

MAINE STATE LEGISLATURE

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L.D. 1692

DATE: 5-25-61

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 546, L.D. 1692, Bill, "An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws"

Amend the bill by inserting before section 1 the following:

'Sec. 1. 10 MRSA §1250-K is enacted to read:

§1250-K. Unlawful sale of new snowmobile and new all-terrain vehicle

1. Unlawful sale. A person is guilty of an unlawful sale of a new snowmobile or a new all-terrain vehicle if that person sells more than 2 snowmobiles or all-terrain vehicles per year and does not possess a franchise agreement or contract with a snowmobile or all-terrain vehicle manufacturer and does not possess a dealer's license.

For the purposes of this subsection, "new snowmobile" means a snowmobile, as defined in Title 12, section 7821, subsection 5, that has not been registered in this State or any other state or for which sales tax has not been paid in this State or any other state; and "new all-terrain vehicle" means an all-terrain vehicle, as defined in Title 12, section 7851, subsection 2, that has not been registered in this State or any other state or for which sales tax has not been paid in this State or any other state.

2. Penalty. A violation of this section is a civil violation for which a forfeiture of not less than \$500 and a penalty of not more than \$5,000 may be adjudged.'

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

'Sec. 19. 12 MRSA §7366-A, sub-§1, ¶C, as enacted by PL 1995, c. 667, Pt. B, §4, is amended to read:

C. Eight persons representing the public who are licensed whitewater guides, appointed by the Governor for staggered terms of 3 years. In making appointments under this paragraph, the Governor shall ensure that those appointments establish and maintain a wide diversity of whitewater guide experience on the State's rapidly flowing rivers. The Governor may not appoint a person who holds a whitewater outfitter license. At least 5 persons appointed under this paragraph must have expertise in whitewater rafting on both the Kennebec River and the West Branch of the Penobscot River, including the cribworks.'

Further amend the bill by inserting after section 31 the following:

'Sec. 32. 12 MRSA §7701-C, as amended by PL 2001, c. 146, §3, is further amended to read:

§7701-C. Violations; fines

It is considered a violation of this subchapter if a fish kill results from the improper operation of a fishway required pursuant to this subchapter. The department may assess a fine equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation. ~~The department shall adopt rules to establish a schedule of fines for each violation involving the improper operation of a fishway. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.~~

Further amend the bill by inserting after section 46 the following:

'Sec. 47. 12 MRSA §7901, sub-§20, ¶C-1 is enacted to read:

C-1. Operating a motorboat without identification number or validation stickers as described in section 7801, subsection 2;

Sec. 48. 12 MRSA §7901, sub-§20, ¶¶E-1 and E-2 are enacted to read:

E-1. Operating a motorboat carrying passengers for hire without an operator's license as described in section 7801, subsection 7;

E-2. Operating a motorboat in a bathing area as described in section 7801, subsection 12;

Sec. 49. 12 MRSA §7901, sub-§20, ¶¶F-1 and F-2 are enacted to read:

F-1. Operating a personal watercraft while underage as described in section 7801, subsection 13-A;

F-2. Operating a watercraft to molest wild animals or wild birds as described in section 7801, subsection 14;

Sec. 50. 12 MRSA §7901, sub-§20, ¶¶P and Q, as enacted by PL 1999, c. 771, Pt. A, §2 and affected by Pt. D, §§1 and 2, are amended to read:

P. Failure to comply with additional safety requirements while operating a personal watercraft as described in section 7801, subsection 30; and

Q. Unlawfully permitting operation of a watercraft as described in section 7801, subsection 31;

Sec. 51. 12 MRSA §7901, sub-§20, ¶¶R to U are enacted to read:

R. Operating an airmobile or a motorboat that exceeds noise limits as described in section 7801, subsection 33;

S. Tampering with a motorboat muffler system as described in section 7801, subsection 34;

T. Illegally operating a personal watercraft in a prohibited area as described in section 7801, subsection 35; and

U. Operating a rented or leased personal watercraft without an identification decal as described in section 7801, subsection 36.

Sec. 52. 12 MRSA §7901, sub-§22, ¶¶L and M, as enacted by PL 1999, c. 771, Pt. A, §2 and affected by Pt. D, §§1 and 2, are amended to read:

L. Unlawfully operating an ATV on railroad tracks as described in section 7857, subsection 18; and

2 M. Operating an ATV in a prohibited area as described in
3 section 7857, subsection 22-A*r*;

4 **Sec. 53. 12 MRSA §7901, sub-§22, ¶¶N and O** are enacted to read:

6 N. Operating an ATV on crop land or pastureland as
8 described in section 7857, subsection 23; and

10 O. Prohibition on sales without lights as described in
12 section 7857, subsection 25.

14 **Sec. 54. PL 2001, c. 193** is repealed.

16 **Sec. 55. Effective date.** That section of this Act that amends
18 the Maine Revised Statutes, Title 12, section 7701-C takes effect
90 days after adjournment of the First Regular Session of the
120th Legislature.'

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

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

26
28 **FISCAL NOTE**

30 This bill may reduce prosecutions for Class E crimes. If
32 the number of jail sentences is reduced, the savings to the
counties are estimated to be \$83.36 per day per prisoner. The
34 amount of any reduction of jail time and the resulting savings to
the county jail system are expected to be insignificant.

36 This bill may increase the number of civil violations filed
38 in the court system. The additional workload and administrative
costs associated with the minimal number of new cases filed can
40 be absorbed within the budgeted resources of the Judicial
Department. The collection of additional filing fees and fines
42 may also increase General Fund revenue by minor amounts.'

44 **SUMMARY**

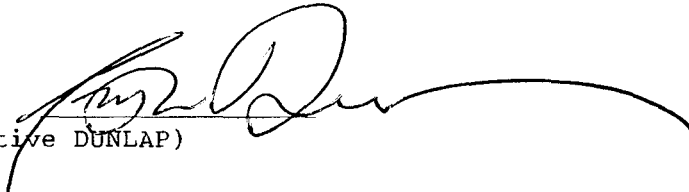
46 This amendment provides for staggered terms for members of
48 the whitewater guides advisory board so that not all terms expire
at the same time. The amendment also corrects several provisions
of law that were omitted from the legislation enacted in the last
50 session of the Legislature to decriminalize certain fish and

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2 wildlife violations. Without this amendment, these
inconsistencies would remain in law during the summer's boating
4 and all-terrain vehicle season. The amendment also repeals the
requirement that the Department of Inland Fisheries and Wildlife
6 adopt by rule a schedule of fines for the improper operation of a
fishway.

8 This amendment also removes the enforcement of the laws
concerning sales of snowmobiles and all-terrain vehicles from the
10 jurisdiction of the game wardens and places the provisions with
the franchise laws.

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

14
16 SPONSORED BY: 
18 (Representative DUNLAP)

20 TOWN: Old Town
22