

MAINE STATE LEGISLATURE

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SMC
R. 9.8

L.D. 1650

Date: 3-23-10

(Filing No. H-774)

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

HOUSE AMENDMENT "A" to S.P. 615, L.D. 1650, Bill, "An Act To Amend
Certain Provisions of Fish and Wildlife Laws"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend Provisions of Certain Laws Relating to Fish and Wildlife'

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

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation is intended to advance the date upon which the open water fishing season for 2010 begins; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by inserting after section 2 the following:

'Sec. 3. 12 MRSA §11224, sub-§1, as enacted by PL 2007, c. 168, §5, is amended to read:

1. Prohibition. A person may not waste a wild bird or wild animal that has been wounded or killed by that person while hunting. For purposes of this section, "waste" means to intentionally leave a wounded or killed animal in the field or forest without making a reasonable effort to retrieve and render it for consumption or use. This subsection does not apply to coyote.

Amend the bill by inserting after section 3 the following:

'Sec. 4. 38 MRSA §571, as repealed and replaced by PL 1977, c. 696, §344, is repealed and the following enacted in its place:

§571. Corrupting waters forbidden

1. Prohibition. A person may not:

2008

1 A. Intentionally or knowingly poison, defile or in any way corrupt the water of any
2 well, spring, brook, lake, pond, river or reservoir used for domestic drinking
3 purposes;

4 B. Knowingly corrupt the sources of any public water supply, or the tributaries of
5 those sources of supply, in a manner that affects the purity of the water supplied;

6 C. Knowingly defile waters identified in paragraphs A and B in any manner, whether
7 the water is frozen or not; or

8 D. Put a carcass of any dead animal or other offensive material in waters identified in
9 paragraphs A and B or on the ice of those waters. A person may place the carcass of
10 a dead animal on the ice of a brook, great pond or river for purposes of coyote
11 hunting as long as the carcass is removed before the ice supporting that carcass is
12 gone. This paragraph does not authorize a person to enter the property owned by
13 another person without the permission of the property owner.

14 **2. Penalty.** A person who violates this section commits a Class A crime.

15 **Sec. 5. Open water fishing season.** Except as otherwise provided in a rule
16 adopted by the Department of Inland Fisheries and Wildlife that is specific to a particular
17 body of water in the State, the open water fishing season for 2010 begins on the effective
18 date of this Act. The rules adopted by the department governing open water fishing and
19 ice fishing for the 2008-2009 season remain in effect until April 1, 2010. This section is
20 repealed April 1, 2010.'

21 Amend the bill by adding before the summary the following:

22 '**Emergency clause.** In view of the emergency cited in the preamble, this
23 legislation takes effect when approved.'

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

26 **SUMMARY**

27 This amendment amends the law prohibiting the corruption of drinking water by
28 clarifying that a hunter may place a carcass on the ice for purposes of coyote hunting.
29 The amendment also exempts coyotes from the waste of game prohibition.

30 The amendment specifies that, except as otherwise provided in a rule adopted by the
31 Department of Inland Fisheries and Wildlife that is specific to a particular body of water
32 in the State, the open water fishing season for 2010 begins on the effective date of the
33 bill.

34 The amendment adds an emergency preamble and emergency clause to the bill.

35 **SPONSORED BY:** Robert E. Clark
36 (Representative CLARK)

37 **TOWN: Millinocket** FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 1650

LR 2408(08)

An Act To Amend Certain Provisions of Fish and Wildlife Laws

Fiscal Note for House Amendment "A"

Sponsor: Rep. Clark of Millinocket

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund
Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Minor decrease in Class A and Class E crimes;
A reduction in fines will decrease General Fund revenue by minor amounts.