

MAINE STATE LEGISLATURE

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L.D. 1667

Date: 3/31/14

(Filing No. S-474)

INLAND FISHERIES AND WILDLIFE

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

STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “**A**” to S.P. 662, L.D. 1667, Bill, “An Act To Amend Certain Provisions of Inland Fisheries 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, this legislation makes significant changes to simplify and clarify the hunting laws and contains provisions regarding the supervision of junior hunters and reciprocity with other states that are members the interstate wildlife violator compact; and

Whereas, the Department of Inland Fisheries and Wildlife requires sufficient time to update the hunting and fishing law guides and other literature containing information that is relevant to enforcement and to inform interested parties of the changes being made to the inland fisheries and wildlife laws; 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 §10502, sub-§2, ¶B, as amended by PL 2009, c. 340, §10, is further amended to read:

B. A firearm or archery equipment, including crossbows, seized in connection with a violation of:

- (1) Section 11206;
- (2) Section 10902, subsection 6; or

COMMITTEE AMENDMENT

1 (3) Section 10752, subsection 6, paragraph B and section 10902, subsection 4,
2 paragraphs A and B; or

3 (4) Section 10906;

4 Amend the bill by inserting after section 1 the following:

5 'Sec. 2. 12 MRSA §10902, sub-§3, as enacted by PL 2003, c. 414, Pt. A, §2 and
6 affected by c. 614, §9, is amended to read:

7 3. Failure to pay fine. If a license or registration is suspended pursuant to this
8 section or Title 14, section 3142, the suspension remains in effect until the person pays
9 the fine. On condition of payment of a \$25 reinstatement fee to the department, the clerk
10 of the court in which the suspension was ordered shall rescind the suspension and notify
11 the department, which, upon receipt of the \$25 reinstatement fee, shall delete any record
12 of the suspension from that person's record. For the purposes of this subsection, "fine"
13 has the same meaning as in Title 14, section 3141, subsection 1.

14 Sec. 3. 12 MRSA §10902, sub-§4, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2
15 and affected by c. 614, §9, is amended to read:

16 B. Any license issued by the department in effect at the time a person is convicted of
17 a violation of section 12256, disturbing traps, is revoked upon conviction and must be
18 immediately surrendered to the commissioner and the person is ineligible to obtain
19 any license issued by the department as specified in section 10752, subsection 6,
20 paragraph A.

21 Sec. 4. 12 MRSA §10902, sub-§6, ¶F, as enacted by PL 2003, c. 414, Pt. A, §2
22 and affected by c. 614, §9, is amended to read:

23 F. Buying or selling deer, exceeding the bag limit on deer or hunting deer after
24 having killed one, in violation of section 11217 or 11501 or unlawfully hunting or
25 possessing an antlerless deer in a wildlife management district for which no antlerless
26 deer permits have been issued in violation of section 11152, subsection 1-A;

27 Sec. 5. 12 MRSA §10902, sub-§6, ¶H, as amended by PL 2013, c. 280, §4, is
28 further amended to read:

29 H. Buying or selling wild turkeys, unlawfully hunting wild turkeys, unlawfully
30 possessing wild turkeys or using unlawful methods to hunt wild turkeys, in violation
31 of section 11217, subsection 1; section 11751-A; section 11801; or section 12306,
32 subsection 1; or

33 Sec. 6. 12 MRSA §10902, sub-§6, ¶I, as enacted by PL 2013, c. 280, §5, is
34 amended to read:

35 I. Hunting bear over another person's bait without written permission of that person
36 in violation of section 11301, subsection 1-A; or

37 Sec. 7. 12 MRSA §10902, sub-§6, ¶J is enacted to read:

38 J. Hunting or any violation of section 10906 while that person's license is revoked.

1 **Sec. 8. 12 MRSA §10902, sub-§8, ¶D**, as affected by PL 2003, c. 614, §9 and
2 amended by c. 655, Pt. B, §103 and affected by §422, is further amended to read:

3 D. Buying or selling freshwater sport fish, in violation of section 12609-A; ~~or~~

4 **Sec. 9. 12 MRSA §10902, sub-§8, ¶E**, as enacted by PL 2003, c. 414, Pt. A, §2
5 and affected by c. 614, §9, is amended to read:

6 E. Taking fish by explosive, poisonous or stupefying substances, in violation of
7 section 12653-~~;~~ or

8 **Sec. 10. 12 MRSA §10902, sub-§8, ¶F** is enacted to read:

9 F. Fishing or any violation of section 10906 while that person's license is revoked.

10 **Sec. 11. 12 MRSA §10903**, as amended by PL 2011, c. 576, §6, is further
11 amended to read:

12 **§10903. Effective date for suspensions**

13 **1. For mandatory suspension.** For a violation having a minimum statutory
14 suspension period, a suspension is effective upon conviction or adjudication and the
15 license holder must surrender the license immediately to the commissioner. That person
16 is not entitled to a hearing under section 10905 if the suspension period does not exceed
17 the minimum period of suspension required by law. In addition to any suspension period
18 ordered by the commissioner, a person whose license is suspended for a violation having
19 a mandatory suspension must successfully complete an outdoor ethics course ~~conducted~~
20 ~~or endorsed by the department prior as provided in section 10903-A in order to being be~~
21 eligible to have that license reinstated. A person is not required to complete the outdoor
22 ethics course under section 10903-A if that person's license is revoked under the interstate
23 wildlife violator compact authorized in accordance with section 10103 as a result of a
24 conviction occurring outside of the State and that person has met the eligibility
25 requirements for reinstatement of the license in the state in which the conviction
26 occurred.

27 **2. For all other suspensions.** For a violation that does not have a minimum
28 statutory suspension period, a suspension is effective upon written notification of
29 suspension by the commissioner. That person must surrender that license to the
30 commissioner upon receipt of a notice of suspension and is entitled to a hearing under
31 section 10905. The commissioner shall adopt rules specifying the conditions under
32 which a person whose license is suspended for a violation that does not carry a mandatory
33 suspension is required to complete an outdoor ethics course as provided in section
34 10903-A. Rules adopted under this subsection are major substantive rules as defined in
35 Title 5, chapter 375, subchapter 2-A.

36 ~~Outdoor ethics courses must be scheduled by the Bureau of Warden Service and must~~
37 ~~be given whenever there are 10 or more persons needing or wanting to take the course.~~
38 ~~The fee for an outdoor ethics course is \$100, payable 10 working days prior to the start of~~
39 ~~the course. All fees collected under this section are allocated to the landowner relations~~
40 ~~program established in section 10108, subsection 4 A.~~

41 **Sec. 12. 12 MRSA §10903-A** is enacted to read:

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§10903-A. Outdoor ethics course

An outdoor ethics course must be scheduled by the Bureau of Warden Service and must be given whenever there are 10 or more persons needing or wanting to take the course. The fee for an outdoor ethics course is \$100, payable 10 working days prior to the start of the course. All fees collected under this section are allocated to the landowner relations program established in section 10108, subsection 4-A.

Amend the bill by inserting after section 4 the following:

'Sec. 5. 12 MRSA §11105, sub-§1, as amended by PL 2013, c. 408, §9, is further amended to read:

1. Hunter safety course requirements. Except as provided in subsection 2, a person who applies for a Maine license to hunt with firearms other than a ~~juvenile junior~~ license or an apprentice hunter license issued under section 11108-B must submit proof of having successfully completed a hunter safety course as provided in section 10108 or an equivalent hunter safety course or satisfactory evidence of having previously held a valid adult license to hunt with firearms in this State or any other state, province or country in any year beginning with 1976.

When proof of competency can not otherwise be provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult hunting license or that the applicant has successfully completed the required hunter safety course.

Sec. 6. 12 MRSA §11108-A, as amended by PL 2009, c. 69, §1, is repealed.

