

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

M
R. S.

L.D. 2088

2
4
DATE: May 14, 1999

(Filing No. S-292)

6
8
INLAND FISHERIES AND WILDLIFE

Reported by:

10
12
Reproduced and distributed under the direction of the Secretary
of the Senate.

14
16
**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

18
20
COMMITTEE AMENDMENT "A" to S.P. 738, L.D. 2088, Bill, "An
Act to Revise Certain Provisions of the Fish and Wildlife Laws"

22
Amend the bill by inserting after section 10 the following:

24
26
'Sec. 11. 12 MRSA §7231, sub-§1, ¶A, as amended by PL 1981, c.
12, §3, is further amended to read:

28
A. The commissioner may issue a wildlife exhibit permit to
any person, permitting him that person to:

30
32
(1) Keep wildlife in captivity for commercial
exhibition;

34
(2) Keep wildlife in captivity for the evident purpose
of attracting trade;

36
38
(3) Have any wildlife in his that person's custody or
control for exhibition or for the evident purpose of
attracting trade;

40
42
(4) Purchase, sell and transport any wildlife kept by
virtue of this section; and

44
46
(5) Purchase moose and caribou from the commissioner,
who may take moose and caribou into captivity and sell
them to holders of a wildlife exhibit permit.

48
Sec. 12. 12 MRSA §7235-B is enacted to read:

COMMITTEE AMENDMENT

§7235-B. Wildlife rehabilitation permit

2 The commissioner may issue a permit to a person to possess
 4 wildlife for the purpose of wildlife rehabilitation. There is no
 6 fee for a wildlife rehabilitation permit. Rules adopted to
 8 implement this section are routine technical rules pursuant to
 10 Title 5, chapter 375, subchapter II-A.'

12 Further amend the bill in section 13 by striking out that
 14 part designated "**§7318.**" and inserting in its place the following:

'§7318. Violations by clients

16 A guide who has knowledge of a violation by a client of any
 18 of the provisions of chapters 701 to 721 shall, within 24 hours,
 20 ~~or as seen as safely possible,~~ inform a person authorized to
 22 enforce those chapters.'

24 Further amend the bill in section 16 by striking out all of
 26 subsection 9-A and inserting in its place the following:

28 '**9-A. Shooting from a motor vehicle or motorboat or**
 30 **possessing a loaded firearm in a motor vehicle.** Except as
 32 provided in subsection 20, paragraph A, a person is guilty of
 34 shooting from a motor vehicle or motorboat or having a loaded
 36 firearm in or on a motor vehicle if that person:

38 A. Shoots while in or on a motor vehicle or motorboat or
 40 while in or on a trailer or other type of vehicle being
 42 hauled by a motor vehicle; or

44 B. While in or on a motor vehicle or in or on a trailer or
 46 other type of vehicle being hauled by a motor vehicle, has
 48 any firearm with a cartridge or shell in the chamber or in
 50 an attached magazine, clip or cylinder or a muzzle-loading
 firearm charged with powder, lead and a primed-ignition
 device or mechanism.'

Further amend the bill by striking out all of section 18.

Further amend the bill by inserting after section 28 the
 following:

'**Sec. 29. 12 MRSA §7553, sub-§1, ¶C,** as amended by PL 1989, c.
 493, §43, is further amended to read:

C. At the so-called ice control dam on the Narraguagus
 River in the Town of Cherryfield, the area within 100 feet
 of the dam shall must closed to fishing at all times; and

R 2 8

COMMITTEE AMENDMENT "A" to S.P. 738, L.D. 2088

2 **Sec. 30. 12 MRSA §7553, sub-§1, ¶D**, as enacted by PL 1989, c.
493, §44, is amended to read:

4 D. At East Outlet Dam in Sapling Township (T1R7) in
6 Somerset County and in Big Squaw Township (T2R6) in
Piscataquis County at the outlet of Moosehead Lake, the
8 fishway and the area within 50 feet of any part of the
fishway shall must be closed to fishing at all times; and

