

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 274, L.D. 353, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011"

Amend the amendment by striking out all of Part OO and inserting the following:

'PART OO

Sec. OO-1. 12 MRSA §10263 is enacted to read:

§10263. Energy Fund

1. Fund established. The Energy Fund, referred to in this section as "the fund," is established in the Bureau of Administrative Services within the department. All funds appropriated to the department for energy-related costs must be deposited in the fund. The commissioner may accept funds from any source that must be used for the purposes of the fund. The fund may be used only for energy-related expenses and maintenance of department-owned or the department-leased facilities. Money in the fund at the end of a fiscal year does not lapse and must be carried forward to the next fiscal year.

Sec. OO-2. 12 MRSA §11109, sub-§3, as amended by PL 2007, c. 168, §§2 and 3 and affected by §8 and amended by c. 203, §§7 to 9, is further amended to read:

3. Hunting licenses; combination licenses; fees. Hunting licenses, combination licenses and fees are as follows.

A. A resident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$7. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost.

B. A resident hunting license, for a person 16 years of age or older, is ~~\$21~~ \$23.

C. A resident small game hunting license, for a person 16 years of age or older, which permits hunting for all legal species except deer, bear, turkey, moose, raccoon and bobcat, is \$14.

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- 1 D. A resident combination hunting and fishing license is ~~\$38~~ \$40.
- 2 E. A resident combination archery hunting and fishing license is ~~\$38~~ \$40.
- 3 E-1. A resident apprenticeship hunter license, which includes a bear hunting permit
4 and a wild turkey hunting permit under sections 11151 and 11155 respectively, is
5 \$21.
- 6 F. A nonresident junior hunting license, for a person 10 years of age or older and
7 under 16 years of age, is ~~\$27~~ \$29.
- 8 G. A nonresident small game hunting license, which permits hunting of all legal
9 species except deer, bear, turkey, moose, raccoon and bobcat, is ~~\$67~~ \$69.
- 10 H. A nonresident 3-day small game hunting license, valid for 3 consecutive hunting
11 days, which permits hunting of all legal species except deer, bear, turkey, moose,
12 raccoon and bobcat for the 72-hour period specified on the license, is ~~\$42~~ \$44.
- 13 I. A nonresident big game hunting license, which permits hunting of all legal species
14 subject to the permit requirements in chapter 915, subchapter 3, is ~~\$102~~ \$108.
- 15 J. A nonresident combination hunting and fishing license is ~~\$137~~ \$143.
- 16 K. An alien small game hunting license, which permits hunting of all species except
17 deer, bear, turkey, moose, raccoon and bobcat, is ~~\$72~~ \$74.
- 18 L. An alien big game hunting license, which permits hunting of all legal species
19 subject to the permit requirements in chapter 915, subchapter 3, is ~~\$127~~ \$133.
- 20 M. An alien combination hunting and fishing license is ~~\$178~~ \$184.
- 21 N. A license to use leashed dogs to track wounded animals, which permits a person
22 to use one or more leashed dogs to track a lawfully wounded deer, moose or bear, is
23 \$27.
- 24 O. A nonresident small game apprenticeship hunter license, which permits the
25 hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat, is
26 ~~\$67~~ \$69.
- 27 P. A nonresident big game apprenticeship hunter license, which permits the hunting
28 of all legal species and includes a bear hunting permit and a wild turkey hunting
29 permit under sections 11151 and 11155 respectively, is ~~\$102~~ \$104.

30 **Sec. OO-3. 12 MRSA §11109, sub-§5**, as amended by PL 2005, c. 397, Pt. E,
31 §7, is further amended to read:

32 **5. Muzzle-loading permits and fees.** Muzzle-loading hunting permits and fees are
33 as follows:

- 34 A. A resident muzzle-loading hunting permit is \$13;
- 35 B. A nonresident muzzle-loading hunting permit is ~~\$62~~ \$64; and
- 36 C. An alien muzzle-loading hunting permit is ~~\$72~~ \$74.

