to sell hunting licenses submit license sales information on a weekly basis. The commissioner is responsible for all costs associated with any additional reporting requirements imposed on agents appointed to sell hunting licenses, including mailing costs.

2       Sec. 4. 12 MRSA §7101, sub-§3, as amended by PL 1983, c. 440,  
§7, is repealed.

4       Sec. 5. 12 MRSA §7101, sub-§6, as repealed and replaced by PL  
1979, c. 543, §8, is repealed.

6       Sec. 6. 12 MRSA §7102, sub-§3, as repealed by PL 1993, c. 24,  
8       §2 and affected by §7 and as repealed and replaced by c. 419, §6,  
is repealed.

10       Sec. 7. 12 MRSA §7102-A, sub-§4, as enacted by PL 1993, c. 24,  
12       §3 and affected by §7, is repealed and the following enacted in  
its place:

14       4. Schedule of fees. The schedule of fees is as follows:

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u> <u>and</u> <u>after</u>
A. <u>Resident archery license</u>	<u>\$15</u>	<u>\$17</u>	<u>\$18</u>	<u>\$19</u>
B. <u>Resident combination</u> <u>archery hunting and fishing</u> <u>license</u>	<u>\$28</u>	<u>\$32</u>	<u>\$34</u>	<u>\$36</u>
C. <u>Nonresident archery</u> <u>license</u>	<u>\$47</u>	<u>\$51</u>	<u>\$53</u>	<u>\$55</u>
D. <u>Alien archery license</u>	<u>\$62</u>	<u>\$66</u>	<u>\$68</u>	<u>\$70</u>

32       Sec. 8. 12 MRSA §7107-A, sub-§1-A, as enacted by PL 1993, c.  
47, §2, is amended to read:

34       1-A. **Form of license.** The muzzle-loading hunting license  
36       must be in the form of a stamp that must be affixed to the  
person's big game hunting license or junior hunting license. The  
38       stamp must bear the words "RIGHT-TO-BEAR-ARMS."

40       Sec. 9. 12 MRSA §7109-A is enacted to read:

42       §7109-A. Migratory game bird certification

44       1. Certification required. Beginning January 1, 1996, a  
person may not hunt migratory game birds unless that person is  
46       certified under this section.

48       2. Eligibility. Any resident of the State, nonresident or  
alien who is eligible to obtain a state hunting license is  
50       eligible to be certified to hunt migratory game birds.

3. Certification procedure. An eligible person becomes certified to hunt migratory game birds when that person indicates on that person's hunting license at the time of purchase the intention to hunt migratory game birds during the calendar year for which the license is valid.

Sec. 10. 12 MRSA §7151, sub-§3, ¶¶A and B, as enacted by PL 1979, c. 420, §1, are repealed.

Sec. 11. 12 MRSA §7153, as amended by PL 1993, c. 438, §8, is further amended to read:

**§7153. Alewife, eel, sucker and yellow perch permit**

1. Issuance. The commissioner may issue permits to fish for or possess alewives, eel, suckers and yellow perch by means of eel pots, traps, spears or nets in inland waters, under such rules as the commissioner may establish, provided these permits do not interfere with rights granted under section 6131.

2. Fee. The minimum fee for ~~these permits~~ an individual permit is \$38 for 1993, \$40 for 1994, \$41 for 1995 and \$42 for 1996 and every year thereafter. Beginning in calendar year 1996, a crew permit may be sold for \$100 authorizing up to 3 persons to engage in the licensed activity.

Sec. 12. 12 MRSA §7154, sub-§3, as amended by PL 1995, c. 210, §1, is repealed and the following enacted in its place:

3. Fee. The fee for a bass tournament permit is:

A. For weigh-in tournaments, \$24 per day; and

B. For catch and release tournaments, \$5 per day.

Sec. 13. 12 MRSA §7171, sub-§4, ¶B, as amended by PL 1987, c. 317, §10, is further amended by enacting a new subparagraph (7) to read:

(7) The holder of a baitfish wholesale license who attempts to take live bait for resale using drop nets from the inland waters of the State by fishing through the ice must mark all holes made in the ice by that person for that purpose. The holes must be marked by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides.