Sec. 7. 12 MRSA §11108-B, as amended by PL 2009, c. 340, §13, is further amended to read:

§11108-B. Apprentice hunter license restrictions

1. Adult supervisor required. A holder of an ~~apprenticeship~~ apprentice hunter license may not hunt other than in the presence of ~~a person at least 18 years of age who holds a valid Maine hunting license~~ an adult supervisor.

A. 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 \$500 and not more than \$1,000 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.

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adult supervisor" means a person who is 18 years of age or older and holds a valid Maine hunting license.

B. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.

1 **2. Adult supervisor responsibility.** ~~A~~ An adult supervisor must have held a valid
 2 hunting license for the prior ~~5~~ 3 consecutive years to be qualified to supervise a holder of
 3 an ~~apprenticeship~~ apprentice hunter license. ~~A~~ An adult supervisor ~~is responsible for~~
 4 ~~ensuring~~ shall ensure that the holder of an ~~apprenticeship~~ apprentice hunter license
 5 follows safe and ethical hunting protocol and adheres to the laws under this Part. ~~A~~ An
 6 adult supervisor may not intentionally permit a person hunting under an ~~apprenticeship~~
 7 apprentice hunter license with that adult supervisor to violate subsection 1.

8 A. The following penalties apply to violations of this subsection.

9 (1) A person who violates this subsection commits a civil violation for which a
 10 fine of not less than \$500 must be adjudged.

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

14 **3. Eligibility.** ~~A person who is~~ resident or nonresident 16 years of age or older who
 15 has never held a valid adult hunting license ~~or junior hunting license~~ ~~may hold an~~
 16 ~~apprenticeship hunter license in this State, or any other state, province or country, is~~
 17 eligible to obtain an apprentice hunter license. ~~A~~ Notwithstanding section 11105, a person
 18 ~~may not be issued an apprenticeship hunter license after having held an apprenticeship~~
 19 ~~hunter license under section 11109 is eligible to obtain an apprentice hunter license~~
 20 without having successfully completed a hunter safety course. ~~A person may not obtain~~
 21 an apprentice hunter license more than twice. A person selected to receive a moose
 22 permit may not then purchase an ~~apprenticeship~~ apprentice hunter license to meet the
 23 licensing requirements for that permit.

24 **4. Expiration of apprentice hunter license.** An ~~apprenticeship~~ apprentice hunter
 25 license is valid for up to 12 calendar months and expires on December 31st.

26 **5. Definition.** ~~For purposes of this section, "in the presence of" means in visual and~~
 27 ~~voice contact without the use of visual or audio enhancement devices, including~~
 28 ~~binoculars and citizen band radios. For purposes of this section, "supervisor" means a~~
 29 ~~person or persons who are 18 years of age or older, hold a valid Maine hunting license~~
 30 ~~and are hunting with a person holding an apprenticeship hunter license.~~

31 **Sec. 8. 12 MRSA §11108-C** is enacted to read:

32 **§11108-C. Eligibility and restrictions for a junior hunting license**

33 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
 34 following terms have the following meanings.

35 A. "Adult supervisor" means:

36 (1) The parent or guardian of the junior hunter; or

37 (2) A person 18 years of age or older who:

38 (a) Is approved by the parent or guardian of the junior hunter; and

39 (b) Holds or has held a valid Maine hunting license or meets the
 40 requirements of section 11105.

1 B. "In the presence of" means in visual and voice contact without the use of visual or
 2 audio enhancement devices, including but not limited to binoculars and citizen band
 3 radios.

4 2. Eligibility. A resident or nonresident who is at least 10 years of age and under 16
 5 years of age may obtain a junior hunting license, which allows that person to hunt subject
 6 to the conditions set out in this section.

7 3. Supervision of junior hunters. A hunter who is at least 10 years of age and
 8 under 16 years of age may not hunt unless that person holds a junior hunting license and
 9 is in the presence of and under the effective control of an adult supervisor.