37 **Sec. OO-4. 12 MRSA §11109, sub-§7**, as amended by PL 2005, c. 12, Pt. III,
38 §5, is further amended to read:

HOUSE AMENDMENT

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7. Archery hunting licenses; combination licenses; fees. Archery hunting licenses, combination licenses and fees are as follows:

- A. A resident archery license is ~~\$21~~ \$23;
- B. A resident combination archery hunting and fishing license is ~~\$38~~ \$40;
- C. A nonresident archery license is ~~\$62~~ \$68; and
- D. An alien archery license is ~~\$72~~ \$78.

Sec. OO-5. 12 MRSA §11109, sub-§9, as enacted by PL 2005, c. 419, §5 and affected by §12, is amended to read:

9. Crossbow licenses and fees. Crossbow hunting licenses and fees are as follows:

- A. A resident crossbow hunting license is \$25;
- B. A nonresident crossbow hunting license is ~~\$48~~ \$50; and
- C. An alien crossbow hunting license is ~~\$72~~ \$74.

Sec. OO-6. 12 MRSA §11151, sub-§3, as amended by PL 2005, c. 12, Pt. III, §7, is further amended to read:

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit to an eligible person. The annual fee for each permit issued is \$27 for residents and ~~\$67~~ \$69 for nonresidents.

Sec. OO-7. 12 MRSA §11154, sub-§3, as amended by PL 2005, c. 12, Pt. III, §9, is further amended to read:

3. Moose hunting permit fee. The fee for a moose hunting permit is \$52 for a resident and ~~\$477~~ \$479 for a nonresident or alien.

Sec. OO-8. 12 MRSA §11155, sub-§1-B, as enacted by PL 2005, c. 12, Pt. III, §11, is amended to read:

1-B. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a wild turkey hunting permit to an eligible person. The ~~annual~~ fee for a wild turkey hunting permit is \$20 for residents and ~~\$47~~ \$49 for nonresidents and aliens. The fee for a spring hunt wild turkey permit that allows the taking of 2 male wild turkeys is \$40 for residents and \$98 for nonresidents.

Sec. OO-9. 12 MRSA §11701, first ¶, as amended by PL 2003, c. 552, §9 and affected by §15; c. 614, §9; and c. 655, Pt. C, §§2 and 6, is further amended to read:

The Except as provided in this section, the commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, except that during a spring wild turkey hunt the bag limit is 2 male wild turkeys, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource.

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Sec. OO-10. 12 MRSA §12201, sub-§6, ¶C, as amended by PL 2005, c. 12, Pt. III, §23, is further amended to read:

C. A nonresident trapping license is ~~\$310~~ \$312.

Sec. OO-11. 12 MRSA §12301-A, sub-§3, ¶C, as enacted by PL 2003, c. 655, Pt. B, §226 and affected by §422, is amended to read:

C. Collect \$5 and retain \$1 for each seal from the person registering a bear, deer, moose or wild turkey. The remaining \$4 must be returned to the department by the agent pursuant to section 10801, subsection 3.

Sec. OO-12. 12 MRSA §12501, sub-§6, as amended by PL 2005, c. 12, Pt. III, §24, is further amended to read:

6. Schedule of fees. The fees for fishing licenses are as follows.

A. A resident fishing license is ~~\$24~~ \$23.

B. A resident combination hunting and fishing license is ~~\$38~~ \$40.

C. A resident combination archery hunting and fishing license is ~~\$38~~ \$40.

D. A nonresident junior fishing license, for persons 12 years of age or older and under 16 years of age, is ~~\$9~~ \$11.

E. A 3-day fishing license ~~for a resident or nonresident~~, valid for the 72-hour period specified on the license, is \$23 for a resident and \$25 for a nonresident.

F. A nonresident 7-day fishing license, valid for 7 days from date indicated on license, is ~~\$36~~ \$38.

G. A nonresident 15-day fishing license, valid for 15 days from date indicated on license, is ~~\$40~~ \$42.

H. A nonresident season fishing license for persons 16 years of age or older is ~~\$52~~ \$58.

I. An alien season fishing license for persons 16 years of age or older is ~~\$72~~ \$78.

J. A one-day fishing license ~~for a resident or nonresident~~, valid for the 24-hour period indicated on license, for a resident is \$11 and for a nonresident is \$13.