Sec. 14. 12 MRSA §7171, sub-§4, ¶C, as amended by PL 1993, c. 438, §9, is further amended by amending subparagraphs (2) and (8) to read:

(2) The holder of a smelt wholesaler's license may take live smelts for resale from any inland water in accordance with general rules ~~promulgated~~ adopted by the commissioner in regard to the taking of smelts. In 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. The holder of a smelt wholesaler's license may not take multiple limits from waters governed by general rules in order to attain the 8-quart limit of smelts described in subparagraph (3).

(8) The holder of a smelt wholesaler's license, or the holder's designee, may transport live smelts, except that live smelts being transported directly from an inland water source must be accompanied by the licensee. The holder of a smelt wholesaler's license may not transport from an inland water source to the licensee's place of business more than 8 quarts of live smelts.

Sec. 15. 12 MRSA §7171, sub-§4, ¶C, as amended by PL 1993, c. 438, §9, is further amended by enacting a new subparagraph (9) to read:

(9) The holder of a smelt wholesaler's license who attempts to take live smelt for resale using drop nets from the inland waters of the state by fishing through the ice must mark all holes made in the ice by that person for that purpose. The holes must be marked by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides.

Sec. 16. 12 MRSA §7171, sub-§4, ¶D is enacted to read:

D. For purposes of this subsection, "business facility" means a fixed place of business and does not include a motor vehicle or trailer. Live smelts or baitfish that are held in or on a motor vehicle or trailer by a person licensed under this section are considered in transport even if the motor vehicle or trailer may be temporarily placed at a specific location by the licensee, or the licensee's designee, for the purpose of selling live smelts and baitfish to anglers.

2       **Sec. 17. 12 MRSA §7235-A, sub-§3, ¶A,** as amended by PL 1995,  
4       c. 213, §2, is further amended to read:

6       A. A ringneck pheasant or bobwhite quail, whether live or  
8       dressed, that is possessed by virtue of this permit must be  
10      identified with a ~~metallie~~ permanent leg band before being  
12      removed from the premises of the permittee. This ~~metallie~~  
14      permanent leg band, supplied by the permittee, must remain  
16      attached to the bird until that bird is finally prepared for  
18      consumption.

20       **Sec. 18. 12 MRSA §7240, sub-§3,** as amended by PL 1983, c. 22,  
22      §2, is further amended to read:

24       **3. Restrictions.** Upon receipt of shipment, importers of  
26      ~~Ringneck~~ ringneck pheasants shall attach securely to each bird a  
28      ~~metallie~~ permanent leg band.

30      A. This leg band shall must remain attached to the birds  
32      until they are finally prepared for consumption.

34       **Sec. 19. 12 MRSA §7363, sub-§13,** as enacted by PL 1983, c.  
36      502, §4, is amended to read:

38       **13. Whitewater trip.** "Whitewater trip" means any  
40      commercial effort to transport passengers by means of a  
42      whitewater craft on rapidly flowing rivers, except commercial  
44      efforts by guides licensed under section 7311 to transport  
46      clients by means of a whitewater craft on rapidly flowing rivers  
48      while principally engaged in fishing.

50       **Sec. 20. 12 MRSA §7368-A, sub-§3,** as enacted by PL 1989, c.  
52      883, §10, is amended to read:

54       **3. Passenger limitation.** An Except as provided in this  
56      subsection, an outfitter may not carry more than 80 passengers  
58      per day on any rapidly flowing river. On allocated days, that  
60      limit may be exceeded only as provided in section 7369,  
62      subsection 10, paragraph C. On unallocated days, an outfitter  
64      may occasionally carry up to 4 additional passengers to  
66      accommodate problems in booking. Abuse of this privilege results  
68      in its loss.

70       **Sec. 21. 12 MRSA §7369, sub-§10, ¶A,** as amended by PL 1993, c.  
72      438, §24, is further amended to read:

74      A. Allocations are required for Saturdays for the period of  
76      June 8th to August 31st. ~~Except as provided in paragraph F,~~  
78      ~~allocations are required for Sundays on the Penobscot River~~

for--the--period--of The commissioner may adopt rules establishing allocations for Sundays between June 8th to August 31st. If the department determines that the recreational use limit will be reached other days, the department shall provide by rule for allocations.