10 4. Supervision of junior hunters 16 years of age. A hunter 16 years of age who
 11 obtained a junior hunter license before that person reached 16 years of age may not hunt
 12 with that license unless the person is in the presence of or under the effective control of
 13 an adult supervisor or the person has successfully completed a hunter safety course
 14 acceptable under section 11105. The following penalties apply to a violation of this
 15 subsection:

16 A. A person who violates this subsection commits a civil violation for which a fine
 17 of not less than \$100 nor more than \$500 may be adjudged; and

18 B. A person who violates paragraph A after having been adjudicated as having
 19 committed 3 or more civil violations under this Part within the previous 5-year period
 20 commits a Class E crime.

21 5. Expiration of junior hunting license issued to person 15 years of age. A junior
 22 hunting license issued to a person who is 15 years of age is valid through the calendar
 23 year for which the license is issued. In addition to the requirements of subsection 4, all
 24 other permit requirements applicable to a person who is 16 years of age or older apply to
 25 a person who continues to hunt with a junior hunting license under this subsection after
 26 reaching that person's 16th birthday.

27 6. Penalties for supervisors of junior hunters. A person who is the adult
 28 supervisor of a holder of a valid junior hunting license when that junior hunter violates
 29 any provision of this Part pertaining to hunting:

30 A. Commits a civil violation for which a fine of not less than \$100 nor more than
 31 \$500 may be adjudged; and

32 B. After having been adjudicated as having committed 3 or more civil violations
 33 under this Part within the previous 5-year period, commits a Class E crime.'

34 Amend the bill by inserting after section 7 the following:

35 '**Sec. 8. 12 MRSA §11154, sub-§14** is enacted to read:

36 14. Permits for hunting lodges. In any year in which the total number of moose
 37 permits available as determined by the commissioner under subsection 2 for the public
 38 chance drawing under subsection 9 exceeds 3,140, 10% of the permits exceeding 3,140
 39 must be allocated through a chance drawing separate from the chance drawing under
 40 subsection 9 to hunting outfitters in accordance with this subsection. The fee for a moose
 41 hunting permit under this subsection is \$1,500.

- 1 A. For the purposes of this subsection, "hunting outfitter" means a person who
- 2 operates a sporting camp as defined under Title 22, section 2491, subsection 11 that
- 3 is licensed under Title 22, chapter 562 and who provides package deals that include
- 4 food, lodging and the services of a guide licensed under chapter 927 for the purpose
- 5 of hunting.
- 6 B. A hunting outfitter may sell or transfer a permit allocated under this subsection
- 7 only once, only to a hunter who is eligible under paragraph F and only under the
- 8 following conditions:
- 9 (1) The sale or transfer must be part of a package deal that includes the food and
- 10 lodging to be provided by the hunting outfitter to the person receiving the permit;
- 11 (2) The person receiving the permit from the hunting outfitter must be
- 12 accompanied during the hunt by a guide licensed under chapter 927;
- 13 (3) The hunting outfitter must notify the department of the identity of the person
- 14 receiving the permit; and
- 15 (4) The hunting permit may not be sold or transferred by the hunter.
- 16 C. A hunting outfitter may be allocated more than one permit.
- 17 D. A permit allocated under this subsection may be used only for the year, season,
- 18 sex and wildlife management district for which the permit is issued.
- 19 E. Permits allocated under this subsection may not exceed 10% of the total permits
- 20 issued per year for each season, sex and wildlife management district permit type.
- 21 F. An individual may hunt with a permit sold or transferred under this subsection
- 22 only if that individual is otherwise eligible to obtain and hunt with a permit under
- 23 subsection 5.
- 24 G. If proceeds in any year from the auction authorized under subsection 11 are less
- 25 than \$107,000, proceeds from the chance drawing conducted pursuant to this
- 26 subsection must be used to fund youth conservation education programs as provided
- 27 under subsection 11 up to \$107,000. The remainder must be deposited in the Moose
- 28 Research and Management Fund under section 10263.'