Sec. OO-13. 12 MRSA §12912, sub-§1, ¶A, as enacted by PL 2003, c. 655, Pt. B, §336 and affected by §422, is amended to read:

A. Each outfitter shall:

(1) Pay a user fee of ~~\$4~~ \$2 per passenger, excluding guides, carried by the outfitter on any whitewater trip; and

(2) Pay this fee by the 30th day of the month following the month in which the passengers were carried.

Sec. OO-14. 12 MRSA §13056, sub-§1-A, ¶B, as enacted by PL 2003, c. 655, Pt. B, §361 and affected by §422, is amended to read:

B. The following penalties apply to violations of this subsection.

1 (1) A person who violates this subsection commits a civil violation for which a
2 fine of not less than ~~\$100~~ \$200 nor more than \$500 may be adjudged.

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

6 **Sec. OO-15. 12 MRSA §13058, sub-§1**, as amended by PL 2007, c. 44, §4, is
7 repealed and the following enacted in its place:

8 **1. Prohibition.** A person exempt from the certificate of number requirement
9 pursuant to section 13056, subsection 2, paragraph B may not place or operate a
10 motorboat, personal watercraft or seaplane on the inland waters of the State unless a valid
11 lake and river protection sticker issued annually under subsection 3 is permanently
12 affixed to:

13 A. Each side of the bow of a motorboat or personal watercraft above the water line
14 and approximately 3 inches behind the validation sticker required under section
15 13056; and

16 B. Each outside edge of a seaplane's pontoons so that the entire sticker is visible
17 above the water line when the seaplane is resting on the water.

18 This sticker is nontransferable.

19 **Sec. OO-16. 12 MRSA §13104, sub-§1, ¶F**, as enacted by PL 2003, c. 655, Pt.
20 B, §386 and affected by §422, is amended to read:

21 F. The following penalties apply to violations of this subsection.

22 (1) A person who violates this subsection commits a civil violation for which a
23 fine of not less than ~~\$100~~ \$200 nor more than \$500 may be adjudged.

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

27 **Sec. OO-17. 12 MRSA §13104, sub-§3**, as enacted by PL 2003, c. 414, Pt. A,
28 §2 and affected by c. 614, §9, is amended to read:

29 **3. Form of registration.** The snowmobile registration must be in such form as the
30 commissioner may determine except that the commissioner shall develop a single form of
31 registration that can be used for either the 3-day or seasonal nonresident registrations.

32 **Sec. OO-18. 12 MRSA §13104, sub-§4, ¶B**, as amended by PL 2007, c. 556,
33 §3, is further amended to read:

34 B. For nonresidents:

35 (1) Forty-three dollars for a 3-consecutive-day registration. A person may
36 purchase more than one 3-day registration in any season; and

37 ~~(2) Fifty-eight dollars for a 10-consecutive-day registration. A person may~~
38 ~~purchase more than one 10-day registration in any season; and~~

(3) Eighty-eight dollars for a seasonal registration.

The registration for a snowmobile owned by a nonresident must specify the dates for which the registration is valid.

Sec. OO-19. 12 MRSA §13155, sub-§1-A, ¶B, as enacted by PL 2003, c. 655, Pt. B, §406 and affected by §422, is amended to read:

B. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 ~~\$200~~ nor more than \$500 may be adjudged.

(2) 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.'

Amend the amendment by inserting after Part ZZZZ the following:

'PART AAAAA

Sec. AAAAA-1. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Public Information and Education, Division of 0729

Initiative: Eliminates a full-time limited-period Public Relations Specialist position and related All Other.

