

MAINE STATE LEGISLATURE

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INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 319, L.D. 811, Bill, "An Act To Amend Certain Provisions of Fish and Wildlife Laws"

Amend the bill by inserting after section 5 the following:

'Sec. 6. 12 MRSA §10105, sub-§1-A, as enacted by PL 2007, c. 73, §1, is amended to read:

1-A. Authorize taking and destruction of fish. Notwithstanding sections 12454, 12456 and 12457 and chapter 923, subchapters 4 and 5, whenever an illegal introduction of invasive fish species occurs and the commissioner determines it necessary for resource protection and management, the commissioner may authorize licensed anglers to assist the commissioner in the taking and destruction or sale of that invasive fish species.

Sec. 7. 12 MRSA §10201, sub-§5, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. The design of the permit and any art created in conjunction with it may be selected through an art contest. The commissioner may award a cash prize for the winning entry selected in a contest.

Amend the bill by striking out all of section 9 and inserting the following:

'Sec. 9. 12 MRSA §10906, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §105 and affected by §422, is further amended to read:

§10906. Violation of suspended or revoked license, permit or registration

While a person's license or permit or recreational vehicle registration is under suspension or revocation under this Part, that person may not engage in the particular activity permitted by the license or permit or recreational vehicle registration that has been suspended or revoked.

A person who violates this section commits a Class D crime.

1 **Sec. 10. 12 MRSA §10907**, as affected by PL 2003, c. 614, §9 and amended by c.
2 655, Pt. B, §106 and affected by §422, is further amended to read:

3 **§10907. Obtaining suspended or revoked license, permit or registration**

4 A person may not obtain or attempt to obtain any license ~~or~~, permit or recreational
5 vehicle registration that has been suspended or revoked by the commissioner under this
6 Part.

7 A person who violates this section commits a Class D crime.'

8 Amend the bill in section 10 in subsection 3 in the next to the last line (page 4, line
9 12 in L.D.) by striking out the following: "use" and inserting the following: 'then
10 purchase'

11 Amend the bill in section 11 in subsection 1 in paragraph A in the 3rd line (page 4,
12 line 19 in L.D.) by striking out the following: "or to hunt a wild animal or wild bird"

13 Amend the bill in section 11 in subsection 1 in the last blocked paragraph in the 2nd
14 line (page 4, line 29 in L.D.) by striking out the following: "may be occupied by people
15 or" and inserting the following: 'is designed to be occupied by people or domesticated'

16 Amend the bill by striking out all of section 12 and inserting the following:

17 '**Sec. 12. 12 MRSA §12255, sub-§3**, as affected by PL 2003, c. 614, §9 and
18 amended by c. 655, Pt. B, §217 and affected by §422, is further amended to read:

19 **3. Carrying a firearm while trapping.** Notwithstanding section 11205, subsection
20 1, paragraph A and section 11206-A, subsection 1, paragraph A, a person who holds a
21 valid trapping license may carry a firearm at any time during the open trapping season for
22 the sole purpose of dispatching trapped animals unless that person is prohibited from
23 possessing a firearm under Title 15, section 393, subsection 1 and has not obtained a
24 valid permit in accordance with Title 15, section 393, subsection 2.

25 **Sec. 13. 12 MRSA §12551-A, sub-§7, ¶A**, as amended by PL 2005, c. 237, §3,
26 is further amended to read:

27 A. The holder of a smelt wholesale dealer's license may:

28 (1) Take live smelts for resale from inland waters or private ponds. The taking
29 of live smelts from inland waters must be in accordance with general rules
30 adopted by the commissioner in regard to the taking of smelts. Except as
31 provided in paragraph B, the holder of a smelt wholesaler's license shall comply
32 with the same daily bag limit and the same tackle restrictions that apply to all
33 other anglers and is subject to the same penalties for violations of those limits and
34 restrictions. This subparagraph does not apply to a holder of a fish cultivator
35 license as provided under section 12507;

36 (2) ~~From ice in to ice out, use~~ Use a drop net, a lift net or hook and line to take
37 up to 8 quarts of smelts through man-made openings in the ice while fishing on
38 the ice from specific inland waters designated by the commissioner. A dip net
39 may be used in conjunction with the above methods to assist with the handling
40 and transporting of smelts. A licensee may keep the daily bag limit alive. The

1 daily bag limit established under this subparagraph is for a 24-hour period,
2 beginning at noon on a given day and ending at 11:59 a.m. the following day;

3 (2-A) In waters naturally free of ice, take smelts from noon to 2:00 a.m. by the
4 use of a dip net in the usual and ordinary way. The commissioner may establish
5 the daily bag limit by rule and a licensee may keep the daily bag limit of smelts
6 alive. The daily bag limit established under this subparagraph is for a 24-hour
7 period, beginning at noon on a given day and ending at 11:59 a.m. the following
8 day. The commissioner may shorten the noon to 2:00 a.m. smelt fishing
9 timeframe by rule for enforcement or conservation purposes;

10 (3) Use artificial light for the purpose of luring smelts to a drop net or a lift net;

11 (4) Transport or possess at the holder's business facility more than the daily bag
12 limit of smelts provided that the smelts were taken by the license holder in
13 accordance with this section or acquired from a person licensed under this section
14 to deal in live smelts;

15 (5) Designate others to assist in selling live smelts at the holder's business
16 facility; and

17 (6) Transport or designate others to transport on the license holder's behalf live
18 smelts in accordance with this subsection.'

19 Amend the bill in section 17 in §13106-D in subsection 2 in the 2nd line (page 6, line
20 28 in L.D.) by inserting after the following: "shall" the following: 'if the property owner
21 is notified pursuant to subsection 1.'

22 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
23 section number to read consecutively.

24 SUMMARY

25 This amendment:

26 1. Provides that the Commissioner of Inland Fisheries and Wildlife may allow
27 authorized anglers who assist in the removal of invasive fish species to sell those fish;

28 2. Clarifies that the Commissioner of Inland Fisheries and Wildlife may award a cash
29 prize for the winning entry selected in the migratory waterfowl permit design contest;

30 3. Removes the provisions of the bill regarding the placement of tree stands, blinds
31 or structures on the land or on the ice of inland waters;

32 4. Includes the registration of recreational vehicles in the provisions of law regarding
33 a suspended or revoked license or permit;

34 5. Clarifies that if a person is chosen in the moose hunting lottery, that person may
35 not then purchase an apprentice hunting license to satisfy the licensing requirements to
36 receive the moose permit;

37 6. Removes the proposed prohibition on hunting within 100 yards of a building;

1 7. Amends the definition of "building" for purposes of the prohibition against
2 discharging a firearm or crossbow within 100 yards of a building to clarify that it includes
3 a building that is designed to be occupied by people or domesticated animals;

4 8. Provides that a person may not carry a firearm during the open trapping season for
5 the purpose of dispatching trapped animals if that person is prohibited from possessing a
6 firearm under the Maine Revised Statutes, Title 15, section 393 and has not obtained a
7 valid permit to carry a firearm;

8 9. Clarifies that the holder of a smelt wholesale dealer's license may use a drop net, a
9 lift net or hook and line to take up to 8 quarts of smelts through man-made openings in
10 the ice while fishing on the ice;

11 10. Removes the provision of the bill that increases the whitewater rafting user fee
12 by \$1 per person; and

13 11. Clarifies that the operator of a snowmobile involved in an accident that results in
14 property damage must provide certain information to the property owner if that property
15 owner can be identified.

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 811

LR 327(02)

An Act To Amend Certain Provisions of 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

Correctional and Judicial Impact Statements

Establishes new Class D crimes; increases correctional and judicial costs.

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

Fiscal Detail and Notes

Additional costs to the Department of Inland Fisheries and Wildlife can be absorbed within existing budgeted resources.