**Sec. 22. 12 MRSA §7369, sub-§10, ¶F,** as amended by PL 1993, c. 574, §19, is repealed.

**Sec. 23. 12 MRSA §7372,** as enacted by PL 1979, c. 420, §1, is amended to read:

**§7372. Intentional issuance of resident license or permit to nonresident**

A town clerk or agent is guilty of intentional issuance of a resident license or permit to a nonresident if he the town clerk or agent intentionally issues a resident license or permit to a person who is not a resident ~~of the municipality in which the license or permit is issued.~~

**Sec. 24. 12 MRSA §7377, sub-§5,** as amended by PL 1979, c. 723, §15, is repealed.

**Sec. 25. 12 MRSA §7377, sub-§5-A** is enacted to read:

**5-A. Importing live freshwater fish or eggs.** Notwithstanding section 7202, the commissioner may adopt rules allowing the importation after January 1, 1996 of certain species of tropical fish and goldfish without a permit. The commissioner may allow the importation of those species without a permit only for aquarium purposes and only if the commissioner determines that the species does not pose a significant risk to the health, habitat or genetic integrity of any native species of fish or other aquatic organism.

**Sec. 26. 12 MRSA §7451, sub-§4** is enacted to read:

**4. Bear tags.** The commissioner shall prescribe the form and content of a bear tag, except that the commissioner may not produce a bear tag that is part of a hunting license issued for calendar year 1996 or later.

**Sec. 27. 12 MRSA §7452, sub-§11,** as amended by PL 1987, c. 317, §20, is further amended to read:

**11. Failure to attach bear tag to bear.** A person is guilty of failure to attach a bear tag to a bear if, prior to presenting a bear for registration, he that person possesses or leaves in the fields or forests a bear ~~which he has killed and which~~ killed

by that person that does not have securely attached to it and plainly visible the ~~bear tag portion of his hunting license bearing his full name and address, or if the bear was taken by trapping, a tag bearing his full name, address and trapping license number~~ a bear tag that conforms to the requirements of section 7451, subsection 4.

Sec. 28. 12 MRSA §7452, sub-§13, as enacted by PL 1979, c. 543, §40, is amended to read:

13. Illegally transporting bear. A person is guilty, except as otherwise provided in chapters 701 to 721 and except as provided in subsection 15, paragraph E, of illegally transporting bear if he, at any time and in any manner, that person moves or transports any bear, and:

A. The bear is not open to view;

B. The ~~A~~ bear tag ~~portion of the hunting license bearing the name and address of the person who killed the bear that conforms to the requirements of section 7451, subsection 4~~ is not securely attached to the bear; or

C. The person who killed the bear does not accompany the bear while it is being moved or transported.

Sec. 29. 12 MRSA §7456, sub-§1-A is enacted to read:

1-A. Hunting migratory game birds without certification. A person is guilty of hunting migratory game birds without certification if that person hunts migratory game birds and has not been certified to do so as provided in section 7109-A.

Sec. 30. 12 MRSA §7457, sub-§1, ¶D, as amended by PL 1981, c. 644, §24, is further amended to read:

D. There ~~shall be~~ is a continual closed season on deer in the following places:

(1) Mount Desert Island;

(2) Cross Island in Washington County;

(3) Scotch Island in Washington County;

(4) The Town of Isle au Haut and the islands within the confines of the Town of Isle au Haut in Knox County;



(5) Wildlife sanctuaries which that have been established by law, except as provided in section 7653;

(6) All of Swan Island in the Town of Swan's Island in Hancock County;

(7) The Town of Islesboro in Waldo County, except that a person may hunt deer in that town with bow and arrow from the first day of ~~October~~ the special archery season on deer, established in accordance with section 7102-A, subsection 6, paragraph C, to the end of the regular firearm season on deer of each calendar year in Waldo County;

(8) The whole of Cranberry Isles in Hancock County; and

(9) The whole of Long Island in Long Island Plantation in Hancock County.