20	GENERAL FUND	2009-10	2010-11
21	Personal Services	(\$66,135)	(\$70,073)
22	All Other	(\$6,500)	(\$6,500)
23			
24	GENERAL FUND TOTAL	(\$72,635)	(\$76,573)

PART BBBBB

Sec. BBBBB-1. Calculation and transfer; Department of Inland Fisheries and Wildlife attrition savings. Notwithstanding Part AA, the attrition factor for the Department of Inland Fisheries and Wildlife may not exceed 1.6% for the fiscal year ending June 30, 2010. This portion of attrition factor must be calculated and transferred to the General Fund. The State Budget Officer shall calculate and transfer an additional 3.4% attrition factor, which must stay within the General Fund account in the Department of Inland Fisheries and Wildlife.

Sec. BBBBB-2. Calculation and transfer; Department of Inland Fisheries and Wildlife attrition savings. Notwithstanding Part AA, the attrition factor for the Department of Inland Fisheries and Wildlife is 5% for the fiscal year ending June 30,

1 2011. The State Budget Officer shall calculate and transfer the 5% attrition factor, which
2 must stay within the General Fund account in the Department of Inland Fisheries and
3 Wildlife.'

4 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
5 or section number to read consecutively.

6 **SUMMARY**

7 This amendment strikes and replaces Part OO. It:

8 1. Establishes the Energy Fund within the Department of Inland Fisheries and
9 Wildlife;

10 2. Increases certain nonresident and alien hunting license fees by \$6 and all other
11 nonresident and alien license and permit fees by \$2;

12 3. Increases the resident hunting license, combination hunting and fishing license,
13 combination archery and fishing license, archery license and fishing license fees by \$2;

14 4. Provides that a junior hunting license includes all permits, stamps and other
15 permissions needed to hunt at no additional cost;

16 5. Creates a spring turkey hunt permit to allow the holder to take 2 male wild turkeys
17 during the spring hunt;

18 6. Increases the fee for deer, bear, moose and wild turkey registration tags from \$1 to
19 \$5;

20 7. Increases the user fee for whitewater rafting from \$1 to \$2;

21 8. Requires seaplanes that are operated on inland waters to have a lake and river
22 protection sticker;

23 9. Increases the minimum penalty for operating an unregistered recreational vehicle
24 from \$100 to \$200; and

25 10. Eliminates the nonresident 10-day snowmobile registration and directs the
26 Commissioner of Inland Fisheries and Wildlife to develop a single form of registration
27 that can be used for either a 3-day or a seasonal nonresident snowmobile registration.

28 This amendment provides that the attrition factor for the Department of Inland
29 Fisheries and Wildlife may not exceed 1.6% for the fiscal year ending June 30, 2010 and
30 that this portion of the attrition factor must be transferred to the General Fund.
31 Additionally, a 3.4% attrition factor must be calculated and will stay within the General
32 Fund account in the Department of Inland Fisheries and Wildlife for the same fiscal year.
33 It also provides that the attrition factor for the Department of Inland Fisheries and
34 Wildlife will be 5% for the fiscal year ending June 30, 2011 and that amount must stay

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 274, L.D. 353

1 within the General Fund account in the Department of Inland Fisheries and Wildlife.

2 This amendment also deappropriates funds associated with the elimination of a
3 position.

4 SPONSORED BY: Robert Clark

5 (Representative CLARK)

6 TOWN: Millinocket

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 353

LR 825(11)

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011

Fiscal Note for House Amendment "C" to Committee Amendment "A"

Sponsor: Rep. Clark of Millinocket

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	\$667,640	\$893,777	\$891,619	\$889,405
Appropriations/Allocations				
General Fund	(\$72,635)	(\$76,573)	(\$78,731)	(\$80,945)
Revenue				
General Fund	(\$740,275)	(\$970,350)	(\$970,350)	(\$970,350)
Fund Detail by Section				
Appropriations/Allocations				
General Fund				
PART AAAAA, Section 1	(\$72,635)	(\$76,573)	(\$78,731)	(\$80,945)
Revenue				
General Fund				
PART OO	(\$740,275)	(\$970,350)	(\$970,350)	(\$970,350)

Fiscal Detail and Notes

This amendment results in net reductions to General Fund revenues of \$667,640 in fiscal year 2009-10 and \$893,777 in fiscal year 2010-11. Based on budgeted available resources, a balanced budget is maintained through the 2010-2011 Biennium.