29 Amend the bill by inserting after section 8 the following:
 30 '**Sec. 9. 12 MRSA §11209**, as corrected by RR 2013, c. 1, §26, is amended to
 31 read:

32 **§11209. Discharge of firearm or crossbow near dwelling or building**

33 **1. Prohibition.** A person may not:

34 A. Unless a relevant municipal ordinance provides otherwise and except as provided

35 in sections 12401 and 12402, discharge a firearm, including a muzzle-loading

36 firearms ~~firearm~~, or crossbow ~~or bow and arrow~~ or cause a projectile to pass as a

37 result of that discharge within 100 yards of a building or residential dwelling without

38 the permission of the owner or, in the owner's absence, of an adult occupant of that

39 building or dwelling authorized to act on behalf of the owner; or

1 B. Possess a wild animal or wild bird taken in violation of this subsection, except as
2 otherwise provided in this Part.

3 This subsection may not be construed to prohibit a person from killing or taking a wild
4 animal in accordance with sections 12401 and 12402.

5 For purposes of this subsection, "building" means any residential, commercial, retail,
6 educational, religious or farm structure that is designed to be occupied by people or
7 domesticated animals or is being used to shelter machines or harvested crops.

8 For purposes of this subsection, "projectile" means a bullet, pellet, shot, shell, ball, bolt or
9 other object propelled or launched from a firearm; or crossbow ~~or bow and arrow~~.

10 **2. Penalty.** A person who violates subsection 1 commits a Class E crime.'

11 Amend the bill by inserting after section 10 the following:

12 '**Sec. 11. 12 MRSA §11857, sub-§3,** as enacted by PL 2013, c. 280, §11, is
13 repealed.

14 **Sec. 12. 12 MRSA §12201, sub-§1-B** is enacted to read:

15 **1-B. Definitions.** As used in this section, unless the context otherwise indicates, the
16 following terms have the following meanings.

17 A. "Adult supervisor" means:

18 (1) The parent or guardian of the junior trapper; or

19 (2) A person 18 years of age or older who:

20 (a) Is approved by the parent or guardian of the junior trapper; and

21 (b) Holds or has held a valid Maine trapping license or meets the
22 requirements of subsection 3.

23 B. "In the presence of" means in visual and voice contact without the use of visual or
24 audio enhancement devices, including but not limited to binoculars and citizen band
25 radios.

26 **Sec. 13. 12 MRSA §12201, sub-§3,** as amended by PL 2013, c. 185, §3, is
27 further amended to read:

28 **3. Successful completion of trapper evaluation program required for license.**
29 Except as provided in paragraph A, a person who applies for a state license to trap, other
30 than a junior trapping license pursuant to subsection 2, paragraph B or an apprentice
31 trapper license issued under section 12204, must submit proof of having successfully
32 completed ~~an~~ a trapper education course of the type described in section 10108,
33 subsection 7 or satisfactory evidence of having previously held an adult license to trap in
34 this State or any other state, province or country in any year beginning with 1978.

35 When proof or evidence can not otherwise be provided, the person may substitute a
36 signed affidavit that that person has previously held the required adult trapping license or
37 that that person has successfully completed the required trapper education course.

1 A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot
 2 Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs
 3 who presents certification from the respective reservation governor or the Aroostook
 4 Micmac Council stating that the person is an enrolled member of a federally
 5 recognized nation, band or tribe listed in this paragraph is exempt from the
 6 requirements of this subsection.

7 **Sec. 14. 12 MRSA §12201, sub-§7**, as amended by PL 2009, c. 69, §3, is further
 8 amended to read:

9 **7. Supervision of junior trappers.** The following provisions must be observed.

10 A. A person under 10 years of age may not trap unless that person is accompanied at
 11 all times while trapping by ~~a parent or guardian or by an adult at least 18 years of age~~
 12 ~~approved by a parent or guardian~~ supervisor. A person under 10 years of age may not
 13 trap bear.

14 B. A person over 10 years of age and under 16 years of age may not trap unless that
 15 person:

16 (1) Holds a junior trapping license; and

17 (2) ~~Is accompanied by~~ in the presence of and under the effective control of an
 18 adult supervisor at all times while trapping, unless the holder of the junior
 19 trapping license submits proof of having successfully completed ~~an~~ a trapper
 20 education course of the type described in section 10108, subsection 7.