**Sec. 31. 12 MRSA §7457, sub-§3 is enacted to read:**

**3. Deer tags.** The commissioner shall prescribe the form and content of a deer tag, except that the commissioner may not produce a deer tag that is part of a hunting license issued for calendar year 1996 or later.

**Sec. 32. 12 MRSA §7458, sub-§6, as amended by PL 1981, c. 414, §34, is further amended to read:**

**6. Failure to attach deer tag to deer.** A person is guilty of failure to attach a deer tag to a deer if, prior to presenting a deer for registration, he that person possesses or leaves in the fields or forests a deer ~~which he has killed which~~ killed by that person that does not have securely attached to it and plainly visible ~~the deer tag portion of his hunting license bearing his full name and address~~ a deer tag that conforms to the requirements of section 7457, subsection 3.

**Sec. 33. 12 MRSA §7458, sub-§11, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:**

**B.** The ~~A~~ deer tag ~~portion of the hunting license~~ bearing the name and address of the person who killed the deer that conforms to the requirements of section 7457, subsection 3 is not securely attached to the deer; or

**Sec. 34. 12 MRSA §7463-A, sub-§13, ¶C, as enacted by PL 1993, c. 577, §1, is amended to read:**

2 C. An eligible person wishing to apply for a permit under  
4 this subsection shall submit a written application in such  
6 form as the commissioner may require. The application must  
8 be accompanied by a bidding fee of \$25, which, except as  
10 otherwise provided in paragraph D, may not be refunded. The  
commissioner may waive the requirements of this paragraph  
when, as provided in paragraph G, the commissioner enters  
into contract with a conservation organization to auction  
the permits.

12 **Sec. 35. 12 MRSA §7464, sub-§6**, as enacted by PL 1979, c. 543,  
§50, is amended to read:

14 **6. Failure to attach moose tag to moose.** A person is  
16 guilty of failure to attach a moose tag to a moose if, prior to  
18 presenting a moose for registration, he that person possesses or  
leaves in the fields or forests a moose which-he the person has  
killed which that does not have securely attached to one of its  
head hind legs, and plainly visible, the moose tag portion of his  
20 the permit, bearing his the person's full name and address.

22 **Sec. 36. 12 MRSA §7557** is enacted to read:

24 **§7557. Identifying waters where children may fish with single**  
**baited hook and line**

26 Rules adopted by the commissioner that set forth the special  
28 fishing regulations for inland waters of the State must include a  
list of waters where a person under 12 years of age may fish with  
30 a single baited hook and line.

32 **Sec. 37. 12 MRSA §7606-B** is enacted to read:

34 **§7606-B. Failure to check baitfish traps**

36 A person is guilty of failure to check a baitfish trap if  
38 that person, while trapping for baitfish in the inland waters  
with the use of a baitfish trap as defined in section 7001,  
subsection 1-B, fails to check the baitfish trap or cause the  
40 same to be checked at least once in every 3 calendar days.

42 **Sec. 38. 12 MRSA §7652, sub-§3, ¶B**, as amended by PL 1991, c.  
44 443, §32, is repealed and the following enacted in its place:

46 B. The following areas are classified as state-owned  
wildlife management areas, or "WMAs":

48 (1) Blanchard/AuClair WMA (Roach River Corridor) - T1  
50 R14 WELS - Piscataquis County;

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COMMITTEE AMENDMENT "A" to S.P. 562, L.D. 1530