10 **Sec. 31. 12 MRSA §7553, sub-§1, ¶E** is enacted to read:

12 E. There is no fishing in or from the fishway at the
14 Sheepscot Lake Dam in the Town of Palermo in Waldo County.

16 **Sec. 32. 12 MRSA §7558** is enacted to read:

18 **§7558. No special fishing regulations on Big Machias River**

20 Only the general fishing laws set forth in the open water
22 fishing regulations for 1998-1999 and 2000-2001, as adopted by
24 the commissioner pursuant to section 7035, may be enforced on the
Big Machias River in Aroostook County from its confluence with
the South Branch of the Machias River in T10R7 WELS to the
Aroostook River in Ashland. This section is repealed September
1, 2001.'

26 Further amend the bill by inserting after section 30 the
28 following:

30 '**Sec. 31. 12 MRSA §7824, sub-§2-B**, as enacted by PL 1997, c.
32 227, §3, is amended to read:

34 **2-B. Antique snowmobile registration fee.** A resident who
owns a snowmobile that is more than 25 years old and that is
substantially maintained in original or restored condition may
36 register that snowmobile under this subsection as an antique
snowmobile. An antique snowmobile registration authorizes that
38 snowmobile to be operated only for the purpose of traveling to,
returning from and participating in an exhibition, parade or
40 other event of interest to the public or for occasional personal
use. The fee for an antique snowmobile registration is \$30. An
42 antique snowmobile registration is valid until the ownership of
that antique snowmobile is transferred to another person. Upon
44 the transfer of ownership, the new owner may reregister that
snowmobile as an antique snowmobile by paying the \$30 antique
46 snowmobile registration fee. The registration fee for an antique
snowmobile is allocated according to subsection 3, paragraph A.

48 **Sec. 31. 12 MRSA §7825-C**, as reallocated by PL 1999, c. 127,
50 Part A, §31, is reallocated to 12 MRSA §7798-B.'

COMMITTEE AMENDMENT

2 Further amend the bill by striking out all of section 32 and
inserting in its place the following:

4
6 'Sec. 32. **Retroactivity.** That section of this Act that
reallocates the Maine Revised Statutes, Title 12, section 7825-C
applies retroactively to January 1, 1999.'

8
10 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

12
14 Further amend the bill by inserting at the end before the
summary the following:

16
18 **FISCAL NOTE**

20 Changes in certain hunting license fees and the
establishment of certification requirements for snowmobile rental
agents and personal watercraft agents will result in
22 insignificant increases of General Fund revenue collected by the
Department of Inland Fisheries and Wildlife from license and
24 certification fees.

26 The Department of Inland Fisheries and Wildlife will incur
some minor additional costs to issue wildlife rehabilitation
28 permits and to adopt rules pertaining to the permits. These
costs can be absorbed within the department's existing budgeted
30 resources.

32 This bill may both increase and decrease prosecutions for
Class E crimes. If a jail sentence is imposed, the additional
34 costs to the counties are estimated to be \$82.48 per day per
prisoner. These costs are not reimbursed by the State. The net
36 impact on the county jail system is expected to be insignificant.

38 The net effect on the Judicial Department's workload and
administrative costs will be minimal. The net effect on the
40 collection of fines will also be insignificant.'

42
44 **SUMMARY**

46 This amendment creates a wildlife rehabilitation permit,
allows snowmobiles registered as antique snowmobiles to be used
for occasional personal use, prohibits any special fishing
48 regulations on the Big Machias River until September 1, 2001,
prohibits fishing from the fishway of the Sheepscot Lake Dam in
50 Palermo and clarifies that it is not unlawful to have a loaded

COMMITTEE AMENDMENT "A" to S.P. 738, L.D. 2088

2 firearm in a motorboat but that it is unlawful to shoot from a motorboat. The amendment also adds a fiscal note to the bill.