21 **Sec. 15. 12 MRSA §12201, sub-§9**, as enacted by PL 2009, c. 69, §4, is repealed
 22 and the following enacted in its place:

23 **9. Penalties for supervisors of junior trappers.** A person who is the adult
 24 supervisor of a holder of a valid junior trapping license when that junior trapper violates
 25 any provision of this Part pertaining to trapping:

26 A. Commits a civil violation for which a fine of not less than \$100 nor more than
 27 \$500 may be adjudged; and

28 B. After having been adjudicated as having committed 3 or more civil violations
 29 under this Part within the previous 5-year period, commits a Class E crime.

30 **Sec. 16. 12 MRSA §12204, sub-§§1 to 4**, as enacted by PL 2011, c. 51, §1, are
 31 amended to read:

32 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
 33 following terms have the following meanings.

34 A. "In the presence of" means in visual and voice contact without the use of visual or
 35 audio enhancement devices, including but not limited to binoculars and citizen band
 36 radios.

37 B. "~~Supervisor~~" "Adult supervisor" means a person who is 18 years of age or older,
 38 and holds or has held a valid trapping license under this subchapter for 3 consecutive
 39 years and is trapping with a person holding an apprentice trapper license or has

1 successfully completed a trapper education course of the type described in section
2 10108, subsection 7.

3 **2. Adult supervisor required.** A holder of an apprentice trapper license may not
4 trap other than in the presence of a an adult supervisor.

5 **3. Adult supervisor responsibility.** A An adult supervisor shall ensure that the
6 holder of an apprentice trapper license follows safe and ethical trapping protocol and
7 adheres to the laws under this Part. ~~A An adult supervisor may not intentionally permit a~~
8 ~~person trapping under an apprentice trapper license with that adult supervisor to violate~~
9 ~~subsection 2.~~

10 **4. Eligibility.** A resident or nonresident 16 years of age or older who has never held
11 a valid adult trapping license ~~or junior trapping license~~ in this State, or any other state,
12 province or country, is eligible to obtain an apprentice trapper license, ~~except that a~~
13 ~~person may not be issued an apprentice trapper license after having previously held an~~
14 ~~apprentice trapper license under this section.~~ A Notwithstanding section 12201,
15 subsection 3, a person is eligible to obtain an apprentice trapper license without having
16 successfully completed a trapper education course as described in section 10108,
17 subsection 7. A person may not obtain an apprentice trapper license more than twice.

18 **Sec. 17. 12 MRSA §12461, sub-§1,** as amended by PL 2007, c. 21, §2, is
19 repealed and the following enacted in its place:

20 **1. Adoption of state heritage fish waters.** The commissioner shall adopt by rule a
21 list of state heritage fish waters composed of lakes and ponds that contain state heritage
22 fish, as defined in Title 1, section 212-A. This list must include waters identified as
23 eastern brook trout waters and arctic charr waters that have never been stocked according
24 to any reliable records authorized for adoption by Resolve 2005, chapter 172, as
25 amended, and waters identified as eastern brook trout waters and arctic charr waters that
26 according to reliable records have not been stocked for at least 25 years. The list of state
27 heritage fish waters may be amended by rule in accordance with the provisions of
28 subsections 2 and 3 based on criteria established by the commissioner and in accordance
29 with the provisions of Title 5, chapter 375. Rules adopted pursuant to this subsection are
30 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

31 **Sec. 18. 12 MRSA §12461, sub-§§2 and 3,** as amended by PL 2007, c. 21, §2,
32 are further amended to read:

33 **2. Addition of waters to list.** The commissioner may adopt rules to amend a the list
34 established under subsection 1 to add a lake or pond if that lake or pond meets criteria
35 established by the commissioner for classifying a lake or pond as a state heritage fish
36 water. Rules adopted to add a lake or pond to a the list established under subsection 1 are
37 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A public
38 hearing on the rules must be held prior to adoption of the rules and conducted in
39 accordance with the provisions of Title 5, chapter 375.