- 2        (2) Brownfield WMA - Brownfield, Denmark, Fryeburg -  
3        Oxford County;
- 4        (3) George Bucknam WMA (Belgrade Stream) -  
5        Mt. Vernon - Kennebec County;
- 6        (4) Caesar Pond WMA - Bowdoin - Sagadahoc County;
- 7        (5) Chesterville WMA - Chesterville - Franklin County;
- 8        (6) Coast of Maine WMA - all state-owned coastal  
9        islands that are owned or managed by the Department of  
10       Inland Fisheries and Wildlife;
- 11       (7) Dickwood Lake WMA - Eagle Lake - Aroostook County;
- 12       (8) Francis D. Dunn WMA (Sawtelle Deadwater) - T6 R7  
13       WELS - Penobscot County;
- 14       (9) Fahi Pond WMA - Embden - Somerset County;
- 15       (10) Lyle Frost WMA (formerly Scammon) - Eastbrook,  
16       Franklin - Hancock County;
- 17       (11) Alonzo H. Garcelon WMA (Mud Mill Flowage) -  
18       Augusta, Windsor - Kennebec County;
- 19       (12) Great Works WMA - Edmunds Township - Washington  
20       County;
- 21       (13) Jamies Pond WMA - Manchester, Farmingdale -  
22       Kennebec County;
- 23       (14) Jonesboro WMA - Jonesboro - Washington County;
- 24       (15) Earle R. Kelley WMA (Dresden Bog) - Alna, Dresden  
25       - Lincoln County;
- 26       (16) Kennebunk Plains WMA - Kennebunk - York County;
- 27       (17) Bud Leavitt WMA (Bull Hill) - Atkinson,  
28       Charleston, Dover-Foxcroft, Garland - Penobscot and  
29       Piscataquis Counties;
- 30       (18) Gene Letourneau WMA (Frye Mountain) - Montville,  
31       Knox, Morrill - Waldo County;
- 32       (19) Long Lake WMA - St. Agatha - Aroostook County  
33       (All of Long Lake within the Town of St. Agatha);

COMMITTEE AMENDMENT "A" to S.P. 562, L.D. 1530

- 2 (20) Madawaska WMA - Palmyra - Somerset County;
- 4 (21) Mainstream WMA - Cambridge - Somerset County;
- 6 (22) Lt. Gordon Manuel WMA - Hodgdon, Cary Plantation,  
Linneus - Aroostook County;
- 8 (23) Maynard F. Marsh WMA (Killick Pond) - Hollis,  
Limington - York County;
- 10 (24) Mercer Bog WMA - Mercer - Somerset County;
- 12 (25) Merrymeeting Bay WMA - Dresden, Bowdoinham -  
Lincoln and Sagadahoc Counties;
- 14 (26) Morgan Meadow WMA - Raymond - Cumberland County;
- 16 (27) Mt. Agamenticus WMA - York, South Berwick - York  
County;
- 18 (28) Muddy River WMA - Topsham - Sagadahoc County;
- 20 (29) Narraguagus Junction WMA - Cherryfield -  
Washington County;
- 22 (30) Old Pond Farm WMA - Maxfield, Howland - Penobscot  
County;
- 24 (31) Orange River WMA - Whiting - Washington County;
- 26 (32) Peaks Island WMA - Portland - Cumberland County;
- 28 (33) Pennamaquam WMA - Pembroke, Charlotte -  
Washington County;
- 30 (34) Steve Powell WMA - Perkins Township - Sagadahoc  
County. (Being the islands in the Kennebec River near  
Richmond known as Swan Island and Little Swan Island,  
formerly known as Alexander Islands);
- 32 (35) David Priest WMA (Dwinal Pond) - Lee, Winn -  
Penobscot County;
- 34 (36) Ruffingham WMA - Montville, Searsmont - Waldo  
County;
- 36 (37) St. Albans WMA - St. Albans - Somerset County;
- 38 (38) Sandy Point WMA - Stockton Springs - Waldo County;
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(39) Scarborough WMA - Scarborough, Old Orchard Beach, Saco - Cumberland and York Counties;

(40) Steep Falls WMA - Standish, Baldwin - Cumberland County;

(41) Tyler Pond WMA - Manchester, Augusta - Kennebec County;

(42) Vernon S. Walker WMA - Newfield, Shapleigh - York County;

(43) Weskeag Marsh WMA - South Thomaston, Thomaston, Rockland, Owl's Head - Knox County; and

(44) Such other areas as the commissioner designates, by rules adopted in accordance with section 7653, as state-owned wildlife management areas.

