

MAINE STATE LEGISLATURE

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M
R.S.

L.D. 1004

DATE: 6-2-05

(Filing No. S-3/7

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 344, L.D. 1004, Bill, "An Act To Amend Certain Fish and Wildlife Laws"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 3 MRSA §959, sub-§1, ¶G, as amended by PL 2003, c. 600, §1, is further amended to read:

G. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall use the following list as a guideline for scheduling reviews:

- (1) Department of Inland Fisheries and Wildlife in 2005 ~~2007~~;
- (2) Advisory Board for the Licensing of Taxidermists in 2007; and
- (3) Atlantic Salmon Commission in 2011.

Sec. 2. 12 MRSA §10206, sub-§1, ¶B, as affected by PL 2003, c. 614, §9; amended by c. 655, Pt. B, §47 and affected by §422; and repealed by c. 695, Pt. B, §3 and affected by Pt. C, §1, is repealed.'

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 344, L.D. 1004

2 Further amend the bill in section 3 in subsection 4 in the
first paragraph in the 8th and 9th lines (page 1, lines 38 and 39
4 in L.D.) by striking out the following: "and a bear hunting
permit under section 11151" and inserting in its place the
6 following: ', a bear hunting permit under section 11151 and, upon
meeting the qualifications as established in section 12853,
subsection 4, a guide license'

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10 Further amend the bill by striking out all of section 4 and
inserting in its place the following:

12 'Sec. 4. 12 MRSA §10902, sub-§9, ¶¶A, B, D, E and F, as enacted
by PL 2003, c. 695, Pt. B, §8 and affected by Pt. C, §1, are
14 amended to read:

16 A. Operating an ATV on a temporarily closed trail as
prohibited under section ~~13157~~ 13157-A, subsection 5-A 24;

18 B. Abuse of another person's property as prohibited under
20 section ~~13157~~ 13157-A, subsection 22;

22 D. Operating an ATV to endanger, as prohibited under section
~~13157~~ 13157-A, subsection 11;

24 E. Reckless operation of an ATV, as prohibited under section
26 ~~13157~~ 13157-A, subsection 10;

28 F. Operating an ATV on the land of another without
30 permission, as prohibited under section ~~13157~~ 13157-A,
subsection ~~1-A- 1~~ 1; or'

32 Further amend the bill in section 7 by striking out all of
the first 2 lines (page 3, lines 1 and 2 in L.D.) and inserting
34 in their place the following:

36 'Sec. 7. 12 MRSA §11109, sub-§§1 and 4, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by c. 614, §9, are amended to
38 read:'

40 Further amend the bill in section 7 by striking out all of
subsection 5.

42 Further amend the bill by inserting after section 7 the
44 following:

46 'Sec. 8. 12 MRSA §11109, sub-§5, as amended by PL 2005, c. 12,
Pt. III, §5, is amended to read:

48 5. **Muzzle-loading permits and fees.** Muzzle-loading hunting
50 ~~licenses~~ permits and fees are as follows:

- 2 A. A resident muzzle-loading hunting license permit is \$13;
- 4 B. A nonresident muzzle-loading hunting license permit is \$62; and
- 6 C. An alien muzzle-loading hunting license permit is \$72.

8 **Sec. 9. 12 MRSA §11152, sub-§1**, as affected by PL 2003, c. 619, §9 and amended by PL 2003, c. 655, Pt. B, §119 and affected by §422, is further amended to read:

12 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person may not hunt antlerless deer as authorized in this section unless that person has a valid permit issued under this section.

18 ~~Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.~~

22 A. Except as provided in paragraph B, each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

26 B. A violation of this subsection in Washington County is a Class D crime for which a fine of \$1,000 must be imposed and the court shall impose a sentencing alternative involving a term of imprisonment of at least 3 days, none of which may be suspended.

32 Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.'

36 Further amend the bill by inserting after section 8 the following:

38 **'Sec. 9. 12 MRSA §12457, sub-§1, ¶A**, as affected by PL 2003, c. 619, §9 and amended by PL 2003, c. 655, Pt. B, §245 and affected by §422, is further amended to read:

42 A. The area within 150 feet of any operational fishway, except:

- 46 (1) At the following places, the fishway and the area within 75 feet of any part of the fishway are closed to
- 48 fishing at all times:

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

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

(2) At the following places, the area within the fishway and within 75 feet of the mouth of the fishway is closed to fishing at all times:

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

~~(b) Spednic Lake Dam in Vanceboro;~~

(2-A) At the following places, the area within 75 feet of the mouth of the fishway is closed to fishing at all times:

(a) Spednic Lake Dam in Vanceboro;

(3) At the so-called ice control dam on the Narraguagus River in the Town of Cherryfield, the area within 100 feet of the dam must be closed to fishing at all times;

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

(5) There is no fishing in or from the fishway at the Sheepscot Lake Dam in the Town of Palermo in Waldo County;

Sec. 10. 12 MRSA §12506, sub-§5, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 655, Pt. B, §253 and affected by §422, is repealed and the following enacted in its place:

5. Exception to permit requirement. Notwithstanding subsection 1:

A. A person may fish for alewives by use of a dip net or single hook and line for consumption by that person or members of that person's family, provided that the person takes or possesses no more than one bushel in any day and provided also that the alewives are not taken from any

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2 waters in which a municipality or other person has been
granted exclusive rights under section 6131;

4 C. A person may fish for or possess alewives from inland
waters if that person has been granted fishing rights under
6 section 6131; and

8 D. A person may take suckers for use as bait for fishing in
inland waters as provided in section 12551-A without a
10 permit under subsection 2.'