40 **3. Removal of waters from list.** The commissioner may by rule remove a lake or
41 pond from a the list established under subsection 1. Rules adopted pursuant to this
42 subsection are ~~major substantive~~ routine technical rules as defined in Title 5, chapter 375,
43 subchapter 2-A. A public hearing on the rules must be held prior to adoption of the rules
44 and conducted in accordance with the provisions of Title 5, chapter 375.

COMMITTEE AMENDMENT

1 following the date of conviction for a 2nd or subsequent offense. Current law makes it a
2 mandatory license revocation of any license in effect at the time of the violation for
3 disturbing traps;

4 4. Adds unlawfully hunting or possessing an antlerless deer in wildlife management
5 areas in which no antlerless deer permits are issued to the list of offenses that are subject
6 to mandatory license revocation. It also makes hunting or fishing with a suspended or
7 revoked license subject to mandatory hunting license revocation for a minimum of one
8 year;

9 5. Exempts a person who loses a license under the interstate wildlife violator
10 compact as a result of a conviction occurring out of state from the requirement that the
11 person complete Maine's outdoor ethics course in order to have the Maine license
12 reinstated once the person has met the eligibility requirements for reinstatement of the
13 license in the state in which the conviction occurred;

14 6. Reallocates the provision of law regarding the outdoor ethics course;

15 7. Exempts a person who applies for a Maine apprentice hunter license from the
16 requirement to take a hunter safety course as otherwise required by law;

17 8. Amends the junior hunting, apprentice hunting and junior trapping laws in order to
18 make them more consistent and, in the context of the provisions for the supervision of
19 junior hunters and junior trappers, clearly defines "in the presence of" to include visual
20 and voice contact that does not include the use of technology, including but not limited to
21 binoculars and citizen band radios;

22 9. Repeals Public Law 2013, chapter 437, section 1, which established moose
23 permits for hunting lodges, and, for purposes of entry into the moose permit lottery and
24 allocation of moose lottery permits, defines "hunting outfitter" to include sporting camp
25 owner-operators who are licensed to provide package deals for food, lodging and the
26 services of a guide. It prohibits the sale or transfer of the permit by a hunter who receives
27 it through a hunting outfitter;

28 10. Removes the restriction against discharging a bow and arrow, or causing a
29 projectile to pass as a result of that discharge, within 100 yards of a building or residential
30 dwelling without permission from the building's owner or occupant or owner's authorized
31 representative;

32 11. Repeals the law requiring a grouse hunter to label ruffed grouse the hunter
33 harvested when travelling within or through the unorganized territory;

34 12. Corrects a reference to junior hunting licenses in the provision on hunter safety
35 requirements to consistently use the term "junior" when referring to a hunting license for
36 people between 10 and 16 years of age;

37 13. Requires the Commissioner of Inland Fisheries and Wildlife to provide an annual
38 report to the joint standing committee of the Legislature having jurisdiction over inland
39 fisheries and wildlife matters documenting any rule-making actions taken to amend the
40 list of waters containing state heritage fish adopted by the commissioner by rule. It also
41 changes the designation of rules governing the removal of waters from the list from major
42 substantive to routine technical; and

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to S.P. 662, L.D. 1667

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14. Adds an emergency preamble and emergency clause.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 1667

LR 2551(02)

An Act To Amend Certain Provisions of Inland Fisheries and Wildlife Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-474)
Committee: Inland Fisheries and Wildlife
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue impact - General Fund

Fiscal Detail and Notes

Implementing a mandatory \$25 reinstatement fee on violators of certain license or permit rules is expected to result in a minor revenue increase to the General Fund. The elimination of a surcharge on delinquent agents and the granting of a free special antlerless deer permit to those who cannot use their lower limbs is expected to result in a minor loss of revenue to the General Fund.

Any additional costs to the Department of Inland Fisheries and Wildlife for adopting a rule listing waters containing certain state heritage fish and reporting to the Legislature annually are expected to be minor and can be absorbed within existing budgeted resources.