

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 128

S.P. 51

In Senate, January 21, 2003

**An Act to Provide Funding for a Full-time Warden to Monitor
Brandy Pond in the Town of Naples and to Allow the Town to Enact
a Noise Level Ordinance**

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BENNETT of Oxford.
Cosponsored by Representative CRESSEY of Baldwin.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 12 MRSA §7035, sub-§1, ¶B,** as amended by PL 1993, c.
265, §1, is further amended to read:

6 B. A municipality or political subdivision of the State may
8 not enact any ordinance, law or rule regulating the hunting,
10 trapping or fishing for any species of fish or wildlife; the
12 operation, registration or numbering of watercraft or
14 snowmobiles; or any other subject matter of chapter 715,
subchapters I 1 and II 2. For purposes of this paragraph,
except as provided in subparagraphs (3) and (4), the
regulation of fishing includes the regulation of ice fishing
shacks. Nothing in this paragraph may be construed to
prohibit the following:

16 (1) The enactment of any ordinance generally
18 regulating the discharge of firearms in a municipality
or any part of a municipality;

20 (2) The adoption of rules as authorized in section
22 7792;

24 (3) The enactment of any ordinance regulating ice
26 fishing shacks on sources of public water supply as
provided under Title 22, section 2642; ~~or~~

28 (4) The enactment of any ordinance regulating ice
30 fishing shacks on coastal waters as defined in section
6001, subsection 6.; or

32 (5) The enactment of a noise level ordinance in
34 accordance with section 7807.

36 **Sec. 2. 12 MRSA §7807** is enacted to read:

38 **§7807. Noise level ordinance**

40 Notwithstanding any other provision of this Part, the Town
42 of Naples may adopt and enforce ordinances regulating the noise
level of watercraft on Brandy Pond, also known as the Bay of
Naples.

44 **Sec. 3. Appropriations and allocations.** The following
46 appropriations and allocations are made.

48 **INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

50 **Warden Service**

2 Initiative: Provides funds for one Game Warden position to
monitor Brandy Pond in the Town of Naples.

	2003-04	2004-05
4 General Fund		
6 Personal Services	\$63,073	\$66,154
All Other	10,000	10,000
8 Capital Expenditures	15,000	
10 Total	<u>\$88,073</u>	<u>\$76,154</u>

12 **INLAND FISHERIES AND WILDLIFE,**
13 **DEPARTMENT OF**
14 **DEPARTMENT TOTALS**

	2003-04	2004-05
16 GENERAL FUND	\$88,073	\$76,154
18 DEPARTMENT TOTAL - ALL FUNDS	<u>\$88,073</u>	<u>\$76,154</u>

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SUMMARY

This bill does the following:

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1. Provides funding for one Game Warden position to monitor Brandy Pond in the Town of Naples; and
2. Authorizes the Town of Naples to adopt a watercraft noise level ordinance for Brandy Pond.