

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

5/10/12
H. 013

Date: 2-23-12

(Filing No. S-391)

INLAND FISHERIES AND WILDLIFE

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

STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 592, L.D. 1732, Bill, "An Act To Amend Certain Provisions of the Fish and Wildlife Laws"

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, certain changes to the laws governing inland fisheries and wildlife and snowmobiles need to be made before the current winter season is over; 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 the enacting clause and before section 1 the following:

'Sec. 1. 12 MRSA §10155, sub-§1, as amended by PL 2011, c. 253, §3, is further amended to read:

1. Membership. Members of the board must be residents of the State. The board consists of the following 4 members:

A. Two employees of the department, appointed by the commissioner, one of whom may be a retired employee who has experience in taxidermy; and

B. ~~One~~ Two licensed taxidermist taxidermists with expertise in the art of taxidermy, appointed by the Governor; and

~~C. One member of the general public with no affiliation to the art of taxidermy, appointed by the Governor.'~~

Amend the bill by striking out all of section 3 (page 1, lines 6 to 23 in L.D.) and inserting the following:

COMMITTEE AMENDMENT

R. 48.

1 **Sec. 3. 12 MRSA §11152, sub-§7**, as enacted by PL 2005, c. 142, §2, is
2 amended to read:

3 **7. Special antlerless deer permit.** The commissioner shall issue a special antlerless
4 deer permit to an eligible person who is ~~a resident and is~~ suffering from the loss of or the
5 permanent loss of use of both lower extremities. The commissioner shall issue a permit
6 upon application and after the applicant verifies that person's ambulatory disability with a
7 letter signed by a physician ~~licensed in the State~~ confirming the person's condition. A
8 person who is issued a special antlerless deer permit under this subsection may take an
9 antlerless deer in any part of the State open to the taking of antlerless deer pursuant to
10 subsection 3.

11 **Sec. 4. 12 MRSA §12503, sub-§4**, as affected by PL 2003, c. 614, §9 and
12 amended by c. 655, Pt. B, §249 and affected by Pt. B, §422, is further amended to read:

13 **4. Groups of students.** The commissioner may permit student or youth groups of
14 ~~residents who attend high school or who are enrolled in special education courses for~~
15 ~~persons who are underprivileged, persons with handicaps or people with special learning~~
16 ~~needs~~ to fish without licenses for periods of not more than 3 days as long as the fishing
17 activity is conducted as part of an educational program and is under the direct supervision
18 of a teacher or instructor.

19 B. A permit holder:

20 (1) May not allow fishing to go on for more than 3 days;

21 (2) May not allow any fishing activity that is not conducted as part of an
22 educational program; and

23 (3) Shall provide direct supervision.

24 C. The following penalties apply to violations of this subsection.

25 (1) A permit holder who violates paragraph B commits a civil violation for
26 which a fine of not less than \$100 nor more than \$500 may be adjudged.

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

30 Each day a person violates paragraph B is a separate offense.

31 **Sec. 5. 12 MRSA §12763, sub-§3**, as amended by PL 2007, c. 651, §13, is
32 further amended to read:

33 **3. Use of gill nets by department personnel.** Department personnel and persons
34 under contract with the department may use gill nets pursuant to this subsection. When
35 requested by another agency to undertake a gill netting project, the department must be
36 reimbursed by that agency for all costs relating to the gill netting project.

37 A. ~~The department~~ Department personnel and persons under contract with the
38 department may not use gill nets in inland waters ~~provided that unless~~:

10/23

1 (2) Both ends of the net are marked with buoys that are clearly visible from a
2 distance of 300 feet and that identify the department; and

3 (3) The results of each netting are forwarded on a weekly basis to the office of
4 the commissioner. The records of the results must be available for public
5 inspection at the office of the commissioner.

6 A person under contract with the department may not use a gill net under this section
7 unless the use is at the direction of and under the supervision of the commissioner or
8 the commissioner's designee.

9 A-1. The following penalties apply to violations of paragraph A.

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

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

15 **Sec. 6. 12 MRSA §13051, sub-§2, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2
16 and affected by c. 614, §9, is amended to read:

17 C. An agent is delinquent if that agent fails to forward to the commissioner funds
18 collected by that agent by the date established in rules adopted under this subsection.
19 Failure to remit the funds as provided in this subsection results in the following
20 sanctions, in addition to any other provided by law.