12 Further amend the bill in section 9 in subsection 1 in the
2nd line (page 3, line 48 in L.D.) by striking out the following:
14 "~~to a line~~" and inserting in its place the following: 'to a line
or hook'

16 Further amend the bill by inserting after section 14 the
18 following:

20 '**Sec. 15. 12 MRSA §12808, sub-§1-A, ¶C**, as enacted by PL 2003,
c. 655, Pt. B, §312 and affected by §422, is amended to read:

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24 C. Possess, process, sell, offer for sale, deliver, carry,
transport or ship, by any means whatsoever, any endangered
26 or threatened species or any part of an endangered or
threatened species. A person who violates this paragraph
commits a Class D crime; or'

28 Further amend the bill by inserting after section 16 the
30 following:

32 '**Sec. 17. 12 MRSA §13058, sub-§2**, as affected by PL 2003, c.
614, §9; amended by c. 627, §1; and repealed and replaced by c.
34 655, Pt. B, §363 and affected by §422, is repealed and the
following enacted in its place:

36 2. Violation. A person who violates subsection 1 is
38 subject to the provisions of this subsection.

40 A. A person who violates subsection 1 commits a civil
violation for which a fine of not less than \$100 and not
42 more than \$250 per violation may be adjudged. A fine
imposed under this subsection may not be suspended by the
44 court.

46 B. A person who violates subsection 1 after having been
adjudicated as having committed 3 or more civil violations
48 under this Part within the previous 5-year period commits a
Class E crime.

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Sec. 18. 12 MRSA §13068, sub-§15, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 627, §3 and repealed by c. 655, Pt. B, §379 and affected by Pt. B, §422, is repealed.

Sec. 19. 12 MRSA §13068-A, sub-§15, as enacted by PL 2003, c. 655, Pt. B, §380 and affected by §422, is amended to read:

15. Violation of surface use restriction order. A person may not operate, launch or remove a watercraft at a restricted-access site or refuse inspection of a watercraft in violation of an order issued under Title 38, section 1864.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$5,000 per violation may be adjudged. A fine imposed under this subsection may not be suspended by the court.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 20. 12 MRSA §13152, sub-§2, as affected by PL 2003, c. 614, §9; repealed and replaced by PL 2003, c. 655, Pt. B, §401 and affected by §422; and repealed and replaced by PL 2003, c. 695, Pt. B, §10 and affected by Pt. C, §1, is repealed and the following enacted in its place:

2. Training. A person over 9 years of age and under 16 years of age must successfully complete a training program approved by the department prior to operating an ATV except on:

- A. Land on which that person is domiciled;
- B. Land owned or leased by that person's parent or guardian; or
- C. A safety training site approved by the department.

A person under 16 years of age must attend the training program with that person's parent or guardian. The training program must include instruction on the safe operation of ATVs, the laws pertaining to ATVs, the effect of ATVs on the environment and ways to minimize that effect, courtesy to landowners and other recreationists and landowners and other materials as determined by the department.

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2 **Sec. 21. 12 MRSA §13154-A, sub-§6, ¶C**, as enacted by PL 2003,
c. 655, Pt. B, §404 and affected by §422 and enacted by PL 2003,
4 c. 695, Pt. B, §12 and affected by Pt. C, §1, is repealed and the
following enacted in its place:

6 C. A safety training site approved by the department.'

8 Further amend the bill by inserting after section 19 the
following:

10 '**Sec. 20. 12 MRSA §13157-A, sub-§21**, as enacted by PL 2003, c.
12 655, Pt. B, §414 and affected by §422, is repealed.'

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

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SUMMARY

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This amendment does the following:

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1. It changes the State Government Evaluation Act review for
24 the Department of Inland Fisheries and Wildlife from 2005 to 2007;

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2. It increases the penalty for taking an antlerless deer in
Washington County without a permit from a Class E crime to a
28 Class D crime with a mandatory minimum fine of \$1,000 and at
least 3 days in jail;

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3. It clarifies where a person can fish around fishways on
32 East Grand Lake Dam and Spednic Lake Dam;

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4. It clarifies that the prohibition on possessing, selling
or transporting an endangered or threatened species also applies
36 to the parts of those species;

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5. It provides a resident disabled veteran a complimentary
guide license if that veteran meets the qualifications for a
40 guide license under the Maine Revised Statutes, Title 12;

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6. It clarifies that a person may not fish with more than 3
unbaited artificial flies individually attached to a line or
44 hook; and

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7. It corrects technical conflicts and cross-reference errors created during the recodification and revision of the Maine Revised Statutes, Title 12. All corrections are technical and do not make substantive changes to the law.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1004

LR 0543(02)

An Act To Amend Certain Fish and Wildlife Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Correctional and Judicial Impact Statements:

Establishes a new Class D crime.

The collection of additional fines may also increase General Fund revenue by minor amounts.