**Sec. 39. 12 MRSA §7653**, as amended by PL 1981, c. 414, §36, is further amended to read:

**§7653. Commissioner's authority over sanctuaries; wildlife management areas and access sites**

**1. Public use.** The commissioner may, pursuant to section 7035, subsection 1, ~~promulgate~~ adopt rules regulating hunting, fishing, trapping or other public use of any wildlife management area or wildlife sanctuary as designated in section 7651, subsection 1, except that ~~no a landowner shall may not~~ be prohibited from operating any vehicle on land on which ~~he that~~ person is domiciled.

**2. Natural products.** The commissioner may harvest and sell natural products of the land on lands owned by the department.

**3. Trapping.** The commissioner may regulate the trapping of wild animals on wildlife sanctuaries or closed territories.

**4. Fees.** The commissioner may establish reasonable fees for admission to the Fish and Wildlife Visitors' Center at Gray, Maine Cumberland County, and the Steve Powell Wildlife Management Area at Perkins Township, Sagadahoc County, known as Swan Island and Little Swan Island.

**5. Access sites to inland and coastal waters.** The commissioner may, pursuant to section 7035, subsection 1, adopt rules regulating public use of department-owned or department-maintained sites that provide public access to inland or coastal waters. The commissioner may establish reasonable

fees for use of these sites by members of the public as necessary to help defray the cost of routine maintenance and security.

Sec. 40. 12 MRSA §7801, sub-§30, ¶A, as enacted by PL 1989, c. 469, §4, is amended to read:

A. Or any passenger is not wearing Coast-Guard Coast Guard approved Type I or, Type II or Type III personal flotation devices while operating or riding on the personal watercraft;

Sec. 41. 12 MRSA §§7829 and 7830 are enacted to read:

**§7829. Liability for damage by other persons**

The owner of a snowmobile, the person who gives or furnishes that snowmobile to a person under 18 years of age and the parent or guardian responsible for the care of that minor are jointly and severally liable with the minor for any damages caused in the operation of the snowmobile by that minor.

**§7830. Impoundment of snowmobiles**

When a law enforcement officer issues a summons for a violation under this subchapter, the officer may impound the snowmobile operated by the person who receives the summons if, in the judgment of the officer, based on actual previous offenses by the operator or other considerations, the operator will continue to operate the machine in violation of this subchapter and that operation may be a hazard to the safety of persons or property.

The operator or owner of an impounded snowmobile may reclaim the snowmobile at any time subsequent to 24 hours after the issuance of the summons upon payment of the costs of impoundment to the enforcement agency impounding the snowmobile.

Sec. 42. 12 MRSA §7857, sub-§16, as amended by PL 1993, c. 438, §40, is further amended to read:

16. **Operating an ATV with insufficient lights.** A person is guilty, except as provided in subsection 24, paragraphs B, E-1 and G, of operating an ATV with insufficient lights, if that person operates an ATV that is not equipped as follows.

A. Every ATV must have mounted on the front at least one headlight capable of casting a white beam for a distance of at least 100 feet directly ahead of the ATV.

B. Every ATV must have mounted on the rear at least one lamp taillight capable of displaying a red light that must be visible at a distance of at least 100 feet behind the ATV.

~~C. Every new ATV, except 2-wheel off-road motorcycles, manufactured after January 1, 1991, and sold in Maine, must be equipped with working headlights, taillights and brake lights.~~

D. Every ATV, excluding 2-wheel off-road motorcycles, must have mounted on the rear at least one brake light capable of displaying a red light when the brakes are applied that is visible for at least 100 feet.

This subsection applies to any ATV operated in this State, regardless of where it was purchased.

**Sec. 43. 12 MRSA §7857, sub-§25 is enacted to read:**

**25. Prohibition on sales without lights.** Except as provided in this subsection, a person may not sell or offer to sell a new ATV unless that ATV is equipped with a functioning headlight, a taillight and brake light. This subsection does not apply to an ATV that:

A. Is a 2-wheel off-road motorcycle; or

B. Was manufactured prior to 1991.

**Sec. 44. Task force established.** The Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife, referred to in this section as the "task force," is established.

**1. Membership.** The task force consists of 8 members, appointed as follows.

A. The Speaker of the House of Representatives and the President of the Senate shall jointly appoint 5 members of the Legislature who are members of the Joint Standing Committee on Inland Fisheries and Wildlife. The Speaker of the House and the President of the Senate shall appoint these members from among names recommended for appointment by a majority of the members of the Joint Standing Committee on Inland Fisheries and Wildlife.

B. The Governor shall appoint 2 public members at large.

C. The Board of Directors of the Sportsman's Alliance of Maine shall appoint one member.

2       **2. Appointments; meetings; chair.** All members of the task  
4 force must be appointed not later than 30 days after the  
6 effective date of this section. The Executive Director of the  
8 Legislative Council must be notified of all appointments. When  
10 all appointments have been made, the Chair of the Legislative  
12 Council shall call the first meeting of the task force not later  
14 than July 31, 1995. At its first meeting, the task force shall  
16 elect a chair from among its members. The chair of the task  
18 force shall call all subsequent meetings.

12       **3. Purpose.** The task force shall conduct a comprehensive  
14 review of the operations and functions of the Department of  
16 Inland Fisheries and Wildlife. The Commissioner of Inland  
18 Fisheries and Wildlife, the Commissioner of Administrative and  
20 Financial Services, the Director of the Bureau of Human Resources  
22 and all other appropriate agencies shall cooperate with requests  
24 from the task force for information or records pertaining to the  
26 operations of the department.

20       **4. Staffing.** The task force shall request staffing  
22 assistance from the Legislative Council.

24       **5. Per diem and expenses.** Appointed members of the task  
26 force are entitled to legislative per diem and reimbursement for  
28 expenses related to work of the task force. Expenses that are  
30 eligible for reimbursement include travel, meals and lodging  
32 associated with travel outside this State.

30       **6. Costs paid by department.** The Department of Inland  
32 Fisheries and Wildlife shall pay all per diem and expenses of the  
34 task force.

34       **7. Report.** The task force shall submit its report and any  
36 accompanying legislation to the Second Regular Session of the  
38 117th Legislature not later than January 1, 1996.

38       **Sec. 45. Retroactivity.** That section of this Act that repeals  
40 the Maine Revised Statutes, Title 12, section 7102, subsection 3  
42 and that section of this Act that repeals and replaces Title 12,  
44 section 7102-A, subsection 4 are retroactive to January 1, 1995.

42       **Sec. 46. Effective date.** That section of this Act that repeals  
44 the Maine Revised Statutes, Title 12, section 7377, subsection 5  
46 takes effect January 1, 1996.'

46       Further amend the bill by inserting at the end before the  
48 statement of fact the following:



**FISCAL NOTE**

The authorization for the Commissioner of Inland Fisheries and Wildlife to charge fees for the use of certain department-owned sites, the repeal of free fishing days and the establishment of new bass tournament permit fees will increase General Fund revenue. The exact amounts can not be determined at this time.

These increases of General Fund revenues collected by the Department of Inland Fisheries and Wildlife may require additional General Fund appropriations to the department pursuant to the Constitution of Maine. The amounts will depend on the total General Fund appropriations to the department and the revenue generated by the department which will be determined by final legislative actions on the current services budget and other legislation during the First Regular Session of the 117th Legislature.

The Department of Inland Fisheries and Wildlife will incur some minor additional costs to adopt certain rules, administer certain regulatory requirements and pay for the costs associated with conducting a task force to study the operations of the department. These costs can be absorbed within the department's existing budgeted resources.

The additional costs to provide staff assistance to the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife can be absorbed by the Legislature utilizing existing budgeted resources.

This bill may result in a net increase of prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.22 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

**STATEMENT OF FACT**

This amendment replaces the bill.

COMMITTEE AMENDMENT "A" to S.P. 562, L.D. 1530

The amendment:

1. Repeals the 2 free fishing days allowed under current law;

2. Makes certain changes necessary to satisfy requirements of the federal migratory bird harvest information program. These changes include authorizing the Commissioner of Inland Fisheries and Wildlife to adopt rules regulating the reporting procedures of persons appointed to sell hunting licenses; establishing procedures whereby persons may become certified to hunt migratory game birds; and making it unlawful to hunt migratory game birds without first being certified to do so;

3. Prohibits live bait dealers from taking multiple limits of smelts from waters governed by general rules in order to attain the 8-quart limit that they are allowed in specifically designated waters;

4. Prohibits smelt wholesalers from transporting from an inland water source to their place of business more than 8 quarts of live smelts;

5. Specifies that the business facility of any person licensed to deal in live smelts and baitfish means a fixed place of business and not a motor vehicle or trailer. Live smelts and baitfish being held by a dealer in a motor vehicle or trailer come under the same regulations as for the transporting of smelt and baitfish, even if the vehicle or trailer might be temporarily positioned at a specific site to aid the dealer in selling live smelts and baitfish to the public;

6. Specifies that no species of nonnative fish or fish eggs may be imported into the State for aquarium purposes without a permit unless that species has been designated by rule of the commissioner as a species that poses no significant threat to native fish or other aquatic organisms;

7. Establishes requirements for hunting migratory birds;

8. Provides that the season for hunting deer with bow and arrow in the Town of Islesboro begins on the same day as the statewide archery season on deer and not necessarily on the first day of October;

9. Allows the commissioner to waive the written application and \$25 bidding fee when contracting with a conservation organization to conduct the auction of moose permits;

10. Makes it clear that a hunting tag is to be attached to one of the hind legs of a moose;

11. Requires that all baitfish traps set in inland waters be checked at least once in every 3 days;

12. Updates the list of state-owned wildlife management areas to include new acquisitions;

13. Provides that the commissioner has authority to regulate public uses at department-owned sites that provide public access to inland and coastal waters, to charge reasonable fees for the use of these access sites to help defray the cost of routine maintenance and security and to charge reasonable fees for admission to the Steve Powell Wildlife Management Area near Richmond, known as Swan Island and Little Swan Island;

14. Provides that a snowmobile owner, the parents or guardians of a minor and the person who furnished a snowmobile to a minor are jointly and severally liable with the operator for any damages caused by this minor in operating a snowmobile;

15. Allows a law enforcement officer to impound a snowmobile operated in violation of law when it is likely that the operator will continue to operate the machine in violation of law and that the continued operation may threaten the safety of persons or property;

16. Prohibits the commissioner from producing bear and deer tags that are part of a hunting license;

17. Clarifies that it is illegal to operate an ATV in Maine without headlights, taillights and brake lights, regardless of where the ATV was purchased. The amendment does not affect the existing exceptions to that law that allow ATV's to be operated without lights if they are used exclusively for scheduled racing events, if they were manufactured prior to 1991 or if they have four wheels and an engine smaller than 90 cubic centimeters;

18. Requires wholesale baitfish and smelt harvesters to mark holes in the ice with fluorescent biodegradable tape;

19. Allows fishing guides to use rafts and dories on rapidly flowing rivers while guiding anglers without that activity being classified as a commercial whitewater rafting activity;

20. Allows the commissioner to establish rafting allocations on the Penobscot River on Sundays;

21. Corrects an error created when 2 sections of law were enacted in the same session without reference to each other.

COMMITTEE AMENDMENT "A" to S.P. 562, L.D. 1530

Public Law 1993, chapter 24 repealed the Maine Revised Statutes, Title 12, section 7102 and enacted Title 12, section 7102-A effective January 1, 1995. Public Law 1993, chapter 419 enacted an amendment to Title 12, section 7102 prior to the repeal of that section taking effect. The result is that 2 different fee schedules for archery hunting licenses are now in effect. This amendment corrects this error;

22. Creates the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife. The 8-person task force consists of 5 Legislators who are members of the Joint Standing Committee on Inland Fisheries and Wildlife appointed by the Speaker of the House and the President of the Senate, 2 members appointed by the Governor and one member appointed by the Board of Directors of the Sportsman's Alliance of Maine. The purpose of the task force is to undertake a comprehensive review of the management, budgeting and program implementation functions of the department.

Members of the task force are entitled to receive legislative per diem and expenses. The task force is required to submit its report and accompanying legislation to the Legislature by January 1, 1996; and

23. Makes other technical or minor changes to the laws governing inland fisheries and wildlife.

The amendment also adds a fiscal note to the bill.