21 ~~(1) The commissioner shall charge interest on the amount owed at the rate of~~
22 ~~18% a year for each day the agent is delinquent.~~

23 (2) If the agent has not paid the amount owed by the 60th day after the agent
24 becomes delinquent, the commissioner shall assess a surcharge of 5% of the
25 principal amount owed.

26 (3) If an agent is delinquent for more than 150 days or is delinquent 3 or more
27 times in one year, the commissioner shall:

28 (a) Terminate the agency for the balance of the year; and

29 (b) Order that the agency not be renewed for the next year;'

30 Amend the bill by inserting at the end before the summary the following:

31 **'Sec. 6. 12 MRSA §13105, sub-§1, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2
32 and affected by c. 614, §9, is amended to read:

33 C. An agent is delinquent if that agent fails to forward to the commissioner funds
34 collected by that agent by the date established in rules adopted under this subsection.
35 Failure to remit the funds as provided in this subsection results in the following
36 sanctions, in addition to any other provided by law.

37 ~~(1) The commissioner shall charge interest on the amount owed at the rate of~~
38 ~~18% a year for each day the agent is delinquent.~~

7. 4. 8.

1 (2) If the agent has not paid the amount owed by the 60th day after the agent
2 becomes delinquent, the commissioner shall assess a surcharge of 5% of the
3 principal amount owed.

4 (3) If an agent is delinquent for more than 150 days or is delinquent 3 or more
5 times in one year, the commissioner shall:

6 (a) Terminate the agency for the balance of the year; and

7 (b) Order that the agency not be renewed for the next year.

8 **Sec. 7. 12 MRSA §13106-A, sub-§5, ¶A**, as enacted by PL 2003, c. 655, Pt. B,
9 §394 and affected by §422, is amended to read:

10 A. A properly registered snowmobile may be operated on a public way only the
11 distance necessary, but in no case to exceed ~~300~~ 500 yards, on the extreme right of
12 the traveled way for the purpose of crossing, as directly as possible, a public way,
13 sidewalk or culvert.

14 **Sec. 8. 12 MRSA §13156, sub-§2, ¶A**, as enacted by PL 2003, c. 414, Pt. A, §2
15 and affected by c. 614, §9, is repealed.

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

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

20 **SUMMARY**

21 This amendment makes the following changes to the bill:

22 1. It adds an emergency preamble and emergency clause to the bill;

23 2. It repeals the 18% annual interest penalty for each day a watercraft, snowmobile
24 or ATV registration agent is delinquent in forwarding collected fees to the Commissioner
25 of Inland Fisheries and Wildlife. The bill removed this penalty for license agents and this
26 amendment makes provisions for all agents the same;

27 3. It removes the provision that provides that a shareholder in a landowner
28 association or in an S corporation that owns a certain amount and type of land is eligible
29 to apply for an antlerless deer permit as a landowner;

30 4. It amends the law allowing resident student groups to fish for 3 days without a
31 license to allow any student or youth group, not just residents, to be eligible for this
32 privilege;

33 5. It amends the law establishing the Advisory Board for the Licensing of
34 Taxidermists. It removes the member of the general public and increases the number of
35 taxidermists on the board to two;

36 6. It amends the law governing the distance a snowmobile can be operated on a
37 public way for the purpose of crossing a public way, sidewalk or culvert from 300 yards
38 to 500 yards;

R. 65.

COMMITTEE AMENDMENT "A" to S.P. 592, L.D. 1732

- 1 7. It allows contractors of the Department of Inland Fisheries and Wildlife to use gill
- 2 nets in the same manner that department personnel may use gill nets; and
- 3 8. It removes the residency requirement for eligibility for a special antlerless deer
- 4 permit for persons suffering from the loss of the use of both lower extremities.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



125th MAINE LEGISLATURE

LD 1732

LR 2567(02)

An Act To Amend Certain Provisions of the Fish and Wildlife Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" S-391

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund

Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Decreases the number of Class E crimes and civil violations.

A reduction in fines will decrease General Fund revenue by minor amounts.

Fiscal Detail and Notes

Current law allows residents suffering from the loss of both lower extremities to receive a special antlerless deer permit and allows resident youth and student groups to fish for 3 days without a license. This legislation extends both of these provisions to nonresidents and would result in a minor loss of General Fund revenue not requiring any change to the budget.