

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1651

Date: 3-10-10

(Filing No. S-407)

INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 616, L.D. 1651, Bill, "An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife"

Amend the bill by striking out all of section 1 (page 1, lines 2 to 5 in L.D.) and inserting the following:

Sec. 1. 1 MRSA §402, sub-§3, ¶P, as corrected by RR 2009, c. 1, §2, is amended to read:

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; and

Sec. 2. 1 MRSA §402, sub-§3, ¶Q, as reallocated by RR 2009, c. 1, §3, is amended to read:

Q. Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials, the Department of Corrections or members of the State Board of Corrections under conditions that protect the information from further disclosure; and

Sec. 3. 1 MRSA §402, sub-§3, ¶R is enacted to read:

R. Beginning January 1, 2009, e-mail addresses in the possession of the Department of Inland Fisheries and Wildlife submitted through the department's online licensing and registration service.

COMMITTEE AMENDMENT

R. 03

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Sec. 4. 12 MRSA §10658 is enacted to read:

§10658. Online customer e-mail addresses

A person who obtains e-mail addresses designated as confidential under Title 1, section 402, subsection 3, paragraph R through a request for information under Title 1, chapter 13 between January 1, 2009 and August 1, 2010 may not distribute those e-mail addresses for solicitation, communication or notification purposes. A person that violates this subsection commits a civil violation for which a fine of not less than \$500 or more than \$1,000 may be adjudged. A person that 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 bill in section 3 in paragraph D in the 3rd line (page 1, line 16 in L.D.) by striking out the following: "~~may obtain at no cost is entitled to~~" and inserting the following: 'may obtain at no cost'

Amend the bill by inserting after section 4 the following:

'**Sec. 5. Retroactivity.** That section of this Act that enacts the Maine Revised Statutes, Title 1, section 402, subsection 3, paragraph R applies retroactively to January 1, 2009.'

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

SUMMARY

This amendment is the majority report and designates e-mail addresses received by the Department of Inland Fisheries and Wildlife through its online licensing and registration service as confidential and makes those e-mails confidential retroactive to January 1, 2009. The amendment also provides that a person who obtained e-mail addresses from the department's online licensing and registration service through a request under the freedom of access laws between January 1, 2009 and August 1, 2010 may not distribute or use those e-mail addresses for solicitation, communication or notification purposes. It also provides that violations of that provision are civil violations for which a fine of not less than \$500 or more than \$1,000 may be adjudged. This amendment also removes the phrase "is entitled to" as proposed in the bill, retaining the phrase "may obtain" from current law regarding senior lifetime licenses to clarify that licenses and permits issued by the department are a privilege and not a right.

FISCAL NOTE REQUIRED

(See attached)



Approved: 03/04/10 *MAC*

124th MAINE LEGISLATURE

LD 1651

LR 2409(03)

An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife

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
Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Establishes new civil violations and Class E crimes

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

Fiscal Detail and Notes

Allowing residents who turn 70 at any time during the calendar year to obtain all hunting permits and licenses at no cost could result in a minor decrease in General Fund revenues not requiring any change